Decision 10-08-009 August 12, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for a Permit to Construct Electrical Facilities with Voltages between 50 kV and 200 kV: Fogarty Substation Project.	Application 07-04-028 (Filed April 30, 2007)
In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for a Permit to Construct Electrical Facilities with Voltages between 50 kV and 200 kV: Valley-Ivyglen 115 kV Subtransmission Line Project.	Application 07-01-031 (Filed January 16, 2007)

DECISION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY A PERMIT TO CONSTRUCT THE FOGARTY SUBSTATION AND THE VALLEY-IVYGLEN SUBTRANSMISSION LINE PROJECT

1. Summary

This decision grants Southern California Edison Company a permit to construct the Fogarty Substation and Valley-Ivyglen Subtransmission Line Project, using the environmentally superior project Alternative 5 identified in the Environmental Impact Report. As the lead agency for environmental review of the project, we find that the Environmental Impact Report prepared for this project meets the requirements of the California Environmental Quality Act, and the benefits of the project are overriding considerations that merit its

constructions notwithstanding its significant and unavoidable environmental impacts. These proceedings are closed.

2. Procedural background

2.1. Applications and Protests

Southern California Edison Company (SCE) filed Application (A.) 07-01-031, its application for a permit to construct the Valley-Ivyglen Subtransmission Line Project, on January 16, 2007, and filed A.07-04-028, its application for a permit to construct the Fogarty Substation Project, on April 30, 2007. The applications were consolidated by ruling of the Administrative Law Judge (ALJ) on June 7, 2007. As proposed by SCE, the projects would consist of the construction of a new 25-mile 115 kilovolt (kV) subtransmission line to connect the existing Valley and Ivyglen Substations, the installation of a new telecommunications line alongside the subtransmission line, construction of the new Fogarty Substation, and improvements to the Valley and Ivyglen Substations in southwestern Riverside County. The subtransmission line would traverse the City of Perris (Perris), the City of Lake Elsinore (Lake Elsinore), and the Glen Ivy/Corona Lake area. The proposed Fogarty Substation would be located on approximately 6.6 acres in the northern portion of the City of Lake Elsinore across from the temporary Dryden Substation.

Protests were filed by Edward W. Singelyn and, jointly, by Mary Appleman-Thompson, Terrence Thomas Smith, and Valarie Fay McNeal Smith.

SCE's applications did not initially contain all information and studies required under the Commission's Information and Criteria List for applications subject to the California Environmental Quality Act (CEQA). (*See* Rule 2.4 of the Commission's Rules of Practice and Procedure.) SCE ultimately satisfied the requirements of Rule 2.4, and the Commission's Energy Division deemed the

consolidated applications complete for purposes of Rule 2.4 on December 21, 2007.

After the Commission's Energy Division noticed that it would prepare an Environmental Impact Report (EIR) on January 22, 2008 (s*ee* Section 2.3, below), the ALJ conducted a prehearing conference on February 6, 2008. After the Energy Division issued the Draft EIR on June 11, 2009, the assigned Commissioner issued the June 12, 2009, Scoping Memo and Ruling identifying the issues to be determined and schedule of the proceeding.

2.2. Public Participation

The Commission received 14 letters of protest from the public, a letter of interest from one member of the public, and a petition of protest signed by 15 additional members of the public. The letters and petition expressed concerns regarding the project's potential impacts on the environmental and property values.

A public participation hearing was held in Lake Elsinore on February 6, 2008. Seventeen people spoke identifying their concerns regarding the proposed project's potential impacts on health and safety, including interference with aviation fire protection; recreation, including interference with hang-gliding activities in the area; aesthetics, including night lighting during construction; noise; endangered biological species, including whether any required mitigation such as the purchase of conservation acreage would be local so as to benefit the local community; cultural resources; and property values and development. Most of the speakers urged consideration of alternatives to the proposed project, including other routes. One speaker urged the Commission to consider whether the proposed project is needed given the Commission's pending resolution of other transmission project applications including

A.07-10-005, The Nevada Hydro Company's application to construct the Talega-Escondido/Valley-Serrano 500 kV Interconnect, and A.06-08-010, San Diego Gas & Electric Company's application to construct the Sunrise Powerlink Transmission Project.

2.3. Environmental Review

On January 22, 2008, Energy Division issued a Notice of Preparation (NOP) of an EIR and Notice of Public Scoping Meetings pursuant to CEQA Guidelines § 15082. The NOP was mailed to more than 500 individuals, groups, and agencies including federal, regional, and local government agencies; elected officials; property owners within 300 feet of the right-of-way and substation location for SCE's proposed and alternative routes; and other persons identified by Energy Division as having an interest in the project. In addition, notice of the public scoping meetings was published in three local newspapers.

Energy Division conducted public scoping meetings on February 6, 2008, in Lake Elsinore, and on February 7, 2008, in Perris, which were attended by approximately 22 members of the public and representatives from organizations and government agencies, and received 14 letters and emails from government agencies, Native American tribal groups and members of the public during the 30-day comment period on scope of the EIR. Energy Division issued its Scoping Report in March 2008.

Energy Division prepared and issued for comment the Draft EIR on June 15, 2009, and conducted public comment meetings on July 15, 2009, in Lake Elsinore, which was attended by approximately 30 people, and on July 16, 2009, in Perris, which no one attended. Energy Division received oral comments from 12 people at the public comment meeting, and written comments from 11 persons and/or organization during the 45-day comment period.

Energy Division responded to all comments in the Final EIR, which it issued on May 26, 2010.

2.4. Evidence and Briefs

On June 12, 2009, the assigned Commissioner issued a scoping memo and ruling which noted issuance of the Draft EIR, identified the issues to be determined by the Commission in resolving the proceeding (s*ee* Section 3, below), and set a schedule for addressing those issues. In particular, the scoping memo determined that the proposed project's significant environmental impacts, mitigation measures to eliminate or lessen those impacts, and identification of the environmentally superior alternative are within the scope of the CEQA review, and that factual evidence regarding those issues would be admitted into the evidentiary record through the EIR; evidence regarding all other issues would be taken through evidentiary hearing.

SCE served its prepared testimony on all parties on July 10, 2009, pursuant to the schedule set in the scoping memo and ruling; no other party served prepared testimony. By motion filed July 28, 2009, SCE moved to admit its prepared testimony into evidence without evidentiary hearing; no party opposed the motion. Pursuant to the scoping memo and ruling, parties had the opportunity to file briefs on all issues other than the issue of whether the EIR was completed in compliance with CEQA; no party offered briefs on those issues. By ruling dated June 1, 2010, the ALJ granted SCE's unopposed July 28, 2009, motion to admit its prepared testimony into evidence, admitted the Draft EIR and Final EIR into evidence, and set the time for opening and reply briefs on the issue of whether the EIR was completed in compliance with CEQA. SCE filed an opening brief on the issue; no other briefs were filed on the issue, and the record was submitted on July 9, 2010.

3. Scope of Issues

Pursuant to General Order 131-D, in order to issue a permit to construct, the Commission must find that the project complies with the CEQA. 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. CEQA precludes the lead agency from approving a proposed project or a project alternative unless it requires the project proponent to eliminate or substantially lessen all significant effects on the environment where feasible, and determines that any unavoidable remaining significant effects are acceptable due to overriding considerations. CEQA requires that, prior approving the project or a project alternative, the lead agency certify that the environmental review was conducted in compliance with CEQA, that it reviewed and considered the EIR prior to approving the project or a project alternative, and that the EIR reflects its independent judgment. (Pub. Res. Code § 21082(c)(3), CEQA Guidelines § 15090.)

In addition, pursuant to General Order 131-D and Decision (D.) 06-01-042, the Commission will consider whether the project (or a project alternative) design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

Accordingly, the June 12, 2009, Scoping Memo and Ruling identified the following issues in the proceeding:

1. What are the significant environmental impacts of the proposed project?
2. Are there potentially feasible mitigation measures or project alternatives that will avoid or lessen the significant environmental impacts?

3. As between the proposed project and the project alternatives, which is environmentally superior?
4. Are the mitigation measures or project alternatives infeasible?
5. To the extent that the proposed project and/or project alternatives result in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?
6. Was the EIR completed in compliance with CEQA, did the Commission review and consider the EIR prior to approving the project or a project alternative, and does the EIR reflect the Commission's independent judgment?
7. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

4. Description of Project Alternatives

The EIR evaluated SCE's proposed project, a "no project" alternative (Alternative 1), and five additional alternatives incorporating different route configurations and/or substation siting.

The proposed project would be located in southwestern Riverside County, and would primarily consist of the construction, operation, and maintenance of a new 25-mile 115 kV subtransmision line to connect the existing Valley and Ivyglen Substations and the construction of the new Fogarty Substation. The proposed subtransmission line would traverse Perris, Lake Elsinore, and the Glen Ivy/Corona Lake area, connecting the Valley Substation, located approximately 1.25 miles east of Perris, and the Ivyglen Substation, located on the south side of Temescal Canyon Road. The line would exit from the Valley Substation and run approximately 7.5 miles west along an existing 500 kV transmission line right of way, and then proceed southwest along Highway 74 to

Conard Avenue. Here, it would turn north and generally run through a residential area and then west around it to Interstate 15. Here, it would cross Interstate 15 and proceed northwest for approximately four miles through the Pacific Clay Mine until again meeting Interstate 15. Here, it would continue approximately four miles along Interstate 15 and into the Ivyglen Substation. The Fogarty Substation would be located on approximately 6.6 acres in the northern portion of Lake Elsinore across from the temporary Dryden Substation.

Under Alternative 1, the "no project" alternative, the project would not be built.

Under Alternative 2, the Middle Corridor alternative, the subtransmission line would generally proceed due west from the Valley Substation toward the Ivyglen Substation along the existing Valley-Serrano 500 kV right of way through a sparsely developed corridor north of the proposed project.

Under Alternative 3, the Central Region Route Segment alternative, the subtransmission line would be as described under the proposed project except that, rather than proceeding southwest along Highway 74 to Conard Avenue, it would run north and parallel to it, travelling through less densely populated residential areas until meeting the proposed project route at the north of the residential area.

Alternative 4, the Fogarty Substation Site alternative, is as described under the proposed project except that the Fogarty Substation would be constructed on a 5.7 acre parcel in Lake Elsinore; the temporary Dryden Substation is currently located on the parcel's northeast corner.

Alternative 5, the Warm Springs-Pacific Clay alternative, would begin as described under the proposed project but, after proceeding along Highway 74 to Conard Avenue, it would continue southwest and cross over to the south of

Interstate 15, then turn northwest paralleling the interstate until meeting the proposed project route. It would continue as described under the proposed project until it enters the Pacific Clay Mine, where it would proceed north of the proposed project route to meet Interstate 15 sooner and thereby skirt the mining operation.

Alternative 6, the Eastern Region Route Segment alternative, is as described under Alternative 5 except that the initial segment from the Valley Substation would be located farther north and run along State Route 74 for a longer distance.

5. Significant Environmental Impacts

5.1. Summary

The proposed project would have unavoidable significant adverse impacts on land use, visual resources, mineral resources, and air quality.

Under Alternative 1, the "no project" alternative, the proposed project would not be constructed and, therefore, no adverse environmental impacts would occur and no project objectives would be met.

Alternative 2, the Middle Corridor alternative, would have similar air quality impacts as the proposed project. It would have fewer impacts to land use and visual resources than the proposed project, although these impacts would remain significant and unavoidable. It would avoid impacts to mineral resources. However, due to its geographical remoteness, Alternative 2 would not serve the project objective of being able to be used for connections to potential future electrical facilities in the Valley South System.

Alternative 3, the Central Region Route Segment alternative, would have fewer impacts to land use and visual resources than the proposed project, although these impacts would remain significant and unavoidable. It would

result in similar impacts to air quality and mineral resources as the proposed project.

Alternative 4, the Fogarty Substation alternative, would result in similar impacts to air quality, land use, mineral resources and visual resources as the proposed project.

Alternative 5, the Warm Springs-Pacific Clay alternative, would have similar impacts to land use and air quality as the proposed project. However, it would have fewer impacts to visual resources than would occur with the proposed project, and would avoid impacts to mineral resources.

Alternative 6, the Eastern Region Route Segment alternative, would avoid impacts to mineral resources, but it would have greater impacts to air quality, land use, and visual resources than the proposed project.

Alternative 5, the Warm Springs-Pacific Clay alternative, is the environmentally superior alternative.

5.2. Land Use

The proposed project would conflict with applicable land use plans. Land Use Element 13.5 of the Riverside County General Plan requires new or relocated electric or communication distribution lines which would be visible from Designated and Eligible State and County Scenic Highways to be placed underground. The proposed subtransmission line would have a significant visual impact on State Route 74 and Interstate 15, which are eligible State Scenic Highways. The proposed subtransmission line would contribute to the substantial cumulative degradation of visual resources that is occurring due to the rapid residential and commercial development in southwestern Riverside County. This impact to land use would be significant and unavoidable.

Alternative 2 would traverse through remote areas away from State Route 74 and Interstate 15 and would not have a significant impact on those Eligible Scenic Highways. However, it would pass through areas with a generalized land use designation of Open Space Conservation, on which the construction of access roads would have a significant and unavoidable impact.

Alternative 3 would have fewer impacts to land use than the proposed project as it would be located further from State Route 74. However, its impacts to land use would still be significant and unavoidable.

Alternatives 4 and 5 would have similar impacts to land use as the proposed project.

Alternative 6 would have greater impacts to land use than the proposed project because it would pass along a longer stretch of State Route 74.

5.3. Visual Resources

As discussed above, the proposed subtransmission would be visible from State Route 74 and Interstate 15, which are eligible State Scenic Highways. The new subtransmission line would contrast sharply with vivid views along the highways. Similarly, the proposed Fogarty Substation facilities would detract from the scenic resources visible from Interstate 15. In addition, construction activities, including the removal of vegetation and use of construction signs, fencing, and construction equipment, would be noticeable to area residents and motorists. These impacts would contribute to the substantial cumulative degradation of visual resources that is occurring due to the rapid residential and commercial development in southwestern Riverside County. While impacts to visual resources would be reduced with mitigation, they would remain significant and unavoidable.

Alternative 2 would traverse through remote areas away from State Route 74 and Interstate 15 and would not have a significant impact on those Eligible Scenic Highways. However, it would pass through areas with a generalized land use designation of Open Space Conservation, on which the construction of access roads would be required and visible to motorists. These impacts on visual resources would be significant and unavoidable.

Alternative 3 would have fewer impacts to visual resources than the proposed project as it would be located further from State Route 74. However, its impacts to visual resources would still be significant and unavoidable.

Alternatives 4 and 5 would have similar impacts to visual resources as the proposed project.

Alternative 6 would have greater impacts to visual resources than the proposed project because it would pass along a longer stretch of State Route 74.

5.4. Geology, Soils, and Mineral Resources

The proposed subtransmission line would bisect an active clay mining operation owned by Pacific Aggregates, also referred to as Pacific Clay, which is a locally important mineral resource recovery site located on the western side of Interstate 15 at Nichols Road in Lake Elsinore. Construction of the poles amidst the active mining operations would remove the clay deposits beneath and surrounding the poles from production. This impact to the mineral resource recovery site during construction and operation would be significant and unavoidable.

Alternatives 2, 5 and 6 would avoid the Pacific Clay Mine and would not have an impact on mineral resources.

Alternatives 3 and 4 would have the same significant and unavoidable impacts to mineral resources as the proposed project.

5.5. Air Quality

Project construction activities would generate emissions of nitrogen oxide, volatile organic compounds, and particulate matter less than or equal to ten microns in diameter and 2.5 microns in diameter in excess of corresponding South Coast Air Quality Management District mass daily significance thresholds and approximately 4,229 metric tons of carbon dioxide (CO_2) from vehicles, equipment and fugitive dust. During operations, approximately 34 metric tons of CO_2 would be emitted from vehicles used during maintenance and inspection and from circuit breaker leakage. While emissions would be reduced by the implementation of mitigation measures, the impact to air quality in the basin would still be significant and unavoidable.

Alternatives 2, 3, 4 and 5 would have similar impacts on air quality as the proposed project.

Alternative 6 would have greater impacts on air quality as the proposed project because it would pass through areas with a greater number of sensitive receptors and, due to its greater length, would require more construction.

6. Infeasibility of Environmentally Superior Alternative and Associated Mitigation Measures

SCE asserts that portions of Alternative 3 are infeasible. Because we approve the environmentally superior Alternative 5, we do not reach this issue.

SCE asserts that Mitigation Measure GEO-1c, as identified in the Draft EIR, is infeasible. Because the Final EIR eliminates this as a mitigation measure, we do not reach this issue.

7. Overriding Considerations

Pursuant to CEQA Guidelines § 15093, the Commission may only approve a project that results in significant and unavoidable impacts upon a finding that there are overriding considerations.

SCE testified that, under normal operating conditions, the existing Valley-Elsinore-Ivyglen subtransmission line is projected to exceed its operating capacity in 2009 and the existing substation facilities serving the Electrical Needs Area are expected to exceed their combined operating capacities in 2010. The Electrical Needs Area, which consists of the southwestern area of Riverside County, including Lake Elsinore and the community of Glen Ivy Hot Springs, is currently served by the Dryden, Glen Ivy, Elsinore and Ivyglen substations which are served entirely or in part by the existing Valley-Elsinore-Ivyglen 115 kV subtransmission line. SCE's updated 2009 projections indicated that the electrical demand would exceed the design operating limits of the existing Valley-Elsinore-Ivyglen 115 kV subtransmission line under normal and abnormal operating conditions in 2009 and that the Dryden and Elsinore substations will exceed their combined planned operating limits by 2010.

SCE further testified that the current system configuration contributes to unfavorable service reliability. Specifically, while the existing system was configured to serve an Electrical Needs Area that has historically been rural in nature, with a low number of customers and a corresponding low level of load, SCE's recent studies of past and projected electrical demand indicate that development has and continues to occur in the Electrical Needs Area. Extension of the existing distribution system to reach areas of new development strains the electrical facilities, which increases the risk of potential localized rolling blackouts and the transfer of load to other substations which, in turn, can lead to

operational difficulties such as low voltage. In addition, because the Ivyglen Substation is currently only served by one line, any outage along that line, whether for maintenance or in the event of an unforeseen outage or emergency, will cause service interruptions as the Ivyglen Substation would lose its source of power until that line could be serviced.

We find that these are overriding considerations that support our adoption of the environmentally superior alternative, which is Alternative 5, despite each and every significant unavoidable impact.

7.1. Certification of EIR

CEQA requires the lead agency to certify that the EIR was completed in compliance with CEQA, that the agency has reviewed and considered it prior to approving the project, and that the EIR reflects the agency's independent judgment.

The EIR was completed after proper issuance of a Notice of Preparation of an EIR on January 22, 2008; notice and conduct of public scoping meetings on February 6, 2008, in Lake Elsinore, California, and on February 7, 2008, in Perris, California; issuance of the Draft EIR on June 11, 2009; notice and conduct of public meetings on the Draft EIR on July 15, 2009, in Lake Elsinore, California, and on July 16, 2009, in Perris, California; and the issuance of the Final EIR responding to all written and oral comments that were received during the 45-day public comment period.

We certify that the EIR was completed in compliance with CEQA that we have reviewed and considered the information contained in it, and that it reflects our independent judgment.

8. EMF

The Commission has examined EMF impacts in several previous proceedings.[1] We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs, and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A, that all requests for a certificate of public convenience and necessity include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the proposed project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is 4% of the total budgeted project cost that results in an EMF reduction of at least 15% (as measured at the edge of the utility right-of-way).

The proposed subtransmission line is designed to (1) use poles that are about five feet taller than the "preferred" 115 kV overhead design, (2) use a triangular type pole-head configuration for single-circuit segments and a

[1] D.06-01-042 and D.93-11-013.

double-circuit pole-head configuration for double-circuit segments, and (3) phase the subtransmission line with respect to the adjacent existing transmission and subtransmission lines. The proposed Fogarty Substation is designed to phase the looped 115 kV transmission lines into the proposed substation and to place major electric equipment (such as transformers, capacitor banks and switchracks) away from the substation property lines. This design complies with SCE's EMF Design Guidelines filed with the Commission.

9. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed by SCE on August 2, 2010.

10. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Hallie Yacknin is the assigned ALJ in this proceeding.

Findings of Fact

1. The proposed project would have significant and unavoidable impacts on land use, visual resources, mineral resources, and air quality.

2. Alternative 1, in which the proposed project would not be constructed, would avoid all significant impacts but would not achieve project objectives.

3. Alternative 2, the Middle Corridor alternative, would have similar air quality impacts as the proposed project, fewer impacts to land use and visual resources than the proposed project, and would avoid impacts to mineral resources. However, Alternative 2 would not serve the project objective of being able to be used for connections to potential future electrical facilities in the Valley South System.

4. Alternative 3, the Central Region Route Segment alternative, would have similar impacts to air quality and mineral resources as the proposed project, and fewer impacts to land use and visual resources than the proposed project.

5. Alternative 4, the Fogarty Substation alternative, would result in similar impacts to air quality, land use, mineral resources and visual resources as the proposed project.

6. Alternative 5, the Warm Springs-Pacific Clay alternative, would have similar impacts to land use and air quality as the proposed project, fewer impacts to visual resources than would occur with the proposed project, and would avoid impacts to mineral resources.

7. Alternative 6, the Eastern Region Route Segment alternative, would avoid impacts to mineral resources, but it would have greater impacts to air quality, land use, and visual resources than the proposed project.

8. Alternative 5, the Warm Springs-Pacific Clay alternative, is the environmentally superior alternative.

9. The EIR was completed in compliance with CEQA.

10. The Commission has reviewed and considered the information contained in the EIR.

11. The EIR reflects the Commission's independent judgment.

12. Alternative 5 is feasible.

13. The need to increase the operating capacity of the facilities serving the Lake Elsinore Electrical Needs Area and provide greater reliability in the event of an outage on the single line that currently serves the Ivyglen Substation are overriding considerations that support our approval of Alternative 5, despite each and every significant unavoidable impact.

14. Alternative 5 includes no-cost and low-cost measures (within the meaning of D.93-11-013 and D.06-01-042) to reduce possible exposure to EMF.

Conclusions of Law

1. SCE should be granted a permit to construct Alternative 5, the Warm Springs-Pacific Clay alternative, of the Fogarty Substation and Valley-Ivyglen Subtransmission Line Project, with mitigation identified in the Mitigation and Monitoring Plan set forth in Attachment A to this order.

2. The EIR has been completed in compliance with CEQA and should be certified.

3. This proceeding should be closed.

4. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company is granted a permit to construct the Valley-Ivyglen 115 kilovolt Subtransmission Line Project and Fogarty Substation Project Alternative 5, the Warm Springs-Pacific Clay alternative, in conformance with the Mitigation and Monitoring Plan which is attached as Attachment A to this decision.

2. The final Environmental Impact Report (which incorporates the draft Environmental Impact Report) is adopted pursuant to the requirements of the California Environmental Quality Act.

3. The Mitigation and Monitoring Plan, which is attached to this decision as Attachment A, is adopted.

4. Consolidated Applications (A.) 07-01-031 and A.07-04-028 are closed.

This order is effective today.

Dated August 12, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

D1008009 Attachment A