



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

October 7, 2009

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

Robert E. Kalunian  
Acting County Counsel

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

**SOUTHERN CALIFORNIA EDISON'S TEHACHAPI RENEWABLE TRANSMISSION  
PROJECT AND LOS ANGELES DEPARTMENT OF WATER AND POWER'S  
BARREN RIDGE RENEWABLE TRANSMISSION PROJECT  
(ITEM 21, AGENDA OF SEPTEMBER 22, 2009)**

On September 22, 2009, your Board directed the Chief Executive Officer (CEO) and County Counsel, to report back on the following items:

1. Secure copies of the relevant lawsuits against utility companies concerning installation of new power lines and analyze same for direction relative to new power line projects in Los Angeles County;
2. Identify what regulatory authority County agencies have with respect to new power line projects which traverse unincorporated communities; and
3. Identify what regulatory authority County agencies have with respect to new power line projects which traverse protected and environmentally sensitive areas such as the West Mojave Plan located within Los Angeles County; and

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

4. Report back to the Board within 15 days on the feasibility of initiating litigation against Southern California Edison and the Los Angeles City Department of Water & Power relative to the power lines under construction and planned for Antelope Valley and Santa Clarita Valley.

In addition, Supervisor Knabe requested that the report back include the pros and cons concerning installation of new power lines and where they are proposed for upgrading, as well as how it supports the County's renewable energy product (policy).

On September 29, 2009, the CEO and County Counsel convened a meeting with the Departments of Public Works, Internal Services, Regional Planning, Public Health, Fire, and Parks and Recreation to discuss the elements of the motion. Attached is the detailed response to the motion addressing the Southern California Edison's (SCE) Tehachapi Renewable Transmission Project (TRTP), Segments 1 through 11 and the Los Angeles Department of Water and Power's (LADWP) Barren Ridge Renewable Transmission Project (Barren Ridge Project).

County Counsel has addressed the feasibility of potential litigation against SCE and LADWP in Part 5 on the attached detailed report. In brief summary, it has been determined that:

- **SCE TRTP Segments 1 through 3:** Challenges to the initial approvals of the final environmental documents certified pursuant to California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) in March 2007, or to the project approvals themselves would no longer be timely and are not feasible. However, under Rule 4.1 of the Public Utility Commission's (PUC) Rules of Practice and Procedure, the County may file a complaint with the PUC, if it believes that SCE is failing to comply with the conditions of its PUC approval. Additionally, if the County determines that the complaint has not been satisfactorily addressed by the PUC, a CEQA challenge may potentially be feasible against the PUC and SCE for failure to ensure compliance with the adopted CEQA mitigation measures.
- **SCE TRTP Segments 4 through 11:** Challenges to the environmental documents pursuant to CEQA and NEPA may be feasible if the County concludes that its comments provided for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in April of this year were not lawfully addressed in the Final EIR/EIS, which is preliminarily scheduled for release within 30 to 60 days. Post approval legal challenges may be considered as discussed above for Segments 1 through 3, if warranted by future events.

- **LADWP Barren Ridge Project:** County departments must review the Draft EIR/EIS, and must provide relevant comments to the LADWP, and appropriate federal agencies. The Draft EIR/EIS is not anticipated to be released until Winter 2009 or early 2010. Challenges to the environmental documents pursuant to CEQA and NEPA may be feasible through administrative or judicial proceedings if the County concludes that its comments were not addressed in the Final EIR/EIS. LADWP is not subject to PUC jurisdiction, therefore, any CEQA challenge would be filed in the Los Angeles Superior Court.

In addition, for both the SCE TRTP and LADWP Barren Ridge Projects, if these entities desire to acquire property interests from the County through eminent domain, the County may assert any appropriate defenses related to such acquisition efforts.

No potential litigation against SCE or LADWP would be initiated by the County without further recommendation and formal approval by your Board.

If you have any questions regarding this report, please feel free to contact Richard Weiss of County Counsel at (213) 974-1924 or Dorothea Park of the Chief Executive Office at (213) 974-4283.

WTF:REK:RW  
DSP:JO:ib

Attachment (1)

- c: Executive Officer, Board of Supervisors  
Fire Chief  
Director of Internal Services  
Director of Parks and Recreation  
Director and Health Officer of Public Health  
Director of Public Works  
Acting Director Regional Planning

**Response to Southern California Edison and  
Los Angeles Department of Water and Power  
Electrical Transmission Line Projects**

**1. Background on Southern California Edison and Los Angeles Department of Water and Power Electrical Transmission Line Projects Planned for the Antelope Valley and Santa Clarita**

The motion addresses high-power utility line projects by Southern California Edison ("SCE") and the Los Angeles Department of Water and Power ("LADWP") that will be located, at least in part, within Antelope Valley and Santa Clarita, as well as other communities in Los Angeles County. Below is a brief description of distinctions relevant to SCE and LADWP, as well as a description of their respective projects.

**Distinctions between SCE and LADWP.** Initially, it should be noted that SCE is an investor-owned utility, not a public entity. As such, the state/local level environmental and project approvals for SCE's transmission line projects must be obtained from the California Public Utility Commission ("PUC") which is vested with approval authority over utility projects under its jurisdiction. Approval by the PUC of the SCE transmission line projects in question requires both certification of an environmental document prepared in compliance with the California Environmental Quality Act ("CEQA") and issuance of a Certificate of Public Convenience and Necessity ("CPCN"). Certification of the environmental document and issuance of a CPCN for these projects is preceded by an administrative and environmental review process.

In order to issue a CPCN to SCE for its projects, the PUC must make formal findings that the proposed project is necessary to promote the safety, health, comfort, and convenience of the public, and that the project is required for the public convenience and necessity. (See Rule 131-D of the PUC – "*Rules Relating to the Planning and Construction of Electric Generation, Transmission/Power/Distribution Line Facilities and Substations Located in California*")

On the other hand, because LADWP is a municipal utility, it is not subject to approvals from the PUC for its proposed transmission line projects. Approval at the local level for the required environmental document and project itself will be rendered by the LADWP Board of Water and Power Commissioners.

Portions of both the SCE and LADWP projects described below are proposed to be located on federal lands. As such, formal federal agency approvals will be required for those portions of the projects. Because federal approvals are required, the projects will also have to be reviewed under the National Environmental Policy Act ("NEPA") and other applicable federal laws. Formal federal agency project approval is given in the form of a Record of Decision ("ROD"). The issuance of a ROD will have to be preceded by the applicable federal agency certifying the federal environmental document prepared for the project.

## **SCE Tehachapi Renewable Transmission Project**

SCE's overall transmission line project to access renewable energy generated in the Tehachapi region is now collectively referred to as the Tehachapi Renewable Transmission Project ("TRTP")<sup>1</sup>. The TRTP consists of 11 planned segments that have been separated into three project applications before the PUC. The project consists of high voltage power lines and other infrastructure that are intended to allow for the transmission of electricity from the renewable energy resources originating in the Tehachapi Wind Reserve Area in southern Kern County southerly through Los Angeles County to the Los Angeles and Riverside metropolitan centers. The project will cross public and private land; traversing multiple jurisdictions in Kern, Los Angeles, and San Bernardino Counties (including Los Angeles County unincorporated territory). According to SCE and the PUC, the project is needed to help meet the mandates of the California Renewable Portfolio Standards Requirements which were established by California law commencing in 2002. That law and subsequent amendments require that investor-owned utilities, such as SCE, increase their sale of electricity produced from renewable resources to reach certain percentage goals through the year 2020. According to SCE, the majority of the proposed project will be located in existing SCE rights-of-way.

**Antelope-Pardee Project (Segment 1) (already approved).** The first segment of the project (Segment 1) is known as the Antelope-Pardee Project, which proposes a 500 kilovolt ("kV") transmission line from SCE's Antelope Substation in northern Los Angeles County to the Pardee substation in the City of Santa Clarita. Portions of the Antelope-Pardee project are to be located on federally-owned property in the Angeles National Forest under the control of the United States Forest Service ("USFS"). Accordingly, the Antelope-Pardee Project required issuance of both a CPCN from the PUC, as well as a Special Use authorization from the USFS for those portions of the project located in the Angeles National Forest.

Because state and federal approvals were required, the Antelope-Pardee Project was reviewed from an environmental standpoint both under CEQA and NEPA. A joint environmental impact report/environmental impact statement ("EIR/EIS") was prepared and considered by both the PUC and the USFS. The County submitted detailed environmental comments on the Antelope-Pardee Project during the formal review period on the Draft EIR/EIS. The PUC certified the Final EIR/EIS and issued its CPCN approving the project in March 2007. The USFS certified the Final EIR/EIS and issued its ROD in August 2007. The Antelope-Pardee Project is currently under construction.

---

<sup>1</sup> The project was initially known as the Antelope Transmission Project.

**Antelope Transmission Project (Segments 2 and 3) (already approved).** Segments 2 and 3 of the overall TRTP consist of a series of 220 kV and 500 kV transmission line upgrades between the Tehachapi Wind Resource area in Kern County and SCE's Vincent Substation in Los Angeles County and two new substation facilities in Kern County. This project does not traverse federal lands and does not require federal approval, so only a CPCN from the PUC was required, and only an EIR under CEQA was required from an environmental standpoint. The County submitted detailed environmental comments to the PUC during the formal CEQA review period for Segments 2 and 3.

The PUC certified the Final EIR and issued the CPCN for Segments 2 and 3 in March 2007. Construction on this project is also proceeding.

**Tehachapi Renewable Transmission Project – Segments 4 through 11 (pending approval).** Segments 4 through 11 of the overall Tehachapi Transmission Project are referred to as Tehachapi Renewable Transmission Project Segments 4-11 ("TRTP Segments 4-11"). TRTP Segments 4-11 consist of 173 miles of new and upgraded 220 kV and 500 kV transmission line improvements and some additions and upgrades to SCE substation facilities in southern Kern County, portions of Los Angeles County, and the southwestern portion of San Bernardino County. The project will be built on new and existing SCE right of-way on public and private land. Portions of the project are planned within the Angeles National Forest and property owned by the United States Army Corps of Engineers and federal approvals will be required for those portions. According to SCE's website, the communities potentially affected by the project in Los Angeles County include Altadena, Baldwin Park, Diamond Bar, Duarte, El Monte, Hacienda Heights, Industry, Irwindale, Lancaster, La Canada-Flintridge, La Habra Heights, Monrovia, Montebello, Monterey Park, Palmdale, Pasadena, Rosemead, Rowland Heights, San Gabriel, Whittier, Avocado Heights, Antelope Acres, Leona Valley, Vincent, and Quartz Hills.

A Draft EIR/EIS was circulated for public and agency comments earlier this year, and the County of Los Angeles submitted detailed environmental comments which, among other things, requested approval of three specific alternatives with regard to elements of the project, and requested the inclusion of additional mitigation measures to address biological, visual, and noise impacts. A copy of the County's April 6, 2009, Comment Letter is attached hereto for your reference (Exhibit A).

It is anticipated that the PUC and USFS will release a Final EIR/EIS within the next 30 to 60 days, and that the PUC will render a proposed decision within a relatively short time thereafter. It is likely that the federal approvals for the portions of the project to be sited on federal land would occur thereafter. Various parties have filed applications for party status, or have filed protests against aspects of the project before the PUC, including the City of Chino Hills, which strongly objects to the proposed alignment of the transmission lines traversing that city. The County of Los Angeles has thus far not requested formal party status, but, as indicated, has submitted written comments regarding the Draft EIR/EIS.

### **LADWP Barren Ridge Project**

The LADWP also proposes a significant electrical transmission line project to access electricity produced by renewable resources in the Tehachapi Mountains, as well as the Mojave Desert. The project is referred to as the Barren Ridge Renewable Transmission Project. It will be located in southwestern Kern County and northwestern Los Angeles County, extending from the Mojave Desert south to the San Fernando Valley. It consists of 75 miles of transmission line facilities from Barren Ridge Switching Station to Rinaldi Substation and 12 miles of transmission facilities from the Castaic Power Plant to the proposed Haskell Switching Station. It will consist of 230 kV transmission lines and a new electrical switching station. As proposed, 30 miles of the project are to be located on federal forest lands under the jurisdiction of the USFS and eight miles are to be located on federal land under the jurisdiction of the Department of Interior, Bureau of Land Management ("BLM"). Accordingly, like phases of the SCE transmission line projects discussed above, both local and federal environmental and project approvals will be required before the Barren Ridge Project can be fully implemented.

As is true with the SCE transmission line projects discussed above, LADWP asserts that its Barren Ridge Project is primarily required for LADWP to meet Renewable Portfolio Standards goals as required by California law. LADWP asserts that its current goals are that 20 percent of its electrical power production will be from renewable sources by 2010, and 35 percent will be from renewable resources by 2020.

Since LADWP is a municipal utility, it is not regulated by the PUC. Accordingly, the state environmental approvals and project approvals will be provided by the LADWP Board of Water and Power Commissioners. The USFS and BLM will be acting as co-lead agencies for federal environmental approvals. The project will require a Special Use authorization from the USFS for forest lands and a Right-of-Way grant from the BLM for lands under its jurisdiction.

The proposed joint Draft EIR/EIS for the Barren Ridge Project has not yet been released for formal public review. According to LADWP's website, the release of the draft document is anticipated for Winter 2009/Early 2010. It is anticipated that the appropriate County departments will review and comment upon the Draft EIR/EIS under the coordination of the Chief Executive Office (CEO). More information regarding specifics of the project and its potential environmental impacts and concerns will be available once the Draft EIR/EIS is released. The LADWP website indicates that final environmental and project approvals for the Barren Ridge Project are targeted for Summer 2010/Late 2010, respectively.

## **2. Identification of County Regulatory Authority Over New Power Line Projects Which Traverse Unincorporated Communities**

The motion requests that we identify the County's regulatory authority over new power line projects which traverse unincorporated communities. Because SCE is an investor-owned public utility and LADWP is a municipal utility, the County's regulatory authority over their involved transmission line projects differs.

### **SCE Projects**

**Discretionary Land Use Jurisdiction/Entitlements.** Article XII of the California Constitution and sections 701 et seq. of the California Public Utilities Code vest the PUC with approval authority over the siting and design of investor-owned public utility projects. SCE's transmission line projects addressed herein are not subject to the local discretionary land use authority of the County of Los Angeles, or the other impacted cities and counties for the portions of the projects within their various jurisdictions. Accordingly, those portions of the SCE projects to be placed on unincorporated Los Angeles County property are not formally required to be consistent with the County General Plan classification or zoning classification for the involved property, and SCE will not be required to obtain any discretionary land use permit, such as a conditional use permit or oak tree permit.

It should be noted, however, that as part of the environmental review process for the SCE projects, both CEQA and NEPA require an analysis and consideration of the consistency of the projects with locally adopted land use plans and policies. Further, NEPA specifically requires that possible conflicts between a proposed federal agency approval and local land use plans be discussed and reconciled where feasible. In this manner, any inconsistencies between the placement of portions of the SCE projects on unincorporated County property, and the goals, policies, and classifications in our County's General Plan must be considered by both the PUC and the USFS, and measures adopted to avoid or lessen such inconsistencies where feasible, before certification of the EIR/EIS and approval of the projects.

**Ministerial Permits.** While the SCE projects are exempt from the direct discretionary land use jurisdiction by the County, SCE is required to obtain all necessary "*ministerial*" permits from the County. All three environmental documents for the SCE transmission line projects discussed herein indicate that SCE will be required to obtain ministerial permits from the County, including highway excavation permits, highway encroachment permits, oversized vehicle/load permits, and other related permits. SCE is additionally required to obtain grading permits for project access roads, which are located on private property. However, the construction of SCE's towers, poles, lines, and other transmission facilities themselves are exempt from the County's building and electrical permitting requirements as specifically set forth in section 101.3 of the County Building Code and section 80.3 of the County Electrical Code, respectively.

Our Department of Public Works ("Public Works") advises that SCE has obtained grading permits from that department for grading of various access roads in connection with its current construction activities on the already approved segments of its transmission line projects. Several correction notices have been issued by Public Works to SCE for deficiencies in these grading activities to date, which have been resolved satisfactorily with the exception of two outstanding notices, which SCE is working to fully address.

SCE has requested several exemptions from the County's construction noise ordinance standards (Chapter 12.12 of the County Code) from Public Works for the work it has undertaken so far, to authorize construction activities outside of the hours regularly permitted under the ordinance. To date, those exemptions have been granted.

### **LADWP Project**

**Discretionary Land Use Jurisdiction/Entitlements.** LADWP's proposed Barren Ridge Project is not subject to the discretionary land use jurisdiction of the County of Los Angeles, but its exemption is based on different legal grounds than the grounds identified above for SCE's projects. Although a city proposing construction of a project within unincorporated territory of a county must allow the affected county to report as to the consistency of such project with the county's general plan, such input is only advisory. See California Government Code section 65402. Additionally, state law provides that cities and counties have sovereign immunity from each other's zoning ordinances for projects undertaken in the other's territory. See California Government Code sections 53090 and 53091. Accordingly, the County will not have discretionary land use authority over those portions of the Barren Ridge Project that may be constructed within unincorporated County territory.

However, as is true with the SCE projects described above, LADWP, the USFS, and the BLM will be required to identify, and reconcile/mitigate where feasible, any incompatibility of the Barren Ridge Project with the County's land use plan and zoning ordinance as part of the project EIR/EIS for any portions of the project to be located in unincorporated County territory.

**Ministerial Permits.** Unlike the SCE projects, LADWP will not be required to obtain ministerial building and grading permits from the County in connection with its construction of the Barren Ridge Project. Government Code sections 53090 and 53091, referenced above, also provide LADWP with sovereign immunity from the County's Building Code requirements for its work within the unincorporated territory.

### **3. County Regulatory Authority Over New Power Line Projects Which Traverse Protected and Environmentally Sensitive Areas Such as the West Mojave Plan**

The California Desert Conservation Area Plan was approved in 1980 to provide for the recognition and protection of sensitive species and resources within the 25-million-acre Desert Conservation Area. The Desert Conservation Area Plan is a federal document and it is administered by the BLM.

The West Mojave Plan is a formal amendment to the California Desert Conservation Area Plan. The area covered by the West Mojave Plan encompasses 9.3 million acres in Inyo, Kern, Los Angeles, and San Bernardino Counties. It covers federally-owned lands under the jurisdiction of the BLM and military lands under the jurisdiction of the United States Department of Defense. A small portion is also under the administration of the State of California. The stated purpose of the West Mojave Plan is to guide management of public lands within the 9.3-million-acre area and to establish a regional biological strategy to conserve plant and animal species, including the desert tortoise, and their habitats. The West Mojave Plan is considered the largest habitat conservation plan ever developed in the United States.

The West Mojave Plan was approved through the issuance of a ROD by the BLM in March 2006. It was preceded by the preparation of an EIR/EIS under CEQA and NEPA because it was anticipated that the document would also be used at the state level in connection with preparation of a local habitat conservation plan. Because of its focus on sensitive biological resources, the BLM consulted with the United States Fish and Wildlife Service.

Since the West Mojave Plan is a federally-adopted land use management plan, the County of Los Angeles was not the approving agency and did not prepare or certify the environmental document. However, the West Mojave Plan was preceded by years of public planning and was drafted in consultation with state and local governmental, as well as public input. The County did participate during the planning process leading up to the adoption of the West Mojave Plan and submitted comments in 2003.

The County of Los Angeles does not have formal regulatory authority over the West Mojave Plan itself. However, portions of lands covered by federal land use and habitat conservation plans, such as the West Mojave Plan, which lie within the unincorporated territory of the County are also subject to the land use jurisdiction of the County for purposes of its general plan, zoning, and land use entitlement authority, at least with respect to private, non-federal uses of such lands.

The County's various land use documents (general plan, local area plans, coastal plans), like the West Mojave Plan, also recognize the presence and significance of environmentally important resources within the unincorporated territory, and such resources are accorded significance and special protections in our County's land use planning and permitting schemes. Examples of such designations are the designations of Significant Ecological Areas and Environmentally Sensitive Habitat Areas in our General and Coastal Plans.

Since both the SCE and LADWP transmission line projects include segments on federally-owned and controlled lands, and because both projects are subject to full environmental review under CEQA and NEPA, the environmental documents for those projects are required to consider and address not only their relationship with adopted state and federal land use plans, including the West Mojave Plan, but are also independently

required to assess the projects' impacts on significant biological and other environmental resources identified in the County's own land use plans. In this manner, significant environmental species and other resources identified in federal, state, and local habitat conservation and land use plans must be considered as part of the environmental review process.

As indicated in Part 2 of this report, both CEQA and NEPA require that the environmental documents for the SCE and LADWP projects address, and attempt to reconcile, any inconsistencies between the proposed projects and applicable land use plans. This includes those portions of such plans which specifically recognize and delineate significant environmental resources such as endangered or threatened animal and plant populations and species. This would include consideration of applicable federal, state, and local land use and habitat conservation plans with regard to their treatment of significant environmental and biological resources. Additionally, and regardless of their inclusion in any federal, state, or local plan, the environmental documents for the SCE and LADWP projects must analyze the projects' impacts on sensitive biological resources and must provide for the mitigation of all such impacts where feasible. If the County does not believe that SCE or LADWP have either sufficiently analyzed the pending projects' impacts on sensitive resources or adopted feasible alternatives or mitigation measures to avoid or lessen the impacts on such resources, then the County may participate in the project and environmental review processes for the projects and may pursue deficiencies through the judicial process.

#### **4. Review of Relevant Lawsuits for Direction Relative to New Power Line Projects in Los Angeles County**

The motion asks that we secure copies of lawsuits filed against utility companies concerning installation of new power lines for potential direction the County might take in reaction to such projects in Los Angeles County. The motion references lawsuits brought by the City of Chino Hills, the County of San Diego, and the County of San Miguel, Colorado. Our review of selected cases suggest that public entities, environmental groups, and affected property owners have challenged pending and approved transmission line projects or governmental plans relating to energy corridors under federal and state environmental laws, endangered species laws, and federal land management laws, as well as on grounds of alleged concealment or fraud.

None of the lawsuits discussed below have been decided by the applicable courts, and we have not had an opportunity to review the responsive pleadings prepared/or to be prepared by the defendants in the matters. Consequently, the lawsuits are of most relevance in identifying theories and grounds upon which large scale utility projects/planning efforts have been challenged in recent years.

**Chino Hills Lawsuit.** The City of Chino Hills has filed a lawsuit in San Bernardino Superior Court against SCE which challenges SCE's rights to place large 500 kV electrical transmission line towers within SCE easements which are situated on property owned by Chino Hills (*City of Chino Hills v. Southern California Edison Company*). The proposed towers are within the proposed transmission line alignment for one of the segments of TRTP Segments 4-11, which is currently being considered by the PUC. Chino Hills contends that the proposed 500 kV towers are too large (198 feet lattice steel towers or poles) to safely be sited within the 150-foot-wide easement that SCE already owns on the involved city property. Chino Hills expresses concern that failure or collapse of the towers could endanger nearby residences and that the placement of such large towers would otherwise interfere with the City's use of its owned and leased property. The lawsuit seeks a determination by the Court that SCE would be "overburdening" its easement rights if it were to place its proposed large towers in its undersized easements. The Superior Court has not yet ruled on the merits of Chino Hills' lawsuit, and we have been advised that the case has been stayed by the Superior Court pending a decision by the PUC as to whether to approve TRTP Segments 4-11.

This case suggests that the County, and other public or private property owners, might raise similar claims if planned transmission line towers are proposed in undersized utility-owned easements that are located on property owned by the concerned parties. Completion of a more thorough analysis of the proposed alignments for the SCE and LADWP transmission line projects, as well as the size of the proposed facilities within those alignments will need to be completed before it can be determined whether such claims could be brought on behalf of the County.

**Lawsuit Regarding SCE Sunrise Powerlink Project in San Diego County.** We did not identify a lawsuit brought directly by San Diego County challenging approval of an electrical transmission line project. However, a lawsuit has recently been filed by environmental groups challenging the PUC's approval of a large scale electrical transmission line project in San Diego County (*Utility Consumers' Action Network, Center for Biological Diversity v. California Public Utility Commission, San Diego Gas and Electric Company*). The Sunrise Powerlink project is somewhat similar in size and scope to the proposed SCE TRTP Segments 4-11 and LADWP Barren Ridge projects in that it consists of approximately 150 miles of proposed 500 kV and 230 kV electrical transmission lines in portions of Imperial and San Diego Counties. The Sunrise Powerlink project was approved by the PUC in July of this year.

The lawsuit is a petition for writ of review alleging that the PUC violated CEQA in approving the Sunrise Powerlink project. The lawsuit, among other things, contends that the PUC failed to adopt feasible mitigation measures to lessen the project's impacts on green house gas emissions. The lawsuit contends that the PUC should have required that a certain percentage of the electrical energy transmitted through the proposed facilities originate

from renewable energy sources<sup>2</sup>. The lawsuit further contends that the PUC failed to consider feasible alternative alignments that could have lessened other environmental impacts of the project. The lawsuit was filed directly in the California Supreme Court, as state law requires that any CEQA challenge of a decision by the PUC approving such a project be brought directly in that court (Public Resources Code section 21168.6).

This lawsuit was filed in August of this year, and has not yet been decided or otherwise resolved to our knowledge. Since the approval of TRTP Segments 4-11 by the PUC and the Barren Ridge Project by LADWP will be discretionary decisions, similar CEQA challenges could be brought if it is alleged that the approving agency (lead agency) has not complied with the substantive or procedural requirements of CEQA. As already indicated, the County provided various environmental comments during the public review period on the Draft EIR/EIS for SCE TRTP Segments 4-11, and County staff intends to review and provide comments on the Draft EIR/EIS for the LADWP, Barren Ridge Project. If the County is not satisfied with the responses provided to its comments, the County likewise could consider initiation of a CEQA challenge against the PUC or LADWP.

**County of San Miguel, Colorado Lawsuit.** This lawsuit was filed by the County of San Miguel, Colorado, as well as numerous other environmental organizations (*The Wilderness Society, Center for Biological Diversity, County of San Miguel, Colorado, et al. v. United States Department of Interior, et al.*). It does not challenge approval of a specific energy transmission project. Rather, it is a challenge to the January 2009 approval by the BLM of a 6,000 mile network of electricity transmission corridors in 11 western states, known as the "West-wide Energy Corridors." These corridors are intended by the federal government to facilitate accelerated federal review of applications for electrical and other energy projects within the corridors. Portions of those corridors are located in northeastern Los Angeles County.

The lawsuit was filed in Federal District Court in Northern California. It appears that the County of San Miguel is the only public entity plaintiff in the lawsuit. The lawsuit alleges that the federal agency approvals violated numerous federal laws including NEPA, the federal Endangered Species Act, and the Federal Land and Policy Management Act. A primary argument raised in the lawsuit is that the corridors selected perpetuate an energy system relying on new or existing coal-fired power plants, rather than a system based more upon renewable energy resources such as from solar, wind, and geothermal sources<sup>3</sup>.

---

<sup>2</sup> It should be noted that both SCE and LADWP contend that their respective projects discussed in this report are specifically intended to convey electrical power created by renewable sources (wind and solar energy) from the Tehachapi area. Accordingly, this specific argument may not be applicable to a CEQA challenge to the approvals of these projects.

<sup>3</sup> As indicated, SCE and LADWP indicate that their respective TRTP and Barren Ridge projects are intended to facilitate the transmission of electrical power from renewable energy sources.

This lawsuit points out that federal consideration and approval of electrical energy projects or energy-related planning requires compliance by the applicable federal agencies with federal environmental laws, such as NEPA and the federal Endangered Species Act. Parties dissatisfied with such federal agency actions may pursue administrative or judicial options under such federal environmental laws.

Both SCE's TRTP Segments 4-11 and LADWP's Barren Ridge projects propose transmission line alignments that are located partially on federally-owned or controlled lands under the jurisdiction of the USFS and/or BLM. Accordingly, for each project, a federal approval will be necessary and the projects are subject to compliance with NEPA, as well as CEQA. The County and other interested parties could potentially pursue administrative or judicial remedies for non-compliance with those federal laws upon a review of the final environmental documentation for the respective pending projects.

**Belcaro Lawsuit.** We have also reviewed a lawsuit which we are advised was recently filed in Los Angeles Superior Court against SCE by numerous residents of a senior residential community known as Belcaro in the City of Santa Clarita (*Michael Baron, et al. v Southern California Edison Company*). The lawsuit involves the installation by SCE of 500 kV transmission line towers as part of the already approved Antelope-Pardee Project (Segment 1) of SCE's overall TRTP.

In the lawsuit, the Belcaro residents contend that during the environmental review process before the PUC, SCE committed to, and was required to use tubular steel poles rather than the more bulky and visually-imposing lattice steel towers in areas adjacent to the Belcaro community, unless that was determined infeasible. The lawsuit contends that following PUC approval, SCE sought permission from the PUC to replace the tubular poles with lattice towers, and that the PUC approved such change without the knowledge or input of the Belcaro community. The Belcaro lawsuit alleges that SCE's actions in this regard constitute concealment, misrepresentation, and fraud. The Belcaro residents contend that the post-approval actions by SCE have resulted in diminution in the value of their homes and a loss of use and enjoyment of their properties.

There has been no determination of the merits of this lawsuit to our knowledge, and the PUC apparently has not been named as a party. The lawsuit is one potential alternative that could be used to pursue claims against a public utility which has already received approval from the PUC for its plans and it is contended that the utility has either not complied with the conditions of its PUC approvals, or materially misrepresented its intentions. Another alternative would be to file a complaint with the PUC, as authorized by Rule 4.1 of the PUC's rules, if it is contended that a regulated public utility is failing to comply with the provisions of its PUC approval. Additionally, to the extent that it is alleged that the PUC, as lead agency under CEQA, is not appropriately enforcing environmental mitigations that it imposed as a condition of a previously issued PUC approval, it may be feasible to bring a writ of mandate against the PUC and the involved utility for noncompliance with CEQA.

## **5. Feasibility of Litigation Against SCE and LADWP**

**SCE Segments 1-3.** The first three segments of SCE's overall TRTP (Antelope-Pardee and Segments 2 and 3) were approved by the PUC and the USFS (for Antelope-Pardee) and the PUC (for Segments 2 and 3) in two separate approvals in March 2007, and the final environmental documents for those segments were certified pursuant to CEQA and NEPA at that time. Challenges to those initial environmental and project approvals themselves would no longer be timely and are not feasible. However, as indicated in Part 4 of this report, significant concerns have been expressed by at least some constituents in the Santa Clarita area that SCE is failing to comply with the conditions of its PUC approval, including compliance with required environmental mitigation measures.

Rule 4. 1 of the PUC's Rules of Practice and Procedure provide that a Complaint may be lodged with it in any instance where it is contended that a regulated utility, such as SCE, is in violation of any provision of law or of any order or rule of the PUC. This could include an alleged violation of SCE's CPCNs for the involved projects. SCE would have standing to contest such a Complaint.

Further, although it is no longer timely to file a CEQA challenge against the March 2007 certification of the EIR/EIS for the first three segments of SCE's project, a CEQA challenge may possibly lie to address a documented failure of the PUC and SCE to ensure that adopted CEQA mitigation measures are honored. Such an action should be preceded by a Complaint to the PUC to give it an opportunity to address the purported CEQA deficiencies.

As further indicated in Part 4 of this report, the residents in the Belcaro community in the City of Santa Clarita have filed a lawsuit directly against SCE alleging that SCE's failure to comply with mitigation measures imposed by the PUC constitutes concealment, misrepresentation, and fraud. We will monitor the progress of that lawsuit, including SCE's response, to further evaluate whether it provides another potential legal avenue that may be pursued in the event that it is believed that SCE is not complying with the requirements of its approvals for the project.

Finally, we have also been advised that at least two property owners have disputed the manner in which SCE is proceeding in its efforts to acquire interests in their property through eminent domain proceedings for the build-out of the Antelope-Pardee segment (Segment 1) of the TRTP. As a regulated public utility, SCE is authorized to acquire the additional property rights it may need to implement its project under California eminent domain laws. To do so, SCE is required to commence condemnation proceedings in Superior Court if it cannot acquire the additional property rights it needs through deed and agreement. The County cannot directly assert itself into the eminent domain proceedings that SCE may commence against property owners to acquire interests in their private property.

**SCE TRTP Segments 4-11.** The EIR/EIS has not yet been certified by the PUC or the USFS for SCE's TRTP Segments 4-11 and the project approvals have not been rendered by either agency. As indicated in Part 1 of this report, the County provided various environmental comments during the formal public review period for the Draft EIR/EIS. We will not know whether the PUC and USFS have satisfactorily responded to the County's comments until the proposed Final EIR/EIS is available for review. The Final EIR/EIS is anticipated to be released shortly. Should the County conclude that its comments have not been addressed in legal conformance with CEQA or NEPA, the County may legally pursue such deficiencies.

The County has not heretofore applied for party status before the PUC in its current administrative consideration of TRTP Segments 4-11. We believe that should the Final EIR/EIS demonstrate that the PUC has not satisfactorily addressed the County's comments under CEQA; the County may properly apply for limited party status before the PUC in order to raise such defects. Should the PUC then certify the Final EIR/EIS and approve the CPCN for the project without addressing the County's concerns in a manner that complies with CEQA, the County could then petition for a rehearing before the PUC and ultimately file a writ in the California Supreme Court to challenge the PUC's certification of the EIR/EIS and approval of the CPCN. Additionally, if the County concludes that the EIR/EIS does not comply with the legal requirements of NEPA, the County may potentially pursue administrative and legal proceedings against the USFS in connection with its potential approval actions.

County staff will need an opportunity to review the proposed Final EIR/EIS in order to advise your Board whether it sufficiently addresses the County's previously submitted comments and complies with CEQA and NEPA, and whether a legal action is feasible to address any remaining deficiencies. No administrative or legal challenge would be commenced without your Board's formal approval.

Post approval legal challenges may be entertained during SCE's implementation of TRTP Segments 4-11, should facts warrant it, as outlined in the discussion above relating to Segments 1-3 of the overall TRTP.

**LADWP Barren Ridge Project.** As referenced in Part 1 of this report, the Draft EIR/EIS for the LADWP Barren Ridge Project has not yet been released for public review. That is anticipated to occur within the next several months. It is anticipated that the involved County departments will review and comment upon the environmental document on behalf of the County under the coordination of the CEO. Should the County's environmental comments not be satisfactorily addressed in the proposed Final EIR/EIS, the County may pursue those deficiencies through administrative or judicial proceedings. Since LADWP is not subject to PUC jurisdiction, none of the administrative procedures of the PUC would apply and any CEQA challenge filed over the Barren Ridge Project would be filed in Los Angeles Superior Court.

Similarly, the County could potentially pursue administrative and legal proceedings under NEPA if the County concludes that the Final EIR/EIS does not satisfactorily comply with NEPA, with respect to the portions of the Barren Ridge Project that are proposed on federal property. It is premature to evaluate whether or not any such environmental challenge would be appropriate with respect to the Barren Ridge Project.

Again, no legal or administrative challenge to the Barren Ridge Project would be initiated without formal approval by your Board.

Finally, to the extent that SCE or LADWP desires to acquire property interests from the County through eminent domain for its projects, the County may assert any appropriate defenses related to such acquisition efforts. In order to prevail in an eminent domain proceeding against the County, SCE or LADWP would have to establish that their proposed use was more necessary than the County's existing use, or that their proposed use was compatible with the County's use. Other legal issues and the amount of compensation may properly be addressed in such eminent domain proceedings.

## **Motion Addendum**

### **Pros and Cons Concerning the Installation of New Power Lines**

The Federal Government Accountability Office identified the following potential advantages and disadvantages related to adding transmission lines<sup>4</sup>.

#### **Advantages of Renewable Transmission Projects**

- May decrease congestion and improve reliability of the electricity system by providing access to additional sources of generation and additional paths for electricity.
- May lower costs for consumers receiving the electricity.
- May better utilize existing power plants and make local wholesale electricity markets more competitive (e.g., connecting existing, low-cost power plants to areas with high power costs may increase competition and lower prices).
- May facilitate development of new electricity sources located outside population centers, which sometimes face air quality and other environmental constraints.
- May facilitate the development of renewable energy sources such as wind, water, solar, and geothermal energy, which may be located outside of urban centers.

---

<sup>4</sup> United States Government Accountability Office, *Transmission Lines: Issues Associated with High-Voltage Direct-Current Transmission Lines along Transportation Rights of Way*, pp. 21-23, <http://www.gao.gov/new.items/d08347r.pdf> (February 2008)

- Specifically, the TRTP and the Barren Ridge Project will help SCE and LADWP meet California's Renewables Portfolio Standard (RPS), which is one of the most ambitious renewable energy standards in the country. The RPS program requires electric corporations to increase procurement from eligible renewable energy resources by at least 1 percent of their retail sales annually, until they reach 20 percent by 2010.

### **Disadvantages of Renewable Transmission Projects**

- May diminish economic or aesthetic land values if lines are built above ground (e.g., view of landscape may be affected); underground High Voltage Direct Current (HVDC) and High Voltage Alternating Current (HVAC) lines are more expensive to construct and maintain than above-ground lines.
- May raise electricity prices in areas from where the electricity is being taken.
- May reduce incentives to identify alternatives that decrease demand (e.g., energy conservation).

### **County Renewable Energy Policy**

On January 13, 2009, the Board directed the CEO, with support from the Internal Services Department (ISD) and the Department of Public Works (DPW), to create an action plan for developing a Comprehensive Renewable Energy Program

In February and April of 2009, ISD submitted responses to the Board's request on the development of a Comprehensive Renewable Energy Program. In order to assess whether the SCE Tehachapi Renewable Transmission Project or the DWP Barren Ridge Project could significantly support the Board's renewable energy efforts, further engineering analysis would be required. These Projects, supported by the Board, will enable the state to meet its goals to comply with AB 32, which establishes statewide greenhouse gas emission reduction targets to reduce the carbon dioxide equivalent to the 2000 level by 2010, to the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

# **EXHIBIT A**



County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

April 6, 2009

John Boccio  
CPUC, EIR Project Manager  
c/o Aspen Environmental Group  
30423 Canwood Street, Suite 215  
Agoura Hills, CA 91301

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

Dear Mr. Boccio:

**NOTICE OF AVAILABILITY OF  
DRAFT ENVIRONMENTAL IMPACT REPORT/  
ENVIRONMENTAL IMPACT STATEMENT  
THE TEHACHAPI RENEWABLE TRANSMISSION PROJECT  
(CALIFORNIA STATE CLEARINGHOUSE NO. 2007081156)**

On February 12, 2009, your Commission and the US Department of Agriculture jointly released the Draft Environmental Impact Report (DEIR)/Environmental Impact Statement (EIS) for the Tehachapi Renewable Transmission Project ("Project") proposed by the Southern California Edison (SCE). The County of Los Angeles ("County") appreciates the opportunity to provide input. County staff reviewed the document and commented on issues within its jurisdiction; the comments are summarized in Attachment I and our analysis on the alternatives in the DEIR/EIS are listed below:

On Alternatives in the Draft EIR/EIS

- The County strongly supports Alternative 3: West Lancaster Area, which would traverse an undeveloped area and avoid impacts to existing single family residences in the west Lancaster area. (See Attachment II: Regional Planning (DRP)).
- The County strongly supports Alternative 6: Maximum Helicopter Construction in Angeles National Forest Alternative, which would utilize helicopter construction and eliminate the need for the construction of a new 14-mile roadway within the Angeles National Forest. However, the County does not support helicopter construction in close proximity to the residential neighborhoods such as Agua Dulce and the "cabins" along San Francisquito Canyon at the foot of the Angeles National Forest. (See Attachment II: DRP).

*"To Enrich Lives Through Effective And Caring Service"*

**Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only**

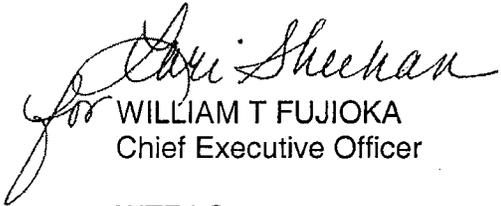
John Boccio  
April 6, 2009  
Page 2

- The County strongly supports Alternative 7: 66-kV Alternative, which would provide re-routing and undergrounding of the existing 66-kV transmission line within the Whittier Narrows Recreation and Natural Areas and the vicinity of the former Duck Farm. (See Attachment II: DRP, Parks and Recreation, and Public Works).

The County recognizes the importance of having adequate infrastructure in place to support a vibrant economy. However, it is critical that the Project be sensitive to existing and planned uses and minimizes its impacts to the extent reasonable and possible. In addition, good coordination and partnership between SCE and the County is crucial to ensure the success of this project.

Should you have any questions, please contact Dorothea Park at (213) 974-4283 or via e-mail at [dpark@ceo.lacounty.gov](mailto:dpark@ceo.lacounty.gov). If you need clarification regarding specific comments in the attachments, please contact the respective County department staff identified in the departmental letters.

Sincerely,



WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:LS:  
DSP:JO:ib

Attachments (2)

c: Supervisor Gloria Molina, First District  
Supervisor Don Knabe, Fourth District  
Supervisor Michael D. Antonovich, Fifth District  
P. Michael Freeman, Fire Chief  
Russ Guiney, Director, Parks and Recreation  
Jonathan E. Fielding, M.D., M.P.H., Director and Health Officer, Public Health  
Gail Farber, Director, Public Works  
Jon Sanabria, Acting Director, Regional Planning

# **ATTACHMENT I**

**COUNTY OF LOS ANGELES  
SUMMARY OF COMMENTS  
DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT  
TEHACHAPI RENEWABLE TRANSMISSION PROJECT, STATE CLEARINGHOUSE NO. 2007081156**

Los Angeles County Department	Department Comments (See County Department letters in Attachment II for complete comments.)
<p><b>Fire Department</b> Janna Massi (323) 890-4242 Jmasi@lacofd.org</p>	<ul style="list-style-type: none"> <li>• The Draft EIR/EIS should address development within close proximity of the power lines and need to obtain appropriate clearances per Los Angeles County Fire Department Regulation #27.</li> <li>• The Draft EIR/EIS needs to update fire protection services information.</li> </ul>
<p><b>Parks and Recreation</b> Joan A. Rupert (213) 351-5126 Jrupert@parks.lacounty.gov</p>	<ul style="list-style-type: none"> <li>• Project construction and maintenance should avoid peak season and high visitation days that could impact County trails, parks, and recreational areas. Directional signs and public notices alerting the public need to be properly placed in the vicinity of project construction to ensure public awareness and safety.</li> </ul>
<p style="text-align: center;"><i>Air Quality</i></p>	<ul style="list-style-type: none"> <li>• The Draft EIR/EIS does not contain sufficient information to allow the County to evaluate the Project's impacts to the County's park facilities including a planned community building near Pathfinder Park. The Draft EIR/EIS must clearly identify specific mitigation measures for each and every park facility impacted by the Project.</li> <li>• Based on County noise standards, the Draft EIR/EIS does not provide sufficient mitigation measures related to transmission towers adjacent to County recreational facilities.</li> </ul>
<p style="text-align: center;"><i>Wilderness and Recreation</i></p>	<ul style="list-style-type: none"> <li>• The Draft EIR/EIS should provide additional information and mitigation measures in the biological resource impact analysis as it relates to loss of wildlife, woodland and riparian habitats, and disturbance to nesting birds and sensitive plant species.</li> </ul>
<p style="text-align: center;"><i>Biological Resources</i></p>	<ul style="list-style-type: none"> <li>• The Draft EIR/EIS needs to address the Project's visual impacts and provide effective mitigation measures, particularly in the Antelope Valley and in the Whittier Narrows Recreation and Natural Areas.</li> </ul>
<p style="text-align: center;"><i>Visual Resources</i></p>	

Los Angeles County Department	Department Comments (See County Department letters in Attachment II for complete comments.)
<p><b>Public Health</b> Francis Pierce (626) 430-5436 fpierce@ph.lacounty.gov</p>	<ul style="list-style-type: none"> <li>The Draft EIR/EIS must implement all mitigation measures as stated in Section 3.10. Additional noise mitigation measures need to be formulated to ensure the Project's compliance with the Los Angeles County Noise Ordinance. Maintenance of transmission lines and facilities should not occur on <u>Sundays and legal holidays and between 7:00 pm and 7:00 a.m. during weekdays.</u></li> <li>The Draft EIR/EIS does not provide sufficient mitigation measures for transmission towers to meet the County's noise standards as it relates to the County's recreational facilities.</li> </ul>
<p><b>Department of Public Works</b> Lani Alfonso (626) 458-7165 LAlfonso@dpw.lacounty.gov</p>	
<p><i>Hydrology/Water Quality</i></p>	<ul style="list-style-type: none"> <li>The Draft EIR/EIS does not contain sufficient information to allow the County to evaluate the Project's impacts to the County's Flood Control District (FCD) facilities. Note that construction within the FCD easements and right-of-ways require permits from the County's Department of Public Works (DPW).</li> <li>The Draft EIR/EIS needs to specify that grading permits must be obtained from the Los Angeles County DPW for all grading activities related to access roads under the County's jurisdiction.</li> <li>Substations and/or towers should be kept out of natural drainage pathways.</li> <li>SCE should minimize impacts to the San Gabriel River projects by undergrounding the transmission lines.</li> <li>If transmission lines are not placed underground, SCE should develop joint projects with DPW to enhance the right-of-ways with water quality and/or passive recreation amenities in order to minimize impacts.</li> </ul>
<p><i>Traffic/Access</i></p>	<ul style="list-style-type: none"> <li>The Draft EIR/EIS needs to specify that construction permits from the County must be obtained for any road closure and detour or activities within public right-of-ways under the County's jurisdiction.</li> </ul>
<p><i>Geology and Soils</i></p>	<ul style="list-style-type: none"> <li>The Draft EIR/EIS should include site-specific geotechnical reports addressing the proposed development and recommendation of mitigation measure for geotechnical hazards.</li> <li>SCE should ensure that the substations and/or towers be kept a safe distance away from an active fault.</li> </ul>

<p><b>Los Angeles County Department</b></p> <p><b>Regional Planning</b>  Paul McCarthy (213) 974-6427  pmccarthy@planning.lacounty.gov</p>	<p><b>Department Comments (See County Department letters in Attachment II for complete comments.)</b></p>
	<ul style="list-style-type: none"> <li>• <b>DRP supports Alternatives 3, 6 and 7 as described in the Draft EIR/EIS.</b></li> <li>• <b>The Draft EIR/EIS should include additional mitigation measures related to biota and visual impacts.</b></li> <li>• <b>The Draft EIR/EIS needs to provide additional evaluation and comment regarding seismic safety.</b></li> <li>• <b>The Department supports Alternative 7 which includes underground placement of transmission lines in the "Duck Farm" project area.</b></li> <li>• <b>DRP recommends strengthening of Mitigation Measures L-1 and L-2 with regards to construction-related activities.</b></li> <li>• <b>The Draft EIR/EIS needs to strengthen the discussions of geological and seismic hazards and provide adequate mitigation measures.</b></li> </ul>

10/4/07:JAS:mjs

# **ATTACHMENT II**



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN

March 25, 2009

William T Fujioka, Chief Executive Officer  
Chief Executive Office  
713 Kenneth Hahn Hall of Administration  
Los Angeles, CA 90012

Dear Mr. Fujioka:

### **NOTICE OF PREPARATION SOUTHERN CALIFORNIA EDISON'S TEHACHAPI RENEWABLE TRANSMISSION PROJECT, LACO (FFER #200900056)**

The has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

#### **PLANNING DIVISION: 3.11.2.1 Alternative 2: SCE's Proposed Project**

#### **Public Services: Fire Protection – Angeles National Forest**

1. Paragraph 2, sentences 2, 3 and 4, have been revised to update the LACoFD's (Los Angeles County Fire Department's) most recent statistical information as follows: "The LACFD consists of more than 4,700 sworn and civilian personnel and is divided into three Regional Emergency Operations Bureaus, consisting of: North Operations Bureau, Central Operations Bureau, and the East Operations Bureau. The proposed Project is located within all three regions. The LACFD operates 9 divisions, 21 battalions 170 Fire Stations, and 10 fire suppression camps in the 2,305-square mile service area, and answers over 250,000 emergency calls annually.

#### SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER

BRADBURY  
CALABASAS  
CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA

CUDAHY  
DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
GLENORA  
HAWAIIAN GARDENS

HAWTHORNE  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY  
INGLEWOOD  
IRWINDALE  
LA CANADA-FLINTRIDGE  
LA HABRA

LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER  
LAWNDALE  
LOMITA  
LYNWOOD

MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT  
PICO RIVERA

POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

2. Table 3.11.2 – The table has been updated as follows:

**Los Angeles County Fire Department**

Approximate Fire Protection Agency	Jurisdiction	Segment	Equipment	Personnel	Response Time (In Minutes)
Battalion 11, Station 78	Lake Hughes	4, 5	1-Engine 1-Patrol 1-Reserve Patrol	3 per shift/3 shifts 9 Total Plus 3 Paid Call FF's (Staffed as Needed)	Varies
Battalion 11, Station 84	Quartz Hill	5	1-Engine 1-Squad 1-Patrol	5 per shift/3 shifts 15 Total	3-4
Battalion 11, Station 112	Lancaster	5	1-Engine	9 Paid Call FF's (Staffed as Needed)	Varies
Battalion 11, Station 130	Lancaster	5	1-Engine 1-USAR Vehicle 1-USAR Cache 1-Rescue Tender 1-Rescue Tractor 1-Rescue Trailer 1-Collapse	6 per shift/3 shifts 18 Total	Varies
Battalion 4, Station 19	La Canada Flintridge	11	1-Engine 1-Squad	5 per shift/3 shifts 15 Total	5
Battalion 4, Station 82	La Canada Flintridge	11	2 Engines 1-Truck 1-Patrol 1-Utility 1-Reserve Engine 1-BC Vehicle	11 per shift/2shifts 33 Total Battalion Chief	Varies
Battalion 4, Station 11	Altadena	11	1-Engine 1-Squad 1-Reserve Engine 1-Reserve Squad	5 per shift/3 shifts 15 Total	4
Battalion 4, Station 12	Altadena	11	1-Engine	4 per shift/3 shifts 12 Total	4 (Urban) 15-20 (ANF)

Battalion 4, Station 66 Pasadena	11	1-Engine 1-Patrol	3 per shift/3 shifts 9 Total	4-5
Battalion 16, Station 44 Duarte	7	2-Engines 1-Patrol 1-Water Tender 1-Reserve Engine	7 per shift/3 shifts 21 Total	4
Battalion 16, Station 32 Azusa	7	1-Engine 1-Squad 1-Mobile Aid 1- Water Tender 1-USAR Trailer 1-Reserve Engine 1-Reserve Squad	6 per shift/3 shifts 18 Total	4
Battalion 16, Station 97 Azusa	7	1-Engine 1-Patrol	4 per shift/3 shifts 12 Total	Varies
Battalion 16, Station 48 Irwindale	7	1-Engine 1-Reserve Engine	4 per shift/3 shifts 12 Total	Less than 5
Battalion 16, Station 29 Baldwin Park	7	1-Quint/Truck 1-Engine 1-Squad	9 per shift/3 shifts 27 Total	3-4
Battalion 10, Station 5 San Gabriel	7	1-Engine	3 per shift/3 shifts 9 Total	3
Battalion 10, Station 47 Temple City	7	1-Engine 1-Squad	5 per shift/3 shifts 15 Total	4
Battalion 10, Station 42 Rosemead	7	1-Engine 1-Reserve Engine	4 per shift/3 shifts 12 Total	5
Battalion 10, Station 4 Rosemead	7,8A	1-Engine 1-Quint/Truck 1-AC Vehicle	8 per shift/3 shifts 24 Total 1 Asst. Chief (AC) 1 Secretary 1 Service Community Representative	4-6
Battalion 10, Station 166 El Monte	7	1-Quint/Truck 1-USAR Cache 1-Utility 1 Arson Unit 1 Nurse Practitioner	4 per shift/3 shifts 12 Total	Undetermined

William T Fujioka, Chief Executive Officer  
 March 25, 2009  
 Page 4

Battalion 10, Station 167	El Monte	7	1-Engine 1-Squad	5 per shift/3 shifts 15 Total	Undetermined
Battalion 10, Station 168	El Monte	7	1-Engine	3 per shift/3 shifts 9 Total	Varies
Battalion 10, Station 169	El Monte	7	1-Engine	3 per shift/3 shifts 9 Total	Varies
Battalion 10, Station 90 So.	El Monte	7	1-Engine 1-Squad 1-Reserve Squad	5 per shift/3 shifts 15 Total	3-4
Battalion 12, Station 87	Industry	7	1-Engine 1-Deluge 1-Swift Water Unit 1-Helitender 1-Reserve Engine	4 per shift/3 shifts 12 Total	5
Battalion 12, Station 118	Industry	7	1-Engine 1-Truck 1-Squad 1-MIRV Multiple Reserves Units 1-BC	9 per shift/3 shifts 27 Total  Battalion Chief	2-3
Battalion 12, Station 26	La Puente	7, 8A	1-Engine 1-Squad 1-Reserve Squad	6 per shift/3 shifts 18 Total	Varies
Battalion 12, Station 43	La Puente	7	1-Engine 1-HazMat Trailer 1-HazMat Tractor	9 per shift/3 shifts 27 Total	Varies
Battalion 8, Station 17	Pico Rivera	7	1-Engine	4 per shift/3 shifts 12 Total	3-5
Battalion 8, Station 25	Pico Rivera	7	1-Engine 1-Light Unit Truck	4 per shift/3 shifts 12 Total	Varies
Battalion 8, Station 40	Pico Rivera	7,8A	1-Engine 1-Squad	5 per shift/3 shifts 15 Total	4

Battalion 8, Station 103 Pico Rivera	7,8A	1-Engine 1-USAR Unit 1-Rescue Tender 1-Swift Water 1-Heavy Rescue 1-USR	7 per shift/3 shifts 21 Total	4-5
Battalion 8, Station 28 Whittier	7, 8A	1-Engine 1-Truck 1-Squad 1-Mobile Aid 1-Utility 1-Reserve Engine 1-BC Vehicle	9 per shift/ 3 shifts 27 Total  1 Battalion Chief	Varies
Battalion 8, Station 59 Whittier	7, 8A	1-Engine 1-Emergency Support Team 1-Reserve Engine	4 per shift/3 shifts 12 Total	
Battalion 8, Station 96 Whittier	7, 8A	1-Engine	3 per shift/3 shifts 9 Total	
Battalion 12, Station 91 Hacienda	7, 8A	1-Engine 1-Patrol	4 per shift/3 shifts 12 Total	
Battalion 12, Station 145	7, 8A	1-Engine 1-Emergency Support Team 1-Utility 1-BC Vehicle	5 per shift/3 shifts 15 Total  1 Battalion Chief	

**LAND DEVELOPMENT UNIT:**

1. We have no comments at this time.

**FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

1. The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance.

William T Fujioka, Chief Executive Officer  
March 25, 2009  
Page 6

2. The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division have been addressed.

**HEALTH HAZARDOUS MATERIALS DIVISION:**

1. We have no comments at this time.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

Fv:lj



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION  
"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

April 6, 2009

TO: William T Fujioka  
Chief Executive Officer

FROM: Russ Guiney *Russ Guiney*  
Director

SUBJECT: **NOTICE OF AVAILABILITY FOR A JOINT ENVIRONMENTAL  
IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT  
SOUTHERN CALIFORNIA EDISON TEHACHAPI RENEWABLE  
TRANSMISSION PROJECT**

The document referenced above has been reviewed for potential impacts on County facilities operated by this Department. Comments on the Notice of Availability are attached.

If I can be of further assistance, please contact me at 213-738-2953 or your staff may contact Joan Rupert at 213-351-5126 or at [jrupert@parks.lacounty.gov](mailto:jrupert@parks.lacounty.gov).

RG:JR/tls/ Edison-Tehachapi transmission project

**Attachments**

c: Phil Serpa, US Army Corps of Engineers  
Lani Alfonso, Public Works  
Mr. Bruce and Mrs. Billie Barsotti  
Parks and Recreation (N.E. Garcia and L. Hensley)

**COMMENTS ON THE  
NOTICE OF AVAILABILITY FOR A JOINT  
ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT  
SOUTHERN CALIFORNIA EDISON (SCE)  
TEHACHAPI RENEWABLE TRANSMISSION PROJECT**

**3.3 Air Quality**

Air quality impact AQ-3: "Construction of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations." This impact applies to all County park facilities and recreation areas. Mitigation measures should also include scheduling construction during off-peak times of park use, to avoid the effects of air pollutants on park patrons.

**3.4 Biological Resources**

**Whittier Narrows Recreation Area**

Most of the existing towers in the Recreation Area currently support active nesting by red-tailed hawks. Provisions must be made so that the new towers can accommodate such nesting.

**Whittier Narrows Natural Area**

- The tower footprints, especially through the Natural Area and Mitigation Lakes Area (Segment 8A), are in or immediately adjacent to confirmed Least Bell's Vireo nesting sites. The Protocol Surveys and Preconstruction Surveys and measures taken to avoid nesting season impacts are critical and must be carried out in this area.
- The base of the tower along Segment 7, at Milepost 12, is exactly adjacent to the last known location of the rare Parish's gooseberry (*Ribes divaricatum* ssp. *parishii*), and a protocol survey should be done, at least there, for the plant (last seen in 1980, M. Long).
- To mitigate impacts to wildlife and riparian habitat, construction and maintenance of the new towers must be limited to the existing roads in the Southern California Edison (SCE) easement. Any new or widened roads in the Natural Area, even in the Right of Way (ROW), will impact riparian habitats.
- Coordination must occur with Department staff, if there is an increase to road and tower maintenance in the Natural Area.
- To avoid impacts to wildlife and vegetation, no staging areas should be located inside the Natural Area.

### **3.14 Visual Resources**

#### **Whittier Narrows Recreation Area and Whittier Narrows Natural Area**

The project will substantially degrade the visual quality within the Recreation Area and Natural Area since there are numerous towers located within these facilities. The much taller transmission towers and the increased number of transmission lines are unavoidable visual impacts. However, the visual impact related to the towers themselves can and should be mitigated by including vegetative or other screening 10 to 12 feet in height at the base of the towers.

### **3.15 Wilderness and Recreation**

Although the document is clear that the existing easements with the park facilities will not be increased, the document should identify the project's access points, staging areas and specific location of the new transmission towers. Until such time, it is not feasible to adequately determine all the potential impacts to park facilities.

Additionally, to minimize the impact to the public's use of County park facilities, advance notice of project construction is needed. This is necessary since some of the park facilities can be reserved a year in advance for major special events and regional and state tournaments. Reservations can be made for park facilities beginning January 1<sup>st</sup> each year, therefore, it is imperative that the construction schedule be transmitted to this Department no later than September 1<sup>st</sup> of the year preceding construction. Adequate time is also needed to allow for the temporary removal of items such as concrete picnic tables and many barbecue braisers. Walkways may also need to be temporarily relocated. A four month notice is needed for the temporary removal/re-routing of these facilities. Mitigation measures should include that, once a tentative schedule is developed, it will be shared with this Department and that SCE will apprise the Department of any subsequent schedule revisions as they occur. Also, the duration of construction is expressed in hours but it needs to be identified in terms of days as well, so impacts can be further identified.

The Mitigation Measure for Impact R-1a should be revised to include: "SCE will locate the staging areas for project-related equipment, materials and vehicles, in areas to the satisfaction of the affected agency and with least possible effect on recreational activities and opportunities."

#### **Pathfinder Park**

- Although all SCE towers are located just outside of the Park, crackling and hissing noise from the existing towers can currently be heard in the Park. The noise impact on the Park may be greater with the larger towers. Please specify appropriate noise minimization measures for insulator noise, such as new polymer insulators installed on the towers regardless of tower height.

- The County is considering the development of a community building at the Park just outside the SCE easement. Please specify the distance of the wires from the ground for the new transmission lines within the Park. Please provide the location and distance of the lowest line sag within the Park.
- No helicopter staging will be allowed on the ball fields.
- No wiring spools will be allowed to go through the park's turf area north of the SCE easement.
- To minimize the impact to park use when restringing the lines crossing the Park, public access to the existing Community Center must be maintained.

#### **Whittier Narrows Recreation Area (WNRA)**

- The non-peak season for WNRA is from November to February which would provide the best time for the proposed project to take place in this park, which has an estimated attendance of more than 2 million visitors annually.
- For the towers closest to Legg Lake, the bridge between the Center Lake and North Lake will not be able to bear the use of trucks greater than one ton. We recommend that to access the towers at the west side of the bridge, enter from Rosemead Boulevard and to access the towers east of the bridge, enter from Santa Anita Avenue. Until the location of the new towers is identified, the placement of new towers may permanently restrict public access to this walkway between the two lakes. To avoid this impact, the location of the new towers should allow continued use of the existing walkway between the lakes.
- The Disc Golf Area is south of Lexington Gallatin Road, east of Santa Anita Avenue, and north of Durfee Avenue. Tower demolition and construction in this area may close the Disc Golf Area completely to the public. Again, the location of the new towers must be identified so impacts can be adequately analyzed.
- The Model Boat Area is southwest of Legg Lake, east of the agricultural fields known as the "Strawberry Patch". The Model Boat patrons currently use the path between the lake and the Strawberry Patch to access the lake for the model boat activities. Further coordination is needed to minimize the impact on the parking access.
- The Archery Range is west of Rosemead Boulevard, east of Rio Hondo River Channel, between proposed transmission lines Segment 7 and Segment 8A. The towers of segment 7 are located within the demised premises of the concessionaire who is under contract with the County. The concessionaire is Mr. Bruce and Mrs. Billie Barsotti, 831 North Rosemead Boulevard, South El Monte, CA 91733. However, all coordination for the proposed project will continue to be handled by this Department.

- If the Sporting Dog Area is intended to be used as an access point to the SCE easement, further coordination is needed to minimize the impact to park patrons.

### **Santa Fe Dam Recreation Area**

The project will impact the Model Plane Area and the Walking Path to the south of the Model Plane Area. The Model Plane Area is west of I-605 and south of Duarte Road, at the northwest corner of the Santa Fe Dam Recreation Area. The project will impact the Model Plane Area users and hikers, joggers and bikers during construction.

### **Alternative 7. 66-kv Subtransmission**

The Department supports Alternative 7 which re-routes two lines outside of Whittier Narrows Natural Area. One of the lines is near the Nature Center and the other is within the Mitigation Lakes area close to habitat for the Least Bell's Vireo. It is especially critical that the rerouting of this second line is done outside of the nesting season for this federally listed endangered species. The Department also supports this alternative to underground a segment of the transmission lines as they occur within the recreation resource known as the "Duck Farm".

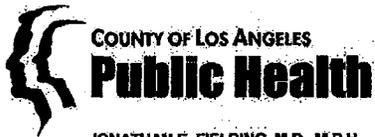
### **Trails**

The following comments pertain to all County trails within the transmission line easement.

SCE will need to post public notices within the project vicinity two months in advance regarding trail closures/trail re-routes. Trail closure signs should read:

***"TRAIL WILL TEMPORARILY BE CLOSED MONDAY-FRIDAY,  
DURING CONSTRUCTION FOR THE PUBLIC'S SAFETY,  
FROM 7 a.m. – 5 p.m. STARTING (Date and Year)"***

To minimize recreation impacts to the public during construction, trails need to remain open Saturdays, Sundays and holidays. SCE should also provide, install and maintain regulatory information signs stating the following information: "CAUTION CONSTRUCTION AHEAD"; "YIELD". During construction, a security fence needs to be installed to separate and protect trail users from construction areas and construction hazards. The document should also state that there will be no permanent alterations to the County's Multi-Use/Equestrian trails and that the impacted trails will remain open and unobstructed after construction.



COUNTY OF LOS ANGELES  
**Public Health**

**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director and Health Officer

**JONATHAN E. FREEDMAN**  
Chief Deputy Director

**ANGELO J. BELLOMO, REHS**  
Director of Environmental Health

**ALFONSO MEDINA, REHS**  
Director of Environmental Protection Bureau

**Environmental Hygiene Program**  
Cole Landowski, MS, CIH, REHS, Head  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-6430 • FAX (626) 913-3026

[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)



**BOARD OF SUPERVISORS**

Gloria Molina  
First District

Mark Ridley-Thomas  
Second District

Zev Yaroslavsky  
Third District

Don Knabe  
Fourth District

Michael D. Antonovich  
Fifth District

March 25, 2009

Hsiao-Ching Chen, AICP  
Unincorporated Area Services Liaison  
Department of Regional Planning  
320 West Temple Street, Room 1390  
Los Angeles, CA 90012

Dear Ms. Chen,

This is in response to the Draft Environmental Impact Report/Statement (DEIR/DEIS) for the Tehachapi Renewable Transmission Project (TRTP) that was forwarded to this Department for review and comment. Environmental Health has reviewed the Noise Section 3.10 of the DEIR/DEIS and offers the following comments:

- The applicant shall follow through with all the Applicant-Proposed Measures (APMs) listed in section 3.10.4.2, Table 3.10.0 regarding construction noise.
- The applicant shall implement mitigation measures N-1a and N-1b listed on pages 3.10-22 through 3.10-23 in regards to implementing best management practices for construction noise and avoiding sensitive receptors during mobile construction equipment use.
- Routine maintenance of the Tehachapi Renewable Transmission Project should be prohibited on any Sunday or legal holidays, or at any other time between weekday hours of 7pm and 7am.

- The applicant should strive to preserve the public health and environment by complying with all applicable noise and vibration standards/ordinances of the surrounding jurisdictions where sensitive receptors exist in proximity to the project. The applicant is responsible for adhering to such standards and ordinances during the construction and operational phases of the project.
- It is stated in the DEIR that corona noise generated by operation of the proposed project would result in permanent and substantial increases to existing ambient noise levels. It is also stated that the project will not be in compliance with the Los Angeles County Noise Ordinance, Title 12, Chapter 12.08. The applicant is hereby directed to take effective measures to bring this project into compliance with the Los Angeles County Noise Ordinance.

We appreciate the opportunity to be of service on this project and look forward to working with you in the future. If you have any questions, please contact myself or Francis J. Pierce at (626) 430-5436.

Sincerely,



Cole Landowski, MS CIH  
Head, Environmental Hygiene Program

C: Julia F. Orozco  
Mika Yamamoto  
Phil Doudar  
Alfonso Medina  
Aura Wong



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

March 25 2009

IN REPLY PLEASE  
REFER TO FILE: LD-1

Mr. John Boccio, CPUC, EIR Project Manager  
Mr. Justin Seastrand, USDA Forest Service, Special Uses Coordinator  
c/o Aspen Environmental Group  
30423 Canwood Street, Suite 215  
Agoura Hills, CA 91301

Dear Mr. Boccio and Mr. Seastrand:

### **DRAFT ENVIRONMENTAL IMPACT REPORT FOR TEHACHAPI RENEWABLE TRANSMISSION PROJECT**

As requested, we reviewed the Draft Environmental Impact Report (DEIR) for the subject project. The proposed project includes construction, operation, and maintenance of 173 miles of new and upgraded transmission infrastructure within new and existing right of ways. The transmission alignment extends southerly from Kern County through north and central Los Angeles County and easterly along the Puente/Chino Hills to San Bernardino County.

The following comments are for your consideration:

#### **Hydrology/Water Quality**

1. Alternative 2, the Southern California Edison (SCE) proposed project alternative includes two proposals for the double-circuit 66-kV transmission towers in Segment 7, either relocation of 45 existing towers to the edge of the SCE right of way between Mile Post 4.4 and 15.8 or undergrounding of the transmission lines of these same towers for the same 11.4 miles. Since this stretch of Segment 7 runs immediately parallel to the San Gabriel River from the City of Irwindale southerly through the Whittier Narrows Dam Recreation Area and because the relocation of the towers to the edge of the right of way could increase the area with restricted use around the SCE right of way, we recommend that the transmission lines be placed underground rather than the towers relocated. This would minimize impacts to proposed and ongoing San Gabriel River Corridor Master Plan projects in the area.

Mr. John Boccio  
Mr. Justin Seastrand  
March 25, 2009  
Page 2

2. If project transmission lines are not placed underground, we recommend that SCE develop joint projects with Public Works to enhance adjacent SCE and Los Angeles County Flood Control District right of ways with water quality and/or passive recreation amenities in order to mitigate the aesthetic impact of the project on the San Gabriel River Bicycle Trail and the San Gabriel River Corridor Master Plan projects as well as the reduced useable area surrounding the larger and/or increased number of towers.
3. Substations and/or towers should be kept out of natural drainage pathways.
4. The proposed project may affect several Los Angeles County Flood Control District facilities. Some of the facilities include: Eaton Wash, San Gabriel River, and the Santa Fe Spreading Grounds. At this time, we cannot comment on the degree of impact this project would have until more specific information such as construction plans at a standard scale are available. SCE should obtain permits through Public Works' Construction Division for any work within the Los Angeles County Flood Control District easements and/or right of ways.
5. Prior to construction, grading permits must be obtained for all access roads within the County of Los Angeles jurisdiction. Grading permits can be obtained through Public Works' Building and Safety Division.

#### **Traffic/Access**

Any proposed public road closure and detour, towers and/or transmission lines within public road right of way, or any USFS permitted locations, will require a construction permit from Public Works' Construction Division.

#### **Geology/Soils**

1. All or portion of the site is located within potentially liquefiable and earthquake-induced landslide areas per the State of California Seismic Hazard Zones Map—Del Sur, Sleepy Valley, Lancaster West, Ritter Ridge, Pacifico Mountain, Acton, Pasadena, Azusa, Mt. Wilson, El Monte, Baldwin Park, Whittier, La Habra, and Yorba Linda Quadrangles. Site-specific geotechnical reports addressing the proposed development and recommending mitigation measures for geotechnical hazards should be included as part of the EIR.

Mr. John Boccio  
Mr. Justin Seastrand  
March 25, 2009  
Page 3

2. On page 4.7-29, a discussion is made of the impacts of fault rupture on the project. Under APMs GEO 1 and 2 the towers will undergo geotechnical and geological analysis, and will implement design and construction features that will reduce the impact due to fault rupture. However, the mitigation measure does not include ensuring that the towers are not built upon any active fault traces. SCE should ensure that the substations and/or towers be kept a safe distance away from an active fault.

If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 458-4921.

Very truly yours,

GAIL FARBER  
Director of Public Works



*for* DENNIS HUNTER, PLS PE  
Assistant Deputy Director  
Land Development Division

MA:ca

P:\CEQA\CDM\California Energy Commission\_PUC\_Tehachapi Renewable Transmission Project-DEIR\EIS.doc

cc: Chief Executive Office (Lari Sheehan)  
Regional Planning (Hsiao-Ching Chen, Paul McCarthy)



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Jon Sanabria  
Acting Director of Planning

April 6, 2009

TO: William T Fujioka  
Chief Executive Officer

FROM: Jon Sanabria, Acting Director  
Department of Regional Planning

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT REPORT  
SOUTHERN CALIFORNIA EDISON  
TEHACHAPI RENEWABLE TRANSMISSION PROJECT**

While the Department of Regional Planning (DRP) supports the development of renewable energy projects, the Department has reviewed the Draft Environmental Impact Report (EIR) prepared by Southern California Edison (SCE) regarding its proposed development of the Tehachapi Renewable Transmission Project with regard to its completeness in addressing the environmental impacts of the project on properties located within the unincorporated portions of Los Angeles County. The EIR has been prepared for review by the California Public Utilities Commission (CPUC) which is the Lead Agency.

The DRP has concluded that adoption of Alternative 3 will provide for a less environmentally impactful project than the development of Alternative 2 (the proposed project). Alternative 3 is also known as the West Lancaster Alternative. This alternative would reroute the proposed 500-kV Segment 4 transmission line from 110<sup>th</sup> Street West to 115<sup>th</sup> Street West. The Alternative 3 alignment would be located approximately one-half mile further west of the proposed Alternative 2 alignment. The Alternative 3 alignment would traverse an undeveloped area while the Alternative 2 alignment would traverse an area developed with single-family residences.

The DRP has concluded that adoption of Alternative 6 could provide for a less environmentally impactful project than the development of Alternative 2 (the proposed project) within the boundaries of the Angeles National Forest. However, care must be taken to avoid the use of helicopters in proximity to communities such as Agua Dulce and "the cabins" along San Francisquito Canyon.

## TEHACHAPI RENEWABLE TRANSMISSION PROJECT EIR

Page 2

Alternative 6 is also supported by the United States Forest Service. It has the potential to reduce ground disturbance by eliminating the need to construct 14 miles of new roadway that would be necessary to accommodate conventional construction methods. Alternative 6 would utilize helicopter construction within the Angeles National Forest "to the maximum extent feasible." The DRP believes that where conflicts with residential communities exist that the use of helicopters should be determined to be infeasible.

Ten temporary helicopter staging areas are proposed to be constructed under Alternative 6. The DRP urges SCE and the CPUC to consider the advisability of making the ten new helipads permanently available for use by the Los Angeles County Fire Department following completion of the project.

The DRP concurs with the Board of Supervisors in concluding that the adoption of Alternative 7 will provide for a less environmentally impactful project than the development of Alternative 2 (the proposed project) within the River Commons Project area, the site of the former Duck Farm adjacent to the 605 Freeway. Implementation of Alternative 7 will also provide for re-routing and undergrounding of the existing 66-kV subtransmission line around the Whittier Narrows Recreation area along the project's Segments 7 and 8A and will protect the habitat of the Least Bell's Vireo and reduce visual impacts.

Volume 2, Page 3.9-60 of the EIR discusses proposed Mitigation Measures which are designed to reduce construction-related impacts. Mitigation Measure L-1a will require that SCE provide the name and contact information for a public liaison to all property owners located within 300 feet of construction-related activities. The SCE liaison will be required to respond to citizen concerns within 72 hours. DRP also recommends that affected County Departments such as Sheriff, Public Works, Fire, Regional Planning and Board Offices also be provided the contact information with regard to the SCE liaison. DRP further recommends that the Mitigation Measure be amended to ensure that responses will be forthcoming on weekends and in particular during 3-day holiday weekends, if included within the 72 hour period.

Volume 2 Page 3.9-61 of the EIR discusses Impact L-2. It notes that, "Construction-related activities would also temporarily restrict or preclude access to, and potentially the use of, lands adjacent to construction-related work areas." Page 3.9-65 of the document describes Mitigation Measure L-2. It states that "SCE shall ensure that all affected non-residential property owners within 300 feet of the ROW are always provided with at least one point of vehicular (passenger car and truck) and pedestrian access to their respective properties throughout all phases of construction." DRP recommends that Mitigation Measure L-2 be amended to provide the same protections to single and multi-family residences.

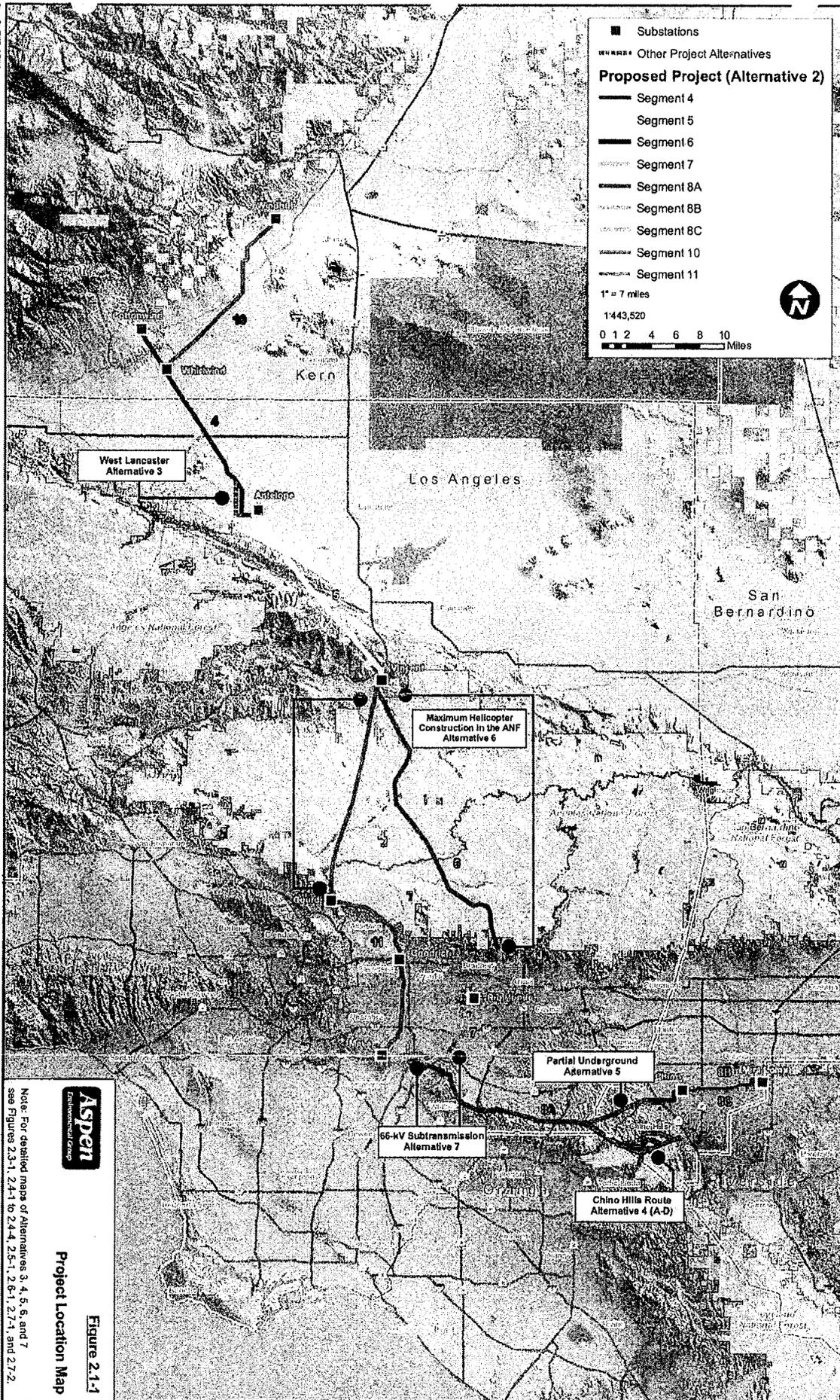
## **TEHACHAPI RENEWABLE TRANSMISSION PROJECT EIR**

**Page 3**

The EIR addresses the potential geologic and seismic hazards that confront the proposed project. However, the document did not include within its analysis the results of the recent Great Southern California Shakeout drill conducted by the United States Geologic Survey. The drill was conducted in cooperation with numerous Southern California local governments, public utilities, emergency response agencies, hospitals and schools, including Los Angeles County. It was widely reported in the press that Southern California utility companies had concluded, as a result of the exercise, that their earthquake response contingency plans were seriously flawed. It was reported that said utility companies had not factored into their response plans the extensive damage to major roadways that is anticipated in the vicinity of the San Andreas Fault and the challenges those disruptions would present with regard to the deployment of men, equipment and replacement parts to damaged transmission facilities within proximity to the ruptured fault. The Final EIR should address the lessons which may have been learned by SCE as a result of the exercise.

In conclusion, the DRP supports Alternatives 3, 6 (with limitations discussed) and 7 as described in the EIR. The Department recommends strengthening of Mitigation Measures L-1a and L-2 with regard to construction-related activities. The Department is requesting additional evaluation and comments regarding seismic safety and is requesting an additional mitigation measure related to the use of helicopter staging areas following completion of the project.

Should you have any questions or concerns, please contact myself or Paul McCarthy of my staff at (213) 974-6461 or pmccarthy@planning.lacounty.gov.



Project Location Map

Figure 2.1-1

Note: For detailed maps of Alternatives 3, 4, 5, 6, and 7 see Figures 2.3-1, 2.4-1 to 2.4-4, 2.5-1, 2.6-1, 2.7-1, and 2.7-2.

February 2009