

CPUC PUBLIC INFORMATION WORKSHOP QUESTIONS AND RESPONSES SCE SAN JOAQUIN CROSS VALLEY LOOP PROJECT

Monday, August 11, 2008 (Farmersville)

Question 1: At what point in the CEQA process schedule will we know the route favored by the CPUC? Will it be included in the Draft EIR?

Response 1: The “environmentally superior” alternative will be identified in the Draft EIR; however, the CPUC will also consider other factors during its permitting process. Ultimately the CPUC may choose to approve an alternative that was not identified as the environmentally superior alternative; however, in doing so they will be required to provide a written explanation in their Proposed Decision describing why the environmentally superior alternative was not chosen.

Question 2: Does disturbing a historic Native American burial ground, or historic settlement relate to CEQA?

Response 2: Yes, impacts to burial grounds and historic resources will be addressed and analyzed under the cultural resources section of the environmental impact report.

Question 3: We desperately need to have maps available for the public that clearly outline the Proposed Route with road numbers, etc. Where can we get these?

Response 3: Detailed maps will be included in the Draft EIR. You can also view detailed maps of the Proposed Project in the Proponents Environmental Assessment (PEA), Appendix D – Proposed Project Road Story and Structure Inventory. This Appendix can be found on the project’s website under the following URL:

http://www.cpuc.ca.gov/Environment/info/esa/sjxvl/PEA/SJ_XVL_PEA_Vol_2.pdf

Question 4: Are there any resource areas (i.e., Aesthetics, Agricultural Resources, Air Quality, etc.) that have greater weight when making decisions?

Response 4: No resource area is assigned a greater “weight” than any other resource area; however, impacts that are permanent or long term (e.g., loss of prime farmland or sensitive biological habitat) are often afforded greater weight than impacts that are short term (e.g., noise impacts from construction). The environmentally superior alternative typically has the least significant environmental impacts overall. It is important to keep in mind that the CPUC may choose an alternative that is not the “environmentally superior” alternative during their permitting process as long as they justify in their Proposed Decision why the environmentally superior alternative was not chosen.

Question 5: Will you evaluate all 4 to 6 routes?

Response 5: Yes. All alternatives proposed by SCE in their application to the CPUC will be evaluated in the EIR. Additional alternatives not proposed by SCE may also be identified by the EIR Team and evaluated in the EIR. These alternatives may be designed to avoid or lessen significant and unavoidable impacts. Additionally, it is not uncommon for an alternative that is proposed during public scoping period to be included and evaluated in the EIR.

Question 6: We were told (notified by SCE) that the final decision of the project by the commissioner would be in 2 years (2010). How is it that the final decision will be made in 2009 (1 year)?

Response 6: Based on the current schedule that decision will be made in 2009. With this said it is important to keep in mind that the schedule presented is tentative and may be adjusted accordingly.

Question 7: To whom is the Project Description provided to? Can the public have access to the Project Description?

Response 7: The Project Description will be included in the Draft EIR and will be available to anyone who would like to review it. Please refer to Question 19 on how to obtain a copy of the Draft EIR.

Question 8: In the CEQA Resource Areas, what public services are considered and why?

Response 8: Public services considered include: Fire Protection, Police Protection, Schools, Parks and other Public Facilities (such as libraries). Other public services evaluated include utilities and service systems. These are evaluated because impacts to these services may result in physical impacts to the environment. For example, if a project were to result in the need for additional public facilities, the construction of such facilities could result in physical impacts to the environment.

Question 9: Regarding the last slide, "Questions or Comments", nothing is mentioned about referencing the project by name and application number.

Response 9: The application number is not needed if questions or comments are sent to the address provided on the final slide of the presentation. The project name, San Joaquin Cross Valley Loop Project, and application number, A.08-05-039, are only necessary for getting involved in the CPCN process or to get on the CPUC service list.

Question 10: Is the only way to prevent route 1 to defeat it in the EIR process or is there a chance to move the proposed route to an alternative through the CPCN review? Is the question of property values ever relevant during this process?

Response 10: There will be opportunities to comment during the CPCN review through the Public Participation Hearing (PPH) as well as after the Administrative Law Judge (ALJ) proposes a decision. Although property values are not considered under CEQA review, the ALJ may review and consider decline in property values among other factors in the decision to select an alternative and to approve or deny the project.

Question 11: Are there vested interests between ESA & SCE?

Response 11: No, ESA has been hired to conduct an independent environmental review of the Proposed Project on behalf of the CPUC, the lead agency under CEQA. ESA does not have any direct contracts with SCE.

Question 12: What determines if impacts are significant?

Response 12: The CEQA Guidelines includes an environmental checklist commonly referred to as “Appendix G”. Appendix G can be found online at http://ceres.ca.gov/ceqa/guidelines/pdf/appendix_g-3.pdf and contains a list of questions that may be used to determine if a proposed project will cause a significant impact to the physical environment. Local guidance documents and ordinances may also be used to determine the thresholds of significance.

Question 13: Does SCE ever in mid-stream of the process change their preferred route plan because of the number of protests or bad PR generated by newspapers?

Response 13: There have been projects where new information was brought to light during the public scoping or comment periods, or where a number of significant and unavoidable impacts were identified during preparation of the Draft EIR, prompting the applicant to change their preferred route prior to publishing the Draft EIR.

Question 14: Define reasonably foreseeable. (2 years? 20 years?)

Response 14: For a cumulative project to be reasonably foreseeable it must at least be in the conceptual design stage. The general rule of thumb is if a developer has started the entitlement process with a local jurisdiction (i.e., shown interest in developing a certain project but has not submitted an application yet), the project would be considered ‘reasonably foreseeable’. CEQA provides flexibility in determining the cumulative context (i.e., defining reasonably foreseeable) by using a project approach or a plan approach, or a combination of both. Project approach is defined by coordinating with state and local agencies to determine reasonably foreseeable projects within the geographic scope of the proposed project. Plan approach is defined by reviewing local general, and/or specific plans as well as resource specific management plans (i.e., Habitat

Conservation Plans, Air Quality Management Plans, etc.). A set number of years is not used to determine if a project is reasonably foreseeable.

Question 15: What happens if CEQA and CPCN are at odds in their decisions?

Response 15: The CEQA process is just one part of the CPCN process, so the two couldn't really be "at odds". During the CPCN process, impacts disclosed in the EIR will be taken into account along with social and economic factors. After all of these factors are evaluated, the ALJ will issue a proposed decision on which route, if any, to approve. If the ALJ chooses to approve a route was not identified as the environmentally superior alternative in the Final EIR, then a written justification must be provided to explain why the environmentally superior alternative was not chosen. In addition, if the alternative selected by the ALJ has significant and unavoidable impacts, then the Proposed Decision must include a "statement of overriding considerations" justifying why the benefits of the project outweigh those environmental impacts.

Question 16: At what point can we contest the cost estimated by SCE (land acquisition costs)?

Response 16: There was a 30-day period following the application filing in which information provided in the application, including costs estimated by SCE, could have been contested. While this 30-day period has already closed, the CPUC will hold one or more Public Participation Hearings in the project area in which information provided in the application may be contested.

Question 17: Why aren't people considered in CEQA or given higher weight?

Response 17: The purpose of CEQA is to evaluate impacts to the physical environment. However, people are considered under CEQA since they can be directly affected by changes in the physical environment. For instance, impacts to aesthetics focus on impacts to scenic vistas which are primarily of human concern. Air quality and noise analyses evaluate impacts to sensitive receptors, which include residents and other people who might be impacted by construction and/or operation of a proposed project.

Question 18: Would a licensed daycare in the 300 ft boundary line be considered when determining significant impacts?

Response 18: A daycare would be considered a sensitive receptor and would therefore be considered in the Draft EIR.

Question 19: How can I acquire a copy of the DEIR? What if I do not have a computer and a disc would be of no value to me?

Response 19: Once the Draft EIR is published it will be available on the project website located at the following URL:

<http://www.cpuc.ca.gov/Environment/info/esa/sjxvl/index.html>

To receive a hard copy of the DEIR, please mail a request to the following address:

Mr. Jensen Uchida
San Joaquin Cross Valley Loop Project
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Question 20: What is the difference between the 3 websites?

Response 20: The three “websites” discussed at the workshop are as follows:

- The website on page 12 of the presentation http://docs.cpuc.ca.gov/published/service_lists/sl_index.htm is the CPUC’s website on how to get added to the CPUC service list for the CPCN process.
- Website on the “yellow” card: These cards, handed out at the workshop, were a shortcut way to get added to the CPUC service list for the CPCN process.
- The website on page 23 of the presentation <http://www.cpuc.ca.gov/Environment/info/esa/sjxvl/index.html> is the informational website for the CEQA environmental review of the proposed project.

Question 21: Will the CEQA review take into account environmental justice and economic impacts on the City of Farmersville and its residents for the alternative route that transverses the community or will a NEPA review take place and include these concerns?

Response 21: The CEQA review process will only take into account physical impacts to the environment. Environmental justice is generally not considered under CEQA except for extreme cases where the project could cause large scale regional blight that would have the potential to cause a significant impact to the physical environment. NEPA review is not anticipated at this time due the fact that the proposed project does not cross through any federal lands.

Question 22: Will a scoping meeting be held in Farmersville during the September scoping period?

Response 22: The scoping meetings are currently being scheduled and a meeting in Farmersville is anticipated. A notice regarding the meeting place and time will be circulated to everyone on the mailing list once the dates are set.

Question 23: When is the best opportunity for us to ask general questions about the proposed loops of transmission and when is the best opportunity for us to get our questions answered and to voice our concerns so they will be heard?

Response 23: The first opportunity to comment on the proposed project will be during the 30-day scoping period (i.e., August 22 to September 22, 2008) and in September during the public scoping meetings (dates to be announced). There will be another opportunity later in the process following the circulation of the Draft EIR where you can comment during a public comment meeting and during the 45-day comment period.

Question 24: Is an EIR required for each season of the year?

Response 24: There will only be one EIR but it will evaluate impacts that could occur throughout an entire year.

Question 25: Will there be an EIR for each of the proposed routes? If not, how will the route with the least impacts be determined? Is environment the sole concern of this project?

Response 25: There will be one EIR that will evaluate the proposed project and each alternative route. Impacts to the physical environment are the primary concern of the CEQA review. Economic and social factors can be considered under the CPUC's CPCN review.

Question 26: When will the route be picked and will I have a chance to voice my opinion?

Response 26: After the Final EIR is prepared the ALJ will evaluate the project based on the findings of the EIR along with the CPUC's economic and social analysis (CPCN review). The public may voice their opinions during the 30-day public scoping period in August/September and the 45-day comment period that will follow circulation of the Draft EIR (tentatively January/February 2009). There will also be a chance for the public to voice concerns during the Public Participation Hearings (dates TBD), and parties to the CPCN proceeding may comment during the period that will occur after the ALJ publishes the proposed decision.

Tuesday, August 12, 2008 (Woodlake)

Question 27: What is ESA's relationship with SCE and the CPUC? Who pays ESA's bills?

Response 27: There is no relationship between ESA and SCE. ESA was hired by the CPUC to perform an independent review of a project proposed by SCE. The CPUC pays ESA's invoices for this work.

Question 28: Can the CPUC approve an application when there are less impactful alternatives? If so, under what circumstances?

Response 28: Yes, the CPUC can approve an alternative that is not "environmentally superior" but to do so they must submit justify in their Proposed Decision why they are choosing a different alternative. In addition, if the alternative selected by the ALJ has significant and unavoidable impacts, then the Proposed Decision must include a "statement of overriding considerations" justifying why the benefits of the project outweigh those environmental impacts.

Question 29: How can I get involved with the CPCN process?

Response 29: There are Public Participation Hearings that will be held by the CPUC during the CPCN process. These meetings are the best way to get involved with the CPCN process if you are not already a party to the proceeding.

Question 30: Will the land under the lines be used for Agriculture?

Response 30: The environmental review has not been conducted yet so there is currently no information available on the land uses that will be allowed under the lines. However this will be addressed in the EIR.

Question 31: Is it in the CEQA scope to address a conflict between use of agricultural land according to the Tulare County Regulations and the CPUC general order that allows Edison to not be bound or adhere to the former?

Response 31: Yes, if agricultural lands would be affected by the proposed project or any of the alternatives it will be evaluated and disclosed in the EIR.

Question 32: Will areas in which the loop crosses pre-historic sites be dealt with appropriately?

Response 32: Yes, all projects are evaluated under CEQA to determine if they will cross through areas that may contain cultural or historic resources. In fact, cultural and historic resources are given a high level of protection under CEQA.

Question 33: Why aren't public health, safety and welfare included as "human resources" under CEQA and considered under significant impacts of the Proposed Project?

Response 33: Public health and safety are evaluated under CEQA in sections such as air quality and hazards and hazardous materials.

Question 34: Data requests on the project website include abbreviations, acronyms and technical terms. How or where can I find a glossary of these?

Response 34: A glossary has been added to the project webpage at <http://www.cpuc.ca.gov/Environment/info/esa/sjxvl/index.html> to help clear up any questions over abbreviations and acronyms that are applicable to the proposed project.

Question 35: If economics are not considered in the CEQA process then how is the reasonable range of alternatives determined?

Response 35: Economics are considered in the evaluation only to the extent that alternatives that are economically infeasible will not be evaluated. A reasonable range of alternatives that are feasible will be evaluated and the environmentally superior alternative will be determined without any consideration of relative cost.

Question 36: Where can I find "thresholds of significance" for each resource area?

Response 36: The thresholds of significance can be found in Appendix G of the CEQA Guidelines. This appendix can be found online at the following URL: http://ceres.ca.gov/ceqa/guidelines/pdf/appendix_g-3.pdf.

Question 37: Is the "no-wire" alternative within the range of feasible alternatives?

Response 37: The "no-wire" alternative may be feasible, but it needs to be evaluated in the EIR before any decision on its feasibility can be determined.

Question 38: How frequently have public comments altered a draft EIR?

Response 38: All comments that are within the scope of CEQA will have to be addressed in the EIR. It is not uncommon for such comments to bring additional issues to the surface and result in revisions to the Draft EIR.