

Decision 14-12-058 December 18, 2014

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN CALIFORNIA
GAS COMPANY (U 904 G) to Amend its
Certificate of Public Convenience and
Necessity for the Aliso Canyon Gas Storage
Facility.

Application 09-09-020
(Filed September 30, 2009)

**DECISION ADDRESSING PETITION OF SOUTHERN CALIFORNIA GAS
COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY FOR
MODIFICATION OF DECISION 13-11-023 APPROVING AMENDMENT OF
SOUTHERN CALIFORNIA GAS COMPANY'S CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR THE ALISO CANYON GAS STORAGE
FACILITY**

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DECISION ADDRESSING PETITION OF SOUTHERN CALIFORNIA GAS COMPANY AND SOUTHERN CALIFORNIA EDISON COMPANY FOR MODIFICATION OF DECISION 13-11-023 APPROVING AMENDMENT OF SOUTHERN CALIFORNIA GAS COMPANY'S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE ALISO CANYON GAS STORAGE FACILITY

Summary

This decision approves Southern California Gas Company's (SoCalGas) and Southern California Edison Company's petition to modify Decision (D.) 13-11-023 to include the modifications to Mitigation Measure (MM) BR-5, MM BR-15, MM HZ-2, MM NS-3 and Applicant's Proposed Measure BR-4 set forth in the Final Environmental Impact Report adopted by D.13-11-023, and other modifications. The requested modifications are minor and do not result in any additional environmental impacts.

This proceeding remains open to consider the November 12, 2014 SoCalGas petition to modify D.13-11-023.

1. Background

1.1. The Public Certificate of Convenience and Necessity (CPCN) Amended by Decision 13-11-023

Southern California Gas Company (SoCalGas) provides natural gas to approximately six million customers in southern California. This service includes operation of four underground natural gas storage facilities to help meet peak hourly, daily, and seasonal demands for all its customers. The Aliso Canyon Storage Field (Storage Field) is SoCalGas's largest underground natural gas storage field and is located in unincorporated areas of Los Angeles and Ventura Counties, and northern Los Angeles near Northridge, encompassing a surface area of approximately 3,600 acres.

Decision (D.) 13-11-023 granted SoCalGas's request to amend its CPCN for construction and operation of the turbine replacement project (Project) at the

Aliso Canyon Gas Storage Facility (Facility). Approval of the application allows SoCalGas to fulfill terms of the settlement agreement approved by D.08-12-020, which, among other things, requires SoCalGas to make commercially reasonable efforts to replace obsolete gas turbine compressors in order to expand natural gas injection capacity at the Facility.

In addition, D.13-11-023: (1) adopted the settlement agreement between SoCalGas and neighboring Porter Ranch residents addressing the safe operation of the Facility in a high fire risk area; (2) approved SoCalGas's proposed revenue requirement (subject to a maximum cost of \$200.9 million) rate treatment and regulatory accounting for the Project; (3) approved expansion of an easement necessary for completion of the Project; (4) confirmed the Commission's preemptory authority over conflicting city and county zoning regulations, ordinances, codes, or requirements; and (5) adopted the environmental impact report (EIR) prepared for the Project pursuant to the California Environmental Quality Act (CEQA).

In addition to construction of the Project at the Facility, new and modified electrical facilities are required to provide power for the Project. These facilities are being constructed by Southern California Edison Company (SCE).¹ SCE is an investor-owned public utility operating an interconnected and integrated electric

¹ To provide power to the electric-driven, variable-speed compressors, SCE will construct and operate a 56-megavolt-ampere, 66/12 Kilowatt (kV) substation (the Natural Substation) on the Storage Facility site; and reconductor and replace towers and poles along segments of SCE's-MacNeil-Newhall-San Fernando-Sunshine 66 kV Subtransmission Line and MacNeil-Newhall-San Fernando 66 kV Subtransmission Line in the Project area. In addition, SCE will install equipment at SCE's Newhall, Chatsworth, Pardee, and San Fernando Substations; and install new fiber optic telecommunications cable in order to allow for remote monitoring and operation of the electrical facilities.

utility system that generates, transmits, and distributes electric energy in portions of central and southern California.²

The Project approved in D.13-11-023 includes only those non-electrical improvements and activities proposed within the Storage Field. However, for purposes of CEQA, the Project included improvements and activities related to electric system modifications for which SCE obtained separate authorization from the Commission.³

1.2. The Petition

SoCalGas's and SCE's September 11, 2014 petition (SCG/SCE Petition), as amended, on November 13, 2014, requests modification of D.13-11-023 to modify Applicant's Proposed Measure (APM) BR-4, Mitigation Measure (MM) BR-5, MM BR-15, MM HZ-2 and MM NS-3 in the Final Environmental Impact Report (FEIR) adopted by D.13-11-023. In addition, SoCalGas and SCE request clarification of Finding of Fact 28 in D.13-11-023 because the FEIR determined that some construction activities performed by SCE will occur in and near parks or recreational facilities.⁴ Finally, the SCG/SCE Petition requests approval of SCE's modifications to the scope of two Project components that do not result in significant impacts beyond those described in the FEIR adopted by D.13-11-023.

1.3. Procedural Background

SoCalGas and SCE filed the SCG/SCE Petition on September 11, 2014. Notice of the SCG/SCE Petition appeared in the Commission's September 15,

² In addition to its California properties, SCE separately or jointly owns facilities in Nevada, Arizona, and New Mexico that produce power and energy for use in California.

³ Pursuant to General Order 131-D, SCE filed Advice Letter 3067-E on June 30, 2014, which became effective on August 1, 2014.

2014 Daily Calendar. No protests or responses to the SCG/SCE Petition were filed.

On November 13, 2014, SoCalGas and SCE amended the SCG/SCE Petition to request a minor modification to MM NS-3, in addition to their other requests. On November 14, 2014, the assigned Administrative Law Judge (ALJ) ruled that no responses or protests to the amendment could be filed, pursuant to Rule 1.12(b) of the Commission's Rules of Practice and Procedure.⁵

2. Discussion

APM BR-4, MM BR-5, MM BR-15, MM NS-3 and MM HZ-2 set forth in the FEIR adopted by D.13-11-023 should be modified to reflect and clarify each party's mitigation obligations, and to ensure that implementing the MMs is feasible consistent with Project final engineering and designs. SoCalGas and SCE worked with the Commission's Energy Division (Energy Division) staff and consultants to arrive at appropriate APM and MM modifications that are feasible and that minimize significant adverse impacts to the environment.

As the lead agency, the Commission has the authority to approve amendments to D.13-11-023, including amendments to the certified EIR and the Mitigation, Monitoring, Compliance and Reporting Program (MMCRP). Pursuant to CEQA Guidelines § 15164, an addendum to a certified EIR shall be prepared if only minor technical changes or additions are necessary.⁶ The

⁴ Finding of Fact 28 in D.13-11-023 found that no recreational or park land will be disturbed or otherwise affected by the Project.

⁵ Rule 1.12(b) provides, in part, that, if the time for filing a reply, response, protest, or answer to the original document has passed, the ALJ may limit or prohibit any further reply, response, protest, or answer to the amended document.

⁶ CEQA Guidelines § 15164 allows the lead agency to prepare an addendum to a previously certified environmental document under certain conditions. These conditions require that the

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addendum need not be circulated for public review. (CEQA Guidelines § 15164(c).) However, the addendum must be considered by the decision maker prior to making a decision on the project. (CEQA Guidelines § 15164(d).) The Energy Division has determined that, pursuant to CEQA Guidelines § 15164, the preparation of an addendum to the FEIR adopted by D.13-11-023 is appropriate, and it has prepared the addendum attached to this decision as Attachment 1 (Addendum).

The Addendum describes the proposed modifications to the Project and provides the additional analysis required to adequately address the proposed modifications pursuant to Public Resources Code (PRC) § 21166 and CEQA Guidelines § 15000, *et seq.* The requested modifications to the APMs, MMs, and SCE's project scope are minor, do not result in additional environmental impacts, and do not trigger any conditions under CEQA Guidelines § 15162 to occur.

The analysis contained in the Addendum shows that the proposed modifications to the Project would not result in any of the conditions that would require preparation of a subsequent or supplemental EIR, pursuant to PRC § 21166, and CEQA Guidelines § 15162 and § 15163. The analysis concludes that, with the implementation of previously identified APMs and adopted MMs defined in the MMCRP, impacts of the proposed additions would be minor and less than significant. Thus, the proposed additions are sufficiently addressed in an addendum to the FEIR.

proposed changes to the project must not be substantial, must not create new impacts or substantially increase that severity of previously identified impacts, and must not require mitigations beyond those previously identified and adopted by the project.

2.1. Preconstruction Gnatcatcher Surveys (APM BR-4)

Pursuant to the FEIR adopted by D.13-11-023, if coastal California gnatcatchers are observed in pre-construction surveys, APM BR-4 (Preconstruction Gnatcatcher Surveys) requires, among other things, a buffer of 500 feet from any active nest to be flagged and maintained by a biological monitor. If infeasible to maintain a buffer of 500 feet from an active gnatcatcher nest, work within or near these areas must be performed outside of the breeding and nesting season.

In its comments on the Draft EIR, SoCalGas requested a revision to APM BR-4 to allow construction to proceed within suitable coastal California gnatcatcher habitat if that habitat was shown to be unoccupied by this species through protocol-level surveys, or if the applicant could maintain a buffer of 500 feet from any active gnatcatcher nest. SoCalGas's requested revision was inadvertently not included in the FEIR adopted by D.13-11-023. The United States Fish and Wildlife Service (USFWS) requested that language be added to the measure to protect coastal California gnatcatcher breeding territories, thus language was added to the FEIR that requires the SoCalGas and SCE to maintain a 500-foot buffer from the edge of a coastal California gnatcatcher's breeding territory instead of maintaining a 500-foot buffer from the nest itself.

SoCalGas and SCE request changes to APM BR-4 to allow construction of the Project to proceed where suitable California gnatcatcher habitat exists, if protocol surveys show that the area is unoccupied by the California gnatcatcher. SoCalGas and SCE state that the changes to this APM will not decrease protection of the California gnatcatcher. The revisions include suggested additional language clarifying conditions under which it would be appropriate for construction activities to occur within the California gnatcatcher habitat.

The revised language for this APM includes SoCalGas's requested revision, USFWS's requested revision, and additional language clarifying the conditions under which it would be appropriate to conduct construction activities in gnatcatcher habitat. The proposed modifications to APM BR-4 will not decrease the protection of the California gnatcatcher afforded by this APM and will increase protection of this species in occupied habitat.

2.2. Impacts to Hydrologic Features (MM BR-5)

Pursuant to the FEIR adopted by D.13-11-023, MM BR-5 (Impacts to Hydrologic Features) requires that, among other things, a minimum exclusionary buffer of 50 feet from the delineated extent of all jurisdictional wetland features during the Project. In addition, construction of any Project component that requires altering, removing, or filling the bed or bank of seasonal drainages, or other jurisdictional or potentially jurisdictional water features, and/or cannot maintain the 50-foot exclusionary buffer, must be performed only when water is not present in the feature.

In comments on the proposed decision, SCE stated that MM BR-5 was infeasible as drafted but that SCE was working with Commission staff to develop a solution and would take the appropriate procedural steps to seek any necessary modifications.⁷ Thus, SCE anticipated the need for the SCG/SCE Petition if necessitated by the final Project design.

The final design of one of SCE's tubular steel poles requires it to be located in a parking lot, immediately adjacent to a non-channelized drainage with consistently flowing water. The existing tower to be removed is within 50 feet of the drainage, and SCE is proposing to install the new tubular steel pole near this

⁷ November 5, 2013 Opening Comments on Proposed Decision of ALJ Smith at 2.

location but still within 50 feet of the drainage. As a result, SCE cannot avoid being within 50 feet of the drainage during construction. The drainage receives flow from urban, non-point sources on a continuous basis, and conducting work during a dry period is not feasible.

The revisions to MM BR-5 will allow for construction to proceed while providing a means of protecting water quality of the drainage, and will not result in a reduced level of protection to either biological resources or water. This is because SoCalGas and SCE must still implement best management practices, as outlined in the Stormwater Pollution Prevention Plan, to reduce any potential impacts on water quality if a 50-foot exclusionary buffer from the bed or bank of the drainage feature cannot be maintained.

2.3. Restoration of Native Oak Trees (MM BR-15)

Pursuant to the FEIR adopted by D.13-11-023, MM BR-15 requires SoCalGas and SCE to take measures to avoid and minimize impacts to oak trees resulting from Project construction activities, and to plant replacement trees in compensation for any trees damaged or removed, consistent with City of Santa Clarita, Los Angeles County, and Ventura County policies and guidance addressing trees of the oak genus. MM BR-15 requires SoCalGas and SCE to prepare an oak tree survey and replacement plans prior to construction. After the completion of final engineering design of the Project elements, SoCalGas and SCE must complete pre-construction surveys⁸ and submit survey results to

⁸ Oak trees must be identified by a qualified arborist, who will record a brief description of each tree (height, width, approximate age, condition, and species). All construction activities that take place within the drip lines of oak trees (i.e., the outermost extent of the canopy) that have the potential to damage or result in the removal of oak trees (e.g., more than 25% trimming of any individual oak tree canopy during one growing season, excavation or paving near oak trees, oak tree removal) will be monitored by a qualified arborist. Trimming, damage

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Commission staff in order to identify all individual trees of the oak genus indigenous to California located in the Project component areas.

If construction activities would lead to damage or the removal of any oak tree with a trunk of eight inches or more in diameter at breast height, the tree must be replaced at a 5:1 ratio.⁹ Tree removal is not permitted until replacement trees have been planted or transplanting sites are approved by Commission staff.

The modifications to MM BR-15 reflect that: (1) the City of Santa Clarita, Los Angeles County and Ventura County Oak Tree ordinances are used as general guidance in this mitigation measure for protection of oak species, and have differing guidelines for the protection of oak trees; (2) allowing the planting size criteria to be left to the discretion of the qualified arborist, can/will achieve better, site-specific planting success; and (3) while the tree replacement success rate of 100% may be appropriate for a more urban setting, a 75% success rate is more appropriate, and sufficiently high, for a wildlands setting such as the Project area. The revised replanting ratio of 4:1 is an appropriate ratio for replacement of oak trees of this size (a trunk of 8 inches or more in diameter at breast height) or larger in wildland settings. In addition, due to the number of

to, or loss of oak trees within the project construction areas must not occur until the trees are evaluated by a qualified arborist, who must identify appropriate measures to minimize any tree loss which may include the placement of fencing around the drip line, padding construction vehicles, or the placement of protective covering (matting) under the existing drip line during construction activities.

⁹ Replacement tree planting must be monitored by a qualified arborist, who must ensure that (1) replacement trees will be initially planted in 15 gallon containers, and then permanently planted in areas deemed suitable by the arborist; (2) replacement trees will be monitored for 5 years after initial planting for survivability (pursuant to a monitoring schedule established by the arborist). After the 5-year period, the arborist will evaluate whether the trees are capable of surviving without further maintenance; and (3) other measures determined necessary by the arborist to ensure the success of all (100%) tree replacement plantings.

oak trees needed for mitigation, the Project area may not have sufficient space for replanting. Adding flexibility to mitigate on-site, off-site, or through the purchase of mitigation lands will ensure oak tree restoration is completed in a manner that is feasible to implement and best biologically for the species. The proposed mitigation measure revisions allow for construction to proceed while providing an appropriate means of restoring native oak trees.

The modifications to MM BR-15 will not reduce the level of protection for oaks, but will eliminate potentially ineffective seedling size restrictions and allow for a more comprehensive range of mitigation options. Although the replacement ratios and success criteria are reduced, the new criteria are more applicable to the Project's environmental setting based on a comprehensive literature review, improve the feasibility of the replacement strategy as a whole, and are similar to success criteria outlined in the municipal ordinances on which the original measure was based.

2.4. Operational Noise Control (MM NS-3)

MM NS-3 addresses operational noise from the compressor station. The amended SCG/SCE Petition requests that, in addition to the other requests in the SCG/SCE Petition, MM NS-3 be modified to delete the words "and withdrawal" in order to clarify that noise monitoring is only needed for injection operations and not for withdrawal activities. The amended SCG/SCE Petition states that the compressor station only operates during the injection phase of storage operations and withdrawal activities are part of existing baseline operations that should not have been included within the MM.

MM NS-3 is intended to control operational noise from the compressor station, which may increase as a result of the Project. According to SoCalGas, the withdrawal system at the Facility is completely separate from the compressors,

the withdrawal system is not part of the Project, and no withdrawal rate increases are anticipated or proposed as part of the Project.

The modification to MM NS-3 clarifies that noise monitoring is only needed for injection operations, and not for withdrawal activities. The modification to MM NS-3 will not result in a reduced level of protection with regards to noise because no withdrawal rate increases are anticipated or proposed as part of the Project.

2.5. Construction Fire Control and Emergency Response Measures (MM HZ-2)

To address the risk of fire during construction of the Project components, MM HZ-2 (Construction Fire Control and Emergency Response Measures) requires SoCalGas and SCE to develop fire control and emergency response measures as part of the Construction Safety and Emergency Response Plans developed in consultation with their contractors for use during construction of the Project components.¹⁰

Pursuant to the FEIR adopted by D.13-11-023, SCE's MM HZ-2 must also be generally consistent with SCE's Specification E-2005-104, Transmission Line Project Fire Plan (February 21, 2006).¹¹ Labor must include the assignment of Fire Risk Managers who must be present at each Project component area during construction activities, whose sole responsibility will be to monitor the

¹⁰ The MM HZ-2 must describe fire prevention and response practices that SoCalGas and SCE will implement during construction of the Project components to minimize the risk of fire, and in the case of fire, provide for immediate suppression and notification.

¹¹ The MM HZ-2 must specify that SoCalGas and SCE, or the respective construction contractors, must furnish all supervision, labor, tools, equipment, and material necessary to prevent starting any fire, control the spread of fires if started, and provide assistance for extinguishing fires started as a result of project construction activities.

contractor's fire-prevention activities, and who will have full authority to stop construction in order to prevent fire hazards.¹²

Pursuant to the FEIR adopted by D.13-11-023, various measures must be undertaken by SoCalGas and SCE or the respective construction contractors, and monitored and enforced by the Fire Risk Manager, at each of the Project areas during construction activities.¹³ MM HZ-2 also contains requirements for

¹² The Fire Risk Managers must: (1) be responsible for preventing, detecting, controlling, and extinguishing fires set accidentally as a result of construction activity; (2) review the Fire Control and Emergency Response Measures with the fire patrol person and construction employees prior to starting work at each project area; (3) ensure that all construction personnel are trained in fire safety measures relevant to their responsibilities. At a minimum, construction personnel must be trained and equipped to extinguish small fires; (4) be equipped with radio or cell phone communication capability; and (5) maintain an updated a key personnel and emergency services contact (telephone and email) list, kept onsite and made available as needed to construction personnel. Equipment must include: (1) spark arresters that are in good working order and meet applicable regulatory standards for all diesel and gasoline internal combustion engines, stationary and mobile; (2) one shovel and one pressurized chemical fire extinguisher for each gasoline-powered tool, including but not restricted to compressors, hydraulic accumulators, gardening tools (such as chain saws and weed trimmers), soil augers, rock drills, etc.; (3) fire suppression equipment to be kept on all vehicles used for project construction; and (4) an onboard self-extinguishing fire suppression system capable of extinguishing any equipment-caused fire to be kept on heavy construction operating equipment.

¹³ These measures must include: (1) the installation of fire extinguishers at the proposed Central Compressor Station site; (2) the prohibition of smoking at each construction job site as follows: no smoking in wildland areas; no smoking during operation of light or heavy equipment; limit smoking to paved areas or areas cleared of all vegetation; no smoking within 30 feet of any area in which combustible materials (including fuels, gases, and solvents) are stored; no smoking in any project construction areas during any Red Flag Warnings that apply to the area; (3) the posting of no smoking signs and fire rules on the project bulletin board at all contractor field offices and areas visible to employees during fire season; (4) the maintenance of all construction areas in an orderly, safe, and clean manner. All oily rags and used oil filters must be removed from Project construction areas. After construction activities are completed in each Project area, the area must be cleaned of all trash and surplus materials. All extraneous flammable materials must be cleared from equipment staging areas and parking areas; (5) confinement of welding activities to cleared areas having a minimum radius of 10 feet measured from place of welding, and observed by the Fire Risk Manager; (6) prevention of the idling of vehicles with hot exhaust manifolds on dirt roads with dead combustible vegetation

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coordinating between SoCalGas and SCE, and the Fire Departments and the California Department of Forestry and Fire Protection (CAL FIRE)¹⁴, and special provisions for days when the National Weather Service issues a Red Flag Warning. Standard protocols must be implemented during these periods.¹⁵

MM HZ-2 is modified to: (1) allow one Fire Risk Manager to monitor more than one component at a time; (2) clarify language relating to fire extinguishers on board heavy equipment; (3) clarify construction worker responsibility for fighting incipient fires; requiring Fire Risk Managers to act as liaisons with local firefighting units; and (4) ensure Fire Risk Managers and construction crews have appropriate and operational communication devices to report fires immediately. The modifications to MM HZ-2 will have no adverse impacts on SoCalGas's or

under the vehicle; (7) the provision of portable communication devices (i.e., radio or mobile telephones) as needed to construction personnel and communication protocols for onsite workers to coordinate with local agencies and emergency personnel in the event of fire or other emergencies during construction or operation of the proposed project; and (8) any additional measures as needed during construction to address fire prevention and detection, to lower the risk of wildland fires.

¹⁴ Pursuant to MM HZ-2: (1) SoCalGas and SCE or the respective construction contractors must furnish any and all forces and equipment to extinguish any uncontrolled fire near the project component areas as directed by Fire Department or CAL FIRE representatives; (2) SoCalGas and SCE or the respective construction contractors must abide by all restrictions to construction activity that may be enforced by the Fire Departments and/or CAL FIRE during Red Flag Warning days; and (3) the Fire Risk Manager must notify the Fire Departments and/or CAL FIRE in advance of the burning if SCE or its construction contractor sets fire to incinerate cleared vegetation and special care must be taken to prevent damage to adjacent structures, trees, and vegetation. SoCalGas must not burn cleared vegetation during construction activities.

¹⁵ These include: (1) measures to address storage and parking areas; (2) measures to address the use of gasoline-powered tools; (3) procedures for road closures as necessary; (4) procedures for use of a fire guard as necessary; and (5) additional fire suppression tools and fire suppression equipment, and training requirements.

SCE's ability to address fire control or emergency response measures that SoCalGas and SCE will need to perform when undertaking Project activities.

As modified, MM HZ-2 still requires SoCalGas and SCE to prevent, control and extinguish fires caused as a result of Project-related activities. However, the modifications clarify that, once the fire is past the incipient stage (i.e., when it would present a significant safety risk to workers) or after the arrival of professional fire personnel, construction personnel would cease fire fighting activities and professional fire personnel would assume fire-fighting responsibilities. If this occurs, the Fire Risk Managers, who are employed by SoCalGas or SCE, will serve as liaisons to the local Fire Department and CAL FIRE, consistent with SCE's existing Fire Prevention Plan. In addition, the modifications clarify that one Fire Risk Manager may monitor more than one Project component area at a time, if the areas are close in proximity and that if any gas powered equipment is being used by construction staff and no motorized vehicle is present, a shovel and fire extinguisher must be readily available in order to use that individual piece of power equipment.

The modifications to MM HZ-2 will not result in a reduced level of protection for persons or structures that may be exposed to wildland fires.

2.6. Proposed Modifications to SCE's Project Scope

SCE proposes modifications to the scope of two Project components: (1) modifications to the 66 kV subtransmission lines (fewer tubular steel poles (TSPs), re-routing of subtransmission line at the "tap" location on the east side of Interstate 5, re-routing of the subtransmission line west of Sunshine Canyon Landfill); and (2) modifications to the proposed 66 kV access roads (rehabilitation of existing or construction of new access roads).

The FEIR adopted by D.13-11-023 assumed that 64 structures would be removed and 78 TSPs installed along the 66 kV subtransmission line routes, and that the TSPs would range in height from 55 to 150 feet but that the final heights would be determined during final engineering. SCE now proposes to remove 57 structures and install 51 TSPs with greater spans between structures. Some of these structure location changes extend beyond the corridor analyzed in the FEIR and require new right-of-way (ROW).¹⁶

Due to difficult terrain, and to provide for improved access for TSP construction and ongoing maintenance, SCE proposes to reroute a portion of the subtransmission line from the current alignment within the Sunshine Canyon Landfill to a location that runs along the outer perimeter of the disturbed area of the landfill. This reroute would deviate from the FEIR-anticipated alignment for approximately 1,000 feet and will require SCE to obtain a new ROW from the County of Los Angeles. According to the Addendum, the realignment will reduce the temporary and permanent disturbance areas because the TSPs will be relocated to areas closer to the existing access road, eliminating the need to extend existing spur roads anticipated in the FEIR adopted by D.13-11-023, and eliminating the need for a crane pad.

SCE also proposes to relocate one of the TSPs that would have been adjacent to the Facility's eastern boundary to a location along an existing access road approximately 173 feet southwest of the originally proposed location. The new location was not considered in the FEIR adopted by D.13-11-023 and will require SCE to obtain a new ROW up to approximately 130 feet southwest of the current ROW. The anticipated construction equipment and workforce to

¹⁶ See Table 3-1 and sections 3.2.1 to 3.2.4 of the Addendum.

complete these realignments will be consistent with the equipment and workforce assessed in the FEIR adopted by D.13-11-023.

SCE proposes several additional minor modifications to the locations of 66 kV subtransmission line components evaluated in the FEIR adopted by D.13-11-023. The changes in location are generally between five and 30 feet from those identified in the FEIR but the components and associated work will still be within the ROW analyzed in the FEIR adopted by D.13-11-023 and will not require new ROW.

The FEIR adopted by D.13-11-023 anticipated the construction of access roads and related features (e.g., retaining walls and stormwater control devices) for the Project but primarily surveyed areas within SCE's ROW for the existing 66 kV subtransmission line. As a result, most of the specific locations proposed for access road work and associated road features were not included in the FEIR. Specific locations outside the existing 66 kV subtransmission line ROW have since been identified and surveyed by SCE to reflect its proposed modifications to the Project area.

SCE now plans to reroute approximately 2,400 feet of Segment A in the Tap-point area east of Interstate 5 to an area approximately 300 feet northeast of the current alignment, and to reroute approximately 600 feet of Segment B approximately 150 feet southeast of the current ROW. These reroutes will require the acquisition of new ROW and the construction of a new 200-foot spur access road. This proposed road is outside the area that was analyzed in the FEIR adopted by D.13-11-023.

Because design modifications are required, primarily based on new Los Angeles County Low Impact Development requirements that became effective after publication of the FEIR, Los Angeles County Fire Department

requirements for the grade of these access roads, and geotechnical investigations completed to date, the Addendum constitutes the additional environmental analysis required to assess the design modifications.

The FEIR adopted by D.13-11-023 assessed temporary impacts of 68.8 acres for TSP installations and structure removal sites. The proposed civil engineering scope revisions reduce the temporary impacts estimate to 24.7 acres. The permanent habitat disturbance estimate has increased from 6.9 acres to 11.9 acres because of the proposed access roads. However, none of the proposed modifications will result in a significant environmental impact in addition to those identified in the FEIR adopted by D.13-11-023.

2.7. Disturbance to Recreational or Park Land

Finding of Fact 28 of D.13-11-023 found that “no recreational or park land will be disturbed or otherwise affected by the Project.” Finding of Fact 28 is modified to state, “Impacts on parks and recreational areas associated with construction of the Project will be temporary and less than significant.”

The SCG/SCE Petition requests that Finding of Fact 28 be clarified because the FEIR adopted by D.13-11-023 determined that some construction activities performed by SCE will occur in and near parks or recreational facilities. In particular, replacement of a lattice steel tower (LST) that is currently located in Brand Park with a TSP would result in temporary impacts on the park. A segment of the park may be closed, and the presence of construction equipment, as well as the construction activities themselves, could cause adverse physical impacts on the park. However, impacts would be limited to a confined space within the park and would be temporary. After construction, the area of the park around the TSP would be restored to allow for continued recreational use of the park. Because an LST currently exists where the TSP replacement is proposed,

maintenance activities would resemble those performed currently as part of baseline conditions, and no long-term impact would result. Therefore, any potential impacts under this criterion would be less than significant.¹⁷

In addition, the path of the proposed fiber optic cable via Telecommunications Route #2 may traverse a number of parks.¹⁸ However, impacts on parks would be limited to short-term construction associated with installing fiber optic cable and possible replacement of existing structures along the route, and the Addendum finds these impacts to be less than significant.

3. Waiver of Comment Period

No protests or responses to the SCG/SCE Petition or the SCG Petition were filed and no hearing was held. Today's decision grants the relief requested in an uncontested matter. Accordingly, pursuant to Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

4. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Richard Smith is the assigned ALJ in this proceeding.

Findings of Fact

1. D.13-11-023 granted SoCalGas's request to amend its CPCN for construction and operation of the turbine replacement project at the Aliso Canyon Gas Storage Facility.

2. SoCalGas and SCE request that the Commission modify D.13-11-023 to modify Applicant's Proposed Measure BR-4, MM BR-5, MM BR-15, and

¹⁷ FEIR, Appendix A at 4.13-20.

¹⁸ These include Sage Ranch Park, Rocky Peak Park, Santa Susan Pass State Historic Park, Michael D. Antonovich Regional Park at Joughin Ranch, O'Melveny Park, and Browns Creek Park.

MM HZ-2 in the FEIR adopted by D.13-11-023, clarification of Finding of Fact 28 in D.13-11-023, and approval of SCE's modifications to the scope of two Project components that do not result in significant impacts beyond those described in the FEIR adopted by D.13-11-023.

3. SoCalGas and SCE filed the SCG/SCE Petition on September 11, 2014. Notice of the Petition appeared in the Commission's September 15, 2014 Daily Calendar. No protests or responses to the Petition were filed.

4. SoCalGas and SCE amended the SCG/SCE Petition on November 13, 2014, to request a minor modification to MM NS-3, in addition to their other requests. On November 14, 2014 the assigned ALJ ruled that no responses or protests to the amended could be filed, pursuant to Rule 1.12(b) of the Commission's Rules of Practice and Procedure.

5. The FEIR adopted by D.13-11-023 determined that some construction activities performed by SCE will occur in and near parks or recreational facilities.

6. Impacts on parks would be limited to short-term construction associated with installing fiber optic cable and possible replacement of existing structures along the route.

7. The Energy Division has determined that the preparation of an addendum to the FEIR adopted by D.13-11-023 is appropriate, and it has prepared the addendum attached to this decision as Attachment 1.

Conclusions of Law

1. As the lead agency, the Commission has the authority to approve amendments to D.13-11-023, including amendments to the certified EIR and the MMCRP.

2. Pursuant to CEQA Guidelines § 15164, an addendum to a certified EIR shall be prepared if only minor technical changes or additions are necessary. The

addendum need not be circulated for public review but an addendum must be considered by the decision maker prior to making a decision on the project.

3. The Addendum describes the proposed modifications to the Project and provides the additional analysis required to adequately address the proposed modifications pursuant to PRC § 21166 and CEQA Guidelines § 15000.

4. The proposed modifications to APM BR-4 will not decrease the protection of the California gnatcatcher afforded by this APM and will increase protection of this species in occupied habitat.

5. The revisions to MM BR-5 will allow for construction to proceed while providing a means of protecting water quality of the drainage, and will not result in a reduced level of protection to either biological resources or water. This is because SoCalGas and SCE must still implement best management practices, as outlined in the Stormwater Pollution Prevention Plan, to reduce any potential impacts on water quality if a 50-foot exclusionary buffer from the bed or bank of the drainage feature cannot be maintained.

6. The modifications to MM BR-15 will not reduce the level of protection for oaks, but will eliminate potentially ineffective seedling size restrictions and allow for a more comprehensive range of mitigation options. The new criteria are more applicable to the Project's environmental setting based on a comprehensive literature review, improve the feasibility of the replacement strategy as a whole, and are similar to success criteria outlined in the municipal ordinances on which the original measure was based.

7. The modification to MM NS-3 will not result in a reduced level of protection with regards to noise because no withdrawal rate increases are anticipated or proposed as part of the Project.

8. The modifications to MM HZ-2 will not result in a reduced level of protection for persons or structures that may be exposed to wildland fires, and will have no adverse impacts on SoCalGas or SCE's ability to address fire control or emergency response measures that SoCalGas and SCE will need to perform when undertaking Project activities.

9. Because design modifications are required, primarily based on new Los Angeles County Low Impact Development requirements that became effective after publication of the FEIR, Los Angeles County Fire Department requirements for the grade of these access roads, and geotechnical investigations completed to date, the Addendum constitutes the additional environmental analysis required to assess the design modifications.

10. None of the proposed modifications to the FEIR adopted by D.13-11-023 will result in a significant environmental impact in addition to those identified in the FEIR.

11. Finding of Fact 28 of D.13-11-023 should be modified to state that impacts on parks and recreational areas associated with construction of the Project will be temporary and less than significant.

12. The impacts on parks from short-term construction associated with installing fiber optic cable and possible replacement of existing structures along the route are less than significant.

13. The requested modifications to the APMs, MMs, and SCE's Project scope are minor, do not result in additional environmental impacts, and do not trigger any conditions under CEQA Guidelines § 15162 to occur.

14. The analysis contained in the Addendum shows that the proposed modifications to the Project would not result in any of the conditions that would require preparation of a subsequent or supplemental EIR.

15. The Addendum to the FEIR contained in Attachment 1 to this decision should be approved.

16. The CPCN issued in D.13-11-023 should be amended to authorize construction of the Project as set forth by Ordering Paragraphs and the Addendum to the FEIR.

17. Public necessity requires reducing the comment period to the draft decision because the public interest is served by addressing this issue in sufficient time for the activity authorized by today's decision to commence to assist in meeting California's gas storage needs.

18. Because it is necessary for the activity authorized by this decision to commence as soon as possible, this decision should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The petition of Southern California Gas Company and Southern California Edison Company to modify Decision 13-11-023, filed on September 11, 2014, as amended on November 13, 2014, is granted.

2. Mitigation Measures (MM), Impacts to Hydrologic Features Construction Fire Control and Emergency Response Measures, Operational Noise Control and Applicant's Proposed Measure set forth in the Final Environmental Impact Report (FEIR) adopted by Decision (D.) 13-11-023 are modified, as described in the Addendum to the FEIR adopted by D.13-11-023 attached to this decision as Attachment 1.

3. Finding of Fact 28 of D.13-11-023 is revised as follows: "Impacts on parks and recreational areas associated with construction of the Project will be temporary and less than significant."

4. Southern California Gas Company and Southern California Edison Company must implement all applicable mitigation measures, as certified in the Final Environmental Impact Report (FEIR) adopted by D.13-11-023 for the Project, and as further modified in the Addendum to the FEIR, which is attached to this decision as Attachment 1.

5. This proceeding remains open to consider the November 12, 2014 Southern California Gas Company petition to modify Decision 13-11-023.

This order is effective today.

Dated December 18, 2014, at San Francisco, California.

MICHAEL R. PEEVEY
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
CARLA J. PETERMAN
MICHAEL PICKER
Commissioners