

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of:
Address:

From:

Public Agency: California Public Utilities Commission (CPUC)
Address: 300 Capitol Mall, Suite 418
Sacramento, CA 95814
Contact: John E. Forsythe, AICP
Phone: (916) 327-6782

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2018121014

Project Title: TL674A Reconfiguration and TL666D Removal Project

Project Applicant: San Diego Gas and Electric Company (SDG&E)

Project Location (include county): Cross Streets: Interstate 5 and Via De La Valle, City/Nearest Community: San Diego, CA & Del Mar, CA Zip Code: 92014, County: San Diego

Project Description:

See Attachment 1

This is to advise that the California Public Utilities Commission (CPUC) has approved the above (Lead Agency or Responsible Agency)

described project on 06/19/2019 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

CPUC, 300 Capitol Mall, Sacramento, CA 95814; http://www.cpuc.ca.gov/environment/info/ene/delmar/delmar.html

Signature (Public Agency): John E. Forsythe Title: Senior Environmental Project Manager

Date: 8/8/19 Date Received for filing at OPR: Governor's Office of Planning & Research

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

AUG 12 2019 STATE CLEARINGHOUSE Revised 2011



State of California - Department of Fish and Wildlife  
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

OK # 010037132

**Print**   **StartOver**   **Finalize&Email**

RECEIPT NUMBER:  
 59 — 08/12/2019 — 099  
 STATE CLEARINGHOUSE NUMBER (If applicable)  
**2018121014**

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>California Public Utilities Commission</b>	LEAD AGENCY EMAIL	DATE <b>08/12/2019</b>
COUNTY/STATE AGENCY OF FILING OPR/SCH	DOCUMENT NUMBER	

PROJECT TITLE

**TL674A Reconfiguration and TL666D Removal Project**

PROJECT APPLICANT NAME <b>John Forsythe</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER <b>(916)327 6782</b>
PROJECT APPLICANT ADDRESS <b>300 Capitol Mall, Suite 418</b>	CITY <b>Sacramento</b>	STATE <b>CA</b>
		ZIP CODE <b>95814</b>

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency  
  School District  
  Other Special District  
  State Agency  
  Private Entity

CHECK APPLICABLE FEES:

- |   |            |    |          |
|---|------------|----|----------|
| <input type="checkbox"/> Environmental Impact Report (EIR)  | \$3,271.00 | \$ | 0.00     |
| <input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)                        | \$2,354.75 | \$ | 2,354.75 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,112.00 | \$ | 0.00     |
| <br>  |            |    |          |
| <input type="checkbox"/> Exempt from fee  |            |    |          |
| <input type="checkbox"/> Notice of Exemption (attach)   |            |    |          |
| <input type="checkbox"/> CDFW No Effect Determination (attach)                                      |            |    |          |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)           |            |    |          |

- |   |          |    |      |
|---|----------|----|------|
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input type="checkbox"/> County documentary handling fee  |          | \$ |      |
| <input type="checkbox"/> Other  |          | \$ |      |

PAYMENT METHOD:

- Cash  
  Credit  
  Check  
  Other

**TOTAL RECEIVED** \$ 2,354.75

SIGNATURE 	AGENCY OF FILING PRINTED NAME AND TITLE <b>Christine Rodriguez, SCH Manager</b>
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**TL674A Reconfiguration and TL666D Removal Project**  
Notice of Determination Attachment 1

**A. Project Location**

*TL674A Reconfiguration and TL666D Removal Project*

**County:** San Diego

**City/Nearest Community:** San Diego, CA and Del Mar, CA

**Cross Streets:** Interstate 5 and Via De La Valle

**Zip Code:** 92014

**Longitude/Latitude (degrees, minutes, seconds):** N/A – Linear project

**Assessor's Parcel No.** N/A – Public ROW

**B. Description of the Proposed Project:** The proposed project would be located primarily within the northern portion of the city of San Diego along the Interstate 5 (I-5) corridor from Via de la Valle southward to where the power line crosses I-5 in the vicinity of the Sorrento Valley and Torrey Hills communities. A portion of the proposed project would be located in the city of Del Mar within the 22nd District Agricultural Association and within and adjacent to the San Dieguito Lagoon. The proposed project would be located entirely within the Coastal Zone and partially within the Torrey Pines State Natural Reserve and Torrey Pines State Natural Reserve Extension.

The proposed project would consist of the following four components, as well as the removal and replacement of a circuit breaker at the existing Del Mar Substation:

- 1) **TL674A Reconfiguration:** Entails removal of an approximate 700-foot-long overhead 69-kilovolt (kV) tap, and installation of approximately 1.1 miles of new underground duct bank and four vaults to connect TL674A (renamed TL6973 as part of the proposed project) to the Del Mar Substation.
- 2) **TL666D Removal:** Includes removal of approximately 6 miles of overhead 69-kV power line between the Del Mar Substation and the intersection of Vista Sorrento Parkway and Pacific Plaza Drive.
- 3) **C510 Conversion:** Comprises the conversion of approximately 3,900 feet of existing overhead 12-kV distribution line to an underground configuration within San Dieguito and Racetrack View Drive, removal of five distribution line poles adjacent to Racetrack View Drive, and installation of several poles connecting existing overhead to new underground configuration.
- 4) **C738 Conversion:** Entails conversion of approximately 630 feet of existing overhead 12-kV distribution line to an underground configuration within the Sorrento Valley multi-use path, with removal of distribution line poles and installation of several new poles and risers.

SDG&E estimates that construction of the proposed project would take 12 months. The circuit breaker replacement process would be initiated after the TL674A Reconfiguration is complete. As a result, it would overlap with the TL666D Removal, C510 Conversion, and C738 Conversion.

Decision 19-06-013 June 13, 2019

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In The Matter of the Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for a Permit to Construct The TL674A Reconfiguration & TL666D Removal Project.

Application 17-06-029

**DECISION GRANTING PERMIT TO CONSTRUCT THE TL674A RECONFIGURATION AND TL666D REMOVAL PROJECT**

**Summary**

This decision grants San Diego Gas & Electric Company's request for a permit to construct the Tie Line (TL) 764A Reconfiguration and the TL666D Removal Project. This proceeding is closed.

**1. Proposed Project**

Pursuant to Section IX(B) of General Order (GO) 131-D of the California Public Utilities Commission (Commission), and Rules 2.1 through 2.5 and 3.1 of the Commission's Rules of Practice and Procedure (Rules), San Diego Gas & Electric Company (SDG&E) requests a Permit to Construct (PTC) the Tie Line (TL) 764A Reconfiguration and remove the TL666D power line from service in the Del Mar Substation Area, thereby addressing: 1) safety, environmental, and reliability concerns associated with the ongoing operation and maintenance work associated with this line; and 2) mitigating violations of the North American Electric Reliability Corporation (NERC) Reliability Criteria.

Pursuant to GO 131-D, in order to issue a permit to construct, the Commission must find that the project complies with the California Environmental Quality Act (CEQA) Guidelines. CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project or a project alternative. If the initial study shows that there is no substantial evidence that the proposed project may have a significant effect on the environment, or if the initial study identifies potentially significant effects and the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels, then the lead agency shall prepare a negative declaration or Mitigated Negative Declaration (MND), subject to public notice and the opportunity for the public review and comment. (CEQA Guidelines §§ 15070-15073.)

CEQA requires that, prior to approving the project or a project alternative, the lead agency consider the MND along with any comments received during the public review process, and that the lead agency adopt the MND only if it finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the lead agency's independent judgment and analysis. (CEQA Guidelines § 15074(a)-(b).)

If the lead agency adopts an MND, CEQA requires that it also adopt a program for monitoring or reporting on the changes or conditions required to mitigate or avoid significant environmental effects. (CEQA Guidelines §§ 15074(d).)

In addition, pursuant to GO 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with the

of State Park plans, policies, and regulations; biological monitoring and coordination with State Parks staff; protection of geological and archeological resources; use of the North Beach Lot as a laydown yard; and issuance of a Right of-Entry Permit.

The California Department of Transportation (Caltrans) requests that:

- 1) a health and safety plan for lead, asbestos, and polychlorinated 14 biphenyls (PCBs) be prepared by a Certified Industrial Hygienist;
- 2) the applicant comply with all applicable regulations pertaining to the management of hazardous materials and hazardous wastes and prepare a Hazardous Materials and Waste Management Plan;
- 3) the applicant test, profile, and transport excavated soil to an appropriately permitted disposal facility in accordance with all federal, state, and local laws; and regulations;
- 4) the applicant review as-built drawings for the existing Caltrans' electrical system at Via de la Valle, and utilize a subsurface locator as a work item prior to excavating in Via de la Valle to identify the existing Caltrans underground facilities and contact the Caltrans electrical maintenance staff prior to starting work for the proposed project;
- 5) Caltrans has discretionary authority with respect to highways under its jurisdiction;
- 6) a traffic control plan be submitted to Caltrans District 11;
- 7) the Final IS/MND discuss and address potential impacts to I-5 and the traveling public from detours, demolition, and other construction activities;
- 8) the Commission prepare and submit to Caltrans a closure plans as part of the encroachment permit application; and
- 9) any work performed within the Caltrans Right of Way (ROW) would require discretionary review and approval by Caltrans, and an encroachment permit would be required for any work within the Caltrans ROW prior to construction.

The Viejas Band of Kumeyaay Indians (Viejas) states that the project site has cultural significance or ties to the Viejas, and requests that a Kumeyaay

modified measures would be required in order to mitigate environmental impacts that may be associated with the circuit breaker removal and replacement at the Del Mar Substation, because no significant impacts or impacts of greater severity would occur with this addition to the project.

Based on the analysis in the IS, the Commission has determined that all environmental impacts related to the proposed project would be less than significant or reduced to less-than-significant levels with incorporation of feasible mitigation measures identified in the topical analyses. Mitigation measures identified in the Final MND have been developed to avoid impacts altogether by avoiding certain actions or parts of actions; limiting the degree or magnitude of particular action(s), including effects associated with their implementation; rectifying effect(s) through repair, rehabilitation, or restoration of the impacted environment; or reducing or eliminating impacts over time by preservation and maintenance operations.<sup>1</sup> The IS differentiates measures that have been incorporated into the proposed project as specific design features or as Applicant-Proposed Measures (APMs) from those (mitigation measures) identified as necessary to reduce or eliminate significant environmental impacts.

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<sup>1</sup> CEQA Guidelines, Section 15370.

SDG&E's Substation FMP Checklist for this project proposes the following measures to reduce the EMF levels from the substation's facilities:

- Keep high current devices, transformers, capacitors, and reactors away from the substation property lines by bringing into the substation property as much as possible;
- For underground duct banks, the minimum distance should be 12 feet from the adjacent property lines or to the extent practical;
- Locate new substations close to existing transmission line rights-of-way to the extent practical;
- Increase the substation property boundary to the extent practical.

This design complies with SDG&E's EMF Guidelines prepared in accordance with the Commission's EMF decisions D.93-11-013 and D.06-01-042.

## **6. Categorization and Need for Hearing**

Resolution ALJ 176-3401 preliminarily determined that this proceeding should be categorized as ratesetting and that a hearing was necessary. We confirm that this proceeding is ratesetting. We affirm the ruling in the Scoping Memo, which changed the preliminary determination regarding hearings, since no material factual issues were presented in the scope of this proceeding. We determine that hearings are not necessary.

## **7. Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.



7. The TL764A Reconfiguration and TL666D Power Line Removal Project is designed in compliance with the Commission's policies governing the mitigation of EMF effects.

### **Conclusions of Law**

1. SDG&E should be granted a permit to construct the TL674A Reconfiguration and carry out the TL666D Removal Project in conformance with the mitigation measures attached to this order.

2. The California Environmental Quality Act (CEQA) requires that, prior to approving the project or a project alternative, the lead agency must certify that the Final Initial Study and Mitigated Negative Declaration was completed in compliance with CEQA, that it reviewed and considered the Final Initial Study and Mitigated Negative Declaration prior to approving the project, and that the Final Initial Study and Mitigated Negative Declaration reflects our independent judgment.

3. The Final IS/MND should be certified by the Commission in this decision.

4. Hearings are not needed.

5. This order should be effective immediately.

### **O R D E R**

#### **IT IS ORDERED that:**

1. San Diego Gas & Electric Company is granted a permit to construct the TL674A Reconfiguration and carry out the TL666D Removal Project in conformance with the mitigation measures attached to this order.

2. The mitigation measures, included as part of the Final Mitigated Negative Declaration/Initial Study (Attachment A), are adopted.

3. San Diego Gas & Electric Company may request, and Energy Division may approve, minor project refinements which meet the criteria described in

A.17-06-029 ALJ/GK1/eg3

4. Application 17-06-029 is closed.
5. This order is effective immediately.

Dated June 13, 2019, at Sacramento, California

MICHAEL PICKER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

Commissioner Liane M. Randolph, being necessarily absent, did not participate.