

ORIGINAL

Decision 82 02 082 FEB 17 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN CALIFORNIA EDISON COMPANY)
 for a certificate that the present)
 and future public convenience and)
 necessity require or will require)
 construction and operation by appli-)
 cant of a 500 kV transmission line)
 between Devers and Valley Substations,)
 a 500 kV transmission line between)
 Serrano and Valley Substations and a)
 220 kV transmission line between)
 Serrano and Villa Park Substations.)

Application 59982
 (Filed October 1, 1980)

William T. Elston, Attorney at Law, for Southern California Edison Company, applicant.

Roger L. Foster, for Warm Springs Valley Homeowners Association; Brian Moucka, for Concerned Citizens United to Challenge Power Lines; Chris Jorgensen and Steve Tashiro, for Emissaries of Divine Light; and James Conkey, Attorney at Law, for Presley of Southern California, a Sun City Civic Association; protestants.

Beers and Dickson, by Roger Beers and Katherine Dickson, Attorneys at Law, for Western Riverside County Energy Coalition; Victor Summers, for Glen Ivy Hot Springs; William H. Gianelli, for United States Department of the Interior, Bureau of Indian Affairs and Morongo Band of Mission Indians; Leslie J. Crist, for City of Desert Hot Springs and Coachella Valley Association of Government; Charles G. Sheffer, for Lake Elsinore Valley Amateur Radio Club; Brownell Merrell, Jr., Attorney at Law, for Temescal Valley Ranch Company; and William R. Sweeney, Attorney at Law, for himself; interested parties.

Philip S. Weismehl, Attorney at Law, Higinio G. Paula and Bill Yuen Lee, for the Commission staff.

ORDER RULING ON MOTION

In the proceeding, Southern California Edison Company (Edison) seeks an order that present and future public convenience and necessity require the construction and operation of a 500 kilovolt (kV) transmission line between Devers and Valley Substations, a 500 kV transmission line between Serrano and Valley Substations, and a 220 kV transmission line between Serrano and Villa Park Substations.

Summary of Decision

This decision rules on the motion of Western Riverside County Energy Coalition (Coalition) for suspension of the proceeding in Application (A.) 59982 and for rejection of the joint draft Environmental Impact Statement (EIS) and Environmental Impact Report (EIR).

This order directs our staff to prepare jointly with the United States Department of Agriculture, Forest Service (Forest Service) a supplemental EIS/EIR which will examine the environmental impacts associated with alternative transmission line routes within the Cleveland National Forest not fully examined in the draft EIS/EIR. The specific routes are those described in Exhibit 52 sponsored by a Forest Service witness and the so-called "Hoeger Alternative" described in Exhibit 58.

The staff is also to review the other transmission line projects which may bear a significant geographical or functional relationship to the specific project in issue as part of its examination of alternatives to the project and the cumulative impacts of the project.

With Commission approval, the Executive Director on November 5, 1981 advised Edison that, in accordance with the provisions of the California Environmental Quality Act (CEQA), the time in which a final decision must be issued in A.59982 had been extended from one year after filing of the application to 60 days after completion of the final EIS/EIR.

Coalition moved that this proceeding be suspended until the Commission completes a separate generic assessment of the need for new transmission lines designed to bring power from points in Nevada, Arizona, and New Mexico to the service areas of southern California electric utilities, asserting that piecemeal evaluation of proposed transmission line projects permits the certification of unnecessary or poorly located lines.^{1/} The request for suspension of the project for this reason will be denied without ruling on the merits of a generic investigation of transmission line sitings.

Coalition's motion will be granted to the extent that a supplemental EIS/EIR will be prepared in accordance with the directives described above. In all other respects the motion will be denied. Of necessity, a final decision cannot be rendered until a final EIS/EIR is completed; however, hearings on the issue of the need for the project will continue as scheduled.

Background

By the requirements of the National Environmental Policy Act (NEPA), CEQA, and General Order (GO) 131 of this Commission, a Proponents' Environmental Assessment (PEA) accompanied the application. A separate request was filed by Edison with the Forest Service for a right-of-way through the Cleveland and San Bernardino National Forests for construction and operation of a 500 kV transmission line. As this project involves national forest lands, a joint federal EIS and state EIR will be prepared for the project. The responsibility for approval of the final EIS lies with the Forest Service, and approval of the final EIR lies with this Commission.

^{1/} On January 12, 1982 the Natural Resources Defense Council (NRDC) attempted to file a petition requesting an Order Instituting Investigation (OII) into the siting of transmission lines in California. The request was forwarded to the Commission for its consideration. While no action on NRDC's request has been taken to date, our staff is investigating this matter and will report its findings in the near future. ✓

Public hearings, bifurcated as to issues dealing with the need for the project and environmental issues, were held in Riverside, Los Angeles, and San Francisco commencing August 24, 1981. Those hearings are still in progress. A joint draft EIS/EIR was prepared and presented in evidence as Exhibits 33, 34, and 35. Cross-examination of Commission staff and Forest Service staff witnesses, and witnesses presented by Thomas Reid Associates (Reid), the contractor that prepared the draft EIS/EIR, has been completed. In addition testimony on environmental issues was presented on behalf of Edison, United States Marine Corps, Glen Ivy Hot Springs, Coalition, Corona Foothill Lemon Company-Temescal Sales Company (Temescal), Riverside County Planning Commission, Riverside County Board of Supervisors, California Department of Forestry, and individual owners of property lying along the proposed or alternate transmission line routes.

Prior to the completion of the draft EIS/EIR, public meetings were jointly held by the Commission and Forest Service staffs to obtain comments from the public on environmental issues. The comments received at these meetings and the information contained in the PEA formed the basis for the environmental analyses of Reid, the Forest Service, and our staffs as contained in the draft EIS/EIR. The evidence on environmental issues received at the public hearing in A.59982 addressed the information set forth in the draft EIS/EIR.

The draft EIS/EIR analyzed the environmental impacts of the transmission line routes proposed by Edison (proposed route) and the alternate routes described in the PEA. It also analyzed an alternate route (Hewitt Alternative) suggested at the public meetings.

At the subsequent public hearings Temescal proposed an alternate route (Hoeger Alternative) that would avoid Temescal's orchard lands in the

Temescal Valley. Glen Ivy Hot Springs and individual property owners opposed the portions of the proposed and alternate routes near their properties. A Forest Service witness presented in Exhibit 52 preliminary studies that had been made by the Forest Service of alternate routes within the Cleveland National Forest that were not included in the PEA or draft EIS/EIR.

Motion

Coalition, on December 11, 1981, filed a Motion to Suspend Proceedings and for Rejection of the Draft EIS/EIR. Replies to the motion were filed on January 15, 1982 by Temescal, Edison, our staff, and Forest Service. This opinion addresses the issues raised in the motion.

Coalition argues that the draft EIS/EIR should be rejected or supplemented because it is inadequate in the following respects:

- A. The draft violates NEPA and CEQA by excluding alternatives which the Forest Service is considering and which were known to the PUC staff.
- B. The draft fails to adequately assess cumulative impacts and alternatives because it artificially limits the project scope.
- C. The draft unlawfully and unreasonably ignores significant land use considerations.
- D. The draft EIS/EIR is inadequate in other respects.

We will discuss each point raised in the motion.

Cleveland National Forest
Alternative Routes

The first point raised in the motion concerns the alternative routes described in Forest Service's Exhibit 52. The staff and Forest Service staff agree that the environmental effects of these routes should have full scrutiny.

Temescal asks, in its response to the motion, that a more complete environmental assessment be made of the Hoeger alternative route within the Cleveland National Forest described in Exhibit 58.

To this end, the Forest Service and our staff began a more detailed environmental review of the Cleveland National Forest alternative routes described in Exhibits 52 and 58 in contemplation of Coalition's motion. There is no dispute concerning this portion of Coalition's motion and it will be granted.

Scope of the Project

Coalition argues that Edison's proposed Devers-Valley-Serrano transmission line is one link in a much larger transmission system expansion; yet, in terms of evaluating environmental impacts and alternatives, the draft EIR generally ignores the relationship of the proposed line to the rest of the system. By segmenting or "piecemealing" the approvals of larger transmission line systems, the utilities and the Commission unduly narrow the scope of possible alternatives, and minimize the cumulative impacts of the entire system. The motion urges that when it serves Edison's purposes, its witnesses admit that the proposed Devers-Valley-Serrano component is merely a portion of an integrated system. The motion states the application and draft EIR do not address the impact on the Devers-Valley-Serrano system of a second 500 kV Palo Verde-Devers line, which Edison may seek to build; nor does the application or EIR describe the effect of constructing Edison's Serrano-Mira Loma line approved in D.82-01-50 issued January 5, 1982 in A.59983. The motion also asserts the application and draft EIR do not adequately analyze the effect of San Diego Gas & Electric Company's (SDG&E) "Eastern Interconnect" transmission line from Palo Verde to San Miguel authorized by D.93785 dated December 1, 1981 in A.59575, on the transmission line project proposed in this proceeding.

The motion states that Edison ultimately plans to construct a second 500 kV line from Devers to Valley; and it plans an interconnection with SDG&E's Eastern Interconnect with a 500 kV link between SDG&E's line and Valley substation; and it plans to interconnect the

Imperial Valley geothermal area with the Devers-Valley-Serrano line. Coalition asserts that approval of the present application is a precedent for approval of these additional lines.

Coalition states that Edison and our staff have an obligation to inform the Commission and the public about Edison's future plans and the impact that the approval of A.59982 will have on the location of additional lines. The motion asks that we direct our staff to obtain from Edison all available information regarding Edison's additional lines, and that such material should be included in the supplemental EIR.

Coalition also argues that CEQA and the interpretive case law require the staff to expand the definition of the project in a new draft EIR for purposes of analyzing both cumulative impacts and reasonable alternatives, inasmuch as CEQA Guidelines require an analysis of cumulative impacts when the impact from "other closely related past, present, and reasonably foreseeable probably future projects" combine to cause a change in the environment.

In its reply to the motion our staff states that it believes that consideration of other projects to the extent information is known about them is reasonable and should be in the supplemental EIS/EIR in some form as this will present the Commission and the public with some understanding of the planning context in which the project is being developed. To that extent, our staff does not disagree with the Coalition. However, our staff emphasizes that neither CEQA nor NEPA envision the draft EIS/EIR as containing all of the information that could possibly be of use to the appropriate decision makers or to the public in evaluating a project.

The staff also points out that projects have historically been reviewed by the Commission on a case-by-case basis, albeit in the context of related projects. Edison has applied for specified transmission segments between the Devers, Valley, Serrano, and

Villa Park Substations to serve specified purposes. It is the staff belief the primary focus of this proceeding is to evaluate Edison's proposal on its own merits as it stands. While the staff concurs in great part with the Coalition's position on cumulative impacts and alternatives, the requirement of CEQA is, as the Coalition points out, "a standard of practicality and reasonableness." There may be significant limitations as to the information that will be readily ascertainable.

Our staff states that: absent specific direction from the Commission to the contrary, it does not intend as part of its discussion of other projects to attempt to undertake what the Coalition seems to believe would be appropriate to the scope of a generic proceeding; limitations as to what it will be able to do with information that may exist must be understood to avoid claims of surprise when the supplemental EIS/EIR is produced.

We concur in our staff's assessment of this issue. We will deny Coalition's request for institution of a generic investigation (OII) at this time, while instructing staff to include in the supplemental EIR, a review of relevant information which can reasonably be obtained about present and proposed transmission line projects which may bear a significant geographical or functional relationship to the project in issue. The additional information to be evaluated on other present and proposed projects need not contain the same depth of analysis that would be developed in a generic proceeding, because CEQA Guidelines do not require such analyses, and because such analyses exceed reasonable requirements, considering the time, manpower, and cost to develop the data.

Land Use Issues

The Coalition's motion raises several concerns regarding the draft EIS/EIR treatment of land use, particularly with respect to land use plans and proposed developments. Two land use issues are stressed by the Coalition. They are the treatment of existing and

proposed land uses in Riverside County and alleged conflicts with the Trabuco Land Management Plan (TLMP) of the Forest Service.^{2/}

Our staff is willing to reexamine land use issues in the supplemental EIS/EIR to ensure that the environmental document appropriately reflects existing land use and land use policies.^{3/} Therefore, on the need to have such an analysis, the staff does not have any dispute with the Coalition.

With regard to the TLMP, the staff believes the draft EIS/EIR correctly reflects the relationship of that plan to this application. The staff reply indicates that what appears to be an erroneous comment in one exhibit, coupled with some misunderstanding of other testimony, has led to Coalition to attack the staff and Forest Service on an issue that doesn't really exist. The Forest Service response to the motion states the Forest Service does not consider the proposed transmission line to be in conflict with TLMP. TLMP anticipates the need for such use of national forest lands, but the plan could not provide for a specific transmission line route until applied for by an electrical utility. TLMP calls for environmental analysis on a case-by-case basis, and such analysis is provided in the draft EIS.

^{2/} The Trabuco District is one of the districts within the Cleveland National Forest. The Trabuco Land Management Plan (TLMP) was adopted by the Regional Forester on August 4, 1978, and it has been entered into the record in this proceeding as Exhibit 55.

^{3/} The staff stresses that it is possible only to evaluate existing land use policies and that it cannot attempt to evaluate proposed or contemplated land use policies which have not been officially adopted by the local agencies involved.

Other Asserted Inadequacies
of Draft EIS/EIR

The motion makes reference to additional deficiencies or omissions asserted to exist in the draft. Were it not for the fact that a supplemental EIS/EIR will be prepared, many of these, along with comments received on the draft from other persons, would be handled in the final EIS/EIR as responses to comments. To respond to some of these items may require either substantial discussion or the introduction of information which was not present in the initial draft EIS/EIR. Since a supplemental document is going to be prepared, the staff has recommended that these additional items should be discussed in the supplemental EIS/EIR rather than reserve the discussion to the final EIS/EIR. We concur with that approach. We will direct the staff to include in the supplemental EIS/EIR responses to comments where the issues are ones requiring substantial new information or are otherwise appropriate for additional public review.

Need for Hearing or Oral Argument
Regarding This Motion

Coalition requests that a hearing be held before the full Commission for the consideration of this motion. We see no need for such a hearing since there are few, if any, substantive issues of dispute between the Coalition, the Forest Service, and the staff.

Conclusions

1. The preparation of a supplemental EIS/EIR is the proper remedy for any problems that may exist with respect to issues raised as comments on the draft EIS/EIR.
2. The issuance of an OII as a generic proceeding to examine the future transmission requirements is discretionary with the Commission and is not a prerequisite to this application.

3. Coalition's motion should be denied insofar as it seeks suspension of this proceeding and rejection of the draft EIS/EIR since these are inappropriate remedies under NEPA, CEQA, and their respective guidelines.

4. The motion should be granted to the extent provided by the order which follows.

5. The order should be effective today in order to minimize delay in the final consideration of the project by this Commission.

IT IS ORDERED that:

1. The staff of the California Public Utilities Commission is directed to have prepared in cooperation with the United States Department of Agriculture, Forest Service, a supplemental draft Environmental Impact Statement/Environmental Impact Report addressing:

- a. Alternative transmission line routes within the Cleveland National Forest.
- b. A further examination of the alternatives to the project proposed in A.59982 and a further examination of cumulative impacts of the project.
- c. A further review of the project in light of current and prospective land use plans of the County of Riverside as well as current and prospective transmission line options which may bear a significant geographical or functional relationship to the project in issue.
- d. Other issues raised by comments on the draft EIS/EIR appropriate for inclusion in the supplemental EIS/EIR.

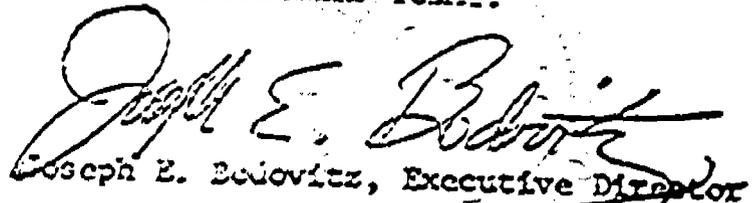
2. In all other respects the motion of Western Riverside County Energy Coalition filed December 11, 1981 is denied.

This order is effective today.

Dated FEB 17 1982, at San Francisco, California.

JOHN E. ERYSON
President
RICHARD D. GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Belovitz, Executive Director