

3. Draft EIR Comments and Responses

Table 3-1 lists the comments provided by persons, agencies, and organizations on the original Draft EIR during the public review period (December 12, 2007 to January 25, 2008), as well as those persons, agencies, and organizations that provided comments on the Recirculated Draft EIR during the public review period (July 9, 2008 to August 22, 2008). The verbatim comment letters (updated and new only), and responses to environmental issues raised in these letters, are presented in Section 3.3 (Responses to Individual Comments). Comment letters are presented chronologically in the order of the date the comment letter was received and are grouped into the following categories:

- A – Comments from public agencies and elected officials;
- B – Comments from community groups, organizations, and private companies;
- C – Comments from individuals;
- D – Verbal comments received at the Draft EIR public meetings held on January 9, 2008; and
- E – Comments from the Applicant (SCE).

Each category is divided into two sections – the first section contains comments received on the original Draft EIR that require an updated response in light of the new information presented in the Recirculated Draft EIR along with the updated responses shown with text additions underlined and deletions shown with strikethrough text. The second section contains comments received on the Recirculated Draft EIR and responses to those comments.

3.1 LIST OF COMMENTERS AND RESPONSES

The following provides an index to all comment and response numbers and indicates whether responses to a Comment Set included in the original Final EIR published in April 2008 were updated and included in this Recirculated Final EIR in the column entitled “Location.”

Table 3-1. Index to Response to Comments

Comment Set	Agency/Affiliation	Name/Title of Commenter	Date Received	Response No.	Location ¹
A. Public Agencies and Elected Officials					
COMMENTS RECEIVED ON THE DRAFT EIR					
A1	Morongo Band of Mission Indians	Britt W. Wilson – Project Manager/Cultural Resources Coordinator	12/26/2007	A1-1 through A1-4	FEIR
A2	US Department of Transportation – Federal Aviation Administration	Alan Hanson – Manager, Engineering Services, WSA	1/8/2008	A2-1	FEIR
A3	County of San Bernardino Land Use Services Department – Advance Planning Division	Matthew Slowik – Senior Planner	1/11/2008	A3-1	FEIR

¹ Location: FEIR - Indicates the responses to the Comment Set are provided in the Final EIR (April 2008) and that no changes were required; Updated – Indicates the original response provided in the Final EIR (April 2008) required updating and has been provided in this Recirculated Final EIR; R-FEIR indicates the Comment Set is new and responses are provided in this Recirculated Final EIR.

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3. DRAFT EIR COMMENTS AND RESPONSES

Comment Set	Agency/Affiliation	Name/Title of Commenter	Date Received	Response No.	Location ¹
A4	Riverside County Flood Control and Water Conservation District	Teresa Tung – Senior Civil Engineer	1/11/2008	A4-1 through A4-3	FEIR
A5	San Bernardino National Forest	Jeff C. Whitney for Jeanne Wade Evans – Forest Supervisor	1/25/2008	A5-1 through A5-4	FEIR
A6	California Department of Transportation – Division of Aeronautics – M.S. #40	Sandy Hesnard – Aviation Environmental Specialist	1/25/2008	A6-1 through A6-3	FEIR
A7	City of Calimesa	Gus Romo – Community Development Director	1/25/2008	A7-1 through A7-2	FEIR
COMMENTS RECEIVED ON THE RECIRCULATED DRAFT EIR					
A8	City of Banning, Office of the Mayor	Brenda Salas – Mayor; Debbie Franklin – Mayor Pro Tem; Bob Botts, Barbara Hanna, and John Machisic – Council Members	8/18/2008	A8-1 through A8-4	R-FEIR
B. Community Groups, Organizations, and Private Companies					
COMMENTS RECEIVED ON THE DRAFT EIR					
B1	Sun Lakes Country Club	Carol R. Tasko – President, Board of Directors	1/24/2008	B1-1	Updated
COMMENTS RECEIVED ON THE RECIRCULATED DRAFT EIR					
B2	Sun Lakes Country Club	Larry Means – President, Board of Directors	8/4/2008	B2-1	R-FEIR
C. Individuals					
COMMENTS RECEIVED ON THE DRAFT EIR					
C1	Self	Nancy Darling	12/07/2007	C1-1 through C1-2	updated
C2	Self	Marvin Friedman	12/12/2007	C2-1	FEIR
C3	Self	Edward H. Leonhardt	12/13/2007	C3-1	updated
C4	Self	Marvin Friedman	1/9/2008	C4-1	updated
C5	Self	James W. and Nancy R. Brown	1/9/2008	C5-1	updated
C6	Self	Edward H. Leonhardt	1/11/2008	C6-1	FEIR
C7	Self	Robert and Ruth King	1/13/2008	C7-1	updated
C8	Self	Mary Baines	1/13/2008	C8-1	updated
C9	Self	Jackie M. Snyder	1/14/2007	C9-1	updated
C10	Self	Larry and Christine Cobel	1/14/2008	C10-1	updated
C11	Self	Alfred and Carol Spinden	1/14/2008	C11-1	updated
C12	Self	Steve Fabeck	1/14/2008	C12-1	updated
C13	Self	Susan Crosby	1/14/2008	C13-1	updated
C14	Self	Judith Root	1/14/2008	C14-1	updated
C15	Self	Bill and Judy Cadman	1/14/2008	C15-1	updated
C16	Self	Jim McDonald	1/14/2008	C16-1	updated
C17	Self	James P. and Pamela J. Mara	1/14/2008	C17-1	updated
C18	Self	M & M	1/14/2008	C18-1	updated
C19	Self	Julie R. Jeffery	1/15/2008	C19-1	updated
C20	Self	Edward H. Leonhardt	1/15/2008	C20-1 through C20-5	updated
C21	Self	Diane Stone	1/15/2008	C21-1	updated
C22	Self	Judith and Gary Root	1/15/2008	C22-1	updated
C23	Self	Joe Metz	1/15/2008	C23-1	updated

Comment Set	Agency/Affiliation	Name/Title of Commenter	Date Received	Response No.	Location ¹
C24	Self	John Buccheri	1/17/2008	C24-1	FEIR
C25	Self	Nancy Darling	1/17/2008	C25-1	FEIR
C26	Self	Richard and Karen Keating	1/18/2008	C26-1	updated
C27	Self	Jacquelyn Battaglia	1/20/2008	C27-1	updated
C28	Self	William M. and Kay Ross	1/20/2008	C28-1	updated
C29	Self	Jack L. and Shirley E. Hyslop	1/22/2008	C29-1	updated
C30	Self	Kenneth and Marcella Euken	1/22/2008	C30-1	updated
C31	Self	Gary Laba	1/22/2008	C31-1	updated
C32	Self	Gerald and Barbara Lohrke	1/22/2008	C32-1	updated
C33	Self	Max and Mary Lou Mauk	1/22/2008	C33-1	updated
C34	Self	Edward Miller	1/22/2008	C34-1	updated
C35	Self	Phyllis Enet	1/22/2008	C35-1	updated
C36	Self	Preston Herd	1/23/2008	C36-1	updated
C37	Self	Jack and Rea Jones	1/23/2008	C37-1	updated
C38	Self	Pat Malberg	1/23/2008	C38-1	updated
C39	Self	Bob and Marti Peck	1/23/2008	C39-1	updated
C40	Self	Bob and Gerri Piechowski	1/23/2008	C40-1	updated
C41	Self	Bill and Enid Porter	1/23/2008	C41-1	updated
C42	Self	Don and Karen Dorsey	1/24/2008	C42-1	updated
C43	Self	Julie R. Jeffery	1/24/2008	C43-1	updated
C44	Self	Lena Lentine	1/24/2008	C44-1	updated
C45	Self	Mel Mulder	1/24/2008	C45-1	updated
C46	Self	Camille Smith	1/24/2008	C46-1	updated
C47	Self	Fred and Lorene Sowash	1/24/2008	C47-1	updated
C48	Self	Kevin and Carol Wolfswinkel	1/24/2008	C48-1	updated
C49	Self	Arnold E. Eigenhuis	1/25/2008	C49-1	updated
C50	Self	Shirley Majors	1/25/2008	C50-1	updated
C51	Self	George J. Tod	1/25/2008	C51-1	updated
C52	Self	Dale and Phyllis Leeper	1/25/2008	C52-1	updated
C53	Self	Joan and Maurice Aronzon	1/26/2008	C53-1	updated
C54	Self	Helen Dow	1/26/2008	C54-1	updated
C55	Self	Barbara Habeger	1/26/2008	C55-1	updated
C56	Self	Philip and Betty Harrington	1/26/2008	C56-1	updated
C57	Self	Tom and Mary Lou Meyers	1/26/2008	C57-1	updated
C58	Self	Patricia Morris	1/28/2008	C58-1	updated
C59	Self	Stella Zaremba	1/28/2008	C59-1	updated
C60	Self	Deborah D. Williams	1/30/2008	C60-1	updated
COMMENTS RECEIVED ON THE RECIRCULATED DRAFT EIR					
C61	Self	Marvin Friedman	7/17/2008	C61-1	R-FEIR
C62	Self	Edward H. Leonhardt, P.E.	8/4/2008	C62-1 through C62-16	R-FEIR
C63	Self	Edward H. Leonhardt, P.E.	8/21/2008	C63-1 through C63-10	R-FEIR
D. Draft EIR Public Meeting Transcripts					
COMMENTS RECEIVED ON THE DRAFT EIR					
D1	Self	Dennis Sauer	1/9/2008	D1-1	Updated
D2	Self	Marvin Friedman	1/9/2008	D2-1	Updated
D3	Self	Rosalyn Friedman	1/9/2008	D3-1	Updated
D4	Self	Phyllis Enet	1/9/2008	D4-1 through D4-3	Updated

Comment Set	Agency/Affiliation	Name/Title of Commenter	Date Received	Response No.	Location ¹
D5	Self	Edward Leonhardt	1/9/2008	D5-1 through D5-2	Updated
D6	Self	Marvin Friedman	1/9/2008	D6-1	Updated
D7	Self	Nancy Darwin [Darling]	1/9/2008	D7-1	FEIR
E. Applicant (Southern California Edison)					
COMMENTS RECEIVED ON THE DRAFT EIR					
E1	Southern California Edison	Linda J. Anabtawi, Attorney	1/24/2008	E1-1 through E1-16	Updated
E2	Southern California Edison		1/24/2008	E2-1 through E2-143	Updated
E3	Southern California Edison		1/24/2008	E3-1 through E3-47	Updated
E4	Southern California Edison		1/24/2008	E4-1	FEIR
COMMENTS RECEIVED ON THE RECIRCULATED DRAFT EIR					
E5	Southern California Edison	Linda J. Anabtawi, Attorney	10/7/2008	E5-1	R-FEIR

3.2 GENERAL RESPONSE TO COMMON COMMENTS

The following response addresses common concerns raised by multiple commenters. This General Response has been prepared in order to provide a complete and comprehensive response to similar comments. As needed, more detailed responses are provided to individual comments in the following section. The General Response addresses the following topic:

GR-1 Changes to the Environmentally Superior Alternative

The determination that the proposed El Casco System Project (Proposed Project) is the Environmentally Superior Alternative, rather than the Partial Underground Alternative, is based (1) on the new noise analysis presented in the Recirculated Draft Environmental Impact Report (DEIR) Section D.9, Noise; and (2) on the revised methodology used to determine environmental superiority in the context of CEQA. A summary of the changes to the noise analysis in the originally published DEIR and Final EIR (FEIR) is presented below, followed by a discussion of the methodology used to determine the Environmentally Superior Alternative.

CHANGES TO NOISE ANALYSIS

Noise Analysis in Originally Published DEIR (December 2007) and FEIR (April 2008). No noise modeling was included in the originally published DEIR or FEIR. Instead, the analysis was based on an independent analysis of the Proponent's Environmental Assessment (PEA) and published literature. The originally published DEIR and FEIR used a qualitative analysis to determine noise impacts. Within the originally published DEIR and FEIR Sections D.9, Noise, the operational noise analysis made the following assumptions:

- That the existing 115 kV line does not carry load and is not energized except during emergency situations. Therefore, the existing 115 kV line does not emit corona discharge noise and is not a part of the ambient noise conditions at nearby receptor locations.

- That the proposed 115 kV line route would pass within 25 to 50 feet of residential homes located within the City of Banning's Sun Lakes community.
- That existing conditions warrant the Sun Lakes community receptors to be considered a rural residential type receptor. As shown in DEIR Figure D.9-2, the United States Environmental Protection Agency (USEPA) designates rural residential area ambient noise levels at 40 dBA or less.

Based on the location of residential receptors within the Sun Lakes community immediately adjacent to the proposed El Casco System Project 115 kV subtransmission line, the original DEIR and FEIR determined that the likely potential for these receptors to experience operational corona noise from the new 115 kV line greater than ambient noise levels could occur and determined that this would result in a Significant Unavoidable (Class I) impact for operational noise impacts.

Noise Analysis in the Recirculated DEIR. On May 23, 2008, subsequent to publishing of the originally published DEIR (December 2007) and FEIR (April 2008), SCE provided the CPUC with several data documents regarding corona noise levels generated by the existing 115 kV subtransmission line and those to be generated by the proposed El Casco System Project. The data provided by SCE shows that the existing 115 kV line is energized at all times and generates corona noise. This existing corona noise from the existing subtransmission line is part of the ambient noise conditions of the area. To ensure an accurate noise analysis of the Proposed Project was completed, SCE modeled the existing corona noise generated by the existing line and future corona noise levels with implementation of the Proposed Project, as shown in the Figure D.9-3 of the Recirculated DEIR (July 2008). The CPUC's independent analysis of the data shows a decrease in corona noise over existing conditions would occur with implementation of the Proposed Project.

As thoroughly discussed in Recirculated DEIR Section D.9, Noise, the decrease over existing conditions is attributable to the replacement of existing 115 kV conductor wire with larger conductor wire, which decreases corona noise generation. In addition, SCE would install polymer (Silicon Rubber) insulators when rebuilding the existing subtransmission line. This would inhibit contaminant build-up on the insulators' surface, thereby reducing the potential for corona noise to be generated at the pole locations. More specifically, the proposed double-circuit 115 kV design produces approximately 24 dBA directly under the centerline of the equipment, compared to approximately 31 dBA generated by the existing single-circuit 115 kV design. Therefore, the expected corona noise from the Proposed Project in the vicinity of residential areas would not exceed current ambient noise levels adjacent to the ROW. As such, corona noise generated by the Proposed Project would result in a less-than-significant impact (Class III).

METHODOLOGY USED TO DETERMINE ENVIRONMENTAL SUPERIORITY

The environmental superiority of alternatives is based on a comparison of significant unavoidable (Class I) impacts that would result from the Proposed Project and the alternatives, as set forth in Section E, Comparison of Alternatives, in both the original DEIR and Recirculated DEIR.

The originally published DEIR (December 2007) and FEIR (April 2008) erroneously concluded that the Partial Underground Alternative was environmentally superior to the Proposed Project. This conclusion was primarily based on the beneficial effects that would result from removal of the 115 kV subtransmission line that currently crosses the Sun Lakes Country Club golf course. Specifically, removal of this existing line would eliminate existing visual impacts from adjacent viewpoints along the undergrounded portion and improve the long-term use of the Sun Lakes Country Club golf course. However, as discussed in the Recirculated DEIR (Section E.1, Comparison Methodology), an alternative should only be considered "environmentally superior" to the Proposed Project if it reduces

impacts that would be caused by the Proposed Project. That an alternative might reduce undesirable existing conditions is a fact that can be considered by the decisionmakers in making a final determination on project approval, but it should not be a factor in selecting the Environmentally Superior Alternative. To conclude otherwise would be to unfairly bias the analysis of the Proposed Project.

This is consistent with the constitutional requirements set forth in CEQA Guidelines §15126.4(a)(4). Specifically, there must be “rough proportionality” between the impacts of the project and the measures identified to reduce or avoid those impacts (*Dolan v. City of Tigard* (1994) 512 U.S. 374) and an essential nexus (i.e., connection) between a legitimate governmental interest and the measures identified to further that interest (*Nollan v. California Coastal Commission* [1987] 483 U.S. 825). This principle is further supported by the California Supreme Court’s recent decision, *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (June 5, 2008) 43 Cal.4th 1143 (“*In re Bay-Delta*”). In *In re Bay-Delta*, the Supreme Court admonished the Court of Appeal for “failing to sufficiently distinguish between the preexisting problems in the Bay-Delta, on the one hand, and adverse environmental effects of the proposed [Project].” The Supreme Court found that an alternative could not be determined “environmentally superior” just because it would more effectively address existing environmental problems than the proposed project. It explained that “those problems would continue to exist even if there were no [project], and thus under CEQA they are part of the baseline conditions rather than program-generated environmental impacts that determine the required range of program alternatives.”

In light of this, the analysis in Section E (Comparison of Alternatives) of the Recirculated DEIR focuses on a comparison of significant impacts that would result from the Proposed Project and the alternatives identified in the EIR; it does not consider whether the Proposed Project or an alternative would improve existing environmental conditions. Additionally, since the original determination that corona noise would result in a significant unavoidable (Class I) impact has been revised to Class III (less than significant) based on new information provided by SCE, the Proposed Project and the Partial Underground Alternative now result in identical long-term (operational-related) impacts based on the 11 environmental resource areas analyzed in detail, as shown in Table E-2 of the Recirculated DEIR. Because the long-term environmental impacts of the Proposed Project and the Partial Underground Alternative are identical, the comparison of the Proposed Project and the Partial Underground Alternative considered short-term construction-related effects. The Partial Underground Alternative would result in greater short-term construction impacts in all resource areas analyzed in the EIR over a longer period of time due to the intense construction activities that would occur during the 10-month construction period required to construct this alternative. In addition, short-term construction impacts on land use from the Partial Underground Alternative would be significant and unavoidable. Based on this comparison, the Proposed Project is determined to be the Environmentally Superior Alternative.

3.3 COMMENTS AND RESPONSES TO COMMENTS

The following pages present the written and verbal comments received on the original Draft EIR (December 2007) during the public review period (December 12, 2007 through January 25, 2008) and on the Recirculated Draft EIR during the public review period (July 9, 2008 through August 22, 2008). Please note that responses to comments received on the original Draft EIR (December 2007) that did not require updating as a result of the new information and analysis presented in the Recirculated Draft EIR have not been included herein. Please refer to the original Final EIR published in April 2008 for these previously submitted comments and their associated responses.

Each of the comment documents has been given a number designation and the comments in each document have been numbered. Responses correspond to the comment numbers and immediately follow each comment document.