

STATE CAPITOL
P.O. BOX 942849
Sacramento, CA 95814
(916) 319-2068
FAX (916) 319-2168

District Office
17821 E. 17TH STREET, SUITE 150
TUSTIN, CA 92780
(714) 665-6868
FAX (714) 665-6867

ASSEMBLY
CALIFORNIA LEGISLATURE



COMMITTEES
VICE CHAIR: JUDICIARY
VICE CHAIR: AGING AND LONG-
TERM CARE
APPROPRIATIONS
HEALTH

SUBCOMMITTEES
BUDGET SUBCOMMITTEE NO. 4
ON STATE ADMINISTRATION

DONALD P. WAGNER
ASSEMBLYMEMBER, SIXTY-EIGHTH DISTRICT

April 2, 2015

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement, as Proposed by SDG&E

As the Representative for California State Assembly's 68th District, it is of my utmost concern that all of my district's residents have access to safe and reliable infrastructure – of which our energy systems are especially critical. The majority of my constituents reside within Southern California Edison's territory and enjoy the comfort of a reliable and redundant system. My South County residents aren't as fortunate.

San Diego Gas & Electric developed a solution to South Orange County's reliability issues, with plans for a new 230kV substation to replace a 50-year-old substation in San Juan Capistrano. There seemed to be few drawbacks to this plan. They already owned the land and right-of-way, and few easements would be needed to place the additional 230kV infrastructure to create a true redundant system.

This plan was completely disregarded in the Draft Environmental Impact Report in favor of Alternatives that called for shedding load, reconductoring and other Alternatives that would take significantly more time and taxpayer money to implement.

An unstable infrastructure comes at a great price to my district's residents and their quality of life. Blackouts would threaten our economy, public safety and put all other infrastructure at risk. We need to implement a solution now and not place further risk of harm on these communities.

Construction impacts are temporary – all of our residents deserve a permanently safe, reliable and redundant energy infrastructure. Please support SDG&E's proposal for the South Orange County Reliability Enhancement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald P. Wagner".

Donald Wagner
Assemblymember – 68th District
State of California

O'Connor, Bonny

From: charles ware <warenow1@cox.net>
Sent: Thursday, April 02, 2015 10:50 AM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Categories: Blue Category

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, charles ware 29101 paseo lomita Laguna Niguel, CA 92677

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South Orange County Wastewater Authority

April 3, 2015

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

Also via email at socre.ceqa@ene.com

RE: Support - South Orange County Reliability Enhancement

Power is an essential component for wastewater treatment, which is critical to our services as a wastewater treatment plant operator and essential to the health of our community and the surrounding ocean environment. San Diego Gas & Electric (SDG&E) has proposed the South Orange County Reliability Enhancement (SOCRE) project. After reviewing the details of the project, it is clear this project will provide additional transmission reliability for the South Orange County region including the homes and businesses within the South Orange County Wastewater Authority (SOCWA) service territory.

The California Public Utilities Commission (CPUC) has released its Draft Environmental Impact Report (DEIR). SOCWA was disappointed to see that staff has not recommended the proposed project as the preferred alternative. While we understand and appreciate the efforts that the CPUC has taken to ensure the minimization of environmental impacts, it appears that the proposed project has minimal impacts during the construction period while providing maximum ongoing benefits. Also, we would hope that whatever the final project is that you and SDG&E will be sensitive to the requests of the impacted cities of San Juan Capistrano and San Clemente.

A secondary substation to service the 220 kV transmission lines is critical for the redundancy that is needed in our communities. SOCWA has limited space to provide for backup generation for the entire wastewater treatment process. Also, the SCAQMD has made it nearly impossible to install backup generating capacity in the South Coast basin.

Thus, shedding load for our critical electrical infrastructure failures is not a 'plan' that is recommended for approval by the CPUC or any civilized society. In addition, it does not appear that the DEIR analyzes any impacts from wastewater treatment plants discharging untreated sewage to the sensitive ocean environment in Dana Point area due to load shedding.

I encourage the CPUC board to reject staff's recommendation and approve the SDG&E SOCRE project as proposed with this input from the Cities of San Juan Capistrano and San Clemente.

34156 Del Obispo Street · Dana Point, CA 92629 · Phone: (949) 234-5400 · Fax: (949) 489-0130 · Website: www.socwa.com



Thank you,

BETTY BURNETT

Betty Burnett
General Manager
South Orange County Wastewater Authority

A final version of letter to be sent upon the return of Betty from vacation. Use this letter until a final version is received.

O'Connor, Bonny

From: Mark Gaughan <mark@ggstrategies.com>
Sent: Friday, April 03, 2015 11:20 AM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Categories: Blue Category

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

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Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Mark Gaughan Genesee Group PO Box 5400 Newport Beach, CA 92662

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O'Connor, Bonny

From: Victoria Welch <vwelch67@me.com>
Sent: Friday, April 03, 2015 1:27 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

Categories: Blue Category

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

The idea that South Orange County can "shed load" or have our power shut off as a solution to our need for a redundant and reliable electrical transmission system is irresponsible at best. Reconductoring the 138kV transmission lines again provides no system redundancy as all of the 230kV power will continue to flow through the Talega substation and if anything happens at that substation, the entire region loses power. The alternative of tying into Southern California Edison lines on property that neither utility owns is fraught with challenges and inevitable delays.

The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Victoria Welch
vwelch67@me.com
San Clemente, CA

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Midbust, Jessica

From: Jeffrey Okamoto <okamoto@cox.net>
Sent: Sunday, April 05, 2015 2:30 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

Categories: Blue Category

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Jeffrey Okamoto
okamoto@cox.net
Rancho Santa Margari, CA

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Midbust, Jessica

From: Cary Treff <ctreff@keystonepacific.com>
Sent: Sunday, April 05, 2015 3:49 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

Categories: Blue Category

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Cary Treff
ctreff@keystonepacific.com
Mission Viejo, CA

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DEPARTMENT OF TRANSPORTATION

DISTRICT 12

3347 MICHELSON DRIVE, SUITE 100

IRVINE, CA 92612-8894

PHONE (949) 724-2086

FAX (949) 724-2592

TTY 711

www.dot.ca.gov

*Serious drought.
Help save water!*

April 6, 2015

Mr. Andrew Barnsdale
California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 94111

File: IGR/CEQA
SOCRE
SCH#: 2013011011
Log #: 3132B
I-5 PM 4.067, 9.593, 10.296

Dear Mr. Barnsdale:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed South Orange County Reliability Enhancement (SOCRE). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The proposed project would include: 1) Rebuilding and upgrading the existing Capistrano Substation (2 acres) as a gas-insulated substation (6.4 acres); 2) Replacing a segment of a transmission line between the Talega and Capistrano substations with a new transmission line (7.5 miles), and relocating several transmission and distribution line segments (2 miles, combined) located near the two substations; 3) Relocating a distribution line into new and existing underground conduit and overhead on new structures from the proposed San Juan Capistrano Substation to Prima Deschecha Landfill. This proposed project is located in proximity to Interstate 5 (I-5) and State Route 74 (SR-74). **Caltrans is a commenting and responsible agency** on this project.

The following comments are based on the **Draft Environmental Impact Report (DEIR)**.

- As identified in the project DEIR, "The proposed...transmission line route and... distribution line routes would cross I-5... The applicant would procure a permit from Caltrans to string new conductor across I-5. All guard structure usage, traffic stops, and timing restrictions would be conducted according to the specific Caltrans permit conditions. It would take approximately one week to complete the proposed construction activities at the I-5 crossing... The applicant would acquire a permit from Caltrans to install safety netting across I-5 and SR-74, if required." The applicant should apply for the encroachment permit/aerial right-of-way (R/W) approval for the proposed project. Please refer to Caltrans Encroachment Permits Manual for more information <http://www.dot.ca.gov/hq/traffops/developserv/permits>

Mr. Barnsdale
April 6, 2015
Page 2

- Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (949) 724-7677. Early coordination with Caltrans is strongly advised for all encroachment permits.
- Please contact Caltrans Encroachment Permit office to coordinate with, or avoid the I-5 South construction (see attached schedule) in the vicinity of this project's proposed installation of aerial transmission line project.
- Transmission line poles should not fall in the area proposed for the future widening of any project.
- Traffic Control Plans that have impacts on Caltrans facilities prepared by contractors working for San Diego Gas & Electric (SDG&E) should be approved by Caltrans.
- Advance Notices should be given to travelling motorists for the proposed lane closures.

If you have any questions, please do not hesitate to call Leila Carver at (949) 756-7827.

Sincerely,



MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Scott Morgan, State Clearinghouse
Mahesh Bhatt, Caltrans District 12 Traffic Operations – Permits

Week of Sunday, April 5, 2015

Avenida Pico Bridge Demolition and Full-Freeway Closures

Crews will begin reconstruction on the I-5 / Avenida Pico interchange in late April by demolishing the outside 40 feet of the southbound I-5 freeway over Avenida Pico. During the week of April 19, crews will adjust k-rail and restripe the freeway from Avenida Vista Hermosa to Avenida Pico in order to switch traffic toward the inland side of the freeway prior to demolition. All eight lanes of traffic will be maintained after the bridge demolition.

Traffic switch and demolition activities will require nighttime full-freeway closures (from 11 p.m. to 5 a.m.) on the I-5 freeway between Avenida Vista Hermosa and Avenida Pico. During the full-freeway closures, surrounding ramps and portions of Avenida Pico also will be closed.

Date:	Southbound Full-Freeway Closure	Northbound Full-Freeway Closure
Sunday, April 19	X	
Monday, April 20	X	
Friday, April 24	X	X

Please be advised, dates and times are subject to change based on inclement weather and other operational factors. Our team will send updated construction alerts with information about demolition, closures, and any changes to the schedule.

- Beginning Wednesday, April 8, crews will perform night work to construct the foundation of the southbound I-5 freeway over northbound Camino Capistrano / Stonehill Drive on-ramp. This work will take place from 10 p.m. to 5 a.m. Monday through Friday nights for approximately three to four weeks.

During this activity, the outside lane of northbound Camino Capistrano will be closed at night to allow crews to safely perform the work. At least one lane will be open to northbound traffic at all times. The northbound I-5 on-ramp from Camino Capistrano / Stonehill Drive will also be closed during these activities.

- Nightly closures and detours are plotted on a Google Map and include specific closure times as well as recommended detours. Closures are updated in real time and can be accessed by clicking the image below or visiting www.octa.net/5southCountyDetourmap. This interactive map is easily accessible on your smart phone or you can bookmark the page on your computer and it allows you to see other local detour routes that may be convenient for your commute.

Other related work:

- **I-5 / Ortega Highway Interchange Improvement Project:** For complete closure times and more information on the \$86 million project, go to octa.net/Ortega.
- **Calle Frontera Repaving Project:** The City of San Clemente has started a paving project on Calle Frontera between Avenida Vista Hermosa and Avenida Pico. All paving and striping work will take place during the day, and access to the roadway will be maintained. The project is expected to be completed in April 2015.
- **La Pata Extension Project:** Construction on the La Pata Extension Project has begun on the phase that will extend the existing La Pata Avenue just south of Vista Montana to Calle Saluda with four new travel lanes for approximately 2.27 miles. The phase is expected to be completed in Fall 2016.

Crews continue to haul dirt from behind k-rail on the I-5 freeway between PCH / Camino Las Ramblas and Avenida Pico to the La Pata Extension Project.

The dirt is being hauled via I-5, SR-74 and La Pata Avenue, and is being used to grade the road that will connect the communities of San Juan Capistrano and San Clemente.

The hours of operation for this work have been expanded to 7:30 a.m.-4:30 p.m. The work is occurring Monday through Friday for several months (excluding major holidays). Please allow extra time to get to work or school and use caution while near the project areas. For more information about this activity, please click here <http://pcpw.ocpublicworks.com/projects/lapata>.

- **I-5 Ocean View Rehab Project:** The Ocean View Rehab Project kicked off construction in October in San Diego County. The \$37.3 million project will replace the damaged concrete pavement slabs of the slow lane in each direction of the I-5 freeway between Oceanside and the San Diego / Orange County Line.

Motorists should expect delays during work hours and it is suggested that they check Caltrans Quick Map online at quickmap.dot.ca.gov for the latest freeway traffic information before leaving home. For additional information, please view the project fact sheet at <http://www.dot.ca.gov/dist11/facts/5OceanView.pdf>

April 6, 2015

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc. 505
Sansome Street, Suite 300
San Francisco, CA 94111

RE: **SUPPORT** South Orange County Reliability Enhancement as proposed by SDG&E

As a resident of San Juan Capistrano I have followed this project for years and after closely reviewing the proposed project and comparing it to the alternatives suggested by the CPUC staff, I've determined that SDG&E's proposed South Orange County Reliability Enhancement project is by far the best alternative. The CPUC staff's recommended alternatives all have flaws:

1. **No Project** — this alternative not only does nothing for our electric reliability of our transmission system, but it keeps in place outdated equipment that is more than a half-century old.
2. **Reconductoring 138kV Lines** — This alternative provides slightly more capacity by upgrading the existing lines, but — like the "no project" alternative, it does nothing for transmission reliability. All 230kV power would continue to enter exclusively through the Talega substation. Alternatives 1 & 2 are unacceptable because they do not achieve the needed goal of the project, which is to ensure transmission system redundancy for South Orange County.
3. **Building a New Substation at the Landfill** — While this alternative at least acknowledges the region's need for a redundant electrical transmission system by recommending a second 230kV substation that can keep the lights on if the Talega substation suffers from an outage, the problem with this alternative is that it is completely speculative. SDG&E's proposed project was first contemplated nearly a decade ago. After years of work, an application was submitted in 2012. Now, three years later, the CPUC is finally responding to that application. If the process starts from scratch, it would be at least a decade — maybe more — before the groundbreaking would ever occur. And it is unclear whether this project could ever be built because:
 - a. SDG&E does not own the land on which the CPUC is proposing they build a substation. This land would have to be purchased, which would significantly raise the cost of the project.
 - b. The environmental impacts may well be worse than the proposed project. It is unclear what the environmental impacts would be building near a landfill. And the geotechnical studies could make the project infeasible. There is the distinct

possibility that the CPUC staff could direct SDG&E to study building a project at the landfill, then reject that proposal during the EIR process.

- c. SDG&E has never tied transmission lines in with Southern California Edison. There may be technical challenges that make such a tie-in difficult or impossible that could at a minimum delay the effort significantly.

SDG&E has developed a responsible reliability project that uses its existing property and can be built in a timely and cost-effective way. Additionally, the project has zero significant environmental impacts once it is operational. These factors should weigh heavily in favor of SDG&E's SOCRE project and I am confident that the CPUC will approve the project as proposed and reject staff's recommended alternatives.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Frisch". The signature is written in a cursive, flowing style.

Stephanie Frisch
San Juan Capistrano, CA

Midbust, Jessica

From: Michael McCann <m_mccann@cox.net>
Sent: Monday, April 06, 2015 5:52 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

The idea that South Orange County can "shed load" or have our power shut off as a solution to our need for a redundant and reliable electrical transmission system is irresponsible at best. Reconductoring the 138kV transmission lines again provides no system redundancy as all of the 230kV power will continue to flow through the Talega substation and if anything happens at that substation, the entire region loses power. The alternative of tying into Southern California Edison lines on property that neither utility owns is fraught with challenges and inevitable delays.

The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Michael McCann
m_mccann@cox.net
Laguna Niguel, CA

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Midbust, Jessica

From: Mark Rottmann <mksjc@cox.net>
Sent: Monday, April 06, 2015 5:52 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
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The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Mark Rottmann
mksjc@cox.net
San Juan Capistrano, CA

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Midbust, Jessica

From: Lou Sanderson <Lousanderson@sbcglobal.net>
Sent: Monday, April 06, 2015 9:01 PM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Lou Sanderson 34314 Calle Portola Dana Point , CA 92624

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Midbust, Jessica

From: Eric Shield <papaeshield@gmail.com>
Sent: Monday, April 06, 2015 5:51 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Eric Shield
papaeshield@gmail.com
Laguna Woods, CA

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Midbust, Jessica

From: Mohamed Somji <mohameds@hartmark.com>
Sent: Monday, April 06, 2015 12:35 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

Categories: Blue Category

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Mohamed Somji
mohameds@hartmark.com
Mira Loma, CA

Message scanned by the Symantec Email Security service. If you suspect that this email is actually spam, please send it as an ATTACHMENT to spamsample@messagelabs.com

Midbust, Jessica

From: DONNA WHITE <DWHITE@EFSENVIRONMENTALINC.COM>
Sent: Monday, April 06, 2015 2:40 PM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Categories: Blue Category

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

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As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, DONNA WHITE EFS ENVIRONMENTAL 25133 VIA TERRACINA LAGUNA NIGUEL, CA
92677

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Midbust, Jessica

From: Bruce Beal <bruce@bealbusinesslaw.com>
Sent: Tuesday, April 07, 2015 11:05 AM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

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Sincerely, Bruce Beal
Beal Business Law 33626 Rising Tide Court Dana Point, CA 92629

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Midbust, Jessica

From: Alan Boudreau <Alan.boudreau68@gmail.com>
Sent: Tuesday, April 07, 2015 12:28 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Alan Boudreau
Alan.boudreau68@gmail.com
Yorba Linda, CA

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Midbust, Jessica

From: Roger Faubel <rfaubel@faubelpublicaffairs.com>
Sent: Tuesday, April 07, 2015 12:30 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

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Sincerely,

Roger Faubel
rfaubel@faubelpublicaffairs.com
Mission Viejo, CA

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Midbust, Jessica

From: gary hildabrand <gary.hildabrand@lennar.com>
Sent: Tuesday, April 07, 2015 12:40 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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Sincerely,

gary hildabrand
gary.hildabrand@lennar.com
San Juan Capistrano, CA

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Midbust, Jessica

From: Wendy Bucknum <wbucknum@cityofmissionviejo.org>
Sent: Wednesday, April 08, 2015 6:46 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Wendy Bucknum
wbucknum@cityofmissionviejo.org
Mission Viejo, CA

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Midbust, Jessica

From: Jackie Cadotte <jackiecadotte@gmail.com>
Sent: Wednesday, April 08, 2015 10:01 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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Sincerely,

Jackie Cadotte
jackiecadotte@gmail.com
San Juan Capistrano, CA

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Midbust, Jessica

From: Jackie Cadotte <jackiecadotte@gmail.com>
Sent: Wednesday, April 08, 2015 10:01 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

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Sincerely,

Jackie Cadotte
jackiecadotte@gmail.com
San Juan Capistrano, CA

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Midbust, Jessica

From: Les Card <les.card@lsa-assoc.com>
Sent: Wednesday, April 08, 2015 9:41 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

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Sincerely,

Les Card
les.card@lsa-assoc.com
Santa Ana, CA

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Midbust, Jessica

From: James Carter <zjim@sbcglobal.net>
Sent: Wednesday, April 08, 2015 11:50 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

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I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

James Carter
zjim@sbcglobal.net
San Juan Capistrano, CA

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Midbust, Jessica

From: jim carter <zjim@sbcglobal.net>
Sent: Wednesday, April 08, 2015 4:27 PM
To: SOCRE CEQA
Subject: Fw: SOCRE Project, mitigation

Jim Carter,
Interfab Corporation /
American Horse Products
31896 Plaza Dr, Suite C4
San Juan Capistrano, CA 92675

(949) 248-5300 Voice
(714) 309-6633 Cell
(949) 248-5305 Fax
zjim@sbcglobal.net

On Wednesday, April 8, 2015 12:04 PM, jim carter <zjim@sbcglobal.net> wrote:

Dear CPUC,

As a mitigation for the upgrade of the Sub station in San Juan Capistrano, I propose the following:
Incorporate into the wall facing Camino Capistrano an area of about 4 feet by 8 feet for the posting of events in San Juan Capistrano. This area should be at eye level with the following entities having access to post posters. City of San Juan Capistrano, Chamber of Commerce, Friends of the Library, Mission San Juan etc. These should all be 501C3 or government like organizations. This should be a glass covered, lockable enclosure.
This would go a long way to mitigate the division in the city about weather this project has brought the residents together.

Jim Carter,
Interfab Corporation /
American Horse Products
31896 Plaza Dr, Suite C4
San Juan Capistrano, CA 92675

(949) 248-5300 Voice
(714) 309-6633 Cell
(949) 248-5305 Fax
zjim@sbcglobal.net

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Midbust, Jessica

From: Theresa Maisen <tmaisen@aol.com>
Sent: Wednesday, April 08, 2015 12:18 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

The idea that South Orange County can "shed load" or have our power shut off as a solution to our need for a redundant and reliable electrical transmission system is irresponsible at best. Reconductoring the 138kV transmission lines again provides no system redundancy as all of the 230kV power will continue to flow through the Talega substation and if anything happens at that substation, the entire region loses power. The alternative of tying into Southern California Edison lines on property that neither utility owns is fraught with challenges and inevitable delays.

The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Theresa Maisen
tmaisen@aol.com
newport beach, CA

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April 7, 2015

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, California 94111

Also via email at socre.ceqa@ene.com

Carlos N. Olvera
Mayor

John A. Tomlinson
Mayor Pro Tem

Joseph L. Muller

J. Scott Schoeffel

Richard A. Viczorek

Re: Support - South Orange County Reliability Enhancement

The City of Dana Point strongly supports the South Orange County Reliability Enhancement (SOCRE) Project as proposed by San Diego Gas & Electric (SDG&E). Dana Point is one of many South Orange County cities that is bustling with economic activity and growth. The Dana Point Harbor is about to undergo a revitalization project that includes 30,000 square feet of retail space with more than 50 specialty shops and restaurants. We are also revitalizing the Town Center Lantern District and are developing a plan for the Doheny Village area to ensure improved economic growth and help this area of the City grow with the rest of our community. All of these improvements are what make Dana Point such a special place to live, work and play.

According to the Orange County Sheriff's Department during the summer months, Dana Point can get up to 100,000 visitors per day at its beaches.

Even if that number is exceptional, Dana Point regularly doubles its population during the summer months due to its beautiful beaches, whale watching opportunities and tourist destinations like the Ocean Institute. That makes for an annual visiting population of several million people.

Yet without reliable power, the millions of dollars that have been invested in Dana Point along with our vital tourism industry will be at risk. SDG&E's South Orange County Reliability Enhancement is designed to not only upgrade a critical substation that is more than a half-century old, but it will also improve the reliability of the electric system in South County.

As Mayor of Dana Point, I support SDG&E's South Orange County Reliability Enhancement project and would encourage the California Public Utilities Commission to certify the Draft Environmental Impact Report and accept the project as proposed by SDG&E as the preferred project.

Thank you,

Carlos N. Olvera
Mayor

Harboring the Good Life

To: California Public Utilities Commission
Re: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite # 300
San Francisco, CA 94111

Fr: Elizabeth L. Stocks
31102 Via El Rosario
San Juan Capistrano, Ca. 92675
949-493-9320

Date: March 25, 2015

My strong hope is that San Diego Gas and Electric Co., otherwise known as SDG&E, relocate their power relay station on the corner of Camino Capistrano and Calle Bonita in San Juan Capistrano, CA to an area outside our city limits and away from residential property, rather than subject our citizens to more EMFs, thus endangering our health and property values. Eventually, they will have to do this anyway, because they can add only so many more lines, towers and other electrical equipment, before they run out of what is currently their contained space and have no where else to go. Why not move out now, before the value of land outside of our city goes up any higher?

I attended one of SDG&E's seminars several years ago at the SJC Golf Course. From the perspective of what I know now, I consider their information reprehensible, because it stressed only the possible appearance choices of their enlarged facility and made no mention at all of the challenges to our health and property values.

I woke up sick with neuropathy, a painful nerve disease, on the third Thursday of March, 2011 almost exactly one month after SDG&E installed their "Smart Meter" on the end of my garage. My doctors couldn't figure out what caused it, because I am not diabetic, which is usually considered to be related. It was only several years later, when I was shopping for long term care insurance, that an agent told me that EMFs from "Smart Meters" are making people sick and that physical damage from EMFs is accumulative. (Then the agent told me she couldn't cover me, because I have neuropathy.) Only then did I realize that the accumulative EMFs from the SDG&E Power Relay Station one block from my house, purchased in 1972, could also be making me sick. And, now SDG&E is going to add even more EMFs to our environment! I understand that several other residents in my homeowners association are sick with diseases, like cancer and I know of one neighbor who has neuropathy who lives closer to the power station than I do. In addition to the neuropathy, I am now suffering from two more nerve related diseases, sciatica and shingles damage which may never clear up.

San Diego Gas and Electric has known about the dangers of electro-magnetic fields to the environment for many years. Their legal battles with the cities of Fountain Valley and La Jolla are well documented in a book readily available at the San Juan Capistrano Public Library called "The Great Power-Line Cover-Up" by Paul Brodeur, published in both 1993 and again in 1995. In La Jolla, small children were getting cancer from playing under SDG&E high power lines in a local school yard. Cancer and nerve diseases are not the only sicknesses caused by too darn much electricity, as I'm sure you are already well aware.

I feel trapped! The house I have loved and lived in for many years and to which I have made many improvements is now my agent of death. I can't sell it for enough to buy something else comparable in another location. I haven't even been able to consider sleeping further away from the SDG&E "Smart Meter" positioned below my upstairs bedroom, because my next door neighbor's "Smart Meter" on the end of his garage beams directly into my downstairs bedroom. I just heard about some kind of a steel net that is supposed to protect us from the "Smart Meter's" and I plan to try to purchase one. But, now I would like to

ask why SDG&E didn't install them on our meters when they put the meters on the ends of our garages. I can only surmise that they are more interested in making money than they are in protecting the public. This means that they are not going to protect us when it comes to their power station either.

I am not able to play the CD you sent me called "Draft: Environmental Impact Report", dated February 2015, because my Sony Blue Ray CD Player says it is unplayable on my machine. In the draft of your Electric and Magnetic Field Management Plan, Appendix H, found on-line, it says that "gas infused lines" are going to be used to protect the environment. In Paul Brodeur's book, mentioned above, these "gas infused lines" are mentioned also, but the book seems to say that they also need to be placed underground in order to be of any benefit. Overall, the material I did find on-line is almost unintelligible for the layman and non-specific. As one who does not have training in electrical engineering and as one who has already sick from local EMFs and as one who has her property values to consider, I am totally unconvinced that the enlargement of the SDG&E Power Relay Station here in San Juan Capistrano will be to the benefit of myself or anyone else in my community.

The following is what I want to see:

1. The Power Relay Station in question moved outside the city limits of San Juan Capistrano.
2. SDG&E to cover its "Smart Meters" with protective devices and to reimburse those residents who have such devices for the expense of installing them.
4. SDG&E to partner their resources with other power companies, U.S. health Plans and facilities and Insurance companies to come up with legitimate solutions to the EMF problem. We need to not only feel safe, but to really be safe before any more power stations are enlarged.

I have given Rhen Kohan permission to read this letter at either or both of your meetings to be held today. I am sorry that I am too sick to attend.

Sincerely,



Elizabeth L. Stocks

Cc: Kathleen Peterson, President, Capistrano Garden Homes HOA II
SDG&E
Rhen Kohan, neighbor

Midbust, Jessica

From: TOM VANDORPE <GREENWALLSTUDIO89@GMAIL.COM>
Sent: Wednesday, April 08, 2015 9:41 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

The idea that South Orange County can "shed load" or have our power shut off as a solution to our need for a redundant and reliable electrical transmission system is irresponsible at best. Reconductoring the 138kV transmission lines again provides no system redundancy as all of the 230kV power will continue to flow through the Talega substation and if anything happens at that substation, the entire region loses power. The alternative of tying into Southern California Edison lines on property that neither utility owns is fraught with challenges and inevitable delays.

The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

TOM VANDORPE
GREENWALLSTUDIO89@GMAIL.COM
TUSTIN, CA

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RANCHO MISSION VIEJO

April 9, 2015

California Public Utilities Commission (CPUC)
RE: SOCRE PROJECT
C/o Ecology and Environment, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 94111

RE: Draft Environmental Impact Report for SDG&E's SOCRE Project ("DEIR")

Dear Commissioners:

Rancho Mission Viejo, LLC ("RMV") is pleased to provide the following comments on the SOCRE Project in general, and the DEIR in particular. The DEIR has been prepared pursuant to the California Environmental Quality Act ("CEQA") [Public Resources Code Section 21000 *et. seq.*] and the CEQA Guidelines [14 California Code of Regulations Section 15000 *et. seq.*].

As the master developer of south Orange County's largest ongoing development project, the Rancho Mission Viejo Planned Community, RMV is very interested in ensuring improved safety, reliability and increased capacity in the south Orange County power system. Therefore, we support SDG&E's SOCRE project as proposed (the "Proposed Project"), which would upgrade its transmission and substation system to bring an additional 230 kV source into the region. Our concern has been, and continues to be, with Alternative F to the Proposed Project as discussed below.

Alternative F – 230 kV Rancho Mission Viejo Substation

Alternative F was identified by the CPUC based on comments received during an EIR scoping meeting, and then was included in the CEQA Alternatives Screening Report for the SOCRE Project prepared in October 2014 (the "Screening Report"). Under Alternative F, the existing Rancho Mission Viejo Substation would be expanded and a new double-circuit 230-kV Talega-Rancho Mission Viejo line would be constructed along the Eastern Talega 230-kV Transmission Line Route described in SDG&E's prior environmental assessment, following the existing Talega-Rancho Mission Viejo 138-kV Line (TL13831). Among other things, under Alternative F the existing TL13831 structures would be removed, and the existing right of way (ROW) along the 6.5 mile route would be increased by approximately 20 percent (*i.e.*, the existing 100 foot-wide ROW would be increased by 20 feet). Some additional 138 kV work may also be required. [Screening Report, pages 3-25 and 3-26]

It should be noted that SDG&E's Rancho Mission Viejo Substation is located adjacent to the southeast corner of the second development phase of the Rancho Mission Viejo Planned Community, which has been named "Esencia". The Esencia development covers 845 acres and will include 2,700 dwelling units, 45 acres of Urban Activity Center uses and 5 acres of Neighborhood Center uses. The development area is surrounded by undeveloped open space that

**DRUG USE
IS
LIFE ABUSE**

has been designated for, and is being dedicated as part of, the "RMV Habitat Reserve Lands" pursuant to the Southern Subregion Habitat Conservation Plan. The ROW to be widened in conjunction with Alternative F goes through portions of the RMV Habitat Reserve Lands.

On January 5, 2015, RMV submitted a comment letter to the CPUC (see attached) regarding the analysis of Alternative F in the Screening Report. In that letter, we described certain substantial impacts on the environment that were not adequately considered in the Screening Report for that alternative. These included impacts on traffic, and on biological, aesthetic and cultural resources. We therefore requested that Alternative F be eliminated from further consideration and that it not be included in the DEIR.

Impacts of Alternative F as Presented in the DEIR

Our review of the DEIR indicates that Alternative F, along with other alternatives from the Screening Report, were carried over into the DEIR. However, we also note that the analysis of impacts associated with Alternative F has been revised (from the analysis in the Screening Report) to incorporate certain information we provided in our January 5, 2015 comment letter. Thus, the DEIR correctly concludes that Alternative F has greater impacts than the Proposed Project in regard to several key environmental topics and resources. Specifically, the DEIR acknowledges that (i) Alternative F could result in localized traffic impacts in and around the Rancho Mission Viejo substation, and (ii) Alternative F would have greater impacts on agricultural, biological and cultural resources, as well as geology and soils, as a result of construction of the transmission line through "less disturbed and accessible" ROW (i.e., the RMV Habitat Reserve Lands). (DEIR, pages 5-16 and 5-17).

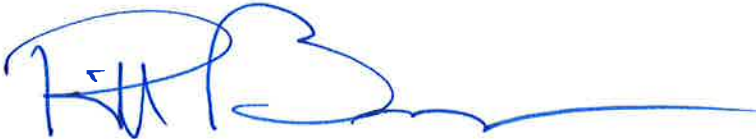
Alternative F Is Environmentally Inferior to the Proposed Project and Must be Rejected

In summary, Alternative F would have localized traffic impacts and greater adverse impacts on agricultural, biological and cultural resources, and on geology and soils, than the Proposed Project and that alternative must therefore be rejected. We trust that the findings to be prepared by the CPUC pursuant to CEQA Guidelines Section 15091 will accurately discuss the impacts of Alternative F and the reasons for its rejection.

At the same time, we look forward to the CPUC's approval of the Proposed Project in order to provide the desired improvements to safety, reliability and capacity in the south Orange County power system.

Again, we appreciate the opportunity to present these comments. Please contact the undersigned if you have any questions about our comments.

Sincerely,



Richard M. Broming
Senior Vice President – Planning and Entitlement

Midbust, Jessica

From: Marilyn Ditty <mditty@myagewell.org>
Sent: Thursday, April 09, 2015 6:01 AM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Marilyn Ditty Age Well Senior Servs. 94 Nightingale Aliso Viejo, CA 92656

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Midbust, Jessica

From: Mark Gaughan <mark@ggstrategies.com>
Sent: Thursday, April 09, 2015 2:12 PM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

For more than 25 years I have worried about the stability and reliability of the SDG&E electric system. SDG&E has done an outstanding job of keeping up with growth through system upgrades and regular maintenance of the electric system. South Orange county is literally at the end of the line and needs the SOCRE project. Load-shedding is not an acceptable answer.

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Mark Gaughan Genesee Group PO Box 5400 Newport Beach, CA 92662

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Office of Mayor and City Councilmembers

Phone: (949) 361-8322 Fax: (949) 361-8283

Website: <http://san-clemente.org>

E-mail: CityCouncil@san-clemente.org

Chris Hamm, *Mayor*
Bob Baker, *Mayor Pro Tem*
Tim Brown, *Councilmember*
Lori Donchak, *Councilmember*
Kathy Ward, *Councilmember*

James Makshanoff, *City Manager*

April 9, 2015

California Public Utilities Commission

RE: SOCRE Project

c/o Ecology and Environment, Inc.

505 Sansome Street, Suite #300

San Francisco, CA 94111

Email: SOCRE.CEQA@ene.com

Fax: 415-398-5326

Dear California Public Utilities Commission,

Thank you for the opportunity to participate and provide comments on the Draft Environmental Impact Report (DEIR) for San Diego Gas & Electric Company's proposal to construct the South Orange County Reliability Enhancement Project (SOCRE). The portions of this project that affect the City of San Clemente consist of the replacement of a single-circuit 138-kV transmission line between the applicant's Talega and Capistrano substations with a new double-circuit 230-kV transmission line (approximately 7.8-miles long), and the Relocation of several transmission line segments (approximately 1.8 miles, total) adjacent to the Talega and Capistrano substations to accommodate the proposed Capistrano Substation expansion and a new 230-kV line. The City of San Clemente has reviewed the above referenced document and submits the following comments for your response and consideration.

Section 4.1 Aesthetics

Comment 1

The DEIR inadequately describes the existing visual character and quality of the proposed project area within the City of San Clemente. Discussing Photo 5 (Figure 4.1-5) on page 4.1-13, it is written, "Avenida la [sic] Pata is identified as a major view corridor by the City of San Clemente's General Plan (City of San Clemente 2014). Photo 5 shows a focal landscape of the existing 138-kV transmission line ROW." However, Photo 5 is of a section of the street located in the jurisdiction of San Juan Capistrano, not the City of San Clemente. Thus, Photo 5 does not show a landscape within one of the City of San Clemente's major view corridors. Impacts in this area are therefore undisclosed.

Additionally, even including the incorrect photo, the DEIR only contains three photos of the approximately 3.25 mile long project area within City limits. The DEIR must contain additional photographs and area descriptions in order to provide a more accurate description of the existing site conditions of the project area within the City of San Clemente. It is essential to include a more complete photographic description of the existing visual character baseline within the City of San Clemente. (State CEQA Guidelines § 15125.) Impacts to visual character must be assessed as against that baseline. (*Id.*) Because the DEIR's description of existing visual character within the City of San Clemente is incomplete, the discussion of environmental impacts in this category is consequently incomplete. Thus, the DEIR's significance conclusion with respect to the project's visual character impacts is not fully supported by substantial evidence and must be revised. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].)

Comment 2

The DEIR inadequately describes the project's impacts to view corridors within the City of San Clemente. Discussing why the project would have a less than significant impact on view corridors in the City of San Clemente, it is written on page 4.1-23, lines 29-32, "The proposed project would not introduce a new type of visual contrast into the viewsheds of the city of San Clemente's view corridors, and impacts associated with adding another line to an existing corridor would not constitute a substantial source of visual contrast." However, on page 4.1-4, lines 39 and 40 of the DEIR, it is written, "The proposed project would be collocated in a right-of-way (ROW) with similar transmission structures, adding to the amount of contrast recreational user groups already experience." Thus, it is unclear what conclusions the DEIR is actually reaching in regards to visual impacts within the City of San Clemente, and upon what evidence those conclusions are relying.

Regardless of these inconsistencies, the DEIR must describe better the visual impact of the proposed project. Based on the visual simulations and project descriptions contained in the DEIR, there are many indications that the additional structures and lines will have a significant impact on the City's view corridors. Visual simulations that demonstrate this project's impacts to the City's view corridors are necessary to assess the environmental impacts of the proposed project, and must be included. The City of San Clemente should be consulted in identifying these locations, which should include simulated depictions of the project site along the City's Scenic Corridors (listed in the City's General Plan on Figure M-2, Scenic Corridors Map) from at least the following locations: 1) looking eastbound on Avenida Vista Hermosa approximately 100 yards west of Avenida La Pata; 2) looking northwest on Avenida Vista Hermosa approximately 100 yards east of Avenida La Pata; 3) looking south on Avenida La Pata approximately 200 yards north of Avenida Vista Hermosa; 4) looking northeast on Avenida Pico approximately 50 yards east of Avenida La Pata; 5) looking south on Avenida Vista Hermosa approximately 15 yards north of Avenida Pico; 6) looking northeast on Avenida La Pata at the intersection of Calle Saluda.

Comment 3

The DEIR inadequately describes the project's impacts to scenic vistas within the City of San Clemente. Similar to Comment 2 above, the DEIR identifies potential impacts to scenic vistas in the City of San Clemente. Specifically, on page 4.1-24, lines 3 and 4, the DEIR states, "Proposed project infrastructure would be viewed against this existing landscape and would not add distinguishable features to views from these areas." Examining the visual simulations provided in Figures 4.1-11 and 4.1-12, it appears that the project will increase the amount of visual contrast provided by the existing facilities because the new towers are solid, which do not blend into the background as discreetly as the existing wood and frame-type towers, and because the number, and thickness, of electrical lines are increasing.

Further, the DEIR only includes two key observation points (KOPs), "to determine if project facilities would degrade the existing visual character of the site and its surroundings" (page 4.1-26, lines 23 and 24). Those KOPs are from Via Ceramica, north of Calle Saluda, looking northwest, and at Talega Park looking south. Neither of these locations is from a major or minor view corridor or scenic vista location listed in the City of San Clemente General Plan, Figure NR-1, Aesthetic Resources, which are also shown in the DEIR in Figure 4.1-1, Scenic Vistas and Routes in the Proposed Project Area.

Additional visual analysis tools that provide a complete demonstration of the project's impact's to scenic vistas must be included to adequately assess all impacts at important view locations throughout the project area. Again, the City of San Clemente should be consulted in identifying these locations, which should include locations such as: 1) looking north from Rancho San Clemente Trail approximately 50 yards south west of the San Clemente Skate Park; 2) looking west on the Prima Desecha Trail South approximately 50 yards south of the intersection of Avenida Vista Hermosa and Puerta Del Sol; 3) looking west from the intersection of Calle Campanero and Via Suerte; 4) looking southeast from the viewing/seating area at the east side of the main parking lot at the Vista Hermosa Sports Park; and 5) looking east from the intersection of Camino Celosia and Calle Avanzado.

Without this information, the DEIR does not fully disclose impacts to scenic vistas and the DEIR's significance conclusion in this topical area is not supported by substantial evidence. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].)

Comment 4

The DEIR inadequately describes the project's impacts to aesthetic resources in the City of San Clemente generally. The visual simulations provided for the City of San Clemente (KOPs 5 and 6, discussed above) do not support the determinations that "compared to the amount of contrast introduced by the existing transmission structures that would be replaced by the proposed project, the difference in the amount of visual contrast is less than significant" (page 4.1-37, lines 29-31, and page 4.1-38, lines 4-6). On page 4.1-23, lines 26-28, the DEIR states, "All of the proposed transmission structures would be located within or

adjacent to an existing transmission corridor that is currently occupied by transmission structures of a similar size and mass.” Both KOP 5 and 6 show dramatic changes to the skyline due to the introduction of additional power poles. For example, both simulations show the introduction of new solid power poles in locations that do not currently have similarly sized structures. In KOP 6, there are three new power poles located toward the left side of the visual simulation that introduce visual contrast with the currently unobstructed skyline. In both images, the new structures and electrical lines add to the existing amount of visual contrast significantly as the new structures increase the amount of skyline over the horizontal plane that is obscured by these facilities. Within the envelope of the existing facilities, the new structures and electrical lines significantly increase the prominence of the facilities due to the thickness of the new power poles and additional electrical lines.

Comment 5

The DEIR lacks clarity in how the aesthetic impacts are determined and what constitutes a “less than significant impact.” The DEIR claims that it followed the Federal Highway Administration Visual Impact Analysis for Highway Projects methodology for assessing visual impacts associated with the proposed project. However, this methodology was not applied consistently throughout the analysis. For example, for the project areas located in the City of San Clemente, the DEIR typically relies upon a subjective determination that the increase in the transmission lines and poles is less than significant because there are existing electrical lines and poles in the project area, such as on page 4.1-23, lines 29-32. This determination, and others like it, fail to, “describe the potentially affected viewers in terms of viewer exposure to components of the proposed project and the levels of viewer sensitivity” (page 4.1-2, lines 22 and 23), because there is not a complete discussion of any viewer groups, awareness, or proximity (see definition of Viewer Sensitivity in Key Terms, page 4.1-3) as they relate to one particular location. Some of these aspects are discussed independently when discussing impacts, but the DEIR fails to make complete evaluations of the visual sensitivity of each specific location evaluated. Therefore, the analysis of aesthetic impacts is incomplete and inconsistent throughout the document.

Similarly, if the PUC intends to use a different significance threshold for assessing aesthetic impacts within the City of San Clemente, that decision must be explained within the DEIR and it must be supported by substantial evidence. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].) Without that information, the analysis of aesthetic impacts is incomplete and inconsistent throughout the document.

Moreover, as noted in other comments within this letter, the City’s General Plan encourages the preservation and enhancement of open space, scenic corridors, and recreational facilities, while reducing the impacts of overhead utilities (San Clemente General Plan policies UD-2.05, UD-2.11, BPR-4.01, M-1.30, etc.). Any increase to the amount or size of overhead utilities, including lines and poles, is therefore a negative and potentially significant impact on aesthetic resources as it does not comply with the City’s General Plan (San Clemente General Plan policy NR-2.07). The EIR must address this impact and mitigate for it.

Otherwise, the proposed project has a potentially significant impact that has not been mitigated or otherwise addressed in the DEIR.

Furthermore, the proposed project involves the installation of new solid power poles to replace the frame-type poles, and the addition of solid poles where much smaller wood-frame poles exist. The DEIR does not discuss the difference in visual impact between these various types of structures. Based on a site visit, and the visual simulations provided in the DEIR, the solid power poles provide significantly more visual contrast as compared to either type of other structure that exists currently. Where the frame-type structures tend to blend with the back-ground due to their quasi-translucent construction, the solid poles present a stark contrast with all backgrounds. An analysis of the visual difference between these two structures is necessary to determine the aesthetic impacts of this project, and must be included in the EIR. Without this discussion, the DEIR fails to adequately disclose, analyze and mitigate aesthetic impacts within the City of San Clemente. (Pub. Res. Code § 21002 [public agencies should not approve projects as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of projects]; State CEQA Guidelines § 15126.4 [EIR shall describe feasible measures which could minimize significant adverse impacts].)

Comment 6

The DEIR does not address the aesthetic impacts to the City of San Clemente's gateway areas (all identified in Figure UD-1 of the City's General Plan). While the DEIR includes two of the City's applicable General Plan Urban Design Element policies related to gateways, the DEIR does not (1) identify the five City gateway areas located along Avenida La Pata that are potentially affected by this project, (2) discuss the project's impacts to them, or (3) provide any visual analysis tools to evaluate aesthetic impacts to the five City gateway areas located along Avenida La Pata. As such, the DEIR fails as an informational document and must be revised to include the above information and an analysis of impacts, if any, that would be associated with aesthetic changes in these gateway areas. If significant impacts would result, all feasible mitigation must be imposed to reduce impacts to less than significant levels. (Pub. Res. Code § 21002 [public agencies should not approve projects as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of projects]; State CEQA Guidelines § 15126.4 [EIR shall describe feasible measures which could minimize significant adverse impacts].)

Further, the Urban Design Element of the City's General Plan includes the following applicable policy that is not addressed in the DEIR:

UD-2.05. Public View Corridors. We require the preservation of designated public view corridors in the design and construction of gateway area improvements.

Based on the information provided in the DEIR related to the project's aesthetic impacts, it does not appear that this project complies with this General Plan policy. The DEIR must address these key areas of the City and provide analysis on the project's impacts to them in order to fully assess the project's compliance with the City's General Plan. Please note that

this land use inconsistency must also be included, analyzed and mitigated (to the extent feasible) in the land use section of the DEIR. The DEIR is currently silent on this inconsistency. Absent a discussion of this impact, the DEIR fails as an informational document and must be revised to address this impact.

Section 4.10 Land Use and Planning

Comment 7

The “Environmental Analysis Part IV (4.10 through 4.15)” PDF available at <http://www.cpuc.ca.gov/Environment/info/ene/socre/socredraftEIR.html>, is incomplete. Multiple sections of the document are out of order and pages 4.10-5 through 4.10-32 are missing altogether. Therefore, this reference material does not constitute substantial evidence and does not support the conclusions reached in this section of the DEIR. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].)

Comment 8

The DEIR inadequately identifies the regulatory authority of affected jurisdictions. On page 4.10-34, the DEIR appears to indicate that local jurisdictions are preempted from regulating this project through any discretionary review processes. Citing California Public Utilities Code (CPUC) General Order 131-D, Section XIV.B, which states that, “local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission’s jurisdiction,” the DEIR states that the applicant is required to, “obtain all applicable ministerial building and encroachment permits from local jurisdictions for the proposed project” (lines 36-37). However, General Order 131-D, Section XIV.B, only preempts local authority over those items listed above, of which transmission lines are not included. General Order 131-D, Section I, clearly differentiates between the various types of electric lines where it states, “For purposes of this General Order, a transmission line is a line designed to operate at or above 200 kilovolts (kV). A power line is a line designed to operate between 50 and 200 kV. A distribution line is a line designed to operate under 50 kV.” The DEIR states that the proposed project includes, “the construction of a new double-circuit 230-kV transmission line (approximately 14 7.8 miles long) from the proposed San Juan Capistrano Substation to the applicant’s 230/138/69-kV 15 Talega Substation” (page 1-1, lines 13-15). According to the definition referenced in General Order, Section I, the proposed project’s transmission lines meet the definition of transmission line because they are over 200 kV. This General Order specifically exempts “power line projects” and “distribution lines,” while not including transmission lines, therefore transmission lines are not preempted by this General Order 131-D of the CPUC. Thus, the City has regulatory authority over the transmission lines and the project applicant must comply with local permitting requirements when installing this portion of the project within the City’s limits.

On a related note, because the DEIR is based upon the incorrect assumption that the project is not subject to the City of San Clemente's local permitting requirements, the DEIR fails to accurately identify the City of San Clemente as a responsible agency. (See DEIR p. 2-81, Table 2-13.) A responsible agency is a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. (Pub. Res. Code § 21069.) The State CEQA Guidelines explain further that a responsible agency is any public agency that has discretionary approval authority over a proposed project. (State CEQA Guidelines §15381.) Here, the City of San Clemente has local discretionary permitting authority over the transmission lines for the reasons outlined above. Therefore, the City of San Clemente should have been listed as a responsible agency in Table 2-13 of the DEIR.

Additionally, lead agencies have certain consultation obligations vis-à-vis responsible agencies. (Pub. Res. Code § 21080.3; State CEQA Guidelines § 15086) Lead agencies are required to consult with responsible agencies and responsible agencies are required to provide input on the scope of EIRs with respect to those activities involved in the project that are within the responsible agency's area of expertise. (*Ibid.*) The PUC did not consult with the City of San Clemente as a responsible agency. Therefore, the City was precluded from providing early and meaningful input on the scope of the EIR and the analysis of impacts within the City's boundaries. Had the PUC properly identified the City of San Clemente as a responsible agency and consulted with it, the City could have coordinated with the PUC on the issues raised in this comment letter at an earlier time.

Comment 9

The DEIR incorrectly identifies the applicable zoning regulations for the sections of the project located in the City of San Clemente. On page 4.10-36, the DEIR states that the proposed project does not require a Conditional Use Permit because, "Section 17.28.240 of the City of San Clemente's municipal code states that 'public utility distribution and transmission line towers and pole for [...] electricity shall be allowed in all zones without obtaining a Conditional Use Permit. However, all routes and heights of proposed electric transmission systems of 69 KV and over [...] shall be located in conformance with the General Plan of the City.'" However, the development standards of the Zoning Ordinance are not the regulating development standards for the properties over which this project will occur.

As noted in the DEIR in Table 4.10-1, General Plan Land Use, Existing Land Use, and Zoning by Proposed Project, all of the property on which this project will take place, is part of the Talega Specific Plan. The San Clemente Municipal Code, Section 17.04.070, states that, "The regulations included in the specific and master plans supersede regulations in this title." The Talega Specific Plan states that, "Infrastructure facilities and extensions necessary to serve the open space area and adjacent development areas, such as roads, utilities, and flood-control improvements, and fuel modification" (page 5-21) are permitted uses." However, the proposed project is beyond the scope of serving "adjacent development areas."

Application A1205020 for a Certificate of Public Convenience and Necessity for the SOCRE Project states that the project is "for increased capacity" (page 3), and needed to,

“accommodate customer load growth in the South Orange County area” (page 4). This indicates that the project is for more than “adjacent development areas” because the City of San Clemente is almost fully built-out. Any “customer load growth” would certainly come from outside City limits, such as Rancho Mission Viejo, which would not meet the definition of “adjacent development areas” contained in the Talega Specific Plan as those areas are outside the City’s jurisdiction. Therefore, the existing use of the Open Space zone of the Talega Specific Plan is a legal nonconforming use and an increase in the use of the Open Space zone of the Talega Specific Plan is not permitted. The City of San Clemente should be consulted to identify what actions are required to amend the City’s regulatory documents to make the existing use a permitted use and to allow the proposed project to be permitted, or conditionally permitted.

Comment 10

The DEIR inaccurately identifies that the project is consistent with the City of San Clemente’s applicable zoning regulations. Discussing how the project is determined to have less than a significant impact with mitigation on *Impact LU-2: Conflict with applicable plans, policies, or regulations*, the DEIR states that, “The proposed project would not conflict with the City of San Clemente Zoning Ordinance because public utilities are permitted in all zones and, as noted above, the proposed project would not conflict with the City of San Clemente Centennial General Plan” (page 4.10-39, lines 45-47). However, the project is not consistent with applicable zoning requirements for the reason listed in Comment 9. The Talega Specific Plan contains the controlling zoning information; therefore, the project must be evaluated for consistency with that document, not the City’s Zoning Code. As a result, the DEIR is incomplete and does not accurately disclose potential land use impacts associated with the proposed project. The DEIR must be revised to address the applicable zoning regulations within the City of San Clemente in order to contain substantial evidence to support its conclusions. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].)

Comment 11

The DEIR inaccurately identifies that the project is consistent with the policies of the General Plan. On page 4.1-5, lines 4 and 5, it is stated, “The City of San Clemente’s General Plan encourages agencies with jurisdiction over discretionary permitting processes to ‘preserve and improve the view corridors....’” Discussing Photo 7, on page 4.1-15, lines 43 and 44, it is stated, “The landscape is relatively intact and uniform, with the exception of the existing transmission structures, which detract substantially from the view’s overall intactness.”

The City’s General Plan Natural Resources Element Policy 2.07 states, “Where undergrounding is determined by the City to not be physically possible, such features shall be located and designed to reduce their visibility.” As noted previously, the DEIR states, and the visual simulations attest, that visibility of the electrical lines will be increased because of this project, which conflicts with the General Plan. Consequently, the proposed project

would have a potentially significant impact in this regard and must be reduced to less than significant levels by imposing all feasible mitigation measures. If no feasible mitigation exists, the impact must be identified as potentially significant and the PUC cannot approve the proposed project unless a statement of overriding considerations is first adopted. (Pub. Res. Code § 21081; State CEQA Guidelines § 15093.)

In addition to this comment regarding the project's conflict with the City's General Plan, this letter also identifies other General Plan conflicts under separate comments and those inconsistencies also result in potentially significant environmental impacts. As explained above, those impacts must be reduced to less than significant levels by imposing all feasible mitigation measures. If no feasible mitigation exists, the impacts must be identified as potentially significant and the PUC cannot approve the proposed project unless a statement of overriding considerations is first adopted. (State CEQA Guidelines § 15093.)

Section 4.14 Recreation

Comment 12

The DEIR inadequately identifies applicable General Plan policies related to Recreation and thus does not accurately disclose environmental impacts associated with this environmental factor. The DEIR states on page 4.14-3, lines 16-19, that, "The City of San Clemente General Plan establishes a number of goals designed to maintain and improve recreational opportunities with the intent of making the City a year-round recreation destination. None of the policies established to reach the goals, however, apply to the analyses presented in this section (City of San Clemente 2011)." The current General Plan was adopted in February of 2014 and it is unclear what the "2011" in the citation is referring to. Within the current General Plan, there are a number of policies that would be germane to the discussion of environmental impacts in Section 4.14 of the DEIR. Some of these policies are:

BPR-4.01. Open Space Preservation. We encourage and support the preservation of open space within and adjacent to the City.

BPR-4.02. Trails and Staging Areas. We support the development, maintenance and enhancement of local trails and staging areas using best sustainable practices.

BPR-5.02. Best Practices. We monitor and use best golf course management and design practices to ensure viable grounds conditions, a healthy landscape and net fiscal benefits.

The DEIR must include these General Plan Policies and evaluate how the project is consistent with them. If the proposed project is inconsistent with these policies, the DEIR must disclose the inconsistency and must impose all feasible mitigation measures to reduce impacts to less than significant levels. (Pub. Res. Code § 21002 [public agencies should not approve projects as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of projects]; State CEQA Guidelines § 15126.4 [EIR shall describe feasible measures which could minimize significant adverse impacts].)

Comment 13

The DEIR inadequately describes this project's impact on recreational facilities. Discussing the environmental impacts of the project related to recreational facilities (*Impact RE-1, Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated*), the DEIR only analyzes the addition of recreational users of local parks and recreational facilities as a by-product of the influx of construction workers that may temporarily locate in the City during the project. However, the portions of this project that occur in the City of San Clemente take place primarily on recreational facilities, those being the Prima Deshecha Trail and Regional Park, the Forster Ridgeline Trail, and the Pico and Cristianitos Trails.

The significance criteria used to assess impacts on recreation, stated in the above parenthesis, does not specify that "increase[ing] the use" of recreational facilities is only to be considered for recreational users. As this project takes place on recreational facilities, there is inevitably an increase in the use of the site for temporary construction activities "such that substantial physical deterioration of the facility would occur or be accelerated." The DEIR must address and evaluate the impacts to recreational facilities that could occur due to construction activities. Absent such discussion, the DEIR fails as an information document because it does not disclose and mitigate environmental impacts of the proposed project. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].)

Section 4.15 Transportation and Traffic

Comment 14

The DEIR inaccurately identifies that the project is consistent with the policies of the General Plan regarding transportation and traffic. The DEIR states that the project has a less than significant impact with mitigation on *Impact TT-6, Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities*. However, on page 4.15-14, the DEIR notes that one of the City's General Plan Mobility and Complete Streets Element policies, M-1.30 Protection of Scenic Corridors, states, "We ensure that development is sited and designed to protect scenic corridors and open space/landscape areas by blending man-made and man-introduced features with the natural environment." As noted elsewhere in this comment letter, the proposed project would increase the amount of contrast between the natural open space areas and man-made structures. . Thus, the proposed project would conflict with the City's adopted General Plan Mobility and Complete Streets Element policies related to protection of scenic corridors. As this project is located in a recreational corridor used by pedestrians and bicyclists, the addition of new, larger power poles, and the potential re-alignment of certain trail sections could decrease the performance and safety of these transportation facilities.

Comment 15

The DEIR inadequately describes this project's impact on transportation facilities that exist alongside, and in the immediate vicinity of, the project area. Reviewing the impact to the safety and performance of the bicycle and pedestrian facilities, the DEIR states that, "operation and maintenance of the proposed project would have no impact..." (page 4.15-26, line 1). The DEIR fails to explain why this is the case. While the DEIR states, on page 4.15-24, lines 49 and 50, that, "In some instances, bikeway and unpaved trail segments run alongside the proposed project, such as the Foster [sic] Ridgeline Trail," the DEIR lacks any discussion of how the new pole structures could affect existing trails, or how the applicant plans to mitigate those impacts. Thus, the conclusory statements in the DEIR about impacts to transportation facilities are not supported by substantial evidence and must be revised. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].)

5.0 Comparison of Alternatives

Comment 16

The DEIR inadequately evaluates the impacts of the project alternatives. The DEIR states that the purpose of analyzing alternatives is to "identify feasible options that would attain most of the basic objectives of a proposed project while reducing its significant effects" (page 5-1, lines 2 and 3). The DEIR identified significant effects to Air Quality and Transportation and Traffic from the proposed project. In reviewing the feasible alternatives, the DEIR only specifically addresses how the alternatives would reduce impacts to these two environmental aspects. However, as noted throughout this comment letter, the DEIR fails to acknowledge and evaluate this project's impacts on Aesthetics, Land Use and Planning, and Recreation. The DEIR concludes, without supporting evidence, that impacts in the foregoing areas are less than significant. However, as indicated in this comment letter, the DEIR is based upon incomplete and inaccurate assumptions regarding the City of San Clemente's General Plan, zoning and city-specific policies. State CEQA Guidelines section 15126.6(d) is clear that an EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. Because the EIR contains incomplete and inaccurate information regarding potential impacts within the City of San Clemente, the alternatives cannot be meaningfully compared. Therefore, the DEIR must be revised to accurately disclose and analyze impacts to Aesthetics, Land Use and Planning and Recreation based on actual plans and policies adopted by the City of San Clemente. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].) Thereafter, the alternatives section must be updated to reflect any new impacts or other relevant information that derives from the revised analysis.

Comment 17

The conclusion in the DEIR that the alternatives attain the “basic objectives” of the project is not supported by substantial evidence. (Pub. Res. Code § 21082.2; State CEQA Guidelines §§ 15384(a), (b) [substantial evidence includes facts, reasonable assumptions based on facts and expert opinion supported by facts; evidence which is clearly erroneous or inaccurate does not constitute substantial evidence].) On page 1-8, lines 22-24, Section 1.2, Purpose and Objectives of the Proposed Project, the DEIR states, “The purpose of the proposed project is to increase reliability of the applicant’s South Orange County 138-kV System by reducing the risk of instances that could result in the loss of power to customers through the 10-year planning horizon.” Subsequently, the DEIR specifies that, “The basic objectives of the proposed project are to:

1. Reduce the risk of instances that could result in the loss of power to customers served by the South Orange County 138-kV System through the 10-year planning horizon;
2. Replace inadequate equipment at Capistrano Substation; and
3. Redistribute power flow of the applicant’s South Orange County 138-kV System such that operational flexibility is increased” (page 1-8, lines 34-40).

However, each alternative is only analyzed as to whether or not the capacity of the system is increased. Increasing capacity of the system is not mentioned as a “basic objective” of the project, it is only mentioned as a “result” of the project later in the DEIR, and in the application for a Certificate of Public Convenience and Necessity for the SOCRE Project. The DEIR must evaluate each alternative based on the “basic objectives” identified in the DEIR. (State CEQA Guidelines § 15126.6 [an EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project].)

Comment 18

While the evaluation of the alternatives is incomplete, there appear to be alternatives that satisfy the goals of the applicant, are more consistent with the City’s General Plan and applicable zoning regulations, and are environmentally superior. Alternatives C1 and C2 appear to be the most appropriate alternatives presented as they appear to satisfy the majority of the applicable objectives and regulations. These Alternatives appear to be more appropriate because they both increase capacity of the system (which it is assumed would indicate that the basic objectives are also met, though as discussed in Comment 17, this is problematic), and would not have negative aesthetic impacts to the City of San Clemente to the degree that the proposed project would, in that there would be no additional electrical poles or lines constructed within the City limits. Also, these alternatives would likely be substantially more consistent with the City’s General Plan (however, to what degree is unknown as these projects are not fully analyzed in the DEIR), and less impactful to the City’s recreation and transportation facilities as there is less disturbance in the City’s trail systems. Additionally, Alternative B4 could comply with the City’s requirements if the project was constructed in such a way so as not to increase the amount of lines or structures,

and would be exempt from the City's regulatory authority. Therefore, the City would urge the PUC to select either Alternative C1, C2, or B4 instead of the proposed project.

Comment 19

For all of the foregoing reasons, the City of San Clemente hereby requests that the PUC revise the DEIR. Changes made to the environmental setting (with respect to Aesthetics, for example), and any additional data or other corrected information added to the DEIR, in response to the City of San Clemente's comments would be significant new information as defined by State CEQA Guidelines section 15088.5. The City of San Clemente and other interested members of the public would request an opportunity to review any new information added to the DEIR so that the City and other interested parties can meaningfully comment on the adverse environmental impacts of the proposed project. For all of the reasons set forth herein, the City of San Clemente would request that once the DEIR is revised to address the issues outlined herein that it be recirculated in accordance with State CEQA Guidelines section 15088.5.

We appreciate the opportunity to comment on the DEIR. If you have any questions regarding this letter, please contact Associate Planner Adam Atamian at (949) 361-6197.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CHAMM', with a large, sweeping flourish extending to the right.

Chris Hamm,
Mayor

cc: City Manager
Assistant City Manager
Director of Community Development
Director of Public Works/ City Engineer

Midbust, Jessica

From: Lawrence Kramer <larrykramer11@att.net>
Sent: Thursday, April 09, 2015 4:08 PM
To: SOCRE CEQA
Subject: South OC Reliability Enhancement Project Draft EIR

Comment regarding South Orange County reliability Enhancement Project Draft Environmental Impact Report.

Name: Lawrence Kramer

Affiliation: Resident of San Juan Capistrano, CA

Phone: 949-842-4784

Address: 28371 Paseo Establo, San Juan Capistrano, CA 92675

Email: larrykramer11@att.net

After listening to many of the comments and reviewing the Draft Environmental Impact Report I am not convinced that this massive upgrade is needed to maintain reliable power to this area. There have been no major faults thus far which this project would have prevented. This seems like a large project that the ratepayers would be paying for with little benefit to them.

What I do believe is sorely needed is a replacement of the current sub-station in San Juan Capistrano with modern up to date equipment instead of equipment designed in the 1950s. The new sub-station should be housed in a building for esthetic reasons since the area is no longer surrounded by fruit trees but is now surrounded by residential neighborhoods.

Thank you for your consideration.

Lawrence Kramer

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April 9, 2015

California Public Utilities Commission
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 94111

RE: SOUTH ORANGE COUNTY RELIABILITY ENHANCEMENT (SOCRE) PROJECT

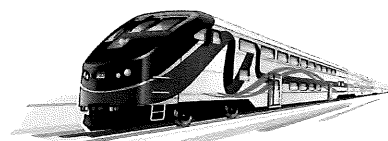
To Whom It May Concern:

The Southern California Regional Rail Authority (SCRRA) has received the NOP for the DEIR for SOCRE Project. Thank you for the opportunity to comment on key issues relative to SCRRA and operations of the railroad adjacent to the project site. As background information, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. Additionally, SCRRA provides rail engineering, construction, operations and maintenance services to its five JPA member agencies. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (METRO), San Bernardino Associated Governments (SANBAG), Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC) and Ventura County Transportation Commission (VCTC).

The railroad right of way portion adjacent to the proposed project is operated and maintained by SCRRA and owned by OCTA. The portion of your proposed project impacting the railroad right of way is located between the existing at-grade crossings of Oso Road and La Zanja.

Below is a list of general comments that are of concern for all proposed projects near or adjacent to the railroad right of way. Please note that these are initial general comments submitted to meet the public comment period. SCRRA may follow up with more specific comments for consideration if further analysis deems it necessary. Comments are as follows:

1. Current daily rail operations on this line include 12 Metrolink and 22 Amtrak passenger trains as well as 5 BNSF freight trains through this area. Trains can run 24 hours a day seven days a week.
2. Your project will involve pole and transmission line replacement over and immediately adjacent to the rail line which will require review and approval of design, construction and construction staging plans submitted to the Metrolink Engineering staff prior to



construction. Metrolink Engineering will also ascertain whether the construction can be handled during the day or most likely in the evenings during reduced trains travel or a dedicated work window. An SCRRA qualified railroad flagger and Temporary Right of Entry Agreement will be required during construction of the pole replacement due to proximity to the active tracks. The SCRRA Right of Way Encroachment Process, the Right of Way Encroachment Application and the Right of Entry (Form 6) requirements can be found on our website at

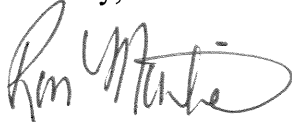
http://www.metrolinktrains.com/agency/page/title/engineering_construction.

3. The two 138kV transmission lines that will be installed under the railroad right of way will also require review and approvals by Metrolink prior to construction. Please refer to the approval processes described in #2 above and also to the ES5501 for pipelines carrying non-flammable substances that can also be found on our website. Jacking and receiving pits for the construction of the underground pipes must be a minimum of 25 ft. from centerline of the nearest track as outlined in item 5b. on the SCRRA Engineering Standard 5001.
4. Changes to overhead lines and underground lines will also require a license agreement from the property owner, OCTA, once approved by SCRRA (Metrolink).
5. Traffic control placed on Camino Capistrano in the vicinity of the at-grade railroad crossings of Oso Road and La Zanja Street should also be reviewed and approved by Metrolink to ensure the safe passage of vehicles and pedestrians across our rail line.

City/Agency shall provide timely notice, in accordance with Public Resources Code Section 21092.5 and State CEQA Guideline Section 15088, of the written proposed responses to our comments on this environmental document and the time and place of any scheduled public meetings or public hearings by the agency decision makers at least 10 days prior to such a meeting.

Thank you again for cooperating with SCRRA to help ensure the development of a successful project. If you have any questions regarding these comments please contact me at 213-452-0456 or via e-mail at mathieur@scrra.net.

Sincerely,



Ron Mathieu

Sr. Public Projects Specialist

Cc: Roderick Diaz, SCRRA
Naresh Patel, SCRRA
Patricia Watkins, SCRRA
Dan Phu, OCTA
Dinah Minter, OCTA



City of Mission Viejo

Office of the Mayor and City Council

Cathy Schlicht
Mayor

Greg Rath
Mayor Pro Tem

Wendy Bucknum
Council Member

Edward Sachs
Council Member

Frank Ury
Council Member

March 31, 2015

California Public Utilities Commission
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

Re: Support - SOCRE Project


CPUC:

I attended the recent public hearing for SDG&E's South Orange County Reliability Enhancement project. I support SDG&E's project as proposed and would ask that the CPUC utilize SDG&E's project as the proposed project when you prepare the final EIR document. As the Mayor Pro Tem of the City of Mission Viejo, I believe the project as proposed by SDG&E is the project we need to ensure electric reliability in our region and for my residents and businesses.

As stated by the CPUC project representatives at the hearing, the only significant impacts the project would bring would be temporary impacts that would go away after construction is complete. Electric reliability is very important to the safety and security of our city. As one of the safest cities of our size in the nation we take pride in our ability to protect our citizens. Our electric service providers play a vital role in this effort by ensuring that the energy we need is there to keep the traffic signals operating and our lights on.

You too play a vital role in our city, as you study the comments you will receive as part of this public process, please look at our south Orange County region as a whole. We are at the far north end of SDG&E's service territory, we only have one location that we receive electric service, we need a backup, a redundancy for our service. That redundancy will come from SDG&E's proposed project. Please identify SDG&E's SOCRE project as the preferred project on your final EIR.

Sincerely,


Greg Rath
Mayor Pro Tem



Midbust, Jessica

From: Paul Roberts <paulroberts@hotmail.com>
Sent: Thursday, April 09, 2015 11:38 AM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

The idea that South Orange County can "shed load" or have our power shut off as a solution to our need for a redundant and reliable electrical transmission system is irresponsible at best. Reconductoring the 138kV transmission lines again provides no system redundancy as all of the 230kV power will continue to flow through the Talega substation and if anything happens at that substation, the entire region loses power. The alternative of tying into Southern California Edison lines on property that neither utility owns is fraught with challenges and inevitable delays.

The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Paul Roberts
paulroberts@hotmail.com
Costa Mesa, CA

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April 9, 2015

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 94111

RE: OC Waste & Recycling Comments on Draft EIR for SDG&E SOCRE Project

OC Waste & Recycling has the following comments on the Draft EIR for the proposed San Diego Gas & Electric Company (SDG&E) South Orange County Reliability Enhancement (SOCRE) Project:

The County of Orange (“County”) owns the Prima Deshecha Landfill site that provides solid waste disposal capacity for the residents and businesses of south Orange County. The landfill is operated by OC Waste & Recycling (“OCWR”) and plays an integral role in protecting the health and safety of the County’s residents and visitors for current and future generations. Based on anticipated closure dates of the other two active County landfills, Prima Deshecha Landfill will be the last remaining active landfill in the County.

Section 5.3 Environmentally Superior Alternative, on page 5-19 of the Draft EIR, concludes that Alternative D is one of two environmentally superior alternatives to the proposed project. Alternative D, if selected and approved as the alternative to the proposed project, would result in the potential construction and operation of a new SDG&E 230 kV electrical substation on Prima Deshecha Landfill property, adjacent to the existing SDG&E and Southern California Edison (SCE) utility corridor. A more detailed description of Alternative D, provided in Section 3.2.8 on page 3-12 of the Draft EIR, indicates that the construction of the substation would require between 3 to 10 acres of land at the Prima Deshecha Landfill site. The proposed location of the substation site on Prima Deshecha Landfill property is shown in the Draft EIR on Figure 3-3.

SDG&E has not approached OCWR regarding any possibility of siting the substation at Prima Deshecha Landfill, and as the operator of infrastructure so critical to public health and safety, OCWR would reasonably expect some consultation with SDG&E before such an alternative is contemplated. The impacts of construction, operation, and repair of an electrical substation on landfill operations and disposal system stakeholders have not been adequately analyzed. OCWR requests that SDG&E be directed to consult with the County regarding the propriety of Alternative D before it can be viably considered as an environmentally superior alternative to the proposed project.

OC Waste & Recycling requests receiving a copy of the responses to comments document, Final EIR and any future public notices regarding the SOCRE project.

If you have any questions regarding these comments or if you need any additional information, please contact John Arnau of my staff at (714) 834-4107 or at john.arnau@ocwr.ocgov.com.

Sincerely,



Dylan Wright
Director

Midbust, Jessica

From: Maria Elena Banks <mariaelena@mebanks.com>
Sent: Friday, April 10, 2015 10:30 AM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Maria Elena Banks 33561 Capstan Drive Monarch Beach, CA 92629

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CAA PLANNING

April 10, 2015

California Public Utilities Commission
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

Subject: SOCRE Project DEIR

CAA Planning, Inc. (CAA) has represented Mrs. Colleen Edwards since the public notice regarding the SOCRE Project upgrade to the San Juan Capistrano Substation (Substation) was published. Mrs. Edwards lives immediately adjacent to the Substation on Calle Lorenzo. Her home will be located in the shadow of the proposed 45' switchgear building, separated by a 6' chain-link fence and a 10' block wall.

Mrs. Edwards began her communication efforts in late 2011, attending public meetings conducted by San Diego Gas & Electric (SDG&E) and inviting representatives of SDG&E to her home to observe the impacts the proposed construction would have on her family and their neighbors. Additional meetings and home visits by San Juan Capistrano City Council members and City staff, in addition to other SDG&E representatives, occurred through June 2012. Mrs. Edwards contacted CAA in mid-2012 to enlist our help in her efforts to respond to the published Proponent's Environmental Assessment (PEA). On November 6, 2012, a letter was sent to Mr. Duane Cave at SDG&E detailing the communication history between Mrs. Edwards and SDG&E and identified deficiencies in the PEA analysis with regard to the impacts on the immediately adjacent neighborhood where the Substation is located.

Specifically, the letter detailed the deficiencies in analysis related to aesthetics, air quality and hazards such as electromagnetic fields. Mr. Cave's letter response deferred jurisdiction and responsibility for the proposed project to the California Public Utility Commission (CPUC), assuring Mrs. Edwards that her concerns would be reviewed and addressed during the on-going approval process.

A representative from CAA attended the January 23, 2013 public scoping meeting in San Juan Capistrano which was required as a component of California Environmental Quality Act (CEQA) compliance in the preparation of an Environmental Impact Report (EIR). In response to the meeting, CAA prepared a letter identifying issues and concerns addressed to Mr. Andrew Barnsdale at the CPUC. Following is a summary of the issues identified and requested for analysis in the EIR.

- Aesthetics – A shade and shadow study was requested to provide context from adjacent residences and streets to portray the shading effects of a proposed 50' building, walls and fences.
- Air Quality – Demolition and construction impacts to air quality should be considered in the EIR, with particular attention to hazardous materials emissions from existing structures. With



residences located less than 50' from the project site, sensitive receptors would be severely impacted for the duration of the multi-year construction process. Additionally, impacts from the operation of the substation are to be analyzed with regard to equipment emissions.

- Archeological/Paleontological/Cultural Resources – An existing structure on the site could be eligible for state listing as a historic resource.
- Hazards/Hazardous Materials – The increase in EMF output should be quantified and the EIR should provide more recent studies in order to disclose the actual levels of EMF exposure and the resulting health effects. A Phase I environmental assessment was suggested to identify hazardous materials on the site and provide a basis for site remediation.
- Alternatives – The EIR should include alternatives that would reduce the aesthetic, air quality, cultural resources and hazardous materials impacts, including relocation of the Substation to an area where such impacts were not adjacent to the population center.

The Draft EIR for the Project was published for a public review period from February 23 to April 10, 2015. CAA reviewed the EIR on behalf of Mrs. Edwards and found the following with regard to our requested analysis – which is that our multiple requests for an honest and complete disclosure of impacts related to aesthetic impacts including shade and shadow impacts was blatantly ignored. The Draft EIR lacks any disclosure of impacts on the residences nearest the Capistrano substation and fails to provide a reason for excluding the requested analysis.

Project Description – The project description lacks specificity – making the analysis within the Draft EIR incomplete and flawed. The written description indicates that the new substation buildings will be 50 feet and 45 feet. However, the elevation provided in the project description (with no exhibit number to reference) depicts the building height as 60 feet. The difference in building height must be corrected, and the correct building height must be analyzed. The project description lacks the necessary detail to understand what is proposed, and whether the proposed project will create significant impacts that should be mitigated.

Aesthetics – The analysis was limited to views from public points of observation, meaning main thoroughfares adjacent to the project. No analysis was included showing view impacts from “collector” streets, meaning smaller, residential streets. No shadow or shading analysis was prepared to address impacts on adjacent residences from the construction of one 45 foot building and one 50 or 60 foot building as well as the perimeter fencing proposed. If the proposed project casts shade or shadow into the yards or residences of the adjacent residences the project will create a significant unavoidable adverse impact. Absolutely no analysis was performed to quantify the shade/shadow impact in spite of several requests. The project fails to disclose impacts, fails to mitigate said impacts. The DEIR is deficient and must be revised and recirculated to address these permanent and significant impacts.

Air Quality – The EIR identified that the construction phase would exceed regional significance thresholds for a large number of criteria emissions. The exposure to toxic air contaminants (TACs)



California Public Utilities Commission
April 10, 2015
Page 3 of 3

on adjacent residences would be short term relative to exposure periods for significant risks and the analysis concluded there would be no impact. Greenhouse gas emissions were amortized to a level below the significance threshold.

Hazards and Hazardous Materials – The project proponent will provide a Phase II environmental site assessment and remediate any impacted soil. EMFs were dismissed from further analysis based on the fact that the CPUC does not have any specific numerical limits or regulations on EMFs related to electric power facilities and there is no agreement among scientists that EMFs create a potential health risk. This lack of disclosure related to EMFs is detrimental to the adjacent residences and causes the Draft EIR to be deficient.

Alternatives – The EIR provided a number of Alternatives to the proposed Project. However, the CPUC recommended project does not include construction of the San Juan Capistrano Substation facilities in another location, away from the immediately adjacent residences, although one such alternative (Alternative F) provides for the expansion of the Rancho Mission Viejo Substation rather than the Capistrano Substation.

Conclusion

The SOCRE Draft EIR fails to adequately address the significant impacts in the areas of aesthetics, air quality and hazards (EMFs) to the immediately adjacent residences whose homes are located as little as 18' from the Capistrano Substation boundaries. In addition, the project description lacks the requisite specificity to provide an accurate analysis of impacts, and disclosure of said impacts to the public and the decision makers. The Draft EIR is fatally flawed and must be revised and recirculated.

Our requests on behalf of Mrs. Edwards are a matter of record in more than one communication with SDG&E and CPUC and they have clearly been ignored. While there can be concurrence that additional power reliability is needed to support the existing and future population of the area, the EIR fails to consider the very real impacts to the existing residential neighborhood surrounding the Capistrano Substation, especially since alternative locations for the substation upgrade exist.

Sincerely,
CAA PLANNING, INC.

A handwritten signature in blue ink that reads "Shawna L. Schaffner". The signature is fluid and cursive.

Shawna L. Schaffner
Chief Executive Officer

c: Mrs. Colleen Edwards

O'Connor, Bonny

From: O'Connor, Bonny
Sent: Friday, April 10, 2015 8:29 AM
To: andrew.barnsdale@cpuc.ca.gov
Cc: SOCRE CEQA
Subject: FW: SDG&E SOCRE project

From: Gower, Patrick [mailto:patrick_gower@fws.gov]
Sent: Friday, April 10, 2015 7:42 AM
To: O'Connor, Bonny
Cc: Rachowicz, Lara; dave mayer; eric hollenbeck; Jonathan Snyder
Subject: Re: SDG&E SOCRE project

We are drafting a comment letter but unfortunately we will not be able to complete it by the end of the comment period.

The US Fish and Wildlife Service and the California Department of Fish and Wildlife requests a week extension of the comment period to allow us to provide comments on the SOCRE project.

If you have any questions please contact me.

Thank you.

Patrick Gower

Fish and Wildlife Biologist
Carlsbad Fish and Wildlife Office
(760) 431-9440 ext 352

On Wed, Apr 1, 2015 at 9:12 AM, O'Connor, Bonny <BOConnor@ene.com> wrote:

Mr. Gower:

We are looking forward to receiving your comment letter on the South Orange County Reliability Enhancement (SOCRE) Draft Environmental Impact Report. Please submit your written comments using any of the following methods:

Email: SOCRE.CEQA@ene.com **Mail:** California Public
Utilities Commission
Fax: 415-398-5326 **RE:** SOCRE Project
c/o Ecology and

THE RESERVE
AT
RANCHO MISSION VIEJO



April 10, 2015

California Public Utilities Commission (CPUC)
RE: SOCRE PROJECT
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 94111

Reference: Draft Environmental Impact Report for SDG&E's SOCRE Project ("DEIR")

Subject: The Reserve at Rancho Mission Viejo Comments

Dear Commissioners:

Thank you for providing The Reserve at Rancho Mission Viejo ("The Reserve") with the opportunity to review and comment on the referenced DEIR. We are supportive of SDG&E's goals to improved safety, reliability and increased capacity in the south Orange County power system. The Reserve has reviewed the DEIR and offers the following comments for your consideration.

1. Proposed Project

The Reserve has previously provided comments (see the attached Exhibit A) on the Notice of Preparation (NOP) for the proposed SOCRE project (the "Proposed Project") which noted that The Reserve is the holder of a conservation easement over certain Rancho Mission Viejo (RMV) lands in the vicinity of the Proposed Project. In our comments on the Project NOP we requested that the DEIR analyze the following:

1. The Proposed Project's effects on the 32 Covered Species set forth in the SSHCP.
2. The Proposed Project's effects on the function and value of the Southern Subregion Habitat Reserve.
3. The consistency of the Proposed Project with the terms of the recorded conservation easement.

We have reviewed the DEIR and find the following:

Effect on Covered Species

Regarding our first comment, in which we requested an analysis of the Proposed Project's effects on the 32 species covered in the Southern Subregion Habitat Conservation Plan (SSHCP), we

have prepared the table below which sets forth the SSHCP Covered Species and whether or not it was analyzed in the DEIR.

SSHCP Covered Species		
Common Name	Scientific Name	Addressed in DEIR
Birds		
Burrowing Owl	<i>Athene cunicularia</i>	Yes
Coastal Cactus Wren	<i>Campylorhynchus brunneicapillus couesi</i>	Yes
Coastal California Gnatcatcher	<i>Polioptila californica californica</i>	Yes
Cooper's Hawk	<i>Accipiter cooperii</i>	No
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	No
Least Bell's Vireo	<i>Vireo bellii pusillus</i>	Yes
Long-eared Owl	<i>Asio otus</i>	No
Southwestern Willow Flycatcher	<i>Empidonax trallii extimus</i>	Yes
Tricolored Blackbird	<i>Agelaius tricolor</i>	Yes
White-tailed Kite	<i>Elanus leucurus</i>	Yes
Yellow-breasted Chat	<i>Icteria virens</i>	No
Yellow Warbler	<i>Dendroica petechial</i>	No
Amphibians		
Arroyo Toad	<i>Bufo californicus</i>	Yes
Western Spadefoot Toad	<i>Spea [=Scaphiophus] hammondii</i>	Yes
Reptiles		
California Glossy Snake	<i>Arizona elegans occidentalis</i>	No
Coast Patch-nosed Snake	<i>Salvadora hexalepis virgulata</i>	No
Northern Red-diamond Rattlesnake	<i>Crotalus ruber ruber</i>	Yes
Orange-throated Whiptail	<i>Aspidoscelis hyperythra [=Cnemidophorus hyperythrus] beldingi</i>	Yes
Red Coachwhip	<i>Masticophis flagellum piceus</i>	No
"San Diego" Coast Horned Lizard	<i>Phrynosoma coronatum</i> (blainvillei population)	Yes
Southwestern Pond Turtle	<i>Emys [=Clemmys] marmorata pallida</i>	No
Fish		
Arroyo Chub	<i>Gila orcutti</i>	Yes
Partially-armored Threespine Stickleback	<i>Gasterosteus aculeatus microcephalus</i>	No
Invertebrates		
Riverside Fairy Shrimp	<i>Streptocephalus woottoni</i>	No
San Diego Fairy Shrimp	<i>Branchinecta sandiegonensis</i>	No
Plants		
California Scrub Oak	<i>Quercus berberidifolia</i>	No
Chaparral Beargrass	<i>Nolina cismontana</i>	No
Coast Live Oak	<i>Quercus agrifolia</i>	No
Coulter's Saltbush	<i>Atriplex coulteri</i>	Yes
Many-stemmed Dudleya	<i>Dudleya multicaulis</i>	Yes
Southern Tarplant	<i>Centromadia parryi var. australis</i>	No
Thread-leaved Brodiaea	<i>Brodiaea filifolia</i>	Yes

From the table above it is evident that the DEIR failed to analyze the impacts to many SSHCP Covered Species. We request that the Final EIR analyze the impacts to the sixteen species (16) noted above that the DEIR did not address.

Effect on Habitat Reserve Function and Value

The effect of the Proposed Project on the function and value of the SSHCP Habitat Reserve is not addressed in the DEIR. The DEIR states on page 4.4-47 that “All proposed project components would be constructed within the plan area of the SDG&E Subregional NCCP/HCP, as well as the Orange County Southern HCP”. However, the DEIR provides no analysis of the impacts of the Proposed Project components to the SSHCP Habitat Reserve even though we provided an exhibit in our comments on the NOP which indicated where the SSHCP conservation easement has been recorded and, thus, the lands that have been enrolled in the Habitat Reserve. Rather, the DEIR defers the analysis of the effects of the Proposed Project to a future consultation process with USFWS and CDFW – see page 4.4-48. According to the DEIR “these consultation processes would reduce conflicts with the provisions of an adopted HCP or other conservation areas, but not to a level that is less than significant.” In accordance with CEQA, the DEIR must analyze and disclose impacts, and where feasible propose mitigation measures to address the disclosed impacts. The DEIR cannot defer the analysis to a future date particularly when the effects of the Proposed Project can be analyzed at the present time. We request that the Final EIR address the effect of the Proposed Project on the function and value of the SSHCP Habitat Reserve.

Consistency with SSHCP Conservation Easement

The DEIR also fails to address the consistency of the Proposed Project with the SSHCP conservation easement. We have attached the SSHCP conservation easement for your use (Exhibit B). We request that the Final EIR analyze the consistency of the Proposed Project with the terms of the SSHCP conservation easement.

Future Coordination

Mitigation measure BR-10: Mitigation Plan Development requires the submittal of a draft mitigation plan to USFWS and CDFW for review and comment, and submittal of a final mitigation plan to CPUC for approval, prior to start of construction. We request that SDG&E provide The Reserve an opportunity to review and comment on the mitigation plan.

2. Alternative F

Our review of the DEIR indicates that Alternative F has greater impacts than the Proposed Project in regard to several key environmental topics and resources. Specifically, the DEIR acknowledges that (i) Alternative F could result in localized traffic impacts in and around the Rancho Mission Viejo substation, and (ii) Alternative F would have greater impacts on agricultural, biological and cultural resources, as well as geology and soils, as a result of construction of the transmission line through “less disturbed and accessible” ROW (i.e., the SSHCP Habitat Reserve). (DEIR, pages 5-16 and 5-17). We agree with the DEIR in this regard and request that the CPUC reject this alternative.

Again, thank you for the opportunity to provide these comments. Should you have any questions about The Reserve or the SSHCP, please feel free to contact me at (949) 240-3363 Ext 297.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Coley Eisenberg', with a long horizontal stroke extending to the right.

Laura Coley Eisenberg
Executive Director

Attachments

Cc: Board of Directors
Richard Broming, RMV
Jonathan Snyder, USFWS

EXHIBIT A

THE RESERVE
AT
RANCHO MISSION VIEJO



February 22, 2013

Mr. Andrew Barnsdale
California Public Utilities Commission
Re: SOCRE Project
c/o Ecology and Environmental, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 92411

Reference: Notice of Preparation for South Orange County Reliability Enhancement
(SOCRE) Project Environmental Impact Report

Subject: The Reserve at Rancho Mission Viejo Comments

Dear Mr. Barnsdale:

Thank you for providing The Reserve at Rancho Mission Viejo ("The Reserve") with the opportunity to review and comment on the referenced Notice of Preparation (NOP). The Reserve has reviewed the NOP and offers the following comments for your consideration.

The Reserve at Rancho Mission Viejo is the holder of conservation easements over certain Rancho Mission Viejo (RMV) lands in the vicinity of the proposed SOCRE Project. The location of these easements is depicted on the attached exhibit. These easements were recorded as a result of Rancho Mission Viejo's implementation of the Southern Subregion Habitat Conservation Plan (SSHCP). The SSHCP is a multi-species habitat conservation plan approved by the U.S. Fish and Wildlife Service (USFWS) in 2007. The plan provides for the protection of 32 Covered Species (seven of which are listed), ten Conserved Vegetation Communities in a habitat reserve of 32,818 acres of which 20,868 belong to RMV. The easement and irrevocable covenant lands shown on the attached figure are the initial RMV dedicated lands.

It appears from Figure 1 of the NOP that the proposed SOCRE Project may affect our recorded conservation easement lands in the vicinity of La Pata Avenue therefore we request that the draft EIR analyze the following:

1. The proposed Project's effects on the 32 Covered Species set forth in the SSHCP.
2. The proposed Project's effects on the function and value of the Southern Subregion Habitat Reserve.

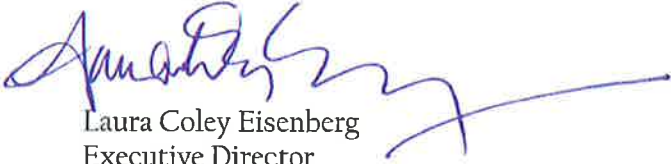
3. The consistency of the proposed Project with the terms of the recorded conservation easement.

If the EIR finds that the proposed Project will result in impacts to the Southern Subregion Habitat Reserve and any Covered Species or Conserved Vegetation Community, we further request the following:

1. The California Public Utilities Commission (CPUC) and/or SDG&E, as applicable, comply with all applicable minimization measures set forth in Appendix U to the SSHCP.
2. The CPUC and/or SDG&E, as applicable, coordinate any and all activities involving the conservation easement lands with this office.

Again, thank you for the opportunity to provide these comments. Should you have any questions about The Reserve or the SSHCP, please feel free to contact me at (949) 240-3363 Ext 297.

Sincerely,

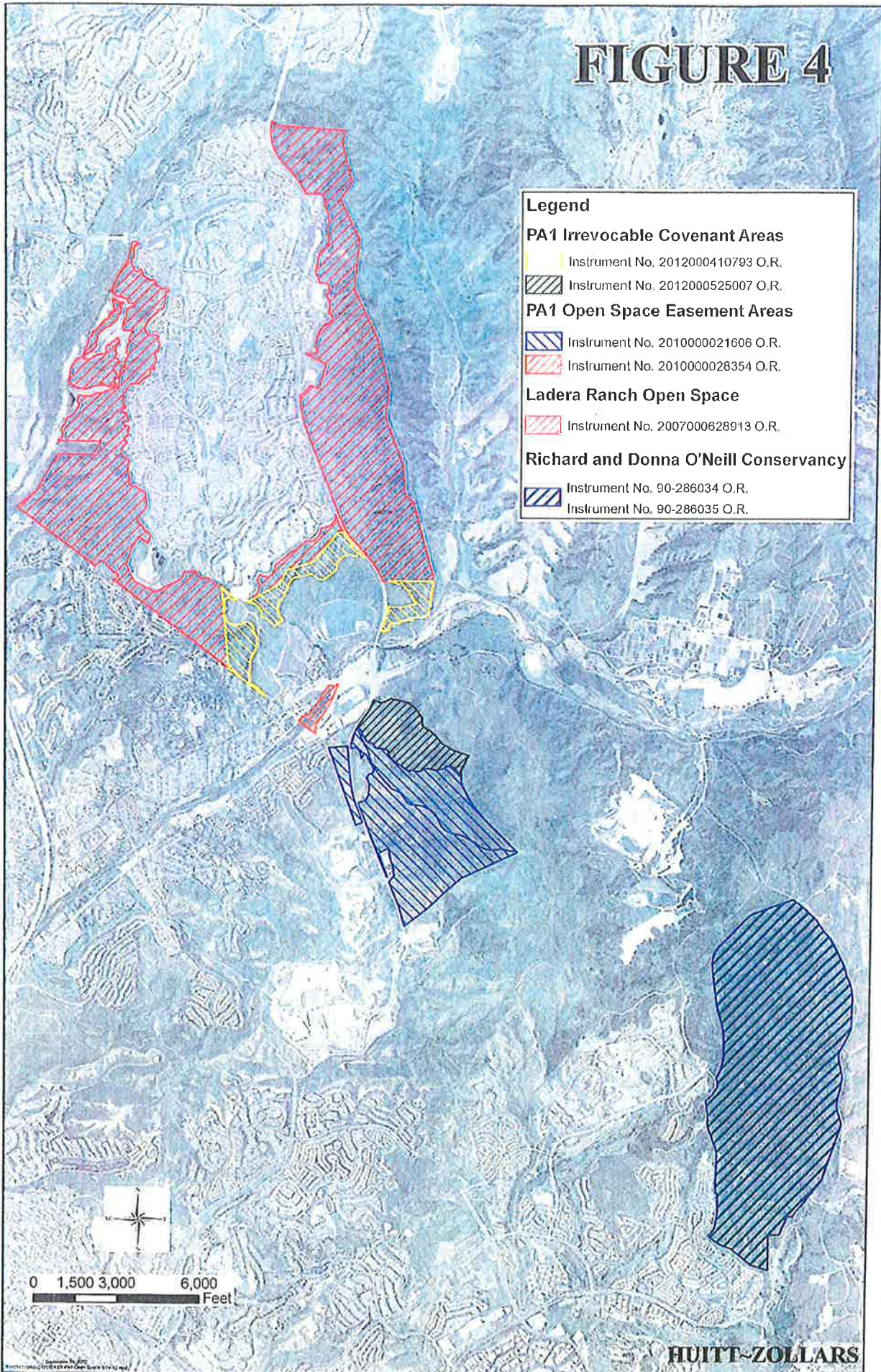


Laura Coley Eisenberg
Executive Director

Attachment

Cc: Board of Directors
Richard Broming, RMV
Jonathan Snyder, USFWS

FIGURE 4



Legend

PA1 Irrevocable Covenant Areas

- Instrument No. 2012000410793 O.R.
- Instrument No. 2012000525007 O.R.

PA1 Open Space Easement Areas

- Instrument No. 2010000021606 O.R.
- Instrument No. 2010000028354 O.R.

Ladera Ranch Open Space

- Instrument No. 2007000628913 O.R.

Richard and Donna O'Neill Conservancy

- Instrument No. 90-286034 O.R.
- Instrument No. 90-286035 O.R.

0 1,500 3,000 6,000 Feet

EXHIBIT B

Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder

RECORDING REQUESTED BY AND)
WHEN RECORDED MAIL TO:)
)
Rancho Mission Viejo, LLC)
28811 Ortega Highway)
San Juan Capistrano, California 92675)
Attention: Laura Coley Eisenberg)
)
)



138.00

201000021606 04:07pm 01/14/10

66 406 E01 45

0.00 0.00 0.00 0.00 132.00 0.00 0.00 0.00

Space Above Line for Recorder's Use Only

RMV-I-18

CONSERVATION EASEMENT DEED
(Including Third-Party Beneficiary)

THIS CONSERVATION EASEMENT DEED ("Conservation Easement") is made this 14th day of January, 2010, by DMB San Juan Investment North, LLC, a Delaware limited liability company, RMV San Juan Watershed, LLC, a California limited liability company, and RMV Community Development, LLC, a California limited liability company (collectively, "Grantor"), in favor of The Reserve at Rancho Mission Viejo, a California nonprofit public benefit corporation ("Grantee"), with reference to the following facts:

RECITALS

THE INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE COMPANY AS AN ACCOMMODATION
ONLY. IT HAS NOT BEEN EXAMINED AS TO ITS EXECUTION
OR AS TO ITS EFFECT UPON TITLE.

A. On November 8, 2004, the County of Orange ("County") adopted (1) the Ranch Plan Planned Community Zoning (the "Ranch Plan PC"), with its associated "PC Text," that established a blueprint for the long-term conservation, management and development of the Ranch Plan PC, and (2) the Ranch Plan Development Agreement that vests Grantor's development rights in return for certain public benefits (collectively, the "County Project Approvals").

B. As approved in 2004, the Ranch Plan PC provided for the future preservation of open space uses on approximately 15,132 acres of the Ranch Plan PC Area (the "Future RMV Habitat Reserve Dedication Areas"). In addition to conserving wildlife and habitat values, the open space preservation program was also designed to allow for continuation of the area's ranching heritage.

C. On August 16, 2005 the owners of the Ranch Plan PC Area and the County entered into a Settlement Agreement with the Sierra Club, Endangered Habitats League, Natural Resources Defense Council, Inc., Sea and Sage Audubon Society and Laguna Greenbelt, Inc. (collectively, the "Resource Organizations") whereby the owners agreed to increase the amount of open space to be protected ("Settlement Agreement"). After considering the commitments set forth in the Settlement Agreement, the Future RMV Habitat Reserve Dedication Areas is now estimated to be approximately 16,536 acres.

D. On January 10, 2007, Rancho Mission Viejo, LLC ("RMV"), the United States Fish and Wildlife Service ("USFWS" or "Service"), Santa Margarita Water District ("SMWD") and County entered into an "Implementation Agreement" ("IA") for the Southern Orange County

Subregion Habitat Conservation Plan (“HCP”) that, among other things, designates the 16,536 acres of Future RMV Habitat Reserve Dedication Areas for eventual inclusion as part of the HCP habitat reserve (“Habitat Reserve”) to mitigate for the impacts of development, including related infrastructure, on lands owned by RMV and/or its related, affiliated or successor entities. Compliance with the HCP and IA, including permanent conservation of the Future RMV Habitat Reserve Dedication Areas is required as a condition of federal Endangered Species Act Incidental Take Permit No. TE144140-0 issued on January 10, 2007 to RMV (the “Federal Permit”).

E. Activities described in the HCP for which regulatory coverage is granted under the Federal Permit, whether occurring in development areas or in portions of the Habitat Reserve, are referred to as “Covered Activities”.

F. The Future RMV Habitat Reserve Dedication Areas also include lands designated as Aquatic Resource Conservation Areas pursuant to the Special Area Management Plan (“SAMP”) for the San Juan Creek and western San Mateo Creek watersheds which was approved by the United States Army Corps of Engineers (“USACE”) on March 16, 2007.

G. The Future RMV Habitat Reserve Dedication Areas also include certain lands that will be used to compensate for the loss of habitat pursuant to the Master Streambed Alteration Agreement (“MSAA”) entered into between RMV and the California Department of Fish and Game (“CDFG”) on September 29, 2008.

H. RMV and the County entered into that certain Open Space Agreement dated July 25, 2006 (“Open Space Agreement”) in furtherance and implementation of the County Project Approvals.

I. Grantor is the sole owner in fee simple of certain real property located within the Future RMV Habitat Reserve Dedication Areas containing approximately 466 acres, located in the County of Orange, State of California, and more particularly described in Exhibit A, and depicted in Exhibit B, both of which are attached hereto and incorporated herein by this reference (the “Property”). Under the terms of the Settlement Agreement, the HCP and IA, the Open Space Agreement, and the Federal Permit, the Property and remaining portions of the Future RMV Habitat Reserve Dedication Areas are to be made subject to the Conservation Easement pursuant to a phased program of easement recordation (the “RMV Phased Dedication Program,” as set forth in Attachment 1 to the IA), as development of the Ranch Plan PC proceeds in accordance with the County Project Approvals. As more particularly described in the Implementation Agreement and the Open Space Agreement, with each development phase, the designated portion of the Future RMV Habitat Reserve Dedication Areas corresponding to that development phase will be annexed to and become part of the area covered by the Conservation Easement (“Conservation Easement Area”). The Property thus constitutes the initial Conservation Easement Area.

J. Grantee has been organized to preserve and enhance natural and open space lands for aesthetic, ecological, recreational, scientific, open space, rangeland, charitable, and education purposes, and Grantee is qualified under California Civil Code Section 815.3 to receive, administer and maintain conservation easements. Specifically, Grantee is a tax-exempt nonprofit

organization qualified under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and qualified to do business in California which has as its primary purpose the preservation and enhancement of natural and open space lands.

K. The Property and remaining portions of the Future RMV Habitat Reserve Dedication Areas possess wildlife and habitat values (collectively, "Conservation Values") of great importance to Grantee, the people of the State of California, and the people of the United States, including, among other things, the specific Conservation Values identified in Recital L, below.

L. The Property and remaining portions of the Future RMV Habitat Reserve Dedication Areas contain certain vegetation communities, designated "Conserved Vegetation Communities" in the HCP, that provide high quality habitat for certain species designated as "Covered Species" in the HCP. The Conserved Vegetation Communities are as follows: Coastal sage scrub, Chaparral, Grassland, Riparian, Marsh, Alkali meadow, Open water, Streamcourses, Coast live oak woodland and Coast live oak forest. The Covered Species are as follows: Burrowing owl (*Athene cunicularia*), Coastal cactus wren (*Campylorhynchus brunneicapillus couesi*), Coastal California gnatcatcher (*Polioptila californica californica*), Cooper's hawk (*Accipiter cooperii*), Grasshopper sparrow (*Ammodramus savannarum*), Least Bell's vireo (*Vireo bellii pusillus*), Long-eared owl (*Asio otus*), Southwestern willow flycatcher (*Empidonax trallii extimus*), Tricolored blackbird (*Agelaius tricolor*), White-tailed kite (*Elanus leucurus*), Yellow-breasted chat (*Icteria virens*), Yellow warbler (*Dendroica petechia*), Arroyo toad (*Bufo californicus*), Western spadefoot toad (*Spea [=scaphiophus] hammondii*), California glossy snake (*Arizona elegans occidentalis*), Coast patch-nosed snake (*Salvadora hexalepis virgulata*), Northern red-diamond rattlesnake (*Crotalus ruber ruber*), Orange-throated whiptail (*Aspidoscelis hyperythra [=cnemidophorus hyperythrus] beldingi*), Red coachwhip (*Masticophis flagellum piceus*), "San Diego" coast horned lizard (*Phrynosoma coronatum (blainvillei population)*), Southwestern pond turtle (*Emys [=clemmys] marmorata pallida*), Arroyo chub (*Gila orcutti*), Partially-armored threespine stickleback (*Gasterosteus aculeatus ssp. microcephalus*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), California scrub oak (*Quercus berberidifolia*), Chaparral beargrass (*Nolina cismontana*), Coast live oak (*Quercus agrifolia*), Coulter's saltbush (*Atriplex coulteri*), Many-stemmed dudleya (*Dudleya multicaulis*), Southern tarplant (*Centromadia parryi var. australis*), Thread-leaved brodiaea (*Brodiaea filifolia*).

M. The United States Fish and Wildlife Service ("Service"), an agency within the United States Department of the Interior, has jurisdiction over the conservation, protection, restoration and management of fish, wildlife, plants, and the habitat necessary for biologically sustainable populations of these species within the United States pursuant to the Endangered Species Act, 16 U.S.C. Section 1531, *et seq.*, the Fish and Wildlife Coordination Act, 16 U.S.C. Sections 661 – 666c, the Fish and Wildlife Act of 1956, 16 U.S.C. Section 742(f) *et seq.*, and other provisions of federal law.

N. This Conservation Easement has been reviewed and approved by the USFWS, the USACE and the County as satisfying the requirements of the Implementation Agreement and the SAMP, and (as to County only) the Open Space Agreement, with regard to the subject matter hereof.

O. This instrument, when recorded, will (1) document Grantor's grant to Grantee of the subject Conservation Easement, and (2) set forth the rights and obligations of the parties with respect to the Conservation Easement.

COVENANTS, TERMS, CONDITIONS AND RESTRICTIONS

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the laws of the United States and the State of California, including Civil Code Section 815, *et seq.*, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property in accordance with the terms and conditions hereafter set forth:

1. Purposes. The purposes of this Conservation Easement are to assure that (i) the Property will be retained forever in its natural, restored or enhanced condition consistent with the County Project Approvals, the Settlement Agreement, the HCP and IA, the Federal Permit, and the SAMP, and to allow only those certain Covered Activities on the Property that are allowed within the Habitat Reserve as set forth in the HCP and IA or otherwise specifically permitted herein, so as not to impair or interfere with the Conservation Values of the Property; (ii) the Property's ecological elements and scientific and aesthetic features and Conservation Values will be preserved and maintained in perpetuity consistent with the purpose of this Conservation Easement; (iii) the uses of the Property will be confined to those that are consistent with and in furtherance of the Habitat Reserve provisions of the HCP, including, without limitation, those involving the preservation, restoration and enhancement of native species and their habitats addressed under the HCP as provided in the Implementation Agreement and SAMP; (iv) the Conservation Values will be achieved, in part, through continued ranching and grazing uses in accordance with the HCP Grazing Management Plan; and (v) the Property will be managed in perpetuity consistent with the Habitat Reserve Management Plan ("HRMP") of the HCP. Nothing herein shall impair or modify the obligations/commitments of RMV under the Settlement Agreement

2. Initial Conservation Easement Area. The Property is the initial Conservation Easement Area and is more particularly described on Exhibit A, and depicted on Exhibit B, both of which are attached hereto and incorporated herein by this reference.

3. Annexation of Additional Conservation Easement Area. All or any part of the Ranch Plan PC Area designated as, or otherwise determined to be, additional future Conservation Easement Area in accordance with the HCP and IA, the SAMP and the Open Space Agreement shall be annexed to and become subject to this Conservation Easement pursuant to the RMV Phased Dedication Program. A spreader of easement covering the portion of the additional property to be annexed (and which shall subject such additional property then being annexed to the terms, covenants and conditions of this Conservation Easement) shall be executed and recorded, by Grantor and/or other applicable landowner(s). The recordation of said spreader of easement shall constitute and effectuate the annexation of the said property described therein, making said property subject to this Conservation Easement; and, thereafter, said annexed property shall be part of the Conservation Easement Area. The sequence of annexations shall be in accordance with the actual phasing of development, as provided in the HCP and IA, the SAMP and the Open Space Agreement. For purposes of this Easement, a spreader of

easement shall be a writing in recordable form which annexes property to the burdens and covenants of this Conservation Easement and which incorporates by reference all of the covenants, conditions, restrictions and other provisions of this Conservation Easement. In no event, however, shall any such spreader of easement revoke, modify or add to the covenants established by this Conservation Easement with respect to the existing Property then subject hereto. The phased dedication program shall be governed by the HCP and IA, the SAMP and the Open Space Agreement and nothing provided herein shall in any way alter the obligations of Grantor under said agreements to annex any property to this Conservation Easement or impose any similar or dissimilar covenants, conditions or restrictions on any of its other property; and such other property shall not become part of the Conservation Easement Area which is subject to this Conservation Easement unless and until Grantor shall have recorded a spreader of easement as aforesaid.

4. Grantee's Rights. To accomplish the purposes of this Conservation Easement, Grantor hereby grants and conveys the rights specified below to Grantee:

- (a) To preserve, protect, and sustain the Conservation Values of the Property;
- (b) To enter upon the Property at reasonable times in order to monitor compliance with and otherwise enforce the terms of this Conservation Easement, and to cooperate with the RMV Reserve Manager in carrying out the HCP HRMP, relative to management, monitoring and/or restoration of natural resources within the Property; provided that, except in the event of an emergency, all entry upon the Property by Grantee for the purpose of either enforcement or compliance monitoring (x) shall be by means of existing roads, trails and other routes and access points as may be reasonably approved by Grantor from time to time, (y) shall be upon not less than 24-hours prior written notice, which notice shall be provided to Grantor, including the anticipated time of entry, the purpose of such access and the number of individuals who will undertake such access, and (z) shall not unreasonably interfere with Grantor's authorized use and quiet enjoyment of the Property;
- (c) To enforce the terms and provisions of this Conservation Easement, prevent any activity on or use of the Property that is inconsistent with the purposes of this Conservation Easement and, in coordination with the RMV Reserve Manager, to restore or require the restoration of such areas or features of the Property that may be damaged by any act, failure to act, or any use that is inconsistent with the purposes of this Conservation Easement;
- (d) The use of Grantor's mineral, air and water rights pertaining to the Property necessary to preserve, protect and sustain the biological resources and Conservation Values of the Property which rights shall remain a part of and be put to beneficial use upon the Property, consistent with the purposes of this Conservation Easement; and
- (e) All of Grantor's present and future development rights pertaining to the Property; such rights are hereby terminated and extinguished, and may not be used on or transferred to any portion of the Property, nor any other property adjacent or otherwise. The foregoing shall not limit or restrict Grantor's reserved right to carry out any and all Covered Activities that are authorized to be conducted within the Habitat Reserve as set forth in the HCP and IA.

5. Prohibited Uses. All activities on or uses of the Property inconsistent with the purpose of this Conservation Easement are prohibited, including the following

- (a) Fuel modification zones adjacent to development;
- (b) Commercial and industrial uses;
- (c) Row crop agricultural practices;
- (d) Residential uses;
- (e) Active recreation not provided for in Section 11.2 of the HCP (e.g., mountain biking is a Compatible Use), including golf and athletic fields;
- (f) Collection or removal of any native plant, animal or microorganism, unless authorized for monitoring or research under the HRMP, or for other purposes authorized by the County or RMV Reserve Managers for their respective portions of the Habitat Reserve and consistent with relevant state and/or federal permits, authorizations or agreements;
- (g) Deliberate introduction of any non-native plant or wildlife species or microorganism not authorized under the HRMP;
- (h) Disturbance, collection, or removal of cultural resources unless conducted under a survey, salvage or research program authorized by the County or RMV Reserve Managers for their respective portions of the Habitat Reserve and consistent with relevant state and/or federal permits, authorizations or agreements;
- (i) Collection of rocks, soils and fallen trees unless conducted under a survey, salvage or research program authorized by the County or RMV Reserve Managers for their respective portions of the Habitat Reserve consistent with the HRMP;
- (j) Collection of cultural artifacts unless authorized by the County or appropriate state/federal agency;
- (k) Any activities that are incompatible with or may disturb or disrupt ongoing HRMP activities;
- (l) Use of firearms or weapons, hunting or trapping (unless carried out pursuant to the HRMP) and fireworks;
- (m) Wood fires outside designated fire rings, and wood fires anywhere in the Habitat Reserve during extreme fire conditions;
- (n) Cigarette, cigar, pipe or other smoking;

- (o) Vehicle operations off designated roads, with the exception of farming equipment within designated agricultural areas and activities related to maintaining grazing, such as fence repairs;
- (p) Hiking, mountain biking and equestrian activities off designated trails;
- (q) Swimming and/or wading in lakes, ponds and creeks, unless conducted as part of activities authorized by the HRMP (e.g., monitoring or research of aquatic species);
- (r) All pets off leash (6-foot maximum leash), all pets outside designated locations or off designated trails and failure to dispose of pet waste other than in trash receptacles;
- (s) Alcohol consumption, except as specifically authorized by the RMV Reserve Manager for specific special outdoor gatherings;
- (t) Dumping of ashes, trash, garbage or other unsightly, offensive or toxic material or the storage or use of biocides and agricultural chemicals except as such biocides and/or chemicals may be necessary: (i) implement the AMP; or (ii) to support the allowed agricultural uses;
- (u) Nurseries;
- (v) Construction offices;
- (w) Maintenance yards;
- (x) Commercial stables (except the St. Augustine's Training Center and Stables or successors in its current location);
- (y) Research and development facilities (except for the uses at the Northrop Grumman-Capistrano Test Site permitted by the lease);
- (z) Waste disposal operations and associated uses (except the Recycling and Recovery facility as described in Section 3.7 of the Settlement Agreement);
- (aa) Storage facilities;
- (bb) Mining and quarrying of materials;
- (cc) Materials recycling and recovery facilities (except for the Recycling and Recovery Facility described in Section 3.7 of the Settlement Agreement);
- (dd) New, expanded and/or relocated citrus or other orchard crops (not including the additional 50 acres of orchards allowed pursuant to Section 4.2(b) of the Settlement Agreement);

- (ee) New, expanded and/or relocated dry farming;
- (ff) Irrigated crops (except citrus or other orchard crops as provided above);
- (gg) Packing plants (except when located within allowed orchards);
- (hh) Any uses or activities that are not Existing Agricultural/Ranching Practices as defined in section 1.3 of the Settlement Agreement, except as expressly authorized by the Settlement Agreement;
- (ii) Caretaker or employee housing and related facilities except as authorized by Sections 3.8 and 4.2(a) of the Settlement Agreement;
- (jj) Feed lots;
- (kk) Active recreation and related facilities except Existing Agricultural/Ranching Practices;
- (ll) Passive public recreation except as authorized in the HCP;
- (mm) Fire station or permanent wildland fire training facility;
- (nn) Fuel modification zones;
- (oo) Exploration, excavating, dredging, drilling, extraction, removal, production, storage, transport of hydrocarbon substances or minerals on the surface of, or below and within a depth of 500 feet of the surface of, the Property. [Exploration and extraction of such substances below a depth of 500 feet of the surface of the Property is not prohibited, provided that said activities do not compromise or impair the integrity of the protected habitat and species resources located on the Property.]
- (pp) Without the prior written consent of Grantee and the Service, which consent may be withheld, separating the water rights appurtenant to the Property.

6. Grantor's Duties. Grantor shall undertake all reasonable actions to prevent the unlawful entry and trespass by persons whose activities may degrade or harm the Conservation Values of the Property. In addition, Grantor shall undertake all necessary actions to protect the rights of Grantee under Section 4 of this Conservation Easement, including but not limited to, Grantee's rights under Section 4(d) above.

7. Reserved Rights. Grantor reserves to itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from its ownership of the Property, including the right to engage in or to permit or invite others to engage in all uses of the Property that are not expressly prohibited or limited by, and are consistent with the purposes of, this Conservation Easement. Without limiting the generality of the foregoing, Grantor expressly reserves the right to carry out any and all Covered Activities that are authorized to be conducted within the Habitat

Reserve as set forth in the HCP and IA. Furthermore, the termination of the HCP and the Federal Permit shall not affect Grantors reserved rights, and any Covered Activities previously authorized shall continue to be consistent with the purposes of this Conservation Easement.

8. Limitations on Public Use. No use of the Property by the general public is authorized by this Conservation Easement; and any and all such general public use shall be limited to the use of the regional and community hiking and/or riding trails which are described on existing recorded easements or other public record documents, or which are associated with Covered Activities, unless such use is with the express prior written consent, and otherwise subject to the supervision, of the Grantor and Grantee, consistent with the HCP, HRMP and any Management Action Plan prepared pursuant to the HCP that is applicable to the Property ("MAP"), and within the boundaries of specified hiking and/or riding trails delineated and described as such, and/or specified ranch access roads. Neither Grantor nor Grantee shall encourage or permit the general public to use or enter upon the Property except as expressly provided herein. For purposes hereof, the term "general public" shall not include designated employees and agents of the Service, persons accompanied by either Grantor or Grantee, or any of their employees, agents, representatives, contractors or subcontractors, entering onto the Property for, respectively, any reserved uses (as to Grantor) or any Grantee permitted uses as specified in the HCP, HRMP and/or MAP.

9. Remedies. The Service and the other third party beneficiaries of this Conservation Easement identified in Section 15(o) shall have the same rights as Grantee under this section to enforce the terms of this Conservation Easement. If Grantee determines that a violation of the terms of this Conservation Easement has occurred or is threatened, Grantee shall give written notice to Grantor of such violation and demand in writing the cure of such violation. At the time of giving any such notice, Grantee shall give a copy of the notice to the Service. If Grantor fails to cure the violation within thirty (30) days after receipt of written notice and demand from Grantee, or if the cure reasonably requires more than thirty (30) days to complete and Grantor fails to begin the cure within the thirty (30)-day period or fails to continue diligently to complete the cure, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement, to recover any damages to which Grantee may be entitled for violation of the terms of this Conservation Easement or for any injury to the conservation values of the Property, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies, or for other equitable relief, including, but not limited to, the restoration of the Property to the condition in which it existed prior to any such violation or injury. Without limiting Grantor's liability therefor, Grantee may apply any damages recovered to the cost of undertaking any corrective action on the Property.

If Grantee, in its reasonable discretion, determines that circumstances require immediate action to prevent or mitigate damage to the conservation values of the Property, Grantee may pursue its remedies under this Section 9 without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this section apply equally to actual or threatened violations of the terms of this Conservation Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Conservation Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including

specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity, including but not limited to, the remedies set forth in Civil Code Section 815, *et seq.*, inclusive. The failure of Grantee to discover a violation or to take immediate legal action shall not bar Grantee from taking such action at a later time.

9.1 Costs of Enforcement. Any costs incurred by Grantee or the third party beneficiaries specified in Section 15(o), where such entity is the prevailing party, in enforcing the terms of this Conservation Easement against Grantor, including, but not limited to, costs of suit and attorneys' and experts' fees, and any costs of restoration necessitated by Grantor's breach of this Conservation Easement shall be borne by Grantor.

9.2 Discretion of Grantee, and Third Party Beneficiaries. Enforcement of the terms of this Conservation Easement by Grantee and the third party beneficiaries specified in Section 15(o) shall be at the discretion of the enforcing party, and any forbearance by Grantee, or any of the third party beneficiaries to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement shall not be deemed or construed to be a waiver by Grantee or the third party beneficiary of such term or of any subsequent breach of the same or any other term of this Conservation Easement or of any of Grantee's rights (or any third party beneficiary's rights) under this Conservation Easement. No delay or omission by Grantee or a third party beneficiary in the exercise of any right or remedy shall impair such right or remedy or be construed as a waiver.

9.3 Acts Beyond Grantor's Control. Nothing contained in this Conservation Easement shall be construed to entitle Grantee or a third party beneficiary to bring any action against Grantor for any injury to or change in the Property resulting from (i) any natural cause beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes; or (ii) acts by Grantee or its employees, or a third party beneficiary or its employees. Notwithstanding the above, Grantor remains obligated to implement the relevant responses to Changed Circumstances identified in the HCP and required under the Federal Permit referenced under recital D above.

9.4 Third Party Beneficiary Right of Enforcement. All rights and remedies conveyed to Grantee under this Conservation Easement Deed shall extend to and are enforceable by the third party beneficiaries specified in Section 15(o). These rights are in addition to, and do not limit, the rights of enforcement under the Federal Permit.

10. Enforcement by Grantor. Grantor, any "Successor Grantors" (as defined below) and their successors shall have the right to enforce by proceedings at law or in equity, all restrictions, conditions, covenants and reservations, now or hereafter imposed by the provisions of this Conservation Easement or any amendment thereto, including the right to specific enforcement and otherwise to prevent the violation of any such restrictions, conditions, covenants or conditions; provided, Grantor shall not have the right to terminate this Conservation Easement.

11. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property. Grantor agrees that neither Grantee nor any third party beneficiary shall have any duty or responsibility for the operation, upkeep or maintenance of the Property, the monitoring of hazardous conditions thereon, or the protection of Grantor, the public or any third parties from risks relating to conditions on the Property. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any activity or use permitted by this Conservation Easement Deed, and any activity or use shall be undertaken in accordance with all applicable federal, state, local and administrative agency statutes, ordinances, rules, regulations, orders and requirements.

11.1 Taxes; No Liens. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish Grantee and any third party beneficiary with satisfactory evidence of payment upon request. Grantor shall keep the Property free from any liens, including those arising out of any obligations incurred by Grantor for any labor or materials furnished or alleged to have been furnished to or for Grantor at or for use on the Property.

11.2 Hold Harmless. Grantor shall hold harmless, protect and indemnify Grantee and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (each a "Grantee Indemnified Party") and, collectively, "Grantee's Indemnified Parties"), and each third party beneficiary and its directors, officers, employees, agents, contractors, and representatives, and the heirs, personal representatives, successors and assigns of each of them (each a "Third Party Beneficiary Indemnified Party") and, collectively, "Third Party Beneficiary Indemnified Parties"), from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"), arising from or in any way connected with this Conservation Easement to the extent permitted by state and/or federal law except to the extent caused by the negligence or willful misconduct of the Third Party Beneficiary Indemnified Parties.

11.3 Extinguishment. If circumstances arise in the future that render the purposes of this Conservation Easement impossible to accomplish, this Conservation Easement can only be terminated or extinguished, in whole or in part, by judicial proceedings in a court of competent jurisdiction. Grantor shall provide prior written notice to Grantee and the Service at least 45 days before taking any action to extinguish the Conservation Easement and, prior to extinguishment, shall provide a conservation easement at an alternate site, acceptable to the Service.

11.4 Condemnation. Grantor shall immediately notify Grantee and the Service in writing of any action to condemn this Conservation Easement. The purposes of this Conservation Easement are presumed to be the best and most necessary public use as defined at Code of Civil Procedure Section 1240.680.

12. Transfer of Easement. This Conservation Easement may be assigned or transferred by Grantee upon written approval of the Service, which approval shall not be unreasonably withheld or delayed, but Grantee shall give Grantor and the Service at least thirty (30) days prior written notice of the transfer. In particular, approval of any assignment may be withheld in the reasonable discretion of the Service if the transfer will result in a single owner holding both the Conservation Easement and the fee title to the Property and, upon such transfer, the doctrine of merger would apply to extinguish the Conservation Easement by operation of law, unless prior to the assignment or transfer, an alternative mechanism acceptable to the Service to achieve the purposes of this Conservation Easement following such merger has been provided for. Grantee may assign this Conservation Easement only to an entity or organization authorized to acquire and hold conservation easements pursuant to Civil Code Section 815.3 (or any successor provision then applicable) or the laws of the United States and reasonably acceptable to the Service. Grantee shall require the assignee to record the assignment in the county where the Property is located. The failure of Grantee to perform any act provided in this section shall not impair the validity of this Conservation Easement or limit its enforcement.

13. Transfer of Property. Grantor agrees to incorporate the terms of this Conservation Easement by reference in any deed or other legal instrument by which Grantor divests itself of any interest in all or any portion of the Property, including, without limitation, a leasehold interest. Grantor agrees that the deed or other legal instrument shall also incorporate by reference, applicable provisions of the HCP and IA, the HRMP, and the MAP, and any amendments to those documents. Grantor further agrees to give written notice to Grantee and the Service of the intent to transfer any interest at least thirty (30) days prior to the date of such transfer. Grantee or the Service shall have the right to prevent subsequent transfers in which prospective subsequent claimants or transferees are not given notice of the covenants, terms, conditions and restrictions of this Conservation Easement (including the exhibits and documents incorporated by reference in it). If Grantor proposes to transfer fee title to the Property to the then Grantee of this Conservation Easement, and if the doctrine of merger would apply and extinguish the Conservation Easement by operation of law upon such transfer, then the transfer shall be subject to the prior written approval of the Service, which approval shall not be unreasonably withheld or delayed. Approval of any such transfer to the Grantee may be withheld in the reasonable discretion of the Service unless, prior to the transfer, an alternative mechanism acceptable to the Service to achieve the purposes of this Conservation Easement following such merger has been provided for. Upon the recordation of such writing accepting such assignment and assuming such duties, such assignee (the "Successor Grantor"), to the extent of such assignment, shall have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by Grantor herein and Grantor shall be released and relieved of such rights and obligations provided that notwithstanding any such assignment or transfer, Grantor shall remain liable to perform and fund its obligations under the HCP, the HRMP, the MAP, and Federal Permit until and unless an assignment of the Permit and release of Grantor's obligations thereunder is approved in writing by the Service as provided in the IA. The failure of Grantor, Grantee or the Service to perform any act provided in this section shall not impair the validity of this Conservation Easement or limit its enforceability in any way. This Section 13 shall not apply to a transfer of property pursuant to, or in lieu of, a condemnation of the Property or any portion thereof; however, Grantor agrees to give written notice to Grantee and the Service of such transfer at least thirty (30) days prior to the date of such transfer.

14. Notices. Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to the other parties shall be in writing and be served personally or sent by recognized overnight courier that guarantees next-day delivery or by first class mail, postage fully prepaid, addressed as follows:

To Grantor: Rancho Mission Viejo, LLC
28811 Ortega Highway
San Juan Capistrano, California 92675
Attention: Senior Vice President,
Planning and Entitlement

To Grantee: The Reserve at Rancho Mission Viejo
28811 Ortega Highway
San Juan Capistrano, California 92675

To: Service: United States Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

or to such other address as Grantor, Grantee or the Service may designate by written notice to the other parties. Notice shall be deemed effective upon delivery in the case of personal delivery or delivery by overnight courier or, in the case of delivery by first class mail, five (5) days after deposit into the United States mail.

15. General Provisions.

(a) Controlling Law. The interpretation and performance of this Conservation Easement shall be governed by the laws of the State of California, disregarding the conflicts of law principles of such state and applicable federal law.

(b) Liberal Construction. Despite any general rule of construction to the contrary, this Conservation Easement shall be liberally construed to effect the purposes of this Conservation Easement and the policy and purpose of Civil Code Section 815, *et seq.* If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If a court of competent jurisdiction voids or invalidates on its face any provision of this Conservation Easement, such action shall not affect the remainder of this Conservation Easement. If a court of competent jurisdiction voids or invalidates the application of any provision of this Conservation Easement to a person or circumstance, such action shall not affect the application of the provision to other persons or circumstances.

(d) Entire Agreement. This instrument, including the HCP and IA, HRMP, MAP, and the Federal Permit, incorporated herein by this reference, sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment in accordance with Section 15(n).

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(f) Successors. The covenants, terms, conditions, and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall constitute a servitude running in perpetuity with the Property.

(g) Covenant Running with the Land. This Conservation Easement and covenants contained herein are (i) imposed upon the property encumbered by or otherwise subject to this Conservation Easement, (ii) shall run with and against the same and shall be a charge and burden thereon for the benefit of Grantee and/or the current holder of this Conservation Easement and (iii) are perpetual and irrevocable.

(h) Termination of Rights and Obligations. A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(i) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

(j) No Hazardous Materials Liability. Except as disclosed in any Phase 1 report provided to the Grantee prior to the recordation of this Conservation Easement, Grantor represents and warrants that it has no knowledge or notice of any Hazardous Materials (defined below) or underground storage tanks existing, generated, treated, stored, used, released, disposed of, deposited or abandoned in, on, under, or from the Property, or transported to or from or affecting the Property. Without limiting the obligations of Grantor under Section 11.2, Grantor hereby releases and agrees to indemnify, protect and hold harmless the Grantee Indemnified Parties and, Third Party Beneficiary Indemnified Parties (each as defined in Section 11.2) from and against any and all Claims (as defined in Section 11.2) arising from or connected with any Hazardous Materials or underground storage tanks present, alleged to be present, or otherwise associated with the Property at any time, except any Hazardous Materials placed, disposed, or released by Grantee, or a Third Party Beneficiary or any of Grantee's or a Third Party Beneficiary's employees or agents. This release and indemnification includes, without limitation, Claims for (i) injury to or death of any person or physical damage to any property; and (ii) the violation or alleged violation of, or other failure to comply with, any Environmental Laws (defined below).

Despite any contrary provision of this Conservation Easement, the parties do not intend this Conservation Easement to be, and this Conservation Easement shall not be, construed such that it creates in or gives to Grantee, or any Third Party Beneficiary, any of the following:

(1) The obligations or liability of an "owner" or "operator," as those terms are defined and used in Environmental Laws (defined below), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Section 9601 *et seq.*; hereinafter, "CERCLA"); or

(2) The obligations or liabilities of a person described in 42 U.S.C. Section 9607(a)(3) or (4); or

(3) The obligations of a responsible person under any applicable Environmental Laws; or

(4) The right to investigate and remediate any Hazardous Materials associated with the Property; or

(5) Any control over Grantor's ability to investigate, remove, remediate or otherwise clean up any Hazardous Materials associated with the Property.

The term "Hazardous Materials" includes, without limitation, (a) material that is flammable, explosive or radioactive; (b) petroleum products, including by-products and fractions thereof; and (c) hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 *et seq.*; hereinafter "RCRA"); the Hazardous Materials Transportation Act (49 U.S.C. Section 6901 *et seq.*; hereinafter "HTA"); the Hazardous Waste Control Law (California Health & Safety Code Section 25100 *et seq.*; hereinafter "HCL"); the Carpenter-Presley-Tanner Hazardous Substance Account Act (California Health & Safety Code Section 25300 *et seq.*; hereinafter "HSA"), and in the regulations adopted and publications promulgated pursuant to them, or any other applicable Environmental Laws now in effect or enacted after the date of this Conservation Easement.

The term "Environmental Laws" includes, without limitation, CERCLA, RCRA, HTA, HCL, HSA, and any other federal, state, local or administrative agency statute, ordinance, rule, regulation, order or requirement relating to pollution, protection of human health or safety, the environment or Hazardous Materials. Grantor represents, warrants and covenants to Grantee and Service that activities upon and use of the Property by Grantor, its agents, employees, invitees and contractors will comply with all Environmental Laws.

(k) Warranty. Grantor represents and warrants that there are no outstanding mortgages or liens in the Property that have not been expressly subordinated to this Conservation Easement Deed, and that the Property is not subject to any other conservation easement.

(l) Additional Easements. Except in conjunction with carrying out its Covered Activities, Grantor shall not grant any additional easements, rights of way or other similar interests in the Property (other than a security interest that is subordinate to this Conservation Easement), without first obtaining the written consent of Grantee and the Service.

Grantee or the Service may withhold such consent if it reasonably determines that the proposed interest or transfer is inconsistent with the purposes of this Conservation Easement or will impair or interfere with the Conservation Values of the Property. This Section 15(l) shall not prohibit transfer of a fee or leasehold interest in the Property that is subject to this Conservation Easement and complies with Section 13. Further, this Section 15(l) shall not prohibit the grant of an easement in connection with a project which involves the transfer of land by Grantor pursuant to, or in lieu of, a condemnation of the Property or any portion thereof,

(m) Recording. Grantee shall record this Conservation Easement Deed in the Official Records of Orange County, California, and may re-record it at any time as Grantee deems necessary to preserve its rights in this Conservation Easement.

(n) Amendment; Inconsistency. Except as expressly hereinafter provided, this Conservation Easement may be modified only by written instrument executed by the record owner(s) of the property encumbered hereby, the then-holder of this Conservation Easement, and only if such modification is approved in advance in writing by the Service and County (as determined by the Director of Planning and Development Services) and, in each event, provided that such modification is otherwise consistent with the terms, policies and goals hereof, the Settlement Agreement, the HCP and IA and the Federal Permit.

(o) Third-Party Beneficiaries. Grantor and Grantee acknowledge that the Service, the County, the Resource Organizations, USACE (with regard to any portion of the Property designated as Aquatic Resources Conservation Areas), and CDFG (with regard to any portions of the Property that are "riparian" areas within the scope of the MSAA) shall be deemed, and are hereby, third party beneficiaries of this Conservation Easement and subsequently recorded "spreader easements" with a right of access to the Property and all areas covered by subsequently recorded "spreader easements" within the Future RMV Habitat Reserve Dedication Areas and a right to enforce the terms and provisions hereof. The conditions on access to the Property by Grantee under paragraph 4(b) shall apply to USFWS except: (1) when the USFWS has reason to believe a violation of the Federal Permit, or laws or regulations applicable to the Permit, has occurred or may be occurring which, in the USFWS's good-faith judgment, warrants immediate or noticeless access; or (2) entry, without consent, is otherwise for law enforcement purposes consistent with the Fourth Amendment to the Constitution. In addition Grantor and Grantee acknowledge that Service is expressly granted certain additional rights under this Conservation Easement, including but not limited to a right to prior written notice of certain specified actions and a right of approval of certain specified actions.

(p) Condemnation. In the event of any condemnation or sale of the Conservation Easement Area or any property encumbered thereby or otherwise subject thereto, Grantor shall be entitled to all of the condemnation proceeds attributable thereto or otherwise arising therefrom.

[Signatures on following pages]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Conservation Easement Deed the day and year first above written.

GRANTOR:

DMB SAN JUAN INVESTMENT NORTH, LLC,
a Delaware limited liability company

By: Rancho Mission Viejo, LLC,
a Delaware limited liability company,
as authorized agent and manager

By: Anthony R. Moiso
Anthony R. Moiso
President and CEO

By: Richard M. Broming
Richard M. Broming
Sr. Vice President, Planning & Entitlement

RMV SAN JUAN WATERSHED, LLC,
a California limited liability company

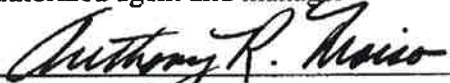
By: Rancho Mission Viejo, LLC,
a Delaware limited liability company,
as authorized agent and manager

By: Anthony R. Moiso
Anthony R. Moiso
President and CEO


By: Richard M. Broming
Richard M. Broming
Sr. Vice President, Planning & Entitlement

RMV COMMUNITY DEVELOPMENT, LLC,
a California limited liability company

By: Rancho Mission Viejo, LLC,
a Delaware limited liability company,
as authorized agent and manager

By: 

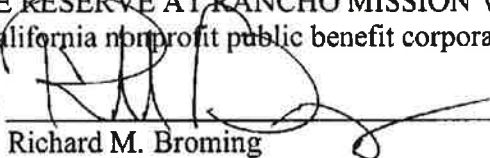
Anthony R. Molso
President and CEO

By: 

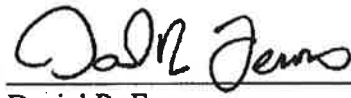
Richard M. Broming
Sr. Vice President, Planning & Entitlement

GRANTEE:

THE RESERVE AT RANCHO MISSION VIEJO,
a California nonprofit public benefit corporation

By: 

Richard M. Broming
President

By: 

Daniel R. Ferons
Secretary

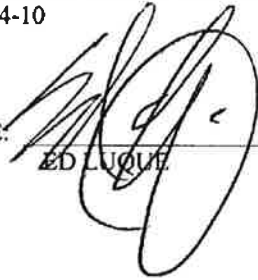
GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

NAME OF NOTARY: JOAN LEE DYER
DATE COMMISSION EXPIRES: NOV 8, 2012
COUNTY WHERE BOND IS FILED: ORANGE
COMMISSION NUMBER: 1818457
MANUFACTURER/VENDOR NUMBER: NNA1

PLACE OF EXECUTION: RANCHO CUCAMONGA, CA
DATED: 1-14-10

SIGNATURE:



ED LUQUE

ACKNOWLEDGMENT

State of California

County of Orange

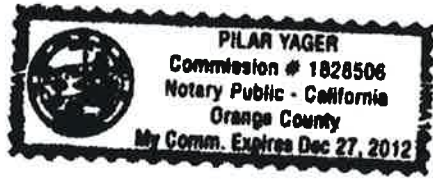
On January 12, 2010 before me, Pilar Yager, Notary Public
(insert name and title of the officer)

personally appeared Daniel R. Ferons
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Pilar Yager (Seal)



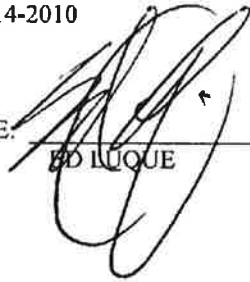
GOVERNMENT CODE 27361.7

I CERTIFY UNDER PENALTY OF PERJURY THAT THE NOTARY SEAL ON THE DOCUMENT TO WHICH THIS STATEMENT IS ATTACHED READS AS FOLLOWS:

NAME OF NOTARY: PILAR YAGER
DATE COMMISSION EXPIRES: DEC 27, 2012
COUNTY WHERE BOND IS FILED: ORANGE
COMMISSION NUMBER: 1828506
MANUFACTURER/VENDOR NUMBER: NNA1

PLACE OF EXECUTION: RANCHO CUCAMONGA, CA
DATED: 1-14-2010

SIGNATURE:



PILAR YAGER

10-1155-01 (D)
01-06-10

EXHIBIT A
LEGAL DESCRIPTION OF CONSERVATION EASEMENT AREA
(SUB-AREA 1.1 PHASE I)

Parcel 1:

That portion of Parcel 2 of Lot Line Adjustment LL 2003-004, in the Unincorporated Territory of the County of Orange, State of California, recorded March 19, 2003 as Instrument No. 2003000294469 of Official Records, in the office of the County Recorder of said County, described as follows:

Beginning at the Southwesterly terminus of that certain course in the Southeasterly line of said Parcel 2 of said Lot Line Adjustment LL 2003-004 shown as having a bearing and distance of "N 65°11'38" E 2469.17' " on said Lot Line Adjustment LL 2003-004; thence along said Southeasterly line North 65°11'38" East 2279.82 feet; thence leaving said Southeasterly line North 48°54'43" West 62.54 feet; thence North 88°41'48" West 248.56 feet; thence North 76°45'34" West 301.71 feet; thence South 81°00'22" West 179.45 feet to the beginning of a curve concave Northeasterly having a radius of 900.00 feet; thence Northwesterly 728.23 feet along said curve through a central angle of 46°21'38"; thence North 52°38'00" West 140.83 feet; thence North 64°29'10" West 210.57 feet; thence North 57°15'53" West 190.56 feet to the beginning of a curve concave Southwesterly having a radius of 600.00 feet; thence Northwesterly 232.94 feet along said curve through a central angle of 22°14'38"; thence North 79°30'31" West 187.77 feet to the beginning of a curve concave Northeasterly having a radius of 750.00 feet; thence Northwesterly 667.56 feet along said curve through a central angle of 50°59'51"; thence North 28°30'40" West 206.42 feet to the beginning of a curve concave Southwesterly having a radius of 900.00 feet; thence Northwesterly 929.15 feet along said curve through a central angle of 59°09'06"; thence North 87°39'46" West 71.26 feet to the beginning of a curve concave Northeasterly having a radius of 400.00 feet; thence Northwesterly 393.74 feet along said curve through a central angle of 56°23'57"; thence North 31°15'49" West 163.20 feet to the beginning of a curve concave Southwesterly having a radius of 400.00 feet; thence Northwesterly 241.11 feet along said curve through a central angle of 34°32'10"; thence North 65°47'59" West 275.37 feet; thence North 38°04'54" West 147.56 feet; thence North 45°25'28" West 206.15 feet; thence North 39°35'35" West 372.72 feet; thence North 33°31'28" West 361.83 feet to the beginning of a curve concave Northeasterly having a radius of 800.00 feet; thence Northwesterly 218.46 feet along said curve through a central angle of 15°38'45"; thence North 17°52'43" West 370.88 feet; thence North 30°57'50" West 188.88 feet; thence North 22°18'22" West 91.03 feet; thence North 28°29'44" West 258.00 feet; thence North 21°05'32" West 162.02 feet; thence North 34°10'30" West 174.08 feet to the Southeasterly right-of-way line of La Pata Avenue as shown on said Lot Line Adjustment LL 2003-004 and a point

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on a non-tangent curve concave Southeasterly having a radius of 1550.00 feet, a radial line of said curve to said point bears North 59°37'58" West; thence along said Southeasterly right-of-way line Southwesterly 745.21 feet along said curve through a central angle of 27°32'48"; thence leaving said Southeasterly right-of-way line non-tangent North 82°01'12" East 94.54 feet to the beginning of a curve concave Southwesterly having a radius of 225.00 feet; thence Easterly and Southeasterly 339.31 feet along said curve through a central angle of 86°24'13"; thence South 11°34'35" East 211.70 feet; thence North 33°54'24" East 117.42 feet to the beginning of a curve concave Northwesterly having a radius of 100.00 feet; thence Northeasterly 48.90 feet along said curve through a central angle of 28°01'10"; thence North 5°53'14" East 34.22 feet to the beginning of a curve concave Southeasterly having a radius of 18.00 feet; thence Northeasterly, Easterly and Southeasterly 40.32 feet along said curve through a central angle of 128°21'12"; thence South 45°45'34" East 91.72 feet; thence South 42°57'45" East 68.55 feet to the beginning of a curve concave Southwesterly having a radius of 25.00 feet; thence Southeasterly and Southerly 20.05 feet along said curve through a central angle of 45°56'24"; thence South 2°58'39" West 38.61 feet to the beginning of a curve concave Northeasterly having a radius of 40.00 feet; thence Southeasterly 29.87 feet along said curve through a central angle of 42°46'50"; thence South 39°48'11" East 90.79 feet to the beginning of a curve concave Southwesterly having a radius of 75.00 feet; thence Southeasterly 34.47 feet along said curve through a central angle of 26°19'52"; thence South 13°28'19" East 13.36 feet to the beginning of a curve concave Northeasterly having a radius of 25.00 feet; thence Southeasterly 8.96 feet along said curve through a central angle of 20°32'38"; thence South 34°00'57" East 68.84 feet; thence South 32°01'44" East 188.14 feet to the beginning of curve concave Westerly having a radius of 110.00 feet; thence Southeasterly, Southerly and Southwesterly 128.66 feet along said curve through a central angle of 67°01'02"; thence South 34°59'18" West 70.98 feet to the beginning of a curve concave Northwesterly having a radius of 50.00 feet; thence Southwesterly 30.55 feet along said curve through a central angle of 35°00'27"; thence South 69°59'45" West 104.25 feet to the beginning of a curve concave Southeasterly having a radius of 25.00 feet; thence Southwesterly 16.55 feet along said curve through a central angle of 37°56'22"; thence South 32°03'23" West 98.27 feet to the beginning of a curve concave Northwesterly having a radius of 60.00 feet; thence Southwesterly 31.71 feet along said curve through a central angle of 30°17'02" to the beginning of a reverse curve concave Easterly having a radius of 25.00 feet; thence Southwesterly, Southerly and Southeasterly 48.14 feet along said curve through a central angle of 110°20'23"; thence South 47°59'58" East 54.42 feet to the beginning of a curve concave Southwesterly having a radius of 50.00 feet; thence Southeasterly 30.98 feet along said curve through a central angle of 35°29'58"; thence South 12°30'00" East 192.73 feet to the beginning of a curve concave Westerly having a radius of 100.00 feet; thence Southerly 29.90 feet along said curve through a central angle of 17°08'00"; thence South 4°38'00" West 145.01 feet; thence South 7°38'29" West 118.40 feet to the beginning of curve concave Northwesterly having a radius of 350.00 feet; thence

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Southwesterly 411.46 feet along said curve through a central angle of 67°21'25"; thence South 74°59'54" West 138.22 to the Northeasterly right-of-way line of said La Pata Avenue and a point on a non-tangent curve concave Northeasterly having a radius of 2950.00 feet, a radial line of said curve to said point bears South 70°06'36" West; thence along said Northeasterly right-of-way line, the following courses: Southeasterly 97.55 feet along said curve through a central angle of 1°53'41", South 21°47'05" East 2227.08 feet to the beginning of a curve concave Northeasterly having a radius of 2950.00 feet, Southeasterly 58.80 feet along said curve through a central angle of 1°08'31", and South 22°55'36" East 505.31 feet; thence leaving said Northeasterly right-of-way line North 0°58'06" West 71.27 feet; thence North 19°46'19" West 845.88 feet; thence North 66°08'23" East 386.25 feet; thence South 13°56'43" East 128.49 feet; thence South 0°21'21" East 119.10 feet; thence South 17°03'06" East 516.43 feet; thence South 2°03'00" West 83.50 feet; thence South 17°37'01" East 147.08 feet; thence South 37°45'24" West 334.77 feet to said Northeasterly right-of-way line; thence along said Northeasterly right-of-way line, the following courses: South 22°55'36" East 686.87 feet to the beginning of a curve concave Southwesterly having a radius of 3050.00 feet, Southeasterly 403.83 feet along said curve through a central angle of 7°35'10", South 15°20'26" East 431.74 feet to the beginning of a curve concave Northeasterly having a radius of 1550.00 feet, and Southeasterly 145.26 feet along said curve through a central angle of 5°22'10" to the most Southerly corner of said Parcel 2; thence leaving said Northeasterly right-of-way line along the Southeasterly line of said Parcel 2, the following courses: North 53°06'02" East 923.17 feet and North 48°12'40" East 1745.80 feet to the point of beginning.

Containing an area of 286.689 acres, more or less.

As more particularly shown on Exhibit B attached hereto and by this reference made a part hereof.

Parcel 2:

That portion of Parcel 104 of Certificate of Compliance No. CC 2001-01, in the Unincorporated Territory of the County of Orange, State of California, recorded July 26, 2001 as Instrument No. 20010508635 of Official Records, in the office of the County Recorder of said County, described as follows:

Beginning at the Easterly terminus of that certain course along the Southerly line of Parcel Two of the Planning Area One Development Boundary as approved July 26, 2006 by the Orange County Planning Commission Resolution No. 06-05, as shown on Record of Survey No. 2006-1181, in Book 218, Pages 14 through 24, inclusive, of Records of Survey, in the office of said County Recorder, shown as having a bearing and distance of "N 84°26'50" E 703.78' " on said Record of Survey; thence South 84°26'50" West 703.78

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feet along said Southerly line to a point on the Southwesterly line of said Parcel 104, as shown on said Record of Survey; thence along the Westerly, Southerly and Easterly lines of said Parcel 104, the following courses: South 19°17'44" East 1017.75 feet, North 58°02'03" East 484.09 feet, North 5°46'10" West 452.96 feet to the beginning of a curve concave Easterly having a radius of 1650.00 feet, and Northerly 322.24 feet along said curve through a central angle of 11°11'23" to the point of beginning.

Containing an area of 11.562 acres, more or less.

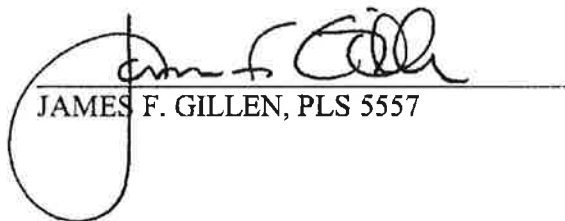
As more particularly shown on Exhibit B attached hereto and by this reference made a part hereof.

Parcel 3:

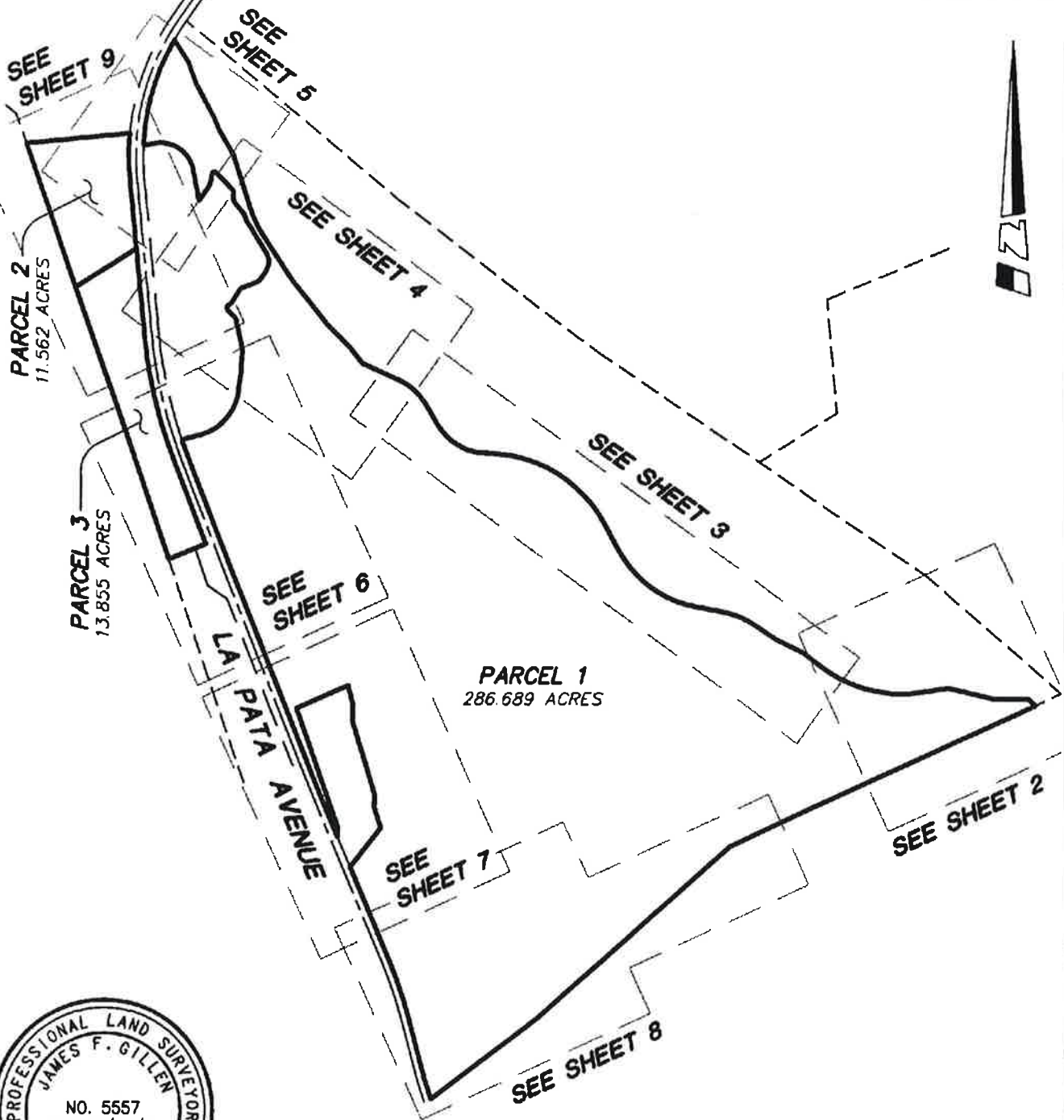
That portion of Parcel 2 of Lot Line Adjustment LL 2003-004, in the Unincorporated Territory of the County of Orange, State of California, recorded March 19, 2003 as Instrument No. 2003000294469 of Official Records, in the office of the County Recorder of said County, lying Westerly of La Pata Avenue.

Containing an area of 13.855 acres, more or less.

As shown on Exhibit B attached hereto and by this reference made a part hereof.


JAMES F. GILLEN, PLS 5557





INDEX SHEET

HUITT - ZOLLARS

Huitt-Zollars, Inc. Irvine
 430 Exchange, Suite 200, Irvine, CA 92602-1315
 Phone (714) 734-5100 Fax (714) 734-5155

APPROVED BY *[Signature]* 1/6/10

EXHIBIT B
SKETCH TO ACCOMPANY
DESCRIPTION OF
CONSERVATION EASEMENT
AREA
(SUB-AREA 1.1 PHASE I)

SCALE	1" = 200'
DRAWN BY	DWM
CHECKED BY	PMc
DATE	1/6/2010
JOB NO.	10-1155-01

SEE SHEET 3

LL 2003 - 004

N52°38'00"W
140.83'

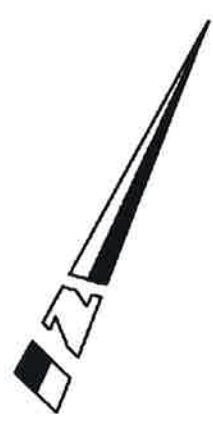
L=46°21'38"
R=900.00'

PARCEL 2

PARCEL 1
286.689 ACRES

INST. NO.

2003000294469, O.R.



SCALE: 1"=200'

SEE SHEET 8

N48°12'40"E 1,745.80'
(N48°12'40"E 1,745.80')

P.O.B.
PARCEL 1

SE'LY LINE PARCEL 2
LL 2003-004

N65°11'38"E 2,279.82'
(N65°11'38"E 2,469.17')

N81°00'22"E
179.45'

N76°45'34"W
301.71'

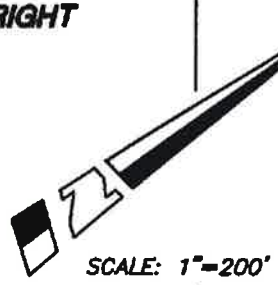
N88°41'48"W
248.56'

N48°54'43"W
62.54'

(XXX) INDICATES RECORD DATA PER
LOT LINE ADJUSTMENT LL 2003-004,
INST. NO. 2003000294469, O.R.

SEE SHEET 4

SEE BELOW RIGHT



PARCEL 2

LL 2003 - 004

PARCEL 1
286.689 ACRES

INST. NO.
2003000294469, O.R.

SEE SHEET 2

PARCEL 2

LL 2003 - 004

PARCEL 1
286.689 ACRES

INST. NO.
2003000294469, O.R.

SEE ABOVE LEFT

N28°30'40"W
206.42'

L=667.56'
R=750.00'

A=50°59'51"
L=187.77'

N17°19'03.71"W
187.77'

A=22°14'38"
R=600.00'
L=232.94'

N57°15'53"W
190.56'

N64°29'10"W
210.57'

N52°38'00"W
140.83'

A=46°21'38"
R=900.00'
L=728.23'

N65°47'59"W
275.37'

A=34°32'10"
R=400.00'
L=241.11'

N31°15'49"W
163.20'

A=56°23'57"
R=400.00'
L=393.74'

N87°39'46"W
71.26'

L=926.15'
R=900.00'

A=59°09'06"
L=926.15'

N28°30'40"W
206.42'

LA PATA AVENUE

SEE SHEET 5

SHEET 4 OF 9

PARCEL 2

N42°57'45"W 68.55'
Δ=45°56'24" R=25.00' L=20.05'
N02°58'39"E 38.61'
Δ=42°46'50" R=40.00' L=29.87'

N39°48'11"W 90.79'
Δ=26°19'52" R=75.00' L=34.47'
N13°28'19"W 13.36'
Δ=20°32'38" R=25.00' L=8.96'

N34°00'57"W 68.84'

Δ=35°00'27" R=50.00' L=30.55'
Δ=67°01'02" R=110.00' L=128.66'

Δ=15°38'45" R=800.00' L=218.46'

Δ=110°20'23" R=25.00' L=48.14'

N27°39'35"W
RAD PRC
Δ=30°17'02" R=60.00' L=31.71'

N32°03'23"E
Δ=37°56'22" R=25.00' L=16.55'

Δ=35°00'27" R=50.00' L=30.55'

Δ=67°01'02" R=110.00' L=128.66'

N32°01'44"W
Δ=15°38'45" R=800.00' L=218.46'

N47°59'58"W 54.42'

N07°38'29"E 118.40'

N04°38'00"E 145.01'

N12°30'00"W 192.73'

Δ=35°29'58" R=50.00' L=30.98'

Δ=37°56'22" R=25.00' L=16.55'

N69°59'45"E 104.25'

N34°59'18"E 70.98'

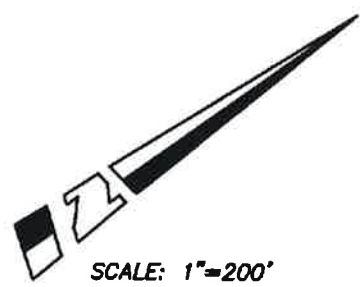
N33°31'28"W 361.83'

SEE SHEET 6

PARCEL 1
286.689 ACRES

LL 2003 004

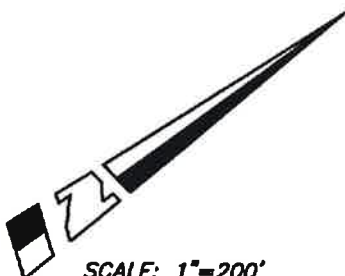
INST. NO.
2003000294469, O.R.



SCALE: 1"=200'

Δ=34°32'10" R=400.00' L=241.11'

SEE SHEET 3



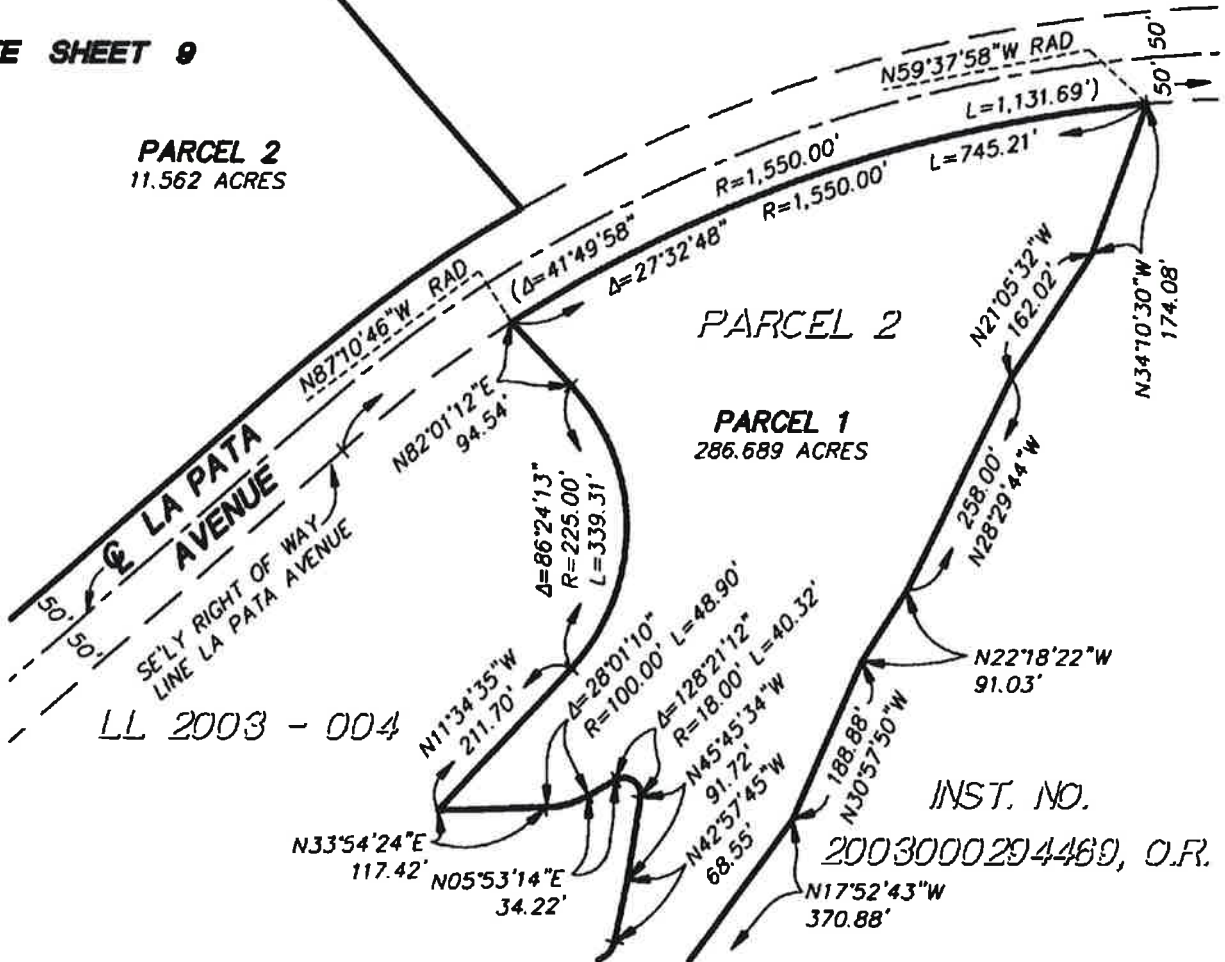
SCALE: 1"=200'

SEE SHEET 9

PARCEL 2
11.562 ACRES

PARCEL 2

PARCEL 1
286.689 ACRES



LL 2003 - 004

INST. NO.

2003000294469, O.R.

SEE SHEET 4

(XXX) INDICATES RECORD DATA PER
LOT LINE ADJUSTMENT LL 2003-004,
INST. NO. 2003000294469, O.R.

SEE SHEET 9

SEE SHEET 4 SHEET 6 OF 9

LL
2003-004

PARCEL 3
13.855 ACRES

PARCEL 2

SW'LY RIGHT OF WAY
LINE LA PATA AVENUE

NE'LY RIGHT OF WAY LINE
LA PATA AVENUE

LA PATA AVENUE

N21°47'05"W 2,227.06' (N21°47'05"W 2,227.08')

50' 50'

$\Delta=17^{\circ}08'00''$ R=100.00'
L=29.90'

N04°38'00"E
145.01'

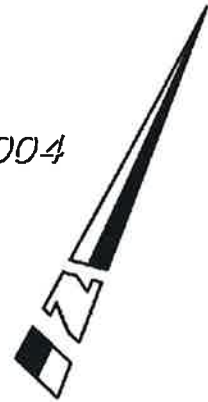
N07°38'29"E
118.40'

$\Delta=67^{\circ}21'25''$
R=350.00'
L=411.46'

$\Delta=01^{\circ}53'41''$
R=2,950.00'
L=97.55'

$\Delta=14^{\circ}06'55''$
R=2,950.00' L=824.41'
N70°06'36"E
138.22' RAD
N74°59'54"E

LL 2003 - 004



SCALE: 1"=200'

PARCEL 1
286.689 ACRES

PARCEL 2

INST. NO.

2003000294469, O.R.

SEE SHEET 7

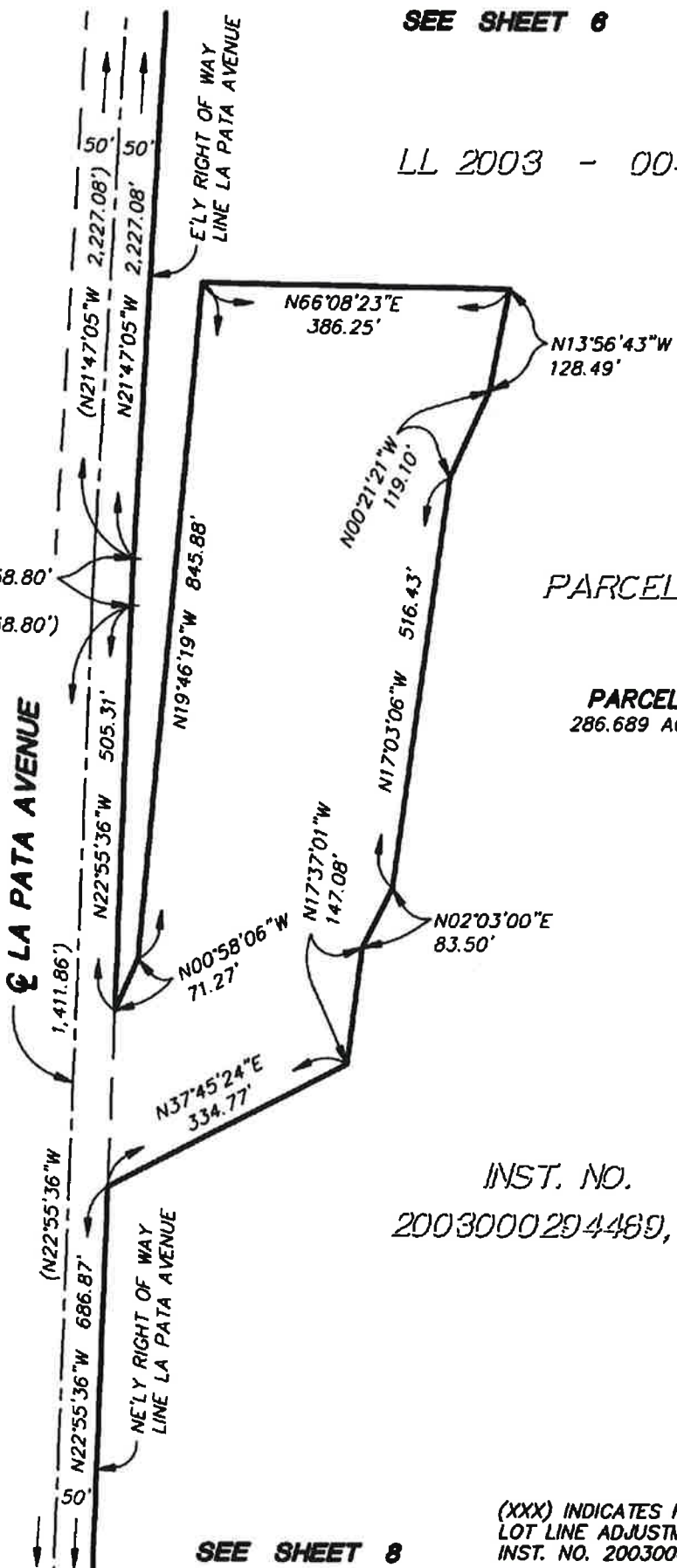
(XXX) INDICATES RECORD DATA PER
LOT LINE ADJUSTMENT LL 2003-004,
INST. NO. 2003000294469, O.R.

LL 2003 - 004

$\Delta=01^{\circ}08'31''$
 $R=2,950.00'$ $L=58.80'$
 $(\Delta=01^{\circ}08'31''$
 $R=2,950.00'$ $L=58.80')$



SCALE: 1"=200'



INST. NO.
2003000294469, O.R.

SEE SHEET 8

(XXX) INDICATES RECORD DATA PER
LOT LINE ADJUSTMENT LL 2003-004,
INST. NO. 2003000294469, O.R.

SEE SHEET 2



SCALE: 1"=200'

LL 2003 - 004

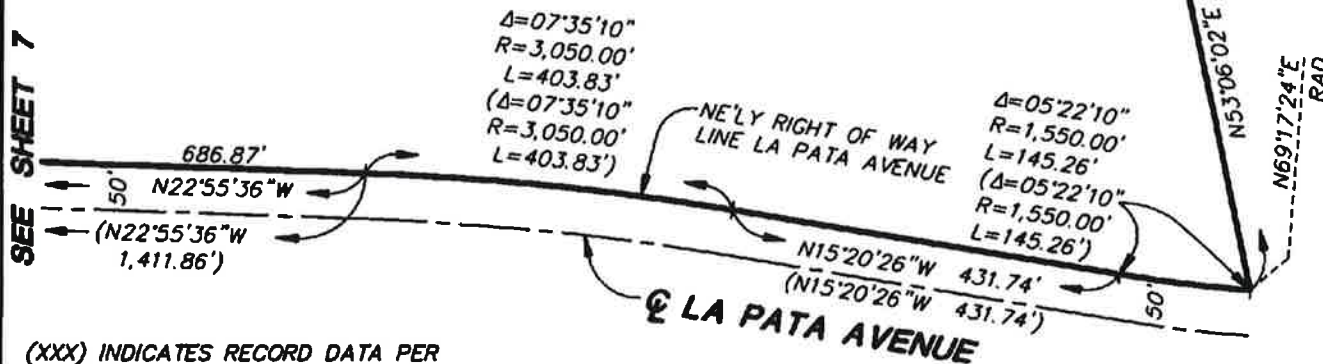
PARCEL 2

SE'LY LINE PARCEL 2.
LL 2003-004

PARCEL 1
286.689 ACRES

INST. NO.
2003000294469, O.R.

SEE SHEET 7



(XXX) INDICATES RECORD DATA PER
LOT LINE ADJUSTMENT LL 2003-004,
INST. NO. 2003000294469, O.R.

R . S . NO . 2006 - 1181

CC 2001 - 01

R . S . B . 218 / 14 - 24

SCALE: 1"=200'



SWLY LINE RANCHO MISSION VIEJO
& WLY LINE PARCEL 104

1,017.75'
7,618.91'
N19°17'44"W

S'LY LINE PARCEL TWO
PLANNING AREA ONE
DEVELOPMENT
BOUNDARY PER ORANGE
COUNTY PLANNING
COMMISSION RESOLUTION
NO. 06-05.

PARCEL 104

PARCEL 2
11.562 ACRES

INST. NO.
20010508835, O.R.

S'LY LINE
PARCEL 104

N58°02'03"E 484.09'

LL 2003-004

PARCEL 2

PARCEL 3
13.855 ACRES

INST. NO.
2003000294469,
O.R.

WLY RIGHT OF WAY
LINE LA PATA AVENUE

E'LY LINE
PARCEL 104

LL 2003-004

INST. NO.
2003000294469, O.R.

NB4°26'50"E

703.78' [M & R]

NB4°34'47"W
RAD

P.O.B.
PARCEL 2

Δ=111°123"
R=1,650.00'
L=322.24'

50' 50'

SEE SHEET 6

[N19°17'44"W

SEE SHEET 6

[XXX] INDICATES RECORD DATA
PER R.S. NO. 2006-1181,
R.S.B. 218/14-24.

SEE SHEET 4

10-1155-01 (D)
01-06-10

EXHIBIT A
LEGAL DESCRIPTION OF CONSERVATION EASEMENT AREA
(SUB-AREA 1.2 PHASE I)

That portion of Parcel 2 of Lot Line Adjustment LL 2003-004, in the Unincorporated Territory of the County of Orange, State of California, recorded March 19, 2003 as Instrument No. 2003000294469 of Official Records, in the office of the County Recorder of said County, together with those portions of Parcels 2 and 3 of Lot Line Adjustment LL 2004-039, in said Unincorporated Territory, recorded October 21, 2004 as Instrument No. 2004000951825 of said Official Records, described as follows:

Commencing at the Southwesterly terminus of that certain course in the Southeasterly line of said Parcel 2 of said Lot Line Adjustment LL 2003-004 shown as having a bearing and distance of "N 65°11'38" E 2469.17' " on said Lot Line Adjustment LL 2003-004; thence along said Southeasterly line North 65°11'38" East 2279.82 feet; thence leaving said Southeasterly line North 48°54'43" West 62.54 feet to the TRUE POINT OF BEGINNING; thence North 88°41'48" West 248.56 feet; thence North 76°45'34" West 301.71 feet; thence South 81°00'22" West 179.45 feet to the beginning of a curve concave Northeasterly having a radius of 900.00 feet; thence Northwesterly 728.23 feet along said curve through a central angle of 46°21'38"; thence North 52°38'00" West 140.83 feet; thence North 64°29'10" West 210.57 feet; thence North 57°15'53" West 190.56 feet to the beginning of a curve concave Southwesterly having a radius of 600.00 feet; thence Northwesterly 232.94 feet along said curve through a central angle of 22°14'38"; thence North 79°30'31" West 187.77 feet to the beginning of a curve concave Northeasterly having a radius of 750.00 feet; thence Northwesterly 667.56 feet along said curve through a central angle of 50°59'51"; thence North 28°30'40" West 206.42 feet to the beginning of a curve concave Southwesterly having a radius of 900.00 feet; thence Northwesterly 929.15 feet along said curve through a central angle of 59°09'06"; thence North 87°39'46" West 71.26 feet to the beginning of a curve concave Northeasterly having a radius of 400.00 feet; thence Northwesterly 393.74 feet along said curve through a central angle of 56°23'57"; thence North 31°15'49" West 163.20 feet to the beginning of a curve concave Southwesterly having a radius of 400.00 feet; thence Northwesterly 241.11 feet along said curve through a central angle of 34°32'10"; thence North 65°47'59" West 275.37 feet; thence North 38°04'54" West 147.56 feet; thence North 45°25'28" West 206.15 feet; thence North 39°35'35" West 372.72 feet; thence North 33°31'28" West 361.83 feet to the beginning of a curve concave Northeasterly having a radius of 800.00 feet; thence Northwesterly 218.46 feet along said curve through a central angle of 15°38'45"; thence North 17°52'43" West 370.88 feet; thence North 30°57'50" West 188.88 feet; thence North 22°18'22" West 91.03 feet; thence North 28°29'44" West 258.00 feet; thence North 21°05'32" West 162.02 feet; thence North 34°10'30" West 174.08 feet to the Southeasterly right-of-way line of La Pata Avenue as shown on said

EXHIBIT A
LEGAL DESCRIPTION OF
CONSERVATION EASEMENT AREA
(SUB-AREA 1.2 PHASE I)
PAGE 2

10-1155-01 (D)
01-06-10


Lot Line Adjustment LL 2003-004 and a point on a non-tangent curve concave Southeasterly having a radius of 1550.00 feet, a radial line of said curve to said point bears North 59°37'58" West; thence Northeasterly 60.05 feet along said curve and said Southeasterly right-of-way line through a central angle of 2°13'11"; thence leaving said Southeasterly right-of-way line non-tangent North 87°23'10" East 13.75 feet to the beginning of a curve concave Southwesterly having a radius of 45.00 feet; thence Southeasterly and Southerly 75.21 feet along said curve through a central angle of 95°45'23" to the beginning of a reverse curve concave Northeasterly having a radius of 40.00 feet; thence Southerly and Southeasterly 51.39 feet along said curve through a central angle of 73°36'21"; thence South 70°27'48" East 11.05 feet to the beginning of a curve concave Southwesterly having a radius of 75.00 feet; thence Southeasterly 61.12 feet along said curve through a central angle of 46°41'28"; thence South 23°46'20" East 50.58 feet; thence South 15°22'35" East 29.36 feet; thence South 5°04'47" West 13.74 feet to the beginning of a curve concave Easterly having a radius of 160.00 feet; thence Southerly 61.10 feet along said curve through a central angle of 21°52'41"; thence South 16°47'54" East 32.61 feet; thence South 70°58'28" East 25.93 feet to the beginning of a curve concave Southwesterly having a radius of 100.00 feet; thence Southeasterly 96.38 feet along said curve through a central angle of 55°13'24"; thence South 15°45'04" East 18.38 feet; thence South 35°38'08" East 105.40 feet to the beginning of a curve concave Northeasterly having a radius of 150.00 feet; thence Southeasterly 114.82 feet along said curve through a central angle of 43°51'31"; thence South 79°29'39" East 168.06 feet; thence South 15°57'20" East 111.73 feet; thence South 53°41'29" East 143.99 feet; thence North 81°58'41" East 134.41 feet; thence South 73°36'39" East 284.04 feet; thence South 1°45'00" East 157.86 feet; thence South 35°48'47" East 218.33 feet; thence South 55°38'57" East 753.18 feet; thence North 36°29'14" East 37.04 feet; thence North 80°58'22" East 58.58 feet; thence South 86°28'43" East 92.55 feet; thence South 68°42'38" East 108.06 feet; thence North 87°36'56" East 111.33 feet; thence North 62°46'49" East 177.21 feet; thence North 78°09'00" East 120.59 feet; thence South 77°44'35" East 338.06 feet; thence North 74°24'32" East 328.06 feet; thence North 42°27'18" East 97.27 feet; thence North 89°05'28" East 48.10 feet to the beginning of a curve concave Southwesterly having a radius of 350.00 feet; thence Southeasterly 434.60 feet along said curve through a central angle of 71°08'40"; thence South 19°45'52" East 52.66 feet; thence South 54°13'01" East 155.25 feet; thence South 0°20'16" East 247.80 feet; thence South 25°46'06" East 709.29 feet; thence South 38°08'35" East 563.02 feet; thence South 42°49'25" East 516.75 feet; thence South 44°41'09" East 1171.95 feet to a line bearing North 48°54'43" West and passing through the TRUE POINT OF BEGINNING; thence South 48°54'43" East 239.95 feet to the TRUE POINT OF BEGINNING.

Containing an area of 153.628 acres, more or less.

EXHIBIT A
LEGAL DESCRIPTION OF
CONSERVATION EASEMENT AREA
(SUB-AREA 1.2 PHASE I)
PAGE 3

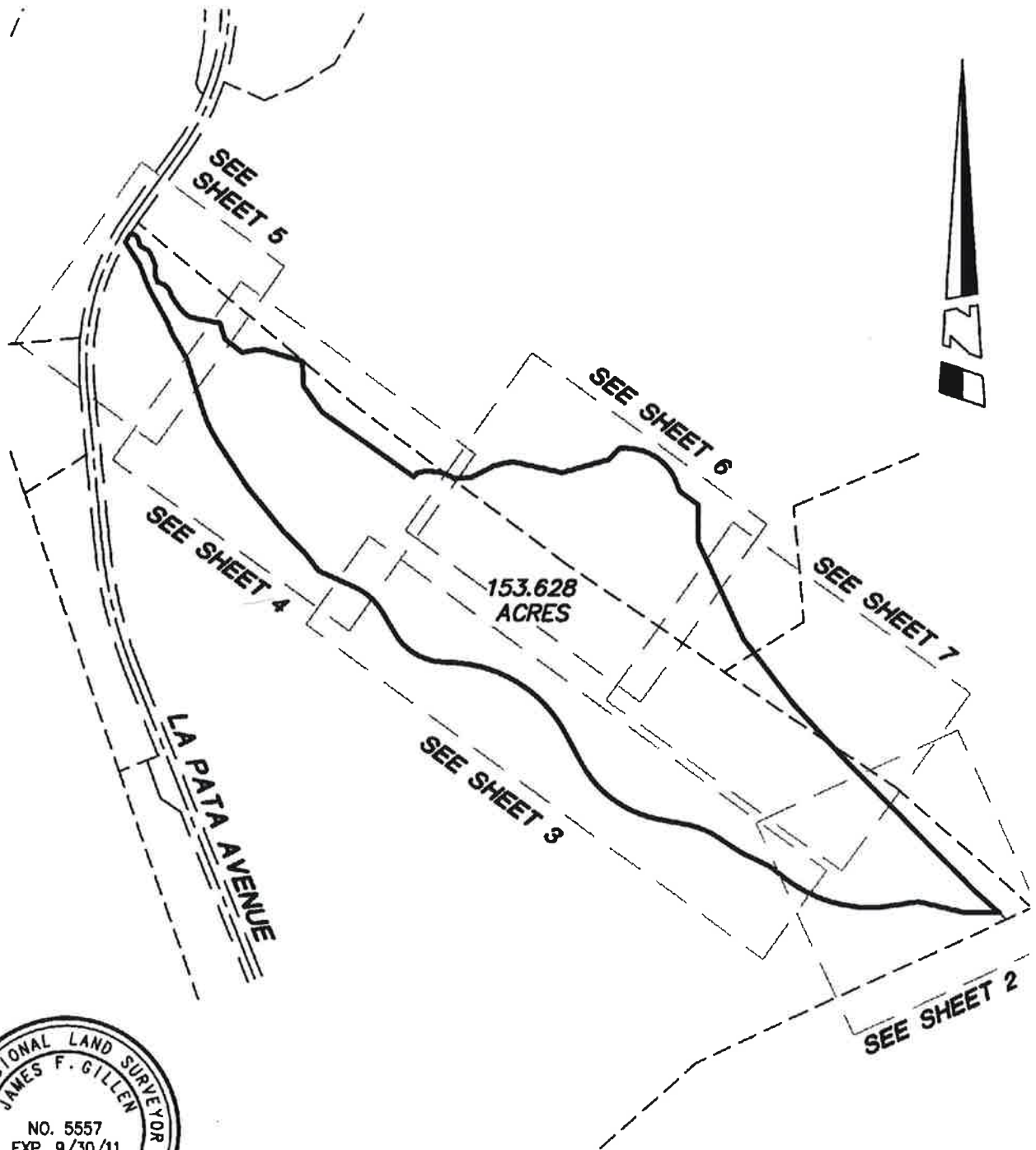
10-1155-01 (D)
01-06-10

As more particularly shown on Exhibit B attached hereto and by this reference made a part hereof.



JAMES F. GILLEN, PLS 5557





INDEX SHEET



HUITT - ZOLLARS

Huitt-Zollars, Inc. Irvine
 430 Exchange, Suite 200, Irvine, CA 92602-1315
 Phone (714) 734-5100 Fax (714) 734-5155

APPROVED BY

James F. Gillen 1/6/10

EXHIBIT B
SKETCH TO ACCOMPANY
DESCRIPTION OF
CONSERVATION EASEMENT
AREA
(SUB-AREA 1.2 PHASE I)

SCALE	NOT TO SCALE
DRAWN BY	DWM
CHECKED BY	PMc
DATE	1/6/2010
JOB NO.	10-1155-01

SEE SHEET 3

SCALE: 1"=200'

SEE SHEET 7

LL 2003 - 004

153.628 ACRES

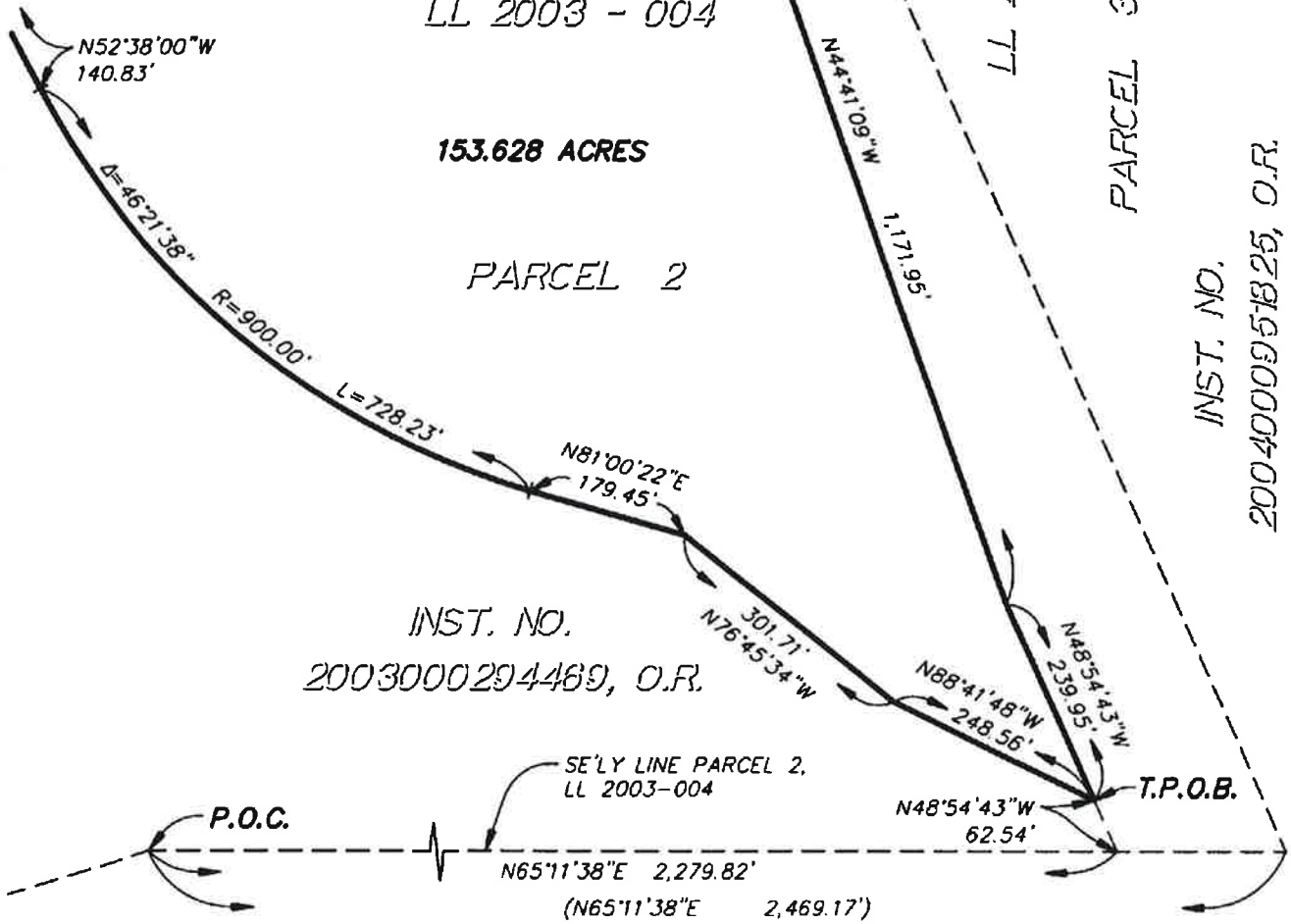
PARCEL 2

LL 2004 - 039

PARCEL 3

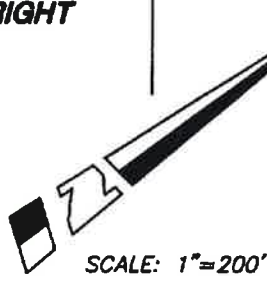
INST. NO.
2004000951825, O.R.

INST. NO.
2003000294469, O.R.



SEE SHEET 4

SEE BELOW
RIGHT



PARCEL

2

153.628 ACRES

LL 2003

004

PARCEL

2

153.628 ACRES

LL 2003 - 004

INST. NO.

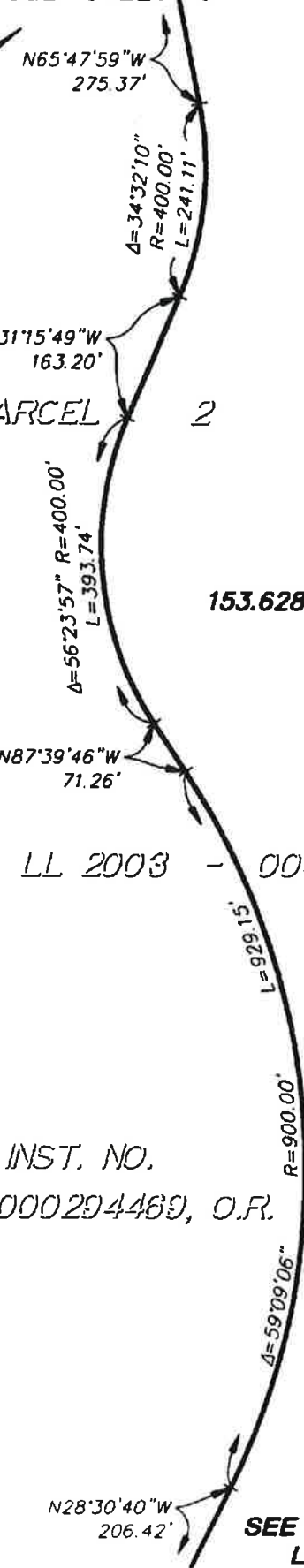
2003000294469, O.R.

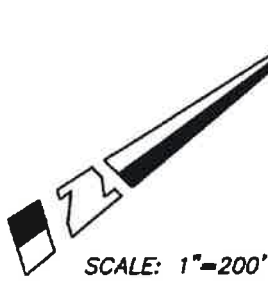
INST. NO.

2003000294469, O.R.

SEE SHEET 2

SEE ABOVE
LEFT





SEE SHEET 5

N15°57'20"W
111.73'

N53°41'29"W
143.99'

N81°58'41"E
134.41'

N73°36'39"W
284.04'

N01°45'00"W
157.86'

N35°48'47"W
218.33'

753.18'

N55°38'57"W

N80°58'22"E
58.58'

N36°29'14"E
37.04'

N86°28'43"W
92.55'

N68°42'38"W
108.06'

N17°52'43"W
370.88'

$\Delta=15:38'45"$
 $R=800.00'$
 $L=218.46'$

PARCEL 2

LL 2003 - 004

153.628 ACRES

INST. NO.

2003000294469, O.R.

N39°35'35"W
372.72'

N33°31'28"W
361.83'

N45°25'28"W
206.15'

N38°04'54"W
147.56'

N65°47'59"W
275.37'

$\Delta=34:32'10"$
 $R=400.00'$
 $L=241.11'$

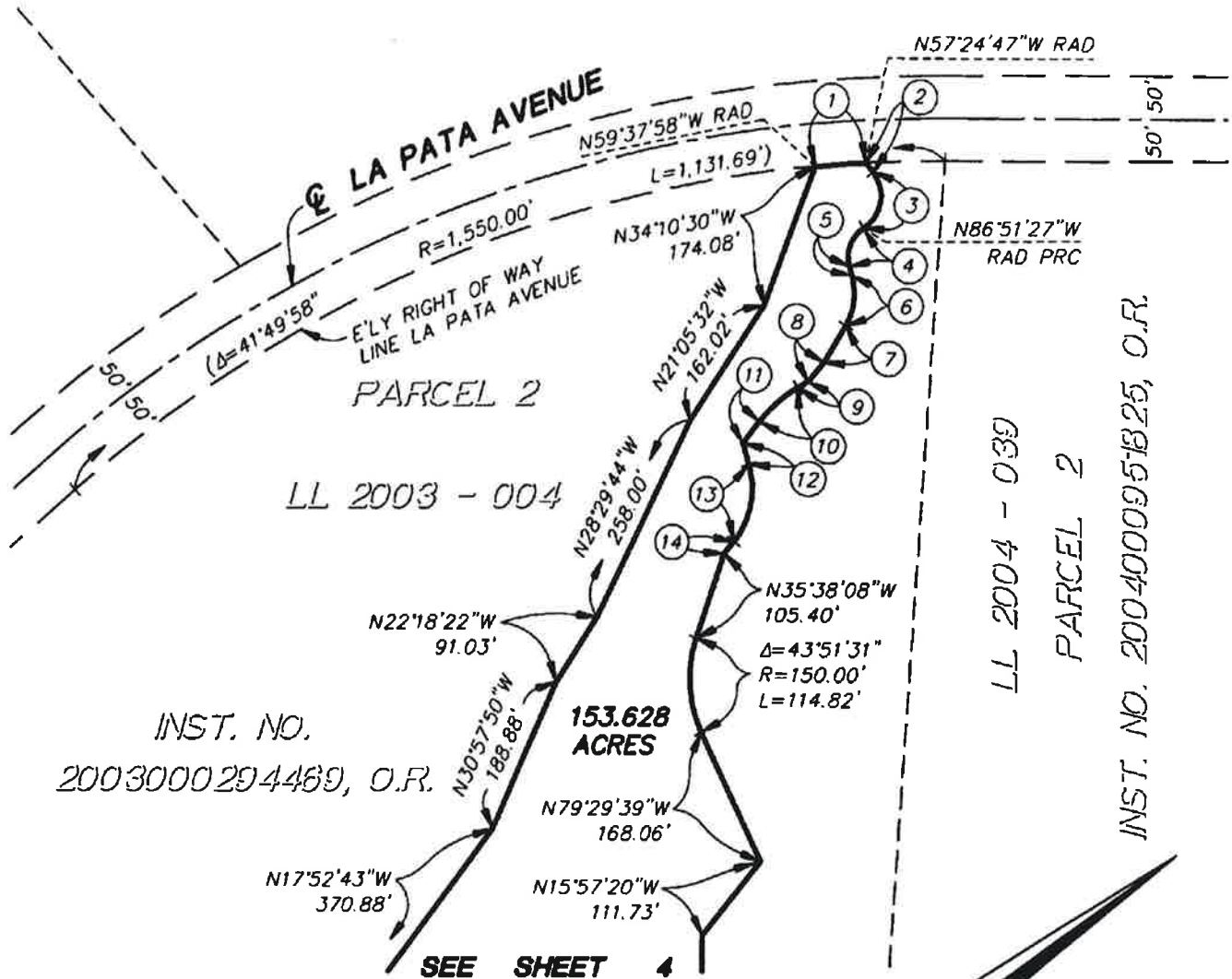
SEE SHEET 3

SEE SHEET 6

INST. NO. 2004000951825, O.R.

PARCEL 2

LL 2004 - 039



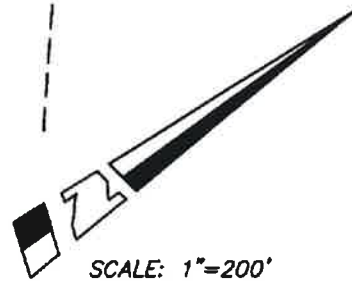
INST. NO.
2003000294469, O.R.

153.628
ACRES

LL 2004 - 039
PARCEL 2
INST. NO. 2004000951825, O.R.

COURSE & CURVE DATA:

- ① $\Delta=02^{\circ}13'11''$ $R=1,550.00'$ $L=60.05'$
- ② $N87^{\circ}23'10''E$ 13.75'
- ③ $\Delta=95^{\circ}45'23''$ $R=45.00'$ $L=75.21'$
- ④ $\Delta=73^{\circ}36'21''$ $R=40.00'$ $L=51.39'$
- ⑤ $N70^{\circ}27'48''W$ 11.05'
- ⑥ $\Delta=46^{\circ}41'28''$ $R=75.00'$ $L=61.12'$
- ⑦ $N23^{\circ}46'20''W$ 50.58'
- ⑧ $N15^{\circ}22'35''W$ 29.36'
- ⑨ $N05^{\circ}04'47''E$ 13.74'
- ⑩ $\Delta=21^{\circ}52'41''$ $R=160.00'$ $L=61.10'$
- ⑪ $N16^{\circ}47'54''W$ 32.61'
- ⑫ $N70^{\circ}58'28''W$ 25.93'
- ⑬ $\Delta=55^{\circ}13'24''$ $R=100.00'$ $L=96.38'$
- ⑭ $N15^{\circ}45'04''W$ 18.38'



(XXX) INDICATES RECORD DATA PER
LOT LINE ADJUSTMENT LL 2003-004,
INST. NO. 2003000294469, O.R.

N68°42'38"W
108.06'

N87°36'56"E
111.33'

N62°46'49"E
177.21'

N78°09'00"E
120.59'

N77°43'35"W
338.96'

N74°24'32"E
328.06'

N89°05'28"E
48.10'

N42°27'18"E
97.27'

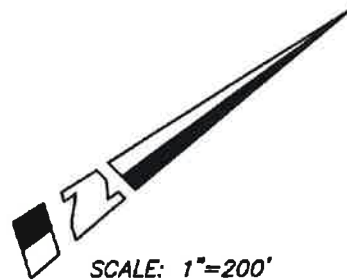
A=71°08'40"
R=350.00'
L=434.60'

N19°45'52"W
52.66'

N54°13'01"W
155.25'

N25°46'06"W
709.29'

247.80'
N00°20'16"W



SCALE: 1"=200'

PARCEL 2

LL 2004 - 039

LL 2003 - 004

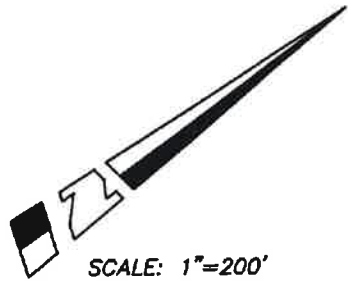
153.628 ACRES

PARCEL 2

INST. NO. 2004000951825, O.R.

INST. NO.

2003000294469, O.R.



SCALE: 1"=200'

LL 2003 - 004

153.628 ACRES

PARCEL 2

INST. NO. 2003000294469, O.R.

LL 2004 - 039

N44°41'09"W
1,171.95'

N42°49'25"W 516.75'

N38°08'35"W 563.02'

PARCEL 3

N25°46'06"W
709.29'

PARCEL 2

INST. NO. 2004000951825, O.R.

SEE SHEET 2

April 7, 2015

California Public Utilities Commission
RE: SOCRE project
% Ecology and Environment Inc.
505 Sansome Street. Suite 300
San Francisco, Ca. 94111

I'm writing in support of the South County Reliability Enhancement

I'm a 22 year resident of the Capistrano Villas condominiums in San Juan Capistrano, that is located at the north end of the project. I physically live approximately 200 yards from the upgrade to the double- circuit 230kV transmission lines. I believe the redundant system will be more reliability for everyone in Southern Orange County.

I'm a founding director of [Great Opportunities](#) (GO) a 501 C 3 nonprofit. For the past 12 years [GO](#) uses the community park and pool complex that are beneath the existing transmission lines. The SDGE easement that run through our neighborhood provides GO with an awesome location to teach, mentor and tutor disadvantage children. Also it is great location for program events to increase community awareness. Never in that time have I known of any negative effects on my neighbors health caused by the transmission lines.

Duane Cave of SDGE and myself have discussed this project a number of times. plus I have had the opportunities to listen, while he spoke at public forums. So I consider myself informed in my support of this upgrade. Our community infrastructure should be improved and maintained at all time for a safe and prosperous society.

When approving this project please take into consideration that the San Juan Capistrano Substation is the gateway to town. So, an aesthetic curb appeal is very important to us.

Eric Groos
30986 Calle San Diego
San Juan Capistrano, Ca.92675
949-370-5656

Midbust, Jessica

From: Karen Inman <Kinman@pcmineternet.com>
Sent: Friday, April 10, 2015 12:25 PM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Karen Inman PCM 5 sweet pea st Ladera ranch, CA 92694

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O'Connor, Bonny

From: Patricia McCauley <plmccauley1@gmail.com>
Sent: Friday, April 10, 2015 4:55 PM
To: SOCRE CEQA
Subject: SUPPORT South Orange County Reliability Enhancement

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

RE: SUPPORT South Orange County Reliability Enhancement

Reliable power is critical for South Orange County. San Diego Gas & Electric (SDG&E) spent years developing the South Orange County Reliability Enhancement (SOCRE) project and planned it carefully to maximize the benefits by upgrading a system within its existing corridor that would modernize decades-old equipment while also creating redundancy in the electrical transmission system to provide reliability. The project would also be built on existing SDG&E property, thus minimizing the cost and environmental impacts.

The proposed SOCRE project provides reliability, redundancy and increased capacity all while protecting the ratepayer. Therefore, I don't understand why the California Public Utilities Commission (CPUC) staff would recommend alternatives that do not address the redundancy issue in an efficient way.

The idea that South Orange County can "shed load" or have our power shut off as a solution to our need for a redundant and reliable electrical transmission system is irresponsible at best. Reconductoring the 138kV transmission lines again provides no system redundancy as all of the 230kV power will continue to flow through the Talega substation and if anything happens at that substation, the entire region loses power. The alternative of tying into Southern California Edison lines on property that neither utility owns is fraught with challenges and inevitable delays.

The Draft Environmental Impact Report (DEIR) notes that the proposed project would have no permanent significant environmental impacts. Although there may be some temporary environmental impacts during construction, these temporary impacts are worth the benefit of decades of reliable electric power through the development of a redundant system that provides safety and reliability for generations to come.

I am a member of Citizens for Safe and Reliable Power and I support the SDG&E South Orange County Reliability Enhancement project and encourage you to vote in support of the project as proposed by SDG&E.

Sincerely,

Patricia McCauley
plmccauley1@gmail.com
Ladera Ranch, CA

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LADERA RANCH
**CIVIC
Council**

Your Community, Your Voice

April 10, 2015

27702 Crown Valley Pkwy.
Suite D-4 #257
Ladera Ranch, CA 92694
949.481-7455
www.LRCivicCouncil.org

Jett McCormick
Chairman

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.

Carlo Tomaino
Vice Chairman
Governance

505 Sansome Street, Suite 300
San Francisco, CA 94111

Scott Weisgerber
Vice Chairman
Community Relations/
Communications

Also via email at socre.ceqa@ene.com

RE: **SUPPORT** South Orange County Reliability Enhancement, as Proposed by
SDG&E

Gary Kephart
Vice Chairman
Public Works/Zoning

Ladera Ranch is an unincorporated community in South Orange County. The Ladera Ranch Civic Council serves as an advisory group to our County Supervisor's office and weighs in on a variety of issues affecting our community. An important topic we consider is our utility and transportation infrastructure.

Todd Stearns
Vice Chairman
Public Safety/Traffic

The July 2013 blackout that affected 300,000 residents in South Orange County was not without impact to our community, and would have been preventable had a redundant system been in place.

Jeff Hamilton
Treasurer

Robyn Moore-Hubbard
Secretary

SDG&E had given the Council an overview of the project last year and we are supportive of the project. Ladera Ranch has had to deal with various issue concerning our electrical infrastructure and believe the proposed project is a benefit to our community. We ask that the PUC consider the potential impact to our community if the project does not moved forward. The No Project Alternative could result in potential blackouts (load-shedding) which we have experienced before.

"Encouraging public comment on a range of topics affecting our community and representing the interests of Ladera Ranch residents as a volunteer non-profit public benefit council."

The Ladera Ranch Civic Council is concerned with the reliability of our energy in South Orange County. We are supportive of SDG&E's plan to rebuild the 50-year-old substation in San Juan Capistrano to provide a redundant 230kV substation as backup to the Talega substation, with the supporting 230kV transmission lines.

Please bring back and approve SDG&E's plan to provide reliability and redundancy to South Orange County's energy infrastructure. This proposal should never have been disregarded based on the minimal and temporary construction impacts that it would have created.

Sincerely,

Jett McCormick, Chairman

Ladera Ranch Civic Council



City of Mission Viejo

Office of the Mayor and City Council

Cathy Schlicht
Mayor

Greg Rath
Mayor Pro Tem

Wendy Bucknum
Council Member

Edward Sachs
Council Member

Frank Ury
Council Member

April 10, 2015

California Public Utilities Commission
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

Re: Application #A.12-05-020 - San Diego GasCRE Project

To Whom It May Concern:

Thank you, for this opportunity to address to concerns regarding the San Diego Gas and Electric South Orange County Reliability Enhancement Project.

Though I applaud SDG&E's commitment to provide and maintain reliable electric service for its customers, I believe SDG&E has not been as forthright or honest in its dealings with the public. Nor have they given serious consideration to undergrounding the GIS Super Substation and all of the power lines.

I support the PURPOSE of the South Orange County Reliability Enhancement Project, which is to improve reliability and meet projected electrical load requirements of the future.

However, I do not support the proposal of increasing the size of this above ground substation at this location. The borders of this existing substation are surrounded by homes and a park. This SDG&E project as proposed will reduce quality of life and will devalue homes in the area.

The current San Juan Capistrano Substation is an Air Insulated Substation (AIS). The proposal is to replace it with a Gas Insulated Substation (GIS). Only about 2% of substations in the nation are GIS installations. Locations where these substations are preferred are underground or in big cities because GIS substations carry a smaller footprint.

Electric companies in Tokyo plan to construct its GIS substations underground.

How many of the 3200 substations in California are Gas Insulated Substations? How many of SDG&E substations are GIS substations?

As GIS substations are a relatively new installation for utility companies in the USA, what real world experience does SDG&E have in maintaining its GIS installations? What experts does the company have to cover the technical applications? What real world experience do its engineers have in the complexity of GIS substation equipment? What training have SDG&E workers received in this new complex technology? What best practices have been established?



Has SDG&E agreed to the EPA SF6 Emission Reduction Partnership? Sulfur hexafluoride (SF6) emissions are a highly potent greenhouse gas. Once released in the atmosphere, its half-life is estimated to be 3,200 years.

The stated purpose for this substation is to maintain reliability. Yet, GIS substations, when a fault occurs, the outage period will be very long and the damage effect will also be severe. Additionally, procurement of SF6 gas and supply of the gas to the site is problematic. What contingency plans are in place to handle these concerns?

Anaheim Public Utilities Park Substation is totally underground with a park area on top of the facility. Why can't this facility be undergrounded?

Under the direction of the U.S. Environmental Protection Agency, the National Center for Environmental Economics published a study in their newsletter dated July, 1996, that found that high voltage transmission lines cut property values. It went on to state that a landmark case in New York, *Criscola v. The Power Authority*, awarded compensation for damages resulting from the lines.

It is irresponsible for SDG&E to promote a project that negatively affects the appearance and the values of the community. Homeowners should not be forced to endure negative impacts from the significant changes this project will bring to the community.

Due to added blight and PERCEIVED health risks, homeowners will suffer further loss of property values with the addition of higher towers which will add a wall of power lines. The scientific community does not yet fully understand EMF impacts. As with the theories of global warming, there is controversy about EMF exposure because there is no hard evidence to support or refute its effects.

We are all unaware of our sensitivities to our surroundings and environment until we have a physical reaction or illness. How many children with unknown sensitivities to the accumulative effects of EMF exposure will develop leukemia or brain cancer. After a lifetime of exposure to EMF, how many adults have developed ALS, Alzheimer's or sudden cardiac death?

As cited in the California Department of Health Services EMF Report, theoretical risks smaller than EMF exposure has triggered regulatory control of many products and chemicals.

Future findings may show EMF exposure to be more harmful than believed now. Dealing responsibly with EMF risks today could avoid costly retrofits in the future if definitive evidence of the risks of EMF becomes evident. Mr. Frank Wasko, the Region Manager of Public Affairs for SCE, at his October 6, 2003 public comments before the Mission Viejo City Council admitted a link with health risks and EMF exposure. See attached picture of EMF warning sign in a Mission Viejo park.

The last few years, the federal government has been increasing public awareness of the negative impacts of towers and power lines and bird collisions. The U.S. Fish and Wildlife Service (FWS) estimates that power line electrocutions, collisions with towers and other power-related threats kills an estimated tens of thousands of birds in the United States each year. The Department of Justice release dated April 19, 2002, further states that these deaths contribute to the population declines observed in one-third of the 840 bird species in the nation, over 90 of which are on the threatened list.

The U.S. Fish and Wildlife Service (FWS) has stepped up enforcement of several Congressional Acts designed to protect the bird populations. In 1993, The Pacific Gas and Electric Company (PG&E) was the first utility



company cited for violations of the Migratory Bird Treaty Act. Nighttime brings an unexpected hazard to our owl population. Raptors are also killed due to collisions with towers and frames. PG&E estimates that at least 5 to 15 percent of power outages in a 2 year period were caused by bird and wildlife collisions with power lines and other utility structures, a rate of about one a week. The outages cost the state of California **\$3 billion annually**, said Percy Della, a spokesman for the California Energy Commission.

So it appears to me that it is more expensive not to bury the lines.

Additional overhead lines that this project brings, will increase exposure to wildfire hazards. The climate and ecology of this area is prone to wildfires. We are a semi-arid climate characterized by winds that can result in destructive fast-moving wildfires. We are experiencing the worst drought in decades, which will exacerbate our current wildfire conditions of dry fuel load.

Let's not forget the 2007 firestorms that ravaged San Diego County. The Witch Fire, the Guejito Fire and the Rice Fire were all ignited by SDG&E equipment. Two people died, 1,872 structures destroyed and 207,462 acres burned. SDG&E estimates that its total legal costs related to the fires exceeded \$2.4 billion.

Undergrounding the GIS super substation and the power lines will be best for the environment, and our health and safety. Burying the power lines will reduce the risk of terrorism and vandalism, and restore peace of mind. Burying all the power lines will restore the utility corridor to a more natural state, reducing negative impacts on birds and wildlife, and provides for more open space with recreational opportunities for bike and hiking trails. Undergrounding the power lines will eliminate visual blight.

We need reliable power, but impacts of this project need to be minimized. Undergrounding the substation and the lines will be a temporary construction disturbance to the environment, but long-term impacts will be positive.

I respectfully request that the SDG&E proposal of replacing the existing AIS substation with a GIS super substation be placed underground and that the additional overhead power lines be buried.

Sincerely,



Cathy Schlicht
Mayor

Attachment (1)



Cathy Schlicht

RECEIVED AT COUNCIL MEETING

Subject:

sce emf warning sign

**Date: April 6, 2015
From: Mayor Schlicht
Agenda Item #: #15**





David L. Geier
Vice President
Electric Transmission & Systems Engineering
8330 Century Park Court
San Diego • CA 92123-1530

April 10, 2015

Mr. Andrew Barnsdale, California Public Utilities Commission
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite #300
San Francisco, CA 94111

Re: Draft Environmental Impact Report for South Orange County Reliability Enhancement Project (State Clearinghouse No. 2013011011)

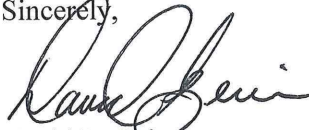
Dear Mr. Barnsdale:

Enclosed please find comments by San Diego Gas & Electric Company (SDG&E) on the Draft Environmental Impact Report (Draft EIR) prepared by the California Public Utilities Commission (CPUC) for the proposed South Orange County Reliability Enhancement Project (SOCRE Project). SDG&E commends the CPUC on its comprehensive analysis and consideration of SDG&E's SOCRE Project. The Draft EIR documents the effort by the CPUC to ensure resources are used appropriately and cost-effectively and that all possible alternatives to the project as proposed are taken into consideration. In this case, SDG&E believes that in an effort to disclose all possible future impacts, the Draft EIR conservatively overstates the future potential environmental impacts of the SOCRE Project and has not fully taken into consideration the extent of the impacts that also would result from the selection of any of the project alternatives. As explained in more detail below, SDG&E urges the CPUC to prepare and certify the Final EIR and approve the SOCRE Project without further delay:

- The Draft EIR's conclusion that the No-Project Alternative, Alternative B-1 (Reconductoring Alternative) and Alternative D (SCE Alternative) are environmentally superior to the SOCRE Project seem mistakenly based on an underestimating of the environmental impacts of building those alternatives, and underestimating the very real public safety impacts of not building the SOCRE Project. Those impacts should be taken into greater consideration. When that is resolved, the record will reflect that the alternatives' impacts are the same or greater than those of the SOCRE Project and that the alternatives do not address the essential and fundamental underlying purpose and public necessity of the SOCRE Project.
- The Draft EIR is the product of many years of thorough analysis and consideration; customer load in South Orange County has continued to grow during that time, and the time this application has been pending, and the equipment at Capistrano Substation and Talega Substation have continued to age, increasing the risk of outages.
- The Draft EIR identified three areas where the SOCRE Project would have temporary construction impacts that will be significant and unavoidable under CEQA: Air Quality, Transportation and Traffic, and Cumulative Impacts. However, the Draft EIR incorrectly assumes temporary full road closures for several roadways during underground construction; instead, as outlined in the attached Project Refinement Report, SDG&E does not anticipate any full road closures during underground construction, thereby eliminating two of the three identified significant environmental impacts (direct and cumulative traffic impacts).
- The conservative analysis presented in the Draft EIR overestimates the potential significant impacts of the SOCRE Project and in some cases recommends mitigation measures that are unnecessary or disproportionate to the impact.
- Specific overriding considerations outweigh any potential environmental impacts of the SOCRE Project.

SDG&E appreciates this opportunity to comment on the CPUC's Draft EIR for the SOCRE project and looks forward to receiving the Final EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "David Geier". The signature is fluid and cursive, with the first name "David" and last name "Geier" clearly distinguishable.

David L. Geier
Vice President – Electric Transmission &
Systems Engineering
San Diego Gas & Electric Company

DETAILED COMMENTS ON THE DRAFT EIR

San Diego Gas & Electric Company (SDG&E) commends California Public Utilities Commission (CPUC) staff and Ecology and Environment, Inc. on their review of the South Orange County Reliability Enhancement Project (SOCRE Project), but is compelled to point out some issues that must be addressed in the Final Environmental Impact Report (EIR) to ensure adequacy under the California Environmental Quality Act (CEQA). Most importantly, SDG&E notes that the Draft EIR overlooks the most critical element of the underlying project purpose: to provide a second, independent bulk power source to SDG&E's customers in South Orange County in a manner that will allow SDG&E to comply with all applicable standards and regulations.

SDG&E's 230/138 kilovolt (kV) Talega Substation is the sole source of electricity for all 300,000 commercial, industrial and residential customers in South Orange County and SDG&E has no way to serve South Orange County if Talega Substation suffers a catastrophic loss. If a catastrophic failure occurs at Talega Substation (i.e., loss of either or both of the 138kV or 230kV voltage levels), this will result in a complete loss of electrical service to South Orange County and create a significant risk to public safety. Such an event is a real possibility, since there are no alternate, temporary, or emergency sources of electricity capable of providing service to the 120,000 meters served by SDG&E in that area today. As a result, loss of power at the Talega Substation means South Orange County will go dark, and stay dark, until the substation is back in service. Depending on the extent of damage, availability of parts and other factors, that could be days, if not weeks. It is to resolve this problem and prevent such impacts that SDG&E proposed the SOCRE Project. Resolving the problem requires the timely implementation of a second, independent bulk power source so that South Orange County is not forced to rely solely on the Talega Substation for its power needs, and to do so in a way that allows SDG&E to stay within Applicable Ratings as the Federal Energy Regulatory Commission (FERC)'s interpretation of the Mandatory North American Electric Reliability Corporation (NERC) reliability standards requires. The only project described in the Draft EIR that feasibly accomplishes that essential project purpose is the SOCRE Project.

Because the Draft EIR limits the project purpose to reducing the risk of instances in which power could be lost through the 10-year planning horizon, replacing inadequate equipment at the Capistrano Substation (without a rebuild) and redistributing power flow to the 138kV system to increase operational flexibility, the Draft EIR's project objectives fail to capture the importance and urgency of the need to replace the single-circuit 138kV line between the Talega and Capistrano Substations with a new double-circuit 230kV line and rebuild and upgrade Capistrano Substation from 138/12 kV to 230/138/12kV. As a result, the Draft EIR erroneously concludes that the No Project Alternative, as well as Alternative B-1 (Reconductoring Alternative), and Alternative D (SCE Alternative), meet most of the basic project objectives. The Draft EIR fails to recognize that none of those alternatives achieves the fundamental and crucial underlying project goal of timely providing an independent bulk power source that allows SDG&E to stay in compliance. The Final EIR should broaden the SOCRE Project objectives to include the project's basic underlying purpose, so that the analysis as to the feasibility and environmental effects of the alternatives compared to the SOCRE Project can be

adequately described. *See* Cal. Code Regs. tit. 14, § 15124(b) (“The statement of objectives should include the underlying purpose of the project.”)

For these reasons, as well as those described below and in the attachments, SDG&E believes that the Final EIR should conclude that the No Project, Reconductoring and SCE Alternatives are neither feasible nor environmentally superior alternatives to the SOCRE Project and that in fact there is no feasible, environmentally superior alternative to the SOCRE Project as refined (refer to Attachment A – Minor Project Design Refinements). *Habitat & Watershed Habitat And Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1303 (citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404-405) (EIR may conclude that there are no feasible alternatives, so long as it explains in meaningful detail the basis for that conclusion).

This letter respectfully requests that the CPUC prepare and certify the Final EIR to (1) acknowledge the potential environmental consequences associated with not constructing the SOCRE Project and clarify that neither the No Project Alternative nor the Reconductoring or SCE Alternatives described in the Draft EIR are feasible or environmentally superior to the SOCRE Project; (2) revise the mitigation measures and Applicant Proposed Measures (APMs) for the SOCRE Project that, as discussed below or in the attachments, are either not warranted by the potential impacts, not feasible to be implemented, or are redundant and unnecessary; and (3) incorporate the additional technical information and corrections for inclusion in the Final EIR. None of the information in these comments would trigger recirculation of the Draft EIR under CEQA, the CEQA Guidelines, or interpreting case law. SDG&E appreciates CPUC’s consideration of these comments.

I. THE NO PROJECT, RECONDUCTORING AND SCE ALTERNATIVES ARE NOT FEASIBLE OR ENVIRONMENTALLY SUPERIOR

A. There May Be Significant Impacts To Residents and Businesses In South Orange County If The SOCRE Project Is Not Implemented

The No Project, Reconductoring and SCE Alternatives do not and cannot achieve the fundamental project purpose, and thus would not ensure that the impacts reasonably anticipated to result from the loss of Talega Substation -- impacts on public safety, fire and police response, water and wastewater services, water quality, air quality, and more – would be avoided if one of those alternatives was chosen. The impacts from loss of the Talega Substation should be described in the Final EIR, so its readers can understand the consequences of selecting one of the alternatives to the SOCRE Project. If one of the alternatives were selected, the extended electric service outage that will result from a catastrophic loss of Talega Substation will negatively impact nearly every facet of life for the 300,000 people who depend on that service. Hospitals on back-up power will be forced to turn away emergencies, police and fire response will be hampered, and outages at traffic signals will cause delay and severely degrade levels of service. The ability to supply potable water and treat wastewater will be compromised, and sewage spills likely will occur. Moreover, a widespread loss of electric service in landlocked South Orange County will make any attempt at a mass evacuation of the area in the event of a major natural

disaster extremely problematic. The extended outage at Talega Substation could be caused by any number of events, from failure of equipment, fire, explosion, wildfire, seismic events, terrorism, vandalism or more.

It is not only a catastrophic loss at Talega Substation that could impact the environment and the health and safety of South Orange County residents and businesses. Talega Substation's equipment and infrastructure are aging, and its maintenance needs continue to increase. Forced outages at Talega Substation during maintenance have their own impacts, including the possibility of failures that would require SDG&E to load shed. Mandatory NERC reliability standards TPL-003-0b and TPL-002-0b, as interpreted by FERC, require SDG&E to plan its system to stay within Applicable Ratings. Yet the No Project and Reconductoring Alternatives do not provide the second, independent bulk power source that would avoid the impacts from loss at Talega Substation, and the SCE Alternative's second source of power would take years longer to complete (leaving South Orange County vulnerable all that time), and, even when completed, would not be as effective at serving South Orange County's needs as the SOCRE Project. The SCE Alternative's plan to parallel a robust 230kV path with a relatively weak 138kV network restricts the allowable flow on the 230kV path while subjecting the 138kV system to network flows it was not designed to handle. It also restricts allowable flow on the SCE lines in South Orange County, which could limit the transfer capability between the SDG&E and SCE systems and lead to reduced import capability for both utilities. Moreover, the SCE Alternative requires seeking an interconnection with SCE's system under the Transmission Owner's Tariff and the Transmission Control Agreement – which can take years -- and during that long wait the equipment would continue to age and outages risks remain.

The Final EIR should make it clear to the reader that these losses of service and the impacts resulting from them are real, and that implementing the alternatives will not fully ensure the system that will protect against them in a timely manner.

B. The SOCRE Project As Refined Has Only One Remaining Significant, Unavoidable Impact; The No Project, Reconductoring and SCE Alternatives' Impacts Are Equal to or Greater Than Those Of The SOCRE Project As Refined

The SOCRE Project would eliminate the risks of the impacts that otherwise may occur with extended loss of power at the Talega Substation, as described above and in the attachments and supplemental materials submitted by SDG&E. In addition, the SOCRE Project has been further refined and now will have only one significant and unavoidable impact -- and even that impact is a temporary one. The Draft EIR identifies three significant and unavoidable environmental impacts of the SOCRE Project: (1) temporary impacts to air quality, largely from emissions during the rebuild of Capistrano Substation; (2) temporary traffic impacts from partial closure (one lane) on Camino Capistrano to allow undergrounding of existing transmission and distribution lines, and from any full closure of Camino Capistrano, Via Pamplona and Calle San Diego during undergrounding of existing power and distribution lines; and (3) cumulative impacts on traffic, which arise specifically from the Camino Capistrano lane closure identified as having a significant traffic impact. After closer engineering review and consultation, SDG&E's construction and engineering contractors do not expect a full closure of any of these roads during underground construction and SDG&E did not state there would be any full road closures in the

PEA. The Project refinements identified in more detail in Attachment A - Minor Project Design Refinements will eliminate the temporary and cumulative traffic impacts, thus only one significant and unavoidable impact from the SOCRE Project remains.

In contrast, the No Project, Reconductoring and SCE Alternatives would not fully address the impacts that currently exist from the lack of a second power source for South Orange County that can be promptly constructed to allow SDG&E to be in compliance with applicable standards and regulations. The Final EIR should re-evaluate the impact comparison of the SOCRE Project to the alternatives now that the SOCRE Project's refinement has eliminated all but one of the significant and unavoidable impacts, as it is likely that such a comparison would by itself show that the SOCRE Project has the same or fewer impacts than the alternatives.

C. The Draft EIR's Project Objectives Do Not Achieve The Project's Fundamental Underlying Purpose

1. The Alternatives Do Not Ensure The Compliance with Mandatory Standards that Is An Integral Part of the Project Objective Of Ensuring Reliability

The Draft EIR's statement of objectives omits critical parts of the SOCRE Project's fundamental purpose. For example, the SOCRE Project's objective of compliance with mandatory NERC, Western Electric Coordinating Council (WECC) and California Independent System Operator (CAISO) transmission planning and operations standards is ignored in the Draft EIR even though the EIR recognizes that: "Components of the applicant's South Orange County transmission system that connect to the regional electrical grid managed by the CAISO must be constructed and maintained in compliance with mandatory NERC, WECC, and CAISO standards." (Draft EIR at 1-8.) Even the Draft EIR's more limited project objective, to "[r]educe the risk of instances that could result in the loss of power to customers served by the South Orange County 138-kV System through the 10-year-planning horizon," can only be achieved by compliance with the FERC-approved NERC Reliability Standards – so the reader of the Draft EIR's may believe the alternative achieves the watered down project objective without realizing that it does not achieve the actual underlying purpose of complying with FERC-approved NERC Reliability Standards.

2. The Objectives Fail To Recognize That Replacing Aging Equipment Cannot By Itself Accomplish The Project's Underlying Purpose

The No Project, Reconductoring and SCE Alternatives assume that system reliability can be achieved by merely replacing aging equipment as the need arises, without rebuilding Capistrano Substation. The Draft EIR also waters down the underlying project objective – to "Rebuild Capistrano Substation to replace aging equipment and increase capacity" –and restates it as merely "Replace inadequate equipment at Capistrano Substation." And the Draft EIR goes on to state that: "Given the applicant's ability to replace failed or inadequate equipment at Capistrano Substation to meet conditions that may occur under the No Project Alternative," the No Project Alternative meets Objective 2 as defined by the CPUC (Section 1.2.1, 'Objectives of the SOCRE Project') (Draft EIR at 3-5.) It also states that: "The replacement of equipment (e.g., transformers) is expected to increase the electrical distribution capacity of Capistrano

Substation as well as help ensure the substation's reliability. It would also allow for the connection of three additional 138kV transmission lines to the substation." But the Draft EIR's assumptions as to the ability to simply replace aging equipment without a rebuild, and its statement about the ability to connect three more 138kV lines, are wrong.

The Capistrano Substation must be rebuilt even if it remains a 138/12kV substation and leaves out the 230/138kV substation yard. It may be technologically feasible to replace some of the aging equipment at the Capistrano Substation, but space constraints and the need to keep the existing substation energized during construction make replacing that equipment in its existing location logistically challenging, and does not ensure reliability under the required standards. Capistrano Substation would need to be rebuilt and expanded to accommodate the addition of the two 138kV connections because it currently does not have space to accommodate any new 138kV connections. Simply replacing aging equipment, without more, merely connects new equipment to existing, aging equipment and infrastructure, and does not accommodate the increase in capacity necessary to ensure adequate service to the growing South Orange County service area. Replacing equipment in kind will not change the existing problems with the layout configuration, discussed below, and will not eliminate the risks of forced outages to SDG&E's customers arising from the non-standard configuration of the transmission bus and the distribution bus. It will not bring the existing structures and foundations up to the latest seismic standards, and placing IEEE 693-qualified equipment in and on the existing structures and foundations still leave the equipment at risk. Simply replacing equipment does not address the security concerns regarding the existing substation. Thus, simply replacing failing equipment at the existing Capistrano Substation is not adequate to achieve the fundamental project purpose of providing reliable electric service to South Orange County sufficient to meet today's needs as well as forecasted growth.

The reality is that replacing equipment without rebuilding the substation is not feasible or efficient. Indeed, although the Draft EIR acknowledges but then ignores it, rebuild of the Capistrano Substation would be required under the No Project, Reconductoring and SCE Alternatives as well. The Capistrano Substation infrastructure must be modernized to meet current standards, including by adding new 12kV bus ties and increasing the ultimate 12kV (distribution) capacity as well as available 12kV tie capacity, or the goal of providing reliable electric service cannot be met. The new bus ties and distribution and tie capacity increase cannot be done in the existing substation configuration. Rebuilding is also the only way to bring the equipment up to current seismic and electrical and structural design standards.

The impacts of this rebuild of the Capistrano Substation under the three alternatives are not included in the discussion of those alternatives, but is included in the analysis of the SOCRE Project, thus artificially reducing the supposed impacts that may result from the alternatives and erroneously making the SOCRE Project to appear as if it has much greater impacts compared to the alternatives than it in fact does. Plus, most of the significant and unavoidable temporary air quality impact from the SOCRE Project results from the rebuild of Capistrano Substation, making it reasonable to conclude that, once the Final EIR adds the impacts from the rebuild of Capistrano Substation to the discussion of each of those alternatives, the Final EIR will conclude that the impacts from the alternatives are similar to -- if not greater than -- the impacts from the SOCRE Project itself, as refined.

3. The Capistrano Substation's Non-Standard Configuration and Site Constraints Make It Unreliable, And Cannot Be Fixed by Replacing Failing Equipment

Another reason the rebuild is required under not only the SOCRE Project but the No Project, Reconductoring and SCE Alternatives as well is that the existing substation has non-standard configurations and site constraints that make relying on it infeasible. Capistrano Substation has been on SDG&E's priority list as a substation in need of replacement due to poor performance based on safety, equipment condition, probability of outages, and cost to maintain, among other key metrics, since 1997. Capistrano Substation's non-standard configuration does not meet SDG&E current operating criteria or reliability requirements, because of transmission system impacts caused during a transformer outage. Yet without the rebuild SDG&E cannot install the current standard of 138kV bank breakers because there is no space to do so in the current substation, and space cannot be created without rebuilding the facility.

As discussed in SDG&E's testimony, Capistrano Substation's non-standard configuration uses older technology that is more volatile than current technology, and site constraints have the 138kV capacitor in a less-than-optimal location. The substation's transformer loading is currently at 85 percent capacity at peak, and has little capacity for load growth or supporting neighboring substations. Capistrano Substation's current distribution circuit ties with its neighboring substations, Laguna Niguel and Trabuco, cannot be used during certain system conditions because of Capistrano Substation's high loading and lack of available capacity. The current control shelter configuration does not meet SDG&E's new security guidelines due to its unprotected windows and size restrictions. Capistrano Substation has distribution circuit ties with its neighboring substations, Laguna Niguel and Trabuco, but these ties cannot be used during certain system conditions because of Capistrano Substation's high loading and lack of available capacity.

Even if the site constraints and non-standard configurations could be overcome, the Capistrano Substation still must be rebuilt because it has poorly performing equipment due to age, type, and condition. Capistrano Substation is more than 60 years old. Its existing structures, foundations, and equipment do not conform to the current recommended practices for seismic design of substations as provided in IEEE 693 and ASCE 113, and older existing electrical equipment does not meet the seismic withstand capability and has not been seismically qualified as provided in IEEE 693. Preventive maintenance hours have been increasing at 15 percent annually at the substation, mainly due to the aging infrastructure. SDG&E has had to replace equipment that has failed or is obsolete such that no spare parts are available. The outage history and corrective (non-programmed) maintenance history over the last 15 years shows increasing trends caused by 138kV and 12kV disconnect switches not operating properly, 138kV and 12kV capacitor issues, 138kV and 12kV potential transformer issues, and various hot spots from connections on both 138kV and 12kV busses. SDG&E's Substation Equipment Assessment team has identified its aging equipment and infrastructure as beyond its useful life. SDG&E has determined that much of the significant equipment at Capistrano Substation needs to be replaced. SDG&E does not consider replacing equipment only as it fails, and thus disrupts electric service, to be prudent or consistent with its obligation to provide reliable electric service.

Rebuilding Capistrano Substation within its existing footprint would pose a safety risk to workers, would take longer (thus costing more), and would create greater reliability risks to customer electric service. Moreover, the existing substation site is not large enough to rebuild the 138kV switchyard in a breaker and a half configuration. If SDG&E were to rebuild inside the existing yard, the configuration of the transmission rebuild would be limited to a single breaker – single bus configuration. Rebuilding in-place would also create physical limitations on the number of additional element positions that can be added to only two (transmission lines and distribution transformers). This limitation would not meet the needs for a reliable transmission configuration or any future customer load growth.

The Reconductoring Alternative clearly requires rebuilding Capistrano Substation. The Draft EIR in describing the Reconductoring Alternative states: “In addition, an approximately 2.5-mile-long segment of transmission line (TL13835) from Laguna Niguel Substation would be tied into Capistrano Substation (but would not require reconductoring) at a location adjacent to the substation to create a new Laguna Niguel–Capistrano 138-kV Line under this alternative.” (Draft EIR at 3-7.) Capistrano Substation and the transmission lines feeding into it must be rebuilt under this alternative, to facilitate a TL13835 entrance into the substation. To loop TL13835 into Capistrano Substation would require the addition of two new positions, which the current configuration cannot accommodate. Any rebuild of Capistrano Substation should also account for spare positions to meet future needs for additional lines, distribution transformers, or other elements outside of the current planning time horizon, but within the service life of the rebuilt station. It is more efficient to account for these needs at the time of the rebuild, rather than to build the station for the minimum needs identified and require another expensive rebuild for any unforeseen substation expansion. SDG&E would rebuild the station to add an ultimate capacity of four new elements, which would necessitate relocation of the switchyard to the lower yard on SDG&E-owned property to obtain these positions. The additional Tie Lines would also require the bus configuration to be a breaker and half to meet SDG&E’s reliability standards. These additional positions and new configuration will require Capistrano Substation to be rebuilt similar to that identified in SDG&E’s SOCRE Project, without the proposed scope of the 230kV switchyard. Additionally, the ability to rebuild the substation within its existing footprint (to a maximum of two additional positions) is limited under the current transmission configuration because CAISO does not allow the extended outages on TL13835 that would be needed to implement the Reconductoring Alternative, because to do so would result in Laguna Niguel Substation being fed by only one transmission line.

The SCE Alternative also would require rebuilding Capistrano Substation, but the Draft EIR’s discussion of the SCE Alternative fails to account for the full extent of the work at the Capistrano Substation which the alternative would require, thus again understating the SCE Alternative’s impacts and overstating the reduction in impacts when compared to the SOCRE Project. The SCE Alternative would create a new 138kV power line between a newly constructed 230/138/12kV substation located at the Prima Deschecha Landfill (PDL) and the existing Capistrano Substation. Although placing a new 230/138/12kV substation at the PDL site would remove the 230/138kV element from the Capistrano Substation site, the Capistrano 138/12kV Substation would still have to be rebuilt to: (a) address reliability issues, and (b) accommodate the addition of a new 138kV connection, since it does not have space to

accommodate a new 138kV connection in its current configuration. In fact, reduction in temporary significant impacts for the SCE Alternative compared to the SOCRE Project is much less than stated in the Draft EIR, since the Draft EIR as currently drafted ignores the following impacts that also would also occur during construction of the SCE Alternative, yet go unmentioned in the Draft EIR's discussion and analysis:

- Rebuild and expand Capistrano Substation, resulting in similar impacts to those identified for the SOCRE Project 138/12kV substation yards relating to air quality (including temporary exceedance of regional and localized significance thresholds).
- Temporary (less than 30 days) degradation (both project-related and cumulative) of traffic circulation standards on the segment of Camino Capistrano adjacent to the existing Capistrano Substation due to the potential undergrounding of 138 and 12kV lines west of the Capistrano Substation, if required by the CPUC, may also occur during the rebuilding of the Capistrano 138/12kV Substation.
- Temporary less-than-significant noise impacts from construction of the rebuilt and expanded Capistrano Substation would still occur under the SCE Alternative, in addition to temporary noise impacts from constructing the new PDL Substation.
- Permanent less-than-significant visual impacts from construction of the rebuilt and expanded Capistrano Substation would still occur under the SCE Alternative, in addition to permanent visual impacts from constructing the new PDL Substation.

The only part of the SOCRE Project that the SCE Alternative would avoid would be the 230/138kV yard of the rebuilt Capistrano Substation. The air emissions from that work constitute less than half of the total anticipated Localized Significance Thresholds (LST) exceedances for all Capistrano Substation emissions estimated for the SOCRE Project (Draft EIR Table 4.3-8a). Per the Draft EIR, the total emissions of the SOCRE Project constitute less than one percent of the total South Coast Air Quality Management District's (SCAQMD's) daily emissions inventory. Thus the reduction in impacts would be minimal and other impacts that the SCE Alternative may cause have been ignored.

Similarly, in describing the No Project Alternative, the Draft EIR states: “Under the No Project Alternative, it is assumed that none of the components of the SOCRE Project would be constructed. All of the significant impacts from construction and operation of the SOCRE Project would be avoided. It is anticipated that minor maintenance work would occur as needed to repair or replace failed or inadequate substation equipment and transmission line facilities. (Draft EIR at 5-4.) But the No Project Alternative would require rebuilding the 138/12kV Capistrano Substation, and that rebuild would hardly qualify as “minor maintenance work.” And it is that rebuild that is largely responsible for the impacts associated with the SOCRE Project, and which have been overlooked in the analysis of the alternatives.

The Draft EIR's asserted reductions of these temporary adverse effects under the No Project, Reconductoring and SCE Alternatives are largely related to omission of the impacts associated with rebuilding the Capistrano Substation. Because Capistrano Substation must be

rebuilt even if it remains a 138/12kV substation, many of the impacts identified as resulting from the SOCRE Project also will occur under the No Project, Reconductoring and SCE Alternatives. Thus the comparison of impacts between the SOCRE Project and the alternatives must be revised and fully disclosed in the Final EIR.

4. To Achieve Reliability Even If 230kV Service Were Not Added At Capistrano Substation, The Rebuild Of Capistrano Substation Would Occur In The Same Locations On The SDG&E-Owned Substation Property As The SOCRE Project

No new lines or transformers can be added to Capistrano Substation without rebuilding the current station either as proposed by the SOCRE Project or in-place, to add positions. Simply replacing equipment at Capistrano Substation would not increase capacity, because increasing equipment ratings is not feasible. A rebuild in place at the existing substation would limit the number of new elements to only two (either a transmission line or a transformer) due to the space limitations of the existing substation site. Additional capacity at Capistrano Substation can only be accomplished by adding additional transformers, for which there is limited connection capability if additional transmission lines are to be added. And, if multiple transmission lines are added, SDG&E's standard is to build a breaker and half configuration to ensure that any single point of failure is limited to a maximum of two elements to minimize transmission outage impacts, which is a reliability requirement for a transmission bus of this size. Even under the No Project Alternative, the only way to accommodate future transformers and transmission lines that may be required under the extended life of the station and to allow for a safe, more reliable, and faster construction schedule is through a complete rebuild of the 138/12kV substation in the lower yard, similar to the 138/12kV elements of the SOCRE Project.

5. Without the SOCRE Project, SDG&E Will Be Required to Pursue Other Reliability Projects, Each With Its Own Impacts, All Of Which Must Be Described in the Final EIR And Which Will Show That The Alternatives Have Similar or Potentially Greater Impacts Than Does the SOCRE Project

- a. The Project's Reliability Objectives Cannot Be Met Without A 230kV line Independent of Talega Substation, Which the No Project, Reconductoring and SCE Alternatives Do Not Provide

The No Project, Reconductoring and SCE Alternatives do not include a second 230kV source independent of Talega Substation and therefore do not meet the Draft EIR's Objective 3. Thus, they do not address the system vulnerabilities that arise from having Talega Substation serve as the sole source of power to SDG&E's South Orange County system – a vulnerability that would remain, in the case of the Reconductoring Alternative B-1, despite incurring the cost to reconductor most of the 138kV transmission lines in South Orange County. The approximately 300,000 people who rely on SDG&E electricity in South Orange County would remain exposed to the risk of service interruption arising from catastrophic events at Talega Substation or a forced outage during Talega maintenance events.

In addition, the No Project, Reconductoring and SCE Alternatives would require replacing two transformers at Talega Substation and future replacement of the STATCOM now

at Talega Substation to maintain voltage support, which may require purchase of additional property or additional easement property on Camp Pendleton to accommodate the replacement equipment, and would result in impacts associated with disturbance of this new property, in addition to the air, traffic and noise impacts typically associated with such replacement work. Neither of these replacements is needed if the SOCRE Project is constructed, and neither of them would adequately address the project's purpose of system reliability in conformance with applicable standards, rules and regulations.

b. The Alternatives Identified as Feasible And Environmentally Superior in the Draft EIR Do Not Address Loss of Service During Several Types of Events

The No Project, Reconductoring and SCE Alternatives do not address the risk of losing service to some or all South Orange County customers during or after Category C events, forced outages during a Talega Substation maintenance outage, or forced outages during maintenance at other substations. There may be Category C contingencies under which SDG&E would not be able to shed load quickly enough to remain within Applicable Ratings, and thus would not permit SDG&E to remain compliant with FERC-approved NERC Reliability Standards as required by Section 215 of the Federal Power Act, if any of the three referenced alternatives were chosen over the SOCRE Project.

The Draft EIR recognizes that Category C3 (N-1-1) overloads will occur, and states: "In accordance with CPUC General Order 131-D, it is anticipated that the applicant would implement system adjustments (e.g., reconductor 138-kV line segments) prior to this date to ensure that some or all of these overload scenarios do not occur." But in comparing the No Project Alternative to the SOCRE Project, the Draft EIR states that only "minor maintenance work would occur as needed to repair or replace failed or inadequate substation equipment and transmission line facilities." Because the Draft EIR Reconductoring Alternative proposes the same reconductoring that the Draft EIR identifies as "anticipated" under the No Project Alternative, it seems that the No Project Alternative only includes "minor maintenance work" and not reconductoring of any 138kV lines. This would not meet SDG&E's operating and reliability criteria and would fail to meet the underlying system reliability purpose of the project itself.

c. The Reconductoring Alternative Lacks Transmission and Distribution Work Required To Make It Feasible

The Reconductoring Alternative B-1 is not feasible for many reasons, including because the TL13835A (Talega to Capistrano substations) cannot be reconducted with a similar size ACSS. An ACSS with a larger diameter ACSS than what exists today would be required to reach the ampacity rating of 273 MVA. The sag of the ACSS wire may also exceed the minimum ground clearance requirements required in General Order 95. Thus, it should be assumed that all approximately 45 structures will need to be replaced under this alternative, and all new structures would be required, the impacts of which should be disclosed and discussed in the Draft EIR.

Moreover, existing underground cables do not meet required rating of 273 megavolt-ampere (MVA) and thus cables would have to be replaced for TL13835A, requiring an extended outage which may not be feasible, since it would leave Laguna being fed by only one transmission line, TL13837, during the extended outage.

As another example, a distribution circuit shares many of the same structures from Capistrano to PDL and therefore the new poles would need to be designed to support the 138kV and well as the distribution level, unless the distribution was relocated as in the SOCRE Project. To avoid relocating the distribution it would be reasonable to build the new line as double circuit structures rather than single circuit, which would have impacts that should be analyzed and disclosed.

- d. The SCE Alternative Does Not Adequately Identify the Scope for the New PDL Substation or Consider Its Environmental Impacts.

The Draft EIR's description of the PDL Substation under the SCE Alternative is inadequate, both because it is missing necessary elements and because it does not contain sufficient design detail. The SCE Alternative assumes SDG&E would construct a new substation at PDL. The Draft EIR does not identify exactly where this substation would be sited other than to say "in proximity to the transmission corridor that crosses the landfill." SDG&E would need to identify and study a suitable location, and incur the cost to acquire it. The Draft EIR states that the new PDL Substation will be gas insulated substation (GIS) design, but SDG&E's standard is to use an air insulated (AIS) design if space is available, because of its reduced cost. An AIS design (and also a GIS design) requires a larger yard than described in the Draft EIR because of the increased scope required for this substation.

The Draft EIR incorrectly assumes that SDG&E would construct a tapped (one that is connected directly to the transmission line with no interrupting protective or sectionalizing devices) single 230/138kV transformer at the new PDL Substation. Because of outage restrictions required when maintenance is performed, which would impact load flow and system reliability, SDG&E would install circuit breakers and relaying systems. Additionally, SDG&E would also install at a minimum two (392 MVA) 230/69kV transformers and space for a future third transformer to enable enough capacity to feed the South Orange County load center at the system peak demand. This would also increase the size of the site needed for the proposed new substation, increasing grading and below grade impact. Preliminary estimates indicate that a new AIS substation in this area would require approximately 12 acres. As a result, the Draft EIR's comparison of the environmental impacts of the SCE Alternative and the SOCRE Project is not accurate.

Further, if the CPUC were to approve the SCE Alternative, the Draft EIR would not accurately reflect the full scope of that alternative's environmental impacts. Missing elements include:

- The PDL Substation location, size and detailed design have not been identified. Key preliminary design analysis has not been conducted for any potential new substation site located at PDL, including geotechnical analysis. Without at least some preliminary design

analysis of the PDL Substation site, key construction and land requirements cannot be known, such as extent of grading, volume of cut and fill (including required depth of over-excavation), and site access. The results of the design could alter/increase specific impacts, such as air quality (increases in grading and site preparation would increase emissions), biological/cultural/aquatic resources (the extent of site preparation [substation footprint] would be proportional to the extent for potential adverse effects on resources located at the PDL site).

- The SCE Alternative asserts that the PDL Substation would include one 230/138kV transformer (and perhaps space for one more if needed in the future) and one 138/12kV transformer (and perhaps space for one more if needed in the future). As set forth above, SDG&E has determined that the PDL Substation would need at least two 230kV transformers, and potentially a third.

- The SCE Alternative asserts that the PDL Substation “would be gas insulated and require 3 to 10 acres of land.” Absent CPUC direction, SDG&E would construct an AIS facility to save its customers the approximately double cost of a GIS facility. Therefore, the land area to be disturbed would be greater than asserted in the Draft EIR, which could alter/increase a variety of impacts. SDG&E anticipates that an AIS substation at the PDL location would be at least 12 acres. Because the PDL Substation is in addition to rebuilding the 138/12kV Capistrano Substation, total substation construction under the SCE Alternative could result in impacts being greater than those of the SOCRE Project substation work.

Thus the SCE Alternative leaves many unanswered questions and a host of potentially significant impacts that have not yet been disclosed or discussed.

6. Solar Rooftop Systems Will Not Provide Reliable Electric Service to SDG&E’s South Orange County Customers

The Draft EIR states that:

“In addition, under the No Project Alternative, it is assumed that energy efficiency improvements and distributed generation facilities (including rooftop solar generation) will continue to be implemented throughout the 10-year planning horizon that will incrementally reduce load on SDG&E’s 138-kV South Orange County System. The installation of new rooftop solar generation facilities is expected to continue during the 10-year planning horizon for the SOCRE Project. Nationwide, the cost of new solar installations is anticipated to continue to decrease, and the amount of solar power generation is expected to increase through 2024.” (Draft EIR at 3-6).

The Draft EIR’s assumption that rooftop solar (PV) will ensure reliable electric service for SDG&E’s South Orange County customers is not accurate. The PV systems produce energy when the sun shines, with a production peak occurring at approximately 1 pm. However, residential customer load peaks at 6 pm or later – at time when PV system output is de-minimus. In order to shift the PV production to the evening, some form of energy storage would be required, but existing PV systems do not have energy storage and it is unlikely that future PV

installations will install energy storage given the additional costs entailed. Even if the storage problem were solved, an energy management system still would be required to accomplish this time shifting action, at another additional cost.

Not only does the South Orange County load reach its peak as the PV production is waning, thus preventing solar rooftop systems from meeting the reliability and customer load demands sufficiently to fulfill the project's purpose or objectives, but as the amount of South Orange County PV increases, the marine layer impacts all PV systems uniformly and creates an aggregate transmission issue that must be mitigated at the transmission level. Because South Orange County receives all of its power through Talega Substation, loss of the 230kV or 138kV service at or from Talega will result in the loss of power to the entire South Orange County area. Customers' PV systems will also go dark as the inverters, in response to Rule 21 and IEEE 1547 standards, disconnect upon loss of a grid voltage reference. Thus reliance on PV systems cannot ensure system reliability or meet the customer load demands and reliability issues the SOCRE Project is designed to solve, and the Final EIR should be modified to find the alternatives relying on solar rooftop systems infeasible for failure to meet the basic project purpose and objectives.

In contrast, the SOCRE Project creates a second connection to the main grid at a rebuilt Capistrano Substation which would ensure that PV systems continue to operate during an outage of Talega Substation as well as stabilizing power fluctuations caused by PV generation. South Orange County will be able to accept a large penetration of residential PV without costly transmission upgrades if the SOCRE Project is implemented.

D. The Final EIR Must Discuss Impacts That Reasonably Will Result From Projects SDG&E Will Be Required To Implement If An Alternative Is Selected

1. The Draft EIR's Comparison of Alternatives Does Not Account for the Environmental Impacts Caused By the Additional Projects Reasonably Expected Under the No Project, Reconductoring and SCE Alternatives

The Draft EIR states that the No Project Alternative would “fully meet Objective 1 as defined by the CPUC,” which is to: “Reduce the risk of instances that could result in the loss of power to customers served by the South Orange County 138-kV System through the 10-year planning horizon.” The Draft EIR asserts that the No Project Alternative would meet Objective 1 because of “the anticipated rooftop solar facility installations and the applicant's ability to replace both distribution line facilities and 138-kV line facilities to meet conditions that may occur under the No Project Alternative.” And, referring to two expected NERC Category C (N-1-1) overloads on a section of the Talega–Laguna Niguel–San Mateo 138kV Line (TL13835) by 2020, the Draft EIR states: “In accordance with CPUC General Order 131-D, it is anticipated that the applicant would implement system adjustments (e.g., reconductor 138-kV line segments) prior to this date to ensure that some or all of these overload scenarios do not occur. Examples of system adjustments that could be implemented may be similar to the installations discussed under Alternatives B1 through B4.”

In other words, under the No Project Alternative the Draft EIR concluded that it is reasonable to anticipate numerous potential smaller projects will be required, including

reconductoring of the same segment of the Laguna Niguel–Talega 138-3kV Line (TL13835) that is contemplated under the Reconductoring Alternative. The environmental impacts of the No Project Alternative should be at least as great as the environmental impacts of the Reconductoring Alternative, yet the Draft EIR has ignored those impacts in its analysis and discussion of the No Project scenario. Instead, the Draft EIR fails to include any environmental impacts of the reconductoring project that it states would occur under the No Project Alternative in its comparison of the environmental impacts of the Project and its alternatives. Reconductoring of TL13835 by itself, even without rebuilding Capistrano Substation, could result in temporary exceedance of SCAQMD LST thresholds, which would be significant and unavoidable under CEQA, and the Final EIR should disclose this potentially significant impact.

2. Besides Reconductoring, Other Projects Would Be Required To Ensure Reliability As Well, With Resulting Impacts

To fulfill its obligation to meet NERC reliability standards and CAISO planning standards, if the CPUC were to select an alternative rather than the SOCRE Project, SDG&E would have an obligation to implement, or where necessary seek authorization to implement, other projects in an attempt to ensure compliance with NERC reliability standards as well as more stringent CAISO standards. As one example, SDG&E would seek to reconductor other 138kV power lines in the south Orange County service territory and construct a new 138kV power line between the San Luis Rey Substation (located in the City of Oceanside, San Diego County) and the San Mateo Substation located in San Clemente, Orange County. These additional projects would result in increases in emissions of criteria pollutants, and could also include potential impacts to aquatic, biological and cultural resources during construction of the new 138kV power line from the San Luis Rey Substation. These include:

- TL13835A (Laguna Niguel to Talega Hub) reconductor approximately 9.5 miles of overhead conductor and replace approximately 70 wood pole structures; reconductor approximately 1,800 feet of underground cable in Vista Montana with and associated cable splices and termination; and reconductor approximately 10,000 feet of underground cable segment from Laguna Niguel Substation to cable pole structure and associated cable splices and terminations, includes new splices and terminations. Traffic control would be required for cable pulling and splicing at six different vaults along the route.
- TL13816 (Capistrano to Pico) -- reconductor approximately 1,800 feet of underground cable in Vista Montana and associated cable splices and terminations. This in turn would require installing cable extended outages on TL13816 and TL13833, because they share the same trench and vaults, and crews would need the facilities de-energized to safely perform their work. Unfortunately, getting outages on the lines at the same time is likely infeasible due to system outage constraints. To facilitate a third trench, conduit and vault package likely would be necessary in Vista Montana, similar to the SOCRE Project. This work also would require reconductoring approximately 24,000 feet of overhead conductor from about San Juan Creek Road to San Juan Hills High School, and from the intersection of Vista Montana and La Pata Avenue to Pico Substation.

- TL13833 (Trabuco to Pico) would require reconductoring approximately 1,800 feet of underground cable in Vista Montana and associated splices and terminations.
- TL13836 (Pico to Talega Substation) would require reconductoring approximately 2,200 feet from Talega Substation to Talega Hub, and replacing six wood poles from Talega Substation to Talega Hub should be replaced to improve reliability and fire resistance.
- TL13846A (Pico to Talega Hub) would require reconductoring approximately 4,000 feet of overhead conductor with bundled conductor, and replacing approximately three poles with steel poles.
- TL13846C (Talega Hub to Talega Substation) would require reconductoring approximately 1,900 feet of overhead conductor and replace approximately seven wood poles with steel poles.
- Moving TL13846A from Pico East Bus to Pico West Bus and, to facilitate TL13846 crossing TL13833, replacing the steel pole adjacent to Pico with a cable riser pole and installing approximately 500 feet of trench, conduit, cable to route to West Bus.
- Moving TL13833 From Pico West Bus to Pico East Bus and, to facilitate TL13833 crossing TL13846, replacing steel pole adjacent to Pico Substation with cable riser pole and installing approximately 500 feet of trench, conduit, cable to route to East Bus.

Adding transmission lines to Capistrano Substation would require rebuilding the substation even if the rebuild were not required for other reasons. Moreover, if the No Project, Reconductoring or SCE Alternatives are selected, SDG&E will need to replace the two transformers at Talega Substation and replace the Talega STATCOM when it reaches the end of its useful life, to maintain voltage support.

In addition, to address the vulnerabilities arising from Talega Substation position as the sole source of power to SDG&E's South Orange County system, SDG&E would seek authorization to construct a 138kV transmission line from its San Luis Rey Substation, located south of Camp Pendleton, to San Mateo Substation, located on the northern border of Camp Pendleton. This would require:

- Adding a new 138kV Substation at San Luis Rey,
- Adding a 138kV underground getaway from San Luis Rey into TL23006 overhead structure (approximately 1,500 feet),
- Reconductoring both sides of TL23006 with bundled conductor from the San Luis Rey Substation to the San Onofre Nuclear Generating Station (SONGS) Tap (approximately 18 miles),
- Reconductoring de-energized TL13822 from SONGS Tap to San Mateo Tap with bundled conductor (approximately 6.5 miles) on existing steel lattice towers,

- Replacing TL13835 from San Mateo Tap to San Mateo with double circuit steel pole structures (approximately 12 structures), transferring TL13835 conductor, and adding new bundled wire for new 138kV (approximately 3,500 feet),
- Adding a new transmission line terminal at San Mateo Substation and additional dynamic voltage support in South Orange County.

Connecting a 138kV transmission line at San Luis Rey Substation, located in the City of Oceanside, would require adding two new 230/138kV transformers. Since the Proponent's Environmental Assessment was filed, the generation at SONGS was unexpectedly retired. This event prompted the CAISO to approve local voltage support equipment to be installed at San Onofre, Talega and San Luis Rey Substations. To make room for the new equipment at San Luis Rey Substation, the 138kV yard is being retired and removed. As a result, adding two new 138/230kV transformers would require building a new 138kV yard within the San Luis Rey Substation. Adding a new 138kV transmission line at San Mateo Substation will require a substation rebuild since the only spare position is being taken for instrument transformer installation at the substation.

3. The Work Required Should An Alternative Be Selected Has Its Own Impacts That Must Be Discussed In The Final EIR

The Draft EIR recognized that the purpose of describing and analyzing a No Project Alternative is to allow decision-makers to compare the effects of approving versus not approving the SOCRE Project. (Draft EIR at 3-3.) Yet that comparison cannot accurately be made in the Draft EIR as written because the effects of not approving the SOCRE Project are not described in the Draft EIR.

In fact, the Draft EIR understates the environmental impacts that could reasonably be anticipated to result from all three of the alternatives it finds to be both feasible and environmentally superior. For example, the Draft EIR recognizes that at least one 138kV line segment would need to be reconductored if the SOCRE Project were not approved, yet when comparing environmental impacts of the SOCRE Project and its alternatives, the Draft EIR does not include any environmental impacts of the reconductoring project that it states would occur under the No Project Alternative. Reconductoring of TL13835 by itself, even without rebuilding Capistrano Substation, could result in a temporary exceedance of SCAQMD LST thresholds, which would be significant and unavoidable under CEQA. The Final EIR should disclose and analyze those impacts.

Moreover, to provide reliable electric service if the SOCRE Project were not approved would require SDG&E to seek to construct additional projects, including the reconductoring of other 138kV power lines in the South Orange County service territory and the construction of a new 138kV power line between the San Luis Rey Substation (located in the City of Oceanside, San Diego County) and the San Mateo Substation located in San Clemente, Orange County. These additional projects would result in increases in emissions of criteria pollutants, and could also include potential impacts to biological and cultural resources during construction of the new

138kV power line from the San Luis Rey Substation. The environmental impacts of these projects may exceed those of the SOCRE Project.

The reductions of the SOCRE Project's temporary adverse effects that the Draft EIR claims exist under the Reconductoring Alternative are largely related to omission of the impacts associated with rebuilding the Capistrano Substation. Because Capistrano Substation must be rebuilt even if it remains a 138/12kV substation, essentially all of the impacts will occur under the Reconductoring Alternative as well, which the Draft EIR fails to discuss but which must be added to the Final EIR.

The Draft EIR concludes that the Reconductoring Alternative would reduce temporary significant impacts to air quality during construction (although the air quality impacts of the Reconductoring Alternative would still be anticipated to exceed significance thresholds), and would reduce temporary traffic and cumulative impacts to a level less than significant. As discussed above, with project refinements the SOCRE Project no longer has significant and unavoidable temporary or cumulative traffic impacts, so there is no advantage to the Reconductoring Alternative resulting from any reduction in those impacts. The Draft EIR also concludes that the Reconductoring Alternative would reduce impacts relating to aesthetics, cultural resources, geology and soils, greenhouse gases, hazardous materials, and noise—which already were found less than significant for the SOCRE Project. Impacts from the Reconductoring Alternative to other resource areas would be similar to those identified for the SOCRE Project, i.e., less than significant. However, the comparison of the Reconductoring Alternative's impacts to those anticipated for the SOCRE Project excludes certain scope items that would be required in order to construct the Reconductoring Alternative. The immediate construction impacts associated with the Reconductoring Alternative are therefore understated based upon the necessary scope of work.

First, the Draft EIR understates the scope of work required at Capistrano Substation. The Draft EIR asserts that, under the Reconductoring Alternative, "Equipment at Capistrano Substation found to be inadequate would also be replaced," but "Alternative B1 does not include the rebuild and expansion of the existing Capistrano Substation." The Reconductoring Alternative proposes to reconductor an existing 138kV power line between the existing Talega and Laguna Niguel Substations, and then loop the line into the Capistrano Substation (the line currently bypasses the Capistrano Substation). Thus, the alternative would create two new 138kV connections at the Capistrano Substation.

The Reconductoring Alternative understates the full extent of the required work at the Capistrano Substation in two respects and therefore understates the impacts that would occur (and overstates the reduction in impacts when compared to the SOCRE Project). While the Reconductoring Alternative would remove the 230/138kV substation yard at the Capistrano substation site, the Capistrano 138/12kV Substation would still have to be rebuilt to provide reliable electric service to SDG&E's South Orange County customers, as discussed above. And, even if Capistrano Substation did not require being rebuilt to address reliability concerns, it would need to be rebuilt and expanded to accommodate the addition of the two new 138kV connections (the Capistrano Substation currently does not contain capacity (space) to accommodate any new 138kV connections).

Therefore, while the Draft EIR states that the Reconductoring Alternative would reduce or eliminate temporary significant impacts in comparison to the SOCRE Project, this reduction is minimal (even assuming that the additional projects identified above are not implemented). Specifically, the following impacts are reasonably expected to occur under the Reconductoring Alternative:

- Because rebuild and expansion of the Capistrano Substation would be required, there would be similar temporary impacts relating to air quality (temporary exceedance of regional and localized significance thresholds during construction).
- Because rebuild and expansion of the Capistrano Substation would be required, there would be similar (if any) temporary impacts (both project-related and cumulative) to traffic circulation standards on Camino Capistrano during the approximately a 30-day lane closure to allow undergrounding of 138 and 12kV lines into Capistrano Substation.
- Because rebuild and expansion of the Capistrano Substation would be required, the temporary and less than significant noise, visual, hazardous materials, geology and soils, and greenhouse gases impacts during that construction would be similar to the SOCRE Project.

Second, the Draft EIR states that the Reconductoring Alternative would reduce traffic impacts along Via Pamplona and Vista Montana by utilizing an existing 138kV underground duct bank. However, using the existing duct bank to replace/upgrade the cable would still likely require work (cable pulling and splicing) within Via Pamplona and Vista Montana. Therefore, partial closures of Vista Montana and Via Pamplona would still occur. More importantly, traffic control and other project refinements to the SOCRE Project have been able to eliminate the temporary and cumulative significant and unavoidable traffic impacts assumed in the Draft EIR.

Third, the Draft EIR states that the Reconductoring Alternative would have approximately 62 percent less emissions of criteria pollutants than the SOCRE Project. However, the analysis methodology to support this estimate correlates the project disturbance footprint with criteria pollutant emissions, resulting in a qualitative assessment of potential reductions in criteria pollutants for various Project alternatives. SDG&E does not agree with the methodology used in the Draft EIR for the reason that air emission calculations should be based upon equipment-specific emissions and Project-specific timeframes, resulting in a detailed quantitative analysis of criteria pollutant emissions under various Project alternatives. This scope omission and the use of a qualitative assessment methodology are likely to result in greater estimate error than assessments based on quantitative emissions prepared specifically for each Project alternative.

Finally, SDG&E reasonably expects to implement or would likely propose to implement additional projects, including the reconductoring of other 138kV power lines in the South Orange County service territory and the construction of a new 138kV power line between the San Luis Rey Substation (located in the City of Oceanside, San Diego County) and the Talega Substation. These additional projects would result in increases in emissions of criteria pollutants, and could also include potential impacts to biological and cultural resources during construction of the new 138kV power line from the San Luis Rey Substation.

4. The Draft EIR's Air Emissions Methodology Does Not Accurately Compare the Alternatives to the SOCRE Project

The Draft EIR states that the SCE Alternative would have approximately 61 percent less emissions of criteria pollutants than the SOCRE Project. However, the Draft EIR's analysis methodology to support this estimate correlates the project disturbance footprint with criteria pollutant emissions, resulting in a qualitative assessment of potential reductions in criteria pollutants for various Project alternatives. As noted above, SDG&E does not agree with the methodology used in the Draft EIR -- air emission calculations should be based upon equipment-specific emissions and project-specific timeframes, resulting in a detailed quantitative analysis of criteria pollutant emissions under various project alternatives.

Even assuming the Draft EIR's methodology were an adequate substitute for actual data, correlating the project disturbance footprint with criteria pollutant emissions, the Draft EIR's asserted reduction in emissions from the SCE Alternative is significantly overstated. The Draft EIR has not included: (a) rebuilding Capistrano Substation on the 6.4 acre Capistrano Substation site; (b) the approximately 20 transmission structures preliminarily estimated by SDG&E as necessary for the SCE Alternative, as opposed to the Draft EIR's assumption of only eight new transmission structures; (c) the existing wood distribution and 138kV structures that would be removed from service; and (d) the larger PDL Substation (at least 12 acres). These scope omissions and the use of a qualitative assessment methodology are likely to result in greater estimate error than assessments based on quantitative emissions prepared specifically for each project alternative.

Therefore, the emissions reductions stated for the SCE Alternative are inaccurate and in fact may be similar to or greater than those of the SOCRE Project (particularly when the currently unknown Reliability Upgrades are implemented). Unaccounted for emissions would result from rebuilding and expanding the Capistrano Substation to accommodate the new 138kV connections, as well as from the expanded footprint of the PDL Substation and installation of additional transmission structures to support this alternative. While emissions at Capistrano Substation would be reduced by elimination of the 230kV facility, the emissions from the 230/138/12kV substation at the PDL would be anticipated to be greater than the emissions associated with the 230 kV construction at Capistrano Substation because the PDL site would be much larger than 230kV yard at Capistrano Substation, would require more grading and earthwork (because the site would likely have no previous civil stabilization), and would likely require more heavy equipment usage due to the larger size and more intensive scope of work.

The SCE Alternative is not "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors," and therefore should be rejected as infeasible.¹

¹ Pub. Res. Code, § 21061.1; Guidelines, § 15364; Laurel Heights, supra, 47 Cal.3d at p. 402, fn. 10; Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco (1980) 106 Cal.App.3d 893, 910.

II. THE DRAFT EIR OVERSTATES THE ENVIRONMENTAL IMPACTS OF THE SOCRE PROJECT AND INCLUDES UNWARRANTED, INFEASIBLE OR DISPROPORTIONATE MITIGATION AND APMS

The Draft EIR includes some mitigation that SDG&E believes are infeasible, in whole or in part, and proposes some APMS that were not proposed by SDG&E and which are infeasible to implement. SDG&E believes that in several instances the Draft EIR's analysis is unduly conservative, resulting in overstated environmental impacts and mitigation measures that are not warranted and in some cases are not feasible.

Mitigation Measure AES-1: Architectural Review of San Juan Capistrano Substation. To ensure that the design of San Juan Capistrano Substation facilities such as walls, buildings, and landscaping are consistent with the City of San Juan Capistrano's design criteria, the applicant shall submit a revised series of elevations and a landscape plan to the City's Architectural Review Board (ARB) prior to filing for grading and building permits. The ARB shall determine if the applicant's revised plans are consistent with the City's design criteria and if any modifications are needed. The applicant shall not initiate ground disturbing activities until the ARB approves the design and landscaping plan for the proposed San Juan Capistrano Substation. (Draft EIR at 4.1-43.)

Mitigation Measure AES-1 is infeasible and threatens to derail the SOCRE Project because it requires approval of the City of San Juan Capistrano's ARB of "the design of San Juan Capistrano Substation facilities such as walls, buildings, and landscaping," and bars SDG&E from initiating any "ground disturbing activities" until the ARB has granted such approval. The ARB has no expertise in the design of appropriate walls, buildings and landscaping for electrical substations.

The CPUC asserted its exclusive jurisdiction over public utilities' facilities in General Order 131-D, Section XIV.B, which states that "local jurisdictions action pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations or electric facilities constructed by public utilities subject to the Commission's jurisdiction." While SDG&E appreciates the ARB's substantive input on the landscaping and exterior wall for the San Juan Capistrano Substation location, the CPUC determines the appropriate design and mitigation necessary for electric utility projects. MM-AES-1 should be limited to requiring SDG&E to consult with the ARB, and obtaining CPUC approval of its plans. To do otherwise would set dangerous precedent on the preemption under General Order 131-D.

Mitigation Measure AQ-1: Oxides of Nitrogen (NOX) Credits. The emissions of NOx due to construction of the proposed project will be mitigated through the purchase of Regional Clean Air Incentive Market Trading Credits (RTCs) for every pound of NOx emissions in excess of the SCAQMD regional significance threshold of 100 pounds per day. The total amount of NOx RTCs to be purchased will be calculated when the construction schedule is finalized. The applicant will purchase and submit the required RTCs to the SCAQMD prior to the start of project construction. The applicant will also track actual daily emissions during construction according to a monitoring plan that includes records of equipment and vehicle usage. (Draft EIR at 4.3-19 to 4.3-20.)

Mitigation Measure AQ-1 requires the purchase of RTCs for every pound of NO_x emissions in excess of the regional significance threshold of 100 pounds per day. The total amount of NO_x RTCs to be purchased will be calculated once the construction schedule is finalized. SDG&E concurs with the mitigation proposed to offset NO_x emissions from project construction, and concurs that calculation based on the construction schedule is the appropriate approach. However, SDG&E believes that requiring the tracking of daily emissions during construction, according to a monitoring plan that includes records of equipment and vehicle usage, is infeasible, imposes unnecessary costs on ratepayers, and not necessary to achieve the intent of the mitigation measure. Furthermore, because this mitigation measure requires purchasing the credits prior to construction based on construction schedule, it renders the requirement to track daily emissions both redundant and unnecessary.

Mitigation Measure CUL-4: Native American Consultation and Participation Planning. As a supplement to APM CUL-7, prior to construction, the applicant will provide evidence to the CPUC that tribes requesting consultation with the applicant regarding the project design and impacts on cultural resources were consulted. In addition, the applicant will provide evidence to the CPUC that tribes that have expressed interest in the project during any phase (i.e., project application through end of construction and restoration) have been given the opportunity to participate in additional cultural resources surveys (MM CUL-1) and cultural resources monitoring when performed by a CPUC-approved cultural resources consultant (MM CUL-3).

To outline the expected duties and responsibilities of all parties involved, the applicant and a CPUC-approved cultural resources consultant will submit a Native American Participation Plan prior to construction. The final Native American Participation Plan shall be implemented, as specified, throughout construction and restoration. Tribes that have expressed interest in the project prior to construction will be given the opportunity to participate in development of the plan. Refer to Draft EIR at pp. 4.5-20-21 for the list of eight requirements the plan specifies.

Mitigation Measure CUL-4 requires that SDG&E provide evidence to the CPUC that any tribes that have expressed interest in the project during any phase (application through construction and restoration) have been given the opportunity to participate in additional cultural resources surveys and monitoring when performed by a CPUC-approved cultural resources consultant. To be clear, it would be infeasible for tribes that express an interest in the project only during later project phases (e.g. end of construction and restoration) to have had the opportunity to participate in surveys that typically occur during the early phases of a project. Furthermore, it is likely that the majority of cultural surveys will take place in the earlier phases of the Project. Therefore, this mitigation measure must make clear that tribes may participate in any surveys that have not yet occurred at any given project phase, but this mitigation measure does not confer an implied right to reconduct any surveys that have already occurred prior to the tribe's expressed interest.

Mitigation Measure BR-4: Limit Removal of Native Vegetation Communities and Trees. The removal of native vegetation and trees will be limited to the minimum practicable area required for construction of the project. Grading, grubbing, graveling, or paving will only occur for permanent project components. Temporary staging areas will be used in such a way

that it facilitates post-construction restoration, per Section 7 of the SDG&E Natural Community Conservation Plan/Habitat Conservation Plan (NCCP). Drive-and-crush methods will be employed. (Draft EIR at 4.4-50.)

Mitigation Measure BR-4 requires, among other items, that “drive and crush methods will be employed.” However, drive and crush methods may not be feasible or appropriate in all cases, in particular for some temporary staging areas for safety reasons (e.g. fire, trip hazards) and may not be suitable for use for placement of temporary structures such as construction trailers and drop tanks. Furthermore, Section 7 of the NCCP does not prohibit the use of grading, grubbing, graveling, or paving in a temporary work area as long as the area is returned to pre-construction conditions and the area is rehabilitated per the enhancement program and defined success criteria. The success of the restoration efforts is the responsibility of SDG&E under the NCCP. Because SDG&E is already required to successfully restore impacted areas, the means and methods need not be dictated, as this mitigation measure does not provide any additional resource protection. Following the NCCP Operation Protocols and Enhancement Plan is sufficient to ensure adequate resource protection, and avoids potentially contradictory requirements.

Mitigation Measure BR-6: Migratory Birds and Raptors Impact Reduction

Measures. The applicant will develop a Nesting Bird Management Plan in consultation with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and CPUC that outlines protective measures and Best Management Practices that will be employed to prevent disturbance to active nests of both special status and Migratory Bird Treaty Act protected bird species with the potential to occur in the project area. The Nesting Bird Management Plan will include the following components: ... The Nesting Bird Management Plan will specify that active bird nests will not be removed during breeding season unless the project is expressly permitted to do so by the USFWS or CDFW. ... Buffer reductions for special status species and raptors must be approved by appropriate wildlife agencies and the CPUC. ... The Nesting Bird Management Plan will be submitted to the USFWS, CDFW, and CPUC for comment and approval no more than six months prior to the start of construction (Draft EIR at 4.4-50.)

Mitigation Measure BR-6 outlines the elements the CPUC requires to be included in a Nesting Bird Management Plan, prepared in consultation with USFWS, CDFW and the CPUC. However, based on SDG&E’s experience with USFWS and CDFW on its recent East County Substation and South Bay Substation Relocation Projects, two proposed elements of the Plan render it infeasible. First, the measure is inconsistent with current wildlife agency guidance, in that USFWS and CDFW cannot expressly permit removal of an active bird nest. Instead, it is incumbent on SDG&E to make its own determination as to whether the removal of a nest is permitted within the meaning of the State and Federal codes. Second, USFWS and CDFW cannot expressly approve a buffer size or reduction. Rather, SDG&E must make its own determination of appropriate nesting bird buffer sizes and/or the implementation of other appropriate avoidance measures to ensure minimization of impacts to nesting birds. When making these determinations, SDG&E may seek and receive guidance from the agencies, but they will not provide approval or concurrence.

Mitigation Measure TR-3: Notification and Monitoring of Helicopter Use. SDG&E will notify the Long Beach Flight Standards District Office at least one week in advance of all days during which helicopter operations are planned to occur or as required by the Flight Standards District Office. In addition, SDG&E will notify all residents, businesses, and owners of property within 0.25 miles of planned or emergency helicopter flight paths and landing areas at least one week in advance of all days during which helicopter operations are planned to occur. (Draft EIR at 4.15-27.)

Mitigation Measure TR-3 requires that SDG&E "... notify all residents, businesses, and owners of property within 0.25 miles of planned or emergency helicopter flight paths and landing areas at least one week in advance of all days during which helicopter operations are planned to occur." By definition, an emergency is an event or incident that requires an immediate response; therefore advance notification to all residents within 0.25 miles is infeasible. Additionally, the term "flight path" should be clarified to pertain only to low altitude helicopter activities at or near the project site that could affect residents, business owners and owners of property. Otherwise the term "flight path," if broadly interpreted, could apply from the airport of origin to the project location many miles away. If interpreted in this manner, the notification requirement would impose unnecessary costs on ratepayers, be unduly burdensome and infeasible.

CEQA requires that mitigation measures be "roughly proportional to the impacts of the project." 14 Cal. Code Regs. § 15126.4(a)(4)(B), citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994). SDG&E also believes that some of the proposed mitigation measures should be revised or deleted to ensure consistency with prior CPUC precedent on comparable projects, as well as to eliminate redundancy. Attachment B - Proposed Mitigation Revisions, Technical Corrections & Clarifications (Draft EIR Comment Table) identifies suggested revisions to the mitigation measures, together with supporting rationale that would address SDG&E's concerns. SDG&E is concerned that some of the proposed mitigation measures are unwarranted, unnecessary and/or disproportionate to a particular impact. SDG&E therefore requests modifications to some of the mitigation measures contained in the Draft EIR. SDG&E's requested revisions to the mitigation measures are included in Attachment B - Proposed Mitigation Revisions, Technical Corrections & Clarifications (Draft EIR Comment Table). As discussed in Attachment B, some of the proposed mitigation measures are unwarranted, unnecessary and/or disproportionate to the particular impact. Specific modifications to mitigation measures are noted in Section 8 of Attachment B.

SDG&E respectfully requests that the Final EIR incorporate the modifications identified in Attachment B - Proposed Mitigation Revisions, Technical Corrections & Clarifications (Draft EIR Comment Table).

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

In addition to the foregoing comments, SDG&E has identified several technical corrections and clarifications that should be incorporated into the Final EIR to ensure that it is an

accurate and complete document. Those technical corrections and clarifications are identified in Attachment B - Proposed Mitigation Revisions, Technical Corrections & Clarifications (Draft EIR Comment Table). SDG&E respectfully requests that the Final EIR incorporate the technical corrections and clarifications requested in Attachment B - Proposed Mitigation Revisions, Technical Corrections & Clarifications (Draft EIR Comment Table).

IV. EVEN IF THE FINAL EIR CONCLUDES THAT THE SOCRE PROJECT RESULTS IN SIGNIFICANT UNMITIGABLE IMPACTS, SPECIFIC OVERRIDING CONSIDERATIONS WARRANT APPROVAL OF THE SOCRE PROJECT

The Draft EIR asserts three temporary impacts of SDG&E's SOCRE Project are significant and unavoidable. In addition, the SOCRE Project has been further refined, and now will have only one significant and unavoidable impact -- and even that impact is a temporary one. The Draft EIR then asserts that the No Project, Reconductoring, and the SCE Alternatives would have fewer significant and unavoidable environmental impacts. As discussed above and in the attached materials, where the Draft EIR concludes that the SOCRE Project will result in unavoidable significant impacts, CEQA nonetheless allows a project to be approved. As the CEQA Guidelines provide, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a SOCRE Project against its unavoidable environmental risks when determining whether to approve the project. 14 Cal. Code Regs. § 15093. Specific examples of the applicable benefits associated with the SOCRE Project are detailed in Attachment D – Statement of Overriding Considerations.

V. RECIRCULATION IS NOT REQUIRED AS A MATTER OF LAW

SDG&E expects opponents of the SOCRE Project to attempt to delay and derail a timely decision on the project by arguing that the CPUC is required to recirculate the Draft EIR. That is not the case, however.

Under CEQA, recirculation is not required except in very specific circumstances, which are not applicable here. The only time recirculation is required is when "significant new information" is added to the EIR after public notice of the availability of the draft EIR. 14 Cal. Code Regs. § 15088.5. The California Supreme Court has emphasized that a decision to recirculate an EIR should be the exception and not the rule:

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

of section 21092.1, we have given consideration to both the legislative goals of furthering public participation in the CEQA process and of not unduly prolonging the process so that the process deters development and advancement.

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

Importantly, the CEQA Guidelines provide that: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” 14 Cal. Code Regs. § 15088(a) (emphasis added). The Guidelines also identify four examples of “significant new information”: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance. (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it. (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. *Id.* “Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” 14 Cal. Code Regs. § 15088.5(b).

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

“We also disagree regarding the need to recirculate the FEIR based on the six new route options. An FEIR always contains new information not in the draft EIR, in the form of public comments and responses thereto. New information added to an EIR is not “significant” for purposes of triggering the recirculation requirement unless ‘the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project.’ (CEQA Guidelines § 15088.5(a). . . . We conclude that the six route options would not introduce ‘new significant environmental impacts’ or a ‘substantial increase in the severity of an environmental impact,’ conditions which would require recirculation. (14 Cal. Code Regs. § 15088.5(a)(1) and (2).)”

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

SDG&E’s proposed clarifications and changes to the mitigation measures and APMs in the Draft EIR cannot trigger recirculation as a matter of law. Again, Section 15088.5(a) provides: “New information in an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse

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

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

More importantly, any “voluntary” recirculation is wholly inappropriate for several reasons. New detail on a project’s design or features does not trigger recirculation unless the new detail constitutes “significant new information” under CEQA and the CEQA Guidelines. The CEQA Guidelines provide: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” 14 Cal. Code Regs. § 15088.5(a); *accord, e.g., Laurel Heights*, 6 Cal. 4th 1120 (“We conclude that recirculation is only required when the information added to the EIR changes the EIR in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible project alternative or mitigation measure that would clearly reduce such an effect and that the project’s proponents have declined to implement.”); *id.*, at 1129, 1142 (“Recirculation is only required when a discussion of a new feasible project alternative, which will not be implemented, is added to the EIR”); *California Oak Foundation v. the Regents of the University of California*, 188 Cal. App. 4th 227, 266 (2010). What these cases, and CEQA itself, make clear is that the mere fact that information is added does not, by itself, trigger recirculation.

Here, the additional design information provided by SDG&E regarding minor project refinements (transmission line, distribution line and Talega Substation) were made to reduce the total number of structures and reconfigure the layout at Talega Hub to eliminate underground transmission and cable poles does not constitute significant new information because the information does not disclose “a substantial adverse environmental effect of the project” or a

“feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” These changes were the result of ongoing engineering, updated construction planning/sequencing, new design specifications.

In sum, SDG&E believes that the Final EIR should find the SOCRE Project to be “environmentally superior” to any alternatives, including those identified as “environmentally superior” in the Draft EIR. A change in the EIR’s conclusion does not trigger recirculation unless it is caused by “significant new information” as defined in CEQA and the CEQA Guidelines. As SDG&E notes, the Final EIR should clarify the environmental benefits of the SOCRE Project and the lack of such environmental benefits from the No Project and Reconductoring and SCE Alternatives, as well as the inability of those alternatives to meet the underlying project purpose and objectives of ensuring reliable service to SDG&E’s South Orange County customers. Clarifications do not require recirculation. There is nothing in CEQA or the CEQA Guidelines or any cases interpreting CEQA or the CEQA Guidelines that requires recirculation of an EIR simply because the lead agency changes its conclusions regarding the “environmentally superior” alternative.

VI. CONCLUSION

To the extent, if any, that the No Project, Reconductoring and SCE Alternatives are environmentally superior to the SOCRE Project, there are numerous reasons why they nonetheless are infeasible and, as set forth in CEQA, “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” Pub. Res. Code, § 21002. Here, in light of the underlying SOCRE Project purpose and the project refinements that have eliminated all but one significant and unavoidable temporary impact, there simply are no alternatives that: 1) meet most or all of the project objectives, 2) are feasible, and 3) avoid or substantially reduce one or more potentially significant impacts of the SOCRE Project.

SDG&E appreciates CPUC and Ecology and Environments Inc.’s review of the SOCRE Project and SDG&E’s comments on the Draft EIR. For all the reasons described in this letter and the attached materials, SDG&E respectfully requests that CPUC prepare the Final EIR and (1) confirm that the SOCRE Project is environmentally superior to all other project alternatives; (2) revise the description of the SOCRE Project consistent with the Project Refinements set forth in A – Minor Project Design Refinements; (3) revise the mitigation measures and the APMs identified for the SOCRE Project and incorporate the technical corrections and clarifications described in Attachment B - Proposed Mitigation Revisions, Technical Corrections & Clarifications (Draft EIR Comment Table); and (3) adopt the Statement of Overriding Considerations as set forth in Attachment D.

April 9, 2015

California Public Utilities Commission
RE: SOCRE Project
c/o Ecology and Environment, Inc.
505 Sansome Street, Suite 300
San Francisco, CA 94111

Also via email at socre.ceqa@ene.com

RE: SUPPORT South Orange County Reliability Enhancement

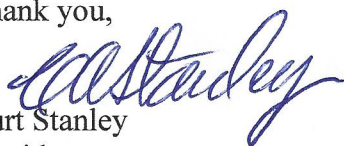
I am a small business owner and most of my customers, vendors and employees live South Orange County. I provided printed material, collateral material and giveaway items for companies throughout the region. Our services almost entirely computer-based and most of the time our clients who order through us are on a tight deadline needing a fast turnaround. If we do not have reliable power, we will lose business to companies who can provide uninterrupted services.

Businesses in South County like myself are dependent on reliable electric infrastructure. The solutions proposed, such as the concept of "shedding load" to address our lack of redundancy and reliability are untenable alternatives that will not support South County.

The substation located San Juan Capistrano is over 50 years old and needs to be upgraded to ensure South County residents receive the benefits they deserve. The other alternative to start from scratch and build a new substation will take a decade or more and does nothing to support the redundancy and reliability necessary for the foreseeable future.

Electricity supports our businesses, helps them survive and thrive. We do our part to conserve energy and reduce our use of electricity, but it's not about the amount of power we use, but the redundancy in the electrical system. A reliable transmission system depends on the South Orange County Reliability Enhancement project and this is why I support SDG&E's proposed project.

Thank you,



Curt Stanley
President

Adventures in Advertising

Midbust, Jessica

From: Jake Vollebregt <jake.vollebregt@gmail.com>
Sent: Friday, April 10, 2015 10:55 AM
To: SOCRE CEQA
Subject: South Orange County Reliability Enhancement (SOCRE) Project

Dear California Public Utilities Commission,

South Orange County represents a \$25 billion dollar economy, which serves as a growing economic engine for the region and the state. Our area of the county represents the last frontier for significant new housing, new retail centers and a new hub for corporate headquarters in the region. Safe and reliable infrastructure is critical to this growing hub of vibrant and dynamic activity.

San Diego Gas & Electric (SDG&E) has presented a quality plan to improve reliability and create redundancy in the electrical transmission system in South Orange County. As proposed, the South Orange County Reliability Enhancement project would result in a new 230kV substation built on existing SDG&E property at a current substation site in the load center of SDG&E's service territory for South Orange County. This second 230kV substation would be designed to keep the power on for the region if anything were to happen to the Talega substation, which currently serves as the solitary gateway of transmission power to the entire 300,000 plus residents and millions of visitors in South Orange County. To be reliant on a single substation to transmit power to the entire region is inherently dangerous.

We were shocked to learn that CPUC staff did not determine SDG&E's proposed project to be the preferred alternative in the Draft Environmental Impact Report. SDG&E's well-thought-out plan was cast aside due to temporary impacts, in favor of a "Do Nothing" (i.e. "No Project") approach. For CPUC staff to determine that the "no project" alternative somehow meets the region's need for system reliability is stunningly shortsighted and irresponsible.

Load-shedding and reconductoring will do nothing to give our communities safe and reliable power. Under these two alternatives, all transmission power would continue to flow exclusively through the Talega substation, putting the entire region at risk of power outages. Blackouts present a significant threat to public safety and should not be advanced as a possible solution. The loss of power can be life-threatening for those on ventilation units and others with medical conditions.

The suggested alternative of building a new substation near the landfill brings a whole host of other problems – most important is the significant delay that would occur with having to do additional environmental studies and acquiring the land for the substation. And a tie-in with Southern California Edison (SCE) lines has never been done, so there may be engineering challenges that we currently can't foresee. This undertaking would likely delay redundancy in South Orange County by a decade or more.

South Orange County deserves a reliable and redundant electrical infrastructure NOW!.

As a member of the south Orange County business community, I implore you to make the right decision for our South County communities: approve the South Orange County Reliability Enhancement project as proposed by SDG&E. Please reject the staff recommendations and leave the lights on in South Orange County.

Sincerely, Jake Vollebregt Individual 39 Mayfair Aliso Viejo, CA 92656

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