

Decision 99-09-058 September 16, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company for a Permit to Construct an Electric Facility: Pico Substation Project.

Application 98-12-023
(Filed December 17, 1998)

**OPINION ADOPTING MITIGATED NEGATIVE DECLARATION
AND GRANTING A PERMIT TO CONSTRUCT**

In this application, San Diego Gas & Electric Company (SDG&E) seeks permission to construct a substation in the Talega Town Center and Business Park on the south side of Avenida Pico within the Rolling Hills development project in Orange County near the City of San Clemente. SDG&E reports that the substation is needed to meet anticipated customer-driven electrical load growth and to prevent potential outages. In this order, we adopt the Mitigated Negative Declaration for this project and grant the Permit to Construct.

In Resolution ALJ-176-3007 dated January 7, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were necessary. No protests have been received. Given this status public hearing is not necessary, and we will alter the preliminary determinations made in Resolution ALJ-176-3007.

Background

On December 17, 1998, SDG&E filed this application, pursuant to General Order 131-D, for a Permit to Construct a Substation Facility planned to be 120 MVA with four MVA transformers and sixteen 12 kV circuits. No protests on the application were filed with the Commission. The Energy Division's

environmental review staff deemed the application to be complete on March 24, 1999.

The Energy Division staff released its Initial Study and Mitigated Negative Declaration for public comment and review on April 9, 1999, with written comments due no later than May 12, 1999. SDG&E's application identified mitigation measures to be adopted. The staff did not impose any additional mitigation measures. The staff published a notice of the availability of the Draft mitigated Negative Declaration and Initial Study in the San Diego Tribune on January 6, 1999. In a letter dated May 13, 1999, Terry Roberts, Senior Planner with the State Clearinghouse, Governor's Office of Planning and Research, acknowledged that these documents complied with the State Clearinghouse review requirements, pursuant to the California Environmental Quality Act (CEQA).

No comments were received on the Draft Mitigated Negative Declaration. The Assigned Commissioner and Administrative Law Judge held a prehearing conference on April 23, 1999, at the City Hall in San Clemente. Aside from SDG&E and staff, no one else attended the prehearing conference.

Project Description

SDG&E proposes to construct a new substation on a 2.33 acre site that it purchased for this purpose in 1992. The site is in the Talega Valley Specific Plan and is currently in rough graded condition. It is located within the southern area of the Rolling Hill subdivision proposed for development as the Talega Town Center and Business Park. Adjacent to the site is an existing SDG&E electric transmission line right-of-way which contains three 138kV transmission lines and one 69kV transmission line. Two of the 138kV lines are on double-circuit

steel lattice towers. The other is on a single-circuit wood pole H-frame structure. The 69kV line is on wooden poles.

SDG&E would place two new steel poles in the right-of-way to support an overhead drop of a 138kV into the substation. Ultimately, up to sixteen underground 12kV distribution circuits would branch out from the substation. At the time of construction, SDG&E would install two to four circuits underground in conduit extending up to approximately 1500 feet within the business park. SDG&E expects that six to ten years after initial construction, it would need to install the second transformer bank and up to four additional distribution circuits in order to serve future load.

Mitigated Negative Declaration

In the mitigated negative declaration, the staff determined that the proposed project would have potentially significant impact on the coastal sage scrub habitat currently known as a foraging area for a bird called the California gnatcatcher. Short-term impacts would occur during construction. To mitigate these temporary impacts, SDG&E has agree to reseed the affected areas and to monitor those areas for two years to determine success. If this habitat enhancements is not successful, then SDG&E would make deductions from its Conservation Bank in accordance with its Subregional Natural Communities Conservation Plan as approved by the United States Fish and Wildlife Service and the California Department of Fish and Game. To mitigate permanent habitat reduction resulting from the project, SDG&E will deduct Conservation Bank credits on a two-for-one basis (two acres deducted from the Bank for each acre of destroyed habitat). The staff finds that these measure reduce the potential impacts to a less than significant level.

As part of its proposed project, SDG&E has incorporated a number of other measures to reduce environmental impacts resulting from construction and operation. These include the following:

1. Submission of plans to the City of San Clemente and the County of Orange.
2. Application of appropriate grading and construction standard.
3. Use of various measures to control sedimentation and erosion, including sandbags, matting mulch, berms, hay bales, or similar devices along all graded areas. The Orange County Flood Control District would determine the exact design, location and schedule for the use of these measures.
4. Implementation of a drainage plan as approved by the County of Orange Civil Engineering Department.
5. Use of various dust abatement techniques during construction.
6. Compliance with federal oil spill control requirements.
7. Construction of a 10-12 foot high perimeter wall, development-compatible landscaping, and minimal lighting, all to minimize visual impacts.
8. Consultation with a county-certified paleontologist prior to construction.

CEQA allows for the issuance of a Negative Declaration when it is found that a proposed project will not have a significant impact on the environment. Where there are potentially significant impacts, but all such impacts can be reduced to a level of insignificance by the execution of appropriate mitigation measures, then a decision-making agency may issue a Mitigated Negative Declaration, accompanied by a Mitigation Monitoring Program. In either event, the agency need not prepare an Environmental Impact Report, as described in CEQA. Here the staff has appropriately concluded that, as long as SDG&E complies with the mitigation requirements described above, the project will not

have a significant impact on the environment. Thus, the Mitigated Negative Declaration prepared by the staff is appropriate and should be adopted.

Electric and Magnetic Field Reduction Measures

Pursuant to Section X.A. of General Order 131-D, in an application for a Permit to Construct, the utility must describe the measures it has taken or proposes to take to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities. These measures must be in compliance with prior commission orders. In D.93-11-013, the Commission concluded that when constructing new projects, a utility should implement at a minimum, all no-cost steps it can to reduce any resulting changes to EMF exposure. On March 12, 1999, SDG&E amended its application to include its Magnetic Field Management Plan . We remind SDG&E that in any future applications, it must provide this information in its initial application, as required by General Order 131-D.

Permit to Construct

The proposed project will not have a significant impact on the environment, thus, we will grant the Permit to Construct.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. The Mitigated Negative Declaration reflects the independent judgment of this Commission.
2. The content of the Mitigated Negative Declaration complies with the requirements of CEQA.

3. The Mitigated Negative Declaration identified no significant environmental effects of the project that could not be avoided or reduced to non-significant levels by changes to the project that have been accepted by SDG&E.

Conclusions of Law

1. The Mitigated Negative Declaration has been processed in compliance with the requirements of CEQA.

2. The Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA.

3. The Permit to Construct should be granted.

4. The application was uncontested and hearings should not be held.

ORDER

IT IS ORDERED that:

1. The Mitigated Negative Declaration related to the application in this proceeding is adopted pursuant to the requirements of the California Environmental Quality Act.

2. The Mitigation Monitoring and Reporting Program prepared by the Energy Division for the project is approved.

3. The Energy Division shall lodge the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with Central Files as part of the record in this proceeding.

4. The Permit to Construct for the proposed project in this application is approved and granted.

5. Hearings are not necessary in this proceeding.

6. The application and related proceeding is closed.

This order becomes effective 30 days from today.

Dated September 16, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

JOEL Z. HYATT

CARL W. WOOD

Commissioners