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Description:	Petition for Post Certification Change for the Otay Mesa Energy Center.
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Natural Gas Pipeline Relocation

Petition for Post-Certification Change

For the

Otay Mesa Energy Center

Otay Mesa, California

99-AFC-05C

October 2021

Submitted by:

Otay Mesa Energy Center, LLC

With Technical Assistance by:

Jacobs

Executive Summary

Pursuant to Section 1769 of the California Energy Commission's (CEC's) regulations, Otay Mesa Energy Center, LLC (Project Owner) submits this Petition for Post-Certification Change (Petition) on behalf of the Otay Mesa Energy Center (OMEC) project (99-AFC-5C). This Petition seeks approval for a change in project description to relocate a 1,700-foot-long portion of the existing 2-mile-long fuel gas supply pipeline connecting OMEC with San Diego Gas & Electric's (SDG&E's) metering station near the US-Mexico border.

The relocation is necessary to accommodate an extension of State Route 11 (SR-11) and the new Otay Mesa East Land Port of Entry (LPOE; Otay Mesa East LPOE/SR-11 project) at the border of the United States and Mexico planned by the California Department of Transportation (Caltrans), United States Department of Transportation Federal Highway Transportation Administration (FHWA), and federal General Services Administration (GSA). These agencies have requested that this segment of the OMEC fuel gas supply pipeline be relocated outside of the project footprint of the planned Otay Mesa East LPOE/SR-11 project.

This Petition requests a change to the project description only. It does not request changes to project operation or to any of the Conditions of Certification. Caltrans/FHWA have certified an EIR/EIS, which assessed the potential environmental impacts of the Otay Mesa East LPOE/SR-11 project, including relocation of OMEC's fuel supply line. With the implementation of the mitigation measures proposed in the EIR/EIS by Caltrans/FHWA and compliance with existing Conditions of Certification by the Project Owner there would be no significant unmitigated adverse impacts resulting from the fuel gas supply pipeline relocation. OMEC will continue to comply with applicable laws, ordinances, regulations, and standards (LORS).

Because the proposed change will not result in significant impacts, require any change to a Condition of Certification, or affect OMEC's ability to comply with applicable LORS, the Project Owner requests Staff approval of this Petition by January 2022.

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1. Introduction

The OMEC is a 510-megawatt natural gas-fired, combined-cycle facility located in the Otay Mesa region of San Diego County, California. This Petition requests approval to relocate a 1,700-foot-long segment of the facility's two-mile-long, 24-inch-diameter fuel gas supply pipeline (Figure 1). This pipeline extends from the OMEC site to an interconnection with SDG&E's 30-inch main near the U.S.-Mexican border. The fuel gas supply pipeline extension is needed to accommodate a planned extension of SR-11 and a new Land Port of Entry at the U.S.-Mexico border. This petition requests a change to the project description only. It does not request changes to project operation or to any of the Conditions of Certification.

1.1 Information Requirements for the Post-Certification Change

This Petition contains all the information that is required pursuant to the California Energy Commission's (CEC's) Siting Regulations (California Code of Regulations [CCR] Title 20, Section 1769, Post Certification Petition for Changes in Project Design, Operation or Performance and Amendments and Changes to the Commission Decision). The information necessary to fulfill the requirements of Section 1769 is contained in Sections 1.0 through 6.0 (Table 1.).

Table 1. Informational Requirements for Post-Certification Change

Section 1769 Requirement	Section of Petition Fulfilling Requirement
(A) A complete description of the proposed change, including new language for any conditions of certification that will be affected	Section 2.0—Description of Project Change Sections 3.0—No changes to conditions of certification are proposed.
(B) A discussion of the necessity for the proposed change and an explanation of why the change should be permitted	Section 1.2
(C) A description of any new information or change in circumstances that necessitated the change	Sections 1.2, 1.5
(D) An analysis of the effects that the proposed change to the project may have on the environment and proposed measures to mitigate any significant environmental effects	Section 3.0
(E) A discussion how the proposed change would affect the project's compliance with applicable laws, ordinances, regulations, and standards	Section 3.0
(F) A discussion of how the proposed change would affect the public	Section 4.0
(G) A list of current assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of any affected project linears and 1,000 feet of the project site	Section 5.0
(H) A discussion of the potential effect of the proposed change on nearby property owners, residents, and the public	Section 6.0

1.2 Necessity of Proposed Changes

Section 1769(a)(1)(B) requires a discussion of the necessity for the proposed change and an explanation of why the change should be permitted. Section 1769(a)(1)(C) requires a discussion of any new information or change in circumstances that necessitated the change. Caltrans, FHWA and GSA are implementing a long-range plan to construct the new Otay Mesa East LPOE between Mexico and the United States and to extend California SR-11 as a multi-lane freeway to serve this LPOE (Otay Mesa East LPOE/SR-11 project). The LPOE will cover a portion of the existing OMEC fuel gas supply pipeline. Caltrans/FHWA has requested that the Project Owner relocate the pipeline out of the LPOE project footprint. Relocation will allow unimpeded access to the pipeline if needed.

1.3 Consistency of Changes with Applicable LORS

Section 1769 (a)(1)(E) requires a discussion of how the proposed change would affect the OMEC's compliance with applicable LORS. The proposed change will not affect OMEC's compliance with applicable LORS.

1.4 Summary of Environmental Impacts

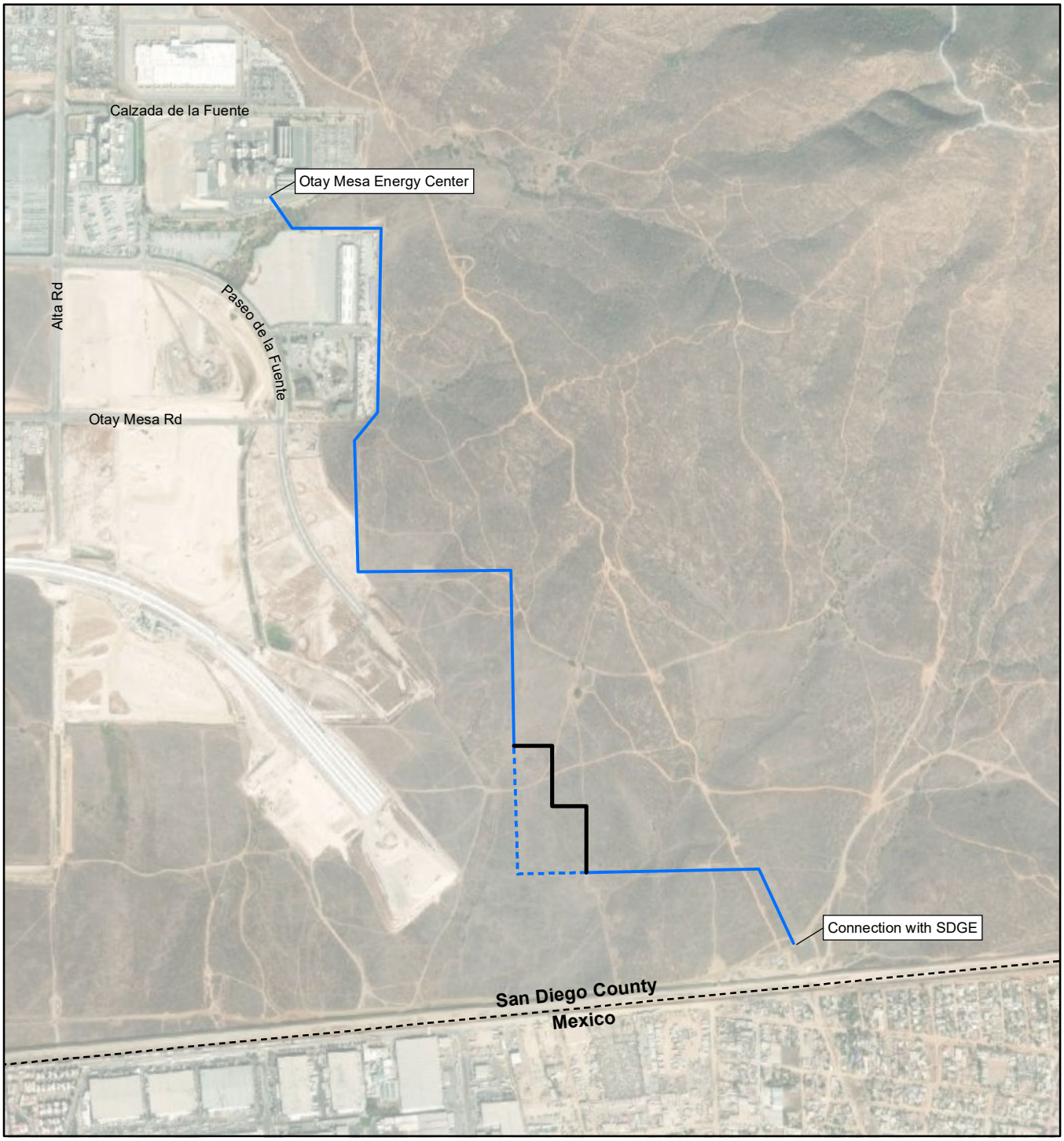
Section 1769(a)(3)(D) requires an analysis of the potential impacts the proposed change may have on the environment, and proposed measures to mitigate any potentially significant adverse impacts. Caltrans/FHWA have conducted environmental baseline studies and impact analyses for their broader project area, which encompasses the OMEC relocated fuel supply pipeline route and its right-of-way. Section 3.0 of this Petition demonstrates that there will be no significant environmental impacts associated with the relocated natural gas pipeline.

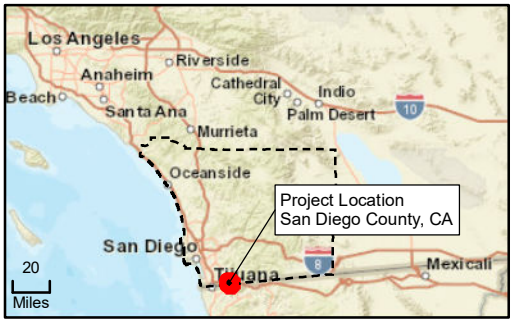
1.5 Conditions of Certification

This Petition does not require any changes to Conditions of Certification.

1.6 Documents Cited

California Energy Commission (CEC). 2001. Energy Commission Decision, Application for Certification for the Otay Mesa Generating Project, Docket Number 99-AFC-5. California Energy Commission, Sacramento, California.





Legend

- Relocated Natural Gas Line
- Existing Natural Gas Line
- Existing Line - Abandoned in Place

0 0.125 0.25
Miles

N

Figure 1. Project Location
Natural Gas Pipeline Relocation for the
Otay Mesa Energy Center, 99-AFC-05C
Otay Mesa Energy Center, LLC

Jacobs

2. Description of Project Change

Section 1769(a)(1)(A) requires a description of the proposed change. The project description for the OMEC currently includes a 2-mile-long, 24-inch-diameter fuel supply pipeline that provides fuel to OMEC. The fuel supply pipeline originates with a connection to the SDG&E gas pipeline metering station near the US-Mexico border. From there it travels generally north and terminates inside the OMEC site.

The project change will include the installation of approximately 1,700 feet of 24" gas pipeline within a 50-foot wide easement provided by Caltrans, designed and built to the same standards and specifications as the existing line. It will be laid in a trench 2 to 3 feet wide with approximately 4 to 5 feet of cover. The bypassed section will be abandoned in place. No new valves or other equipment will be installed.

Construction is currently planned for the Fall of 2022. The project will be managed by the Project Owner and coordinated with Caltrans, FWHA, CEC, and cooperating agencies.

3. Environmental Analysis of Proposed Change

Section 1769(a)(3)(D) requires an analysis of the potential impacts the proposed change may have on the environment, and proposed measures to mitigate any potentially significant adverse impacts. Caltrans and FHWA conducted baseline environmental studies and conducted environmental impact analysis needed to comply with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) resulting in certification of the Caltrans/FHWA EIR/EIS (FHWA/Caltrans 2012) that summarizes these studies and analyses and includes measures to mitigate potentially adverse impacts. Caltrans has provided access to the Otay Mesa East LPOE/SR-11 environmental documents, including the EIR/EIS, technical studies, Biological Opinion, and other permitting documents. CEC staff has been previously provided access to all Otay Mesa East LPOE/SR-11 project documents. Table 2 provides the SR-11 Otay Mesa East LPOE Project Planner's name and contact information.

Table 2. SR-11 Otay Mesa East LPLOE Project Officials

Title	Name	Email	Telephone
Associate Environmental Planner	Ellen Renker	Ellen.renker@dot.ca.gov	619-930-6763

3.1 Air Quality

The relocated fuel supply pipeline will not result in unmitigated impacts to air quality due to the limited and temporary nature of construction. After installation, there would be no air emissions from the pipeline.

Caltrans/FHWA prepared an Air Quality Technical Report for Construction Emissions associated with construction of the SR-11 and Otay Mesa East LPOE in November 2010. The report included fugitive dust generation from site grading and preparation, heavy construction equipment exhaust emissions, emissions associated with deliveries to the construction site, and construction worker vehicle travel for the entire project, including the relocated natural gas pipeline (FHWA/Caltrans 2010a).

The Air Quality Technical Report for Construction Emissions was evaluated by comparing projected annual construction emissions of the Otay Mesa East LPOE structures with *de minimis* thresholds established under 40 CFR Part 93, the General Conformity Rule, which applies to federal projects in nonattainment areas. Annual emissions for the construction phase would be below the *de minimis* thresholds for all pollutants (i.e., 100 tons per year) during construction of the Otay Mesa East LPOE facilities, as shown in Table 1 of the Air Quality Technical Report for Construction Emissions (FHWA/Caltrans 2010a).

3.1.1 Mitigation Measures

The pipeline relocation project would comply with Caltrans Standard Specifications Section 14 (Caltrans 2010), the measures listed in the EIR/EIS (FHWA/Caltrans 2012), and the Tier II Air Quality Analysis (FHWA/Caltrans 2010b). The Project Owner will also implement OMEC Decision air quality COCs for construction, AQ-70 through AQ-75 to minimize the emission of fugitive dust, PM10, PM2.5, and diesel during construction. Therefore, no associated adverse impacts would occur during construction of the project and air quality impacts will not be greater than those analyzed in the Commission Decision.

3.1.2 Documents Cited

State of California Department of Transportation (Caltrans). 2010. *Standard Specifications, State of California Business, Transportation and Housing agency, Department of Transportation*. 2010.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010a. *Air Quality Technical Report for Construction Emissions for SR-11 and the Otay Mesa East Port of Entry –Tier II Environmental Impact Report/Environmental Impact Statement.* September 2010.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010b. Tier II Air Quality Analysis for *SR-11 and the Otay Mesa East Port of Entry.* Published November 2010.

3.2 Biological Resources

The relocated fuel supply pipeline will not result in unmitigated impacts to biological resources due to the limited size, temporary nature of construction, and required the implementation of conservation and mitigation measures. The Petition area impacts two vegetation communities: non-native grassland and Diegan coastal sage scrub habitat. These habitats are degraded from various non-project activities.

3.2.1 Caltrans/USDOT FHWA Documents

The 2-acre Petition area is a small part of the larger Otay Mesa East LPOE/SR-11 project area, which has a 470.6-acre footprint. Only temporary impacts are expected during construction of the relocated pipeline. There will be some permanent biological resource impacts during operations due to the ROW remaining cleared for maintenance. These permanent impacts have been addressed and mitigated as part of the overall biological resources impacts of the Otay Mesa East LPOE/SR-11 project, which provides for the preservation, enhancement, and restoration of wetlands, grassland, and vernal pool habitat within the Lonestar Ridge Conservation Area.

Caltrans/FHWA were not required to follow the City of San Diego Multiple Species Conservation Plan (MSCP) but have committed to being consistent with it. The Petition area has been designated as a "Minor Amendment Area" under the MSCP and no additional avoidance or mitigation measures are required (City of San Diego 1997).

3.2.1.1 Listed Species/Biological Opinion (BO)

The Otay Mesa East LPOE/SR-11 BO addresses the potential impacts of the broader project on six federally listed species and designated critical habitat (USFWS 2011). These include the federally endangered San Diego button-celery (*Eryngium aristulatum var. parishii*), San Diego fairy shrimp, Riverside fairy shrimp (*Streptocephalus woottoni*), and Quino checkerspot butterfly (*Euphydryas editha*

quino); the threatened spreading navarretia (*Navarretia fossalis*); and designated critical habitat for Otay tarplant (*Deinandra conjugens*) and San Diego fairy shrimp.

The Petition area is within a critical habitat area for the San Diego fairy shrimp. Potential impacts to the San Diego fairy shrimp have been fully mitigated as part of the Otay Mesa East LPOE/SR-11 through management and preservation of the Lonestar conservation easement parcels to the northwest of the proposed relocated fuel supply pipeline.

Habitat for the federally threatened coastal California gnatcatcher (*Polioptila californica californica*) is near the Petition area to the north in Diegan coastal sage scrub habitat. The species was not detected during biological surveys and no specific mitigation measures were necessary to address this species.

No federally listed species were observed during biological surveys in the Petition area.

3.2.1.2 Other Sensitive Species

Biological surveys for special status plant species identified small-flowered morning glory (*Convolvulus simulans*) near the Petition area. However, due the lower sensitivity of this species (California rare plant ranking of 4.2), no mitigation for this species is proposed in the EIR/EIS.

Non-listed special status species found near the Petition area include burrowing owl, California adolphia (*Dolphia californica*), California horned lark (*Eremophila alpestris actia*), loggerhead shrike (*Lanius ludovicianus*), northern harrier (*Circus cyaneus*), San Diego barrel cactus (*Ferocactus viridescens*), and San Diego County viguiera (*Bahiopsis laciniata*). The non-native grassland supports foraging and/or nesting habitat for bird species such as white-tailed kite (*Elanus leucurus*).

Burrowing owl (state species of concern) have the potential to be impacted in the Petition area. Because these owls belong to one of the last breeding populations of the species left in San Diego County and the impacts would be considered cumulative, a Burrowing Owl Mitigation Plan, which will detail avoidance and mitigation measures for the species, is being prepared by Caltrans/FHWA as part of the Otay Mesa East LPOE/SR-11 project. The Burrowing Owl Mitigation Plan will cover the Petition area.

The Petition area is on the western edge of a large block of habitat that is considered a wildlife corridor. This area is not considered a regional corridor and no mitigation is proposed for impacts to wildlife movement as once the pipeline is constructed, the area would remain unfenced and would remain a wildlife corridor.

3.2.1.3 Wetlands and Waters

Caltrans/FHWA have developed a Streambed Alteration Agreement (SAA) with the CDFW for the broader project. The SAA satisfies a biological review for the Otay Mesa East LPOE/SR-11 project, including estimates of impacts to CDFW waters of the state due to alteration of the bed, banks or channel of a stream, or the adjacent riparian vegetation. The Petition area contains no riparian vegetation or jurisdictional waterways and so the SAA is not applicable to the Petition area.

3.2.2 Mitigation Measures

Biological Avoidance and Mitigation Measures (AMMs) for the Otay Mesa East LPOE/SR-11 project are detailed in the EIR/EIS. Commission Decision COCs BIO-1 through BIO-9 and BIO-12 are consistent with these mitigation measures.

Mitigation categories described in the EIR/EIS range from required documents on site, best management practices, designating qualified biologists, education programs, work period and time limits, environmentally sensitive areas and work limit delineations, protected species, invasive species control, habitat protection, compensatory mitigation, habitat restoration and long-term management, conservation easement, and more. Key mitigation measures applicable to the pipeline relocation include:

- As the Petition area lies within the impact area considered for the SR-11/Otay Mesa East LPOE, which is fully mitigated, no additional mitigation for the San Diego fairy shrimp critical habitat is necessary. Caltrans/FHWA will offset impacts to 89.07 acres of designated critical habitat for this species by the enhancement and preservation of primary constituent elements (PCEs) within 155 acres of designated critical habitat within the Lonestar Ridge West conservation parcel several miles northwest. This includes enhancement and creation/restoration of vernal pools and compensates for the impacts of the pipeline relocation on this species.
- Non-native grassland vegetation community mitigation is included in the Caltrans/FHWA conservation parcel mitigation with a conservation easement of up to 199.4 acres of non-native grassland through preservation at a 1:1 ratio. Since the grassland in the right-of-way (ROW) is considered occupied by the burrowing owl, the mitigation land is also burrowing owl habitat. Caltrans/FHWA will preserve non-native grassland on the Lonestar parcels to satisfy this requirement for the Otay Mesa East LPOE/SR-11 project, including the pipeline relocation.
- Burrowing owl avoidance mitigation is addressed in a Burrowing Owl Mitigation Plan for the Otay Mesa East LPOE/SR-11 project, and by extension, the change proposed in the Petition. Measures include:
  - Pre-construction survey to identify active burrows within the ROW and 250 feet beyond the ROW (where potential burrows could be) would be conducted no more than 30 days prior to initiation of construction.
  - No disturbance would occur within 250 feet of any active burrow (including to any that occur outside the ROW) during the burrowing owl breeding season (February 1 through August 31) or until a qualified biologist determines that a burrow is no longer active.
  - For each active burrow to be directly impacted outside the burrowing owl breeding season, a qualified biologist would implement passive relocation measures (installation of one-way doors) in accordance with CDFW regulations. Once all owls have vacated the burrows (after approximately 48 hours), a qualified biologist would oversee the excavation and filling of the burrows.

3.2.3 Documents Cited

California Department of Fish and Wildlife. 2014. *Final Lake or Streambed Alteration Agreement for the SR11 Otay Mesa Port of Entry - Tier II Project.* Notification No. 1600-2013-0242-R5. February 19, 2014.

City of San Diego. 1997. *Multiple Species Conservation Program: City of San Diego MSCP Subarea Plan*. March 1997.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010c. *Tier II Natural Environmental Study for the SR-11 and the Otay Mesa East Port of Entry*. November 2010.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2011. *Addendum to the Tier II Natural Environmental Study for the SR-11 and the Otay Mesa East Port of Entry*. December 2011.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

U.S. Fish and Wildlife Service. 2011. *Biological Opinion for the SR-11/Otay Mesa East Port of Entry, Otay Crossing Commerce Park, and Otay Business Park Projects, San Diego County, California*. FWS-SD-08B0316-12F0037. November 23, 2011

3.3 Cultural Resources

The relocated fuel supply line will not result in impacts to cultural resources. Studies conducted for the Otay Mesa East LPOE/SR-11 project included:

- Cultural Resources Survey and Extended Phase 1 Testing Program for the Future SR-11 and East Otay Mesa Port of Entry Project, San Diego, California (Kyle and Van Wormer 2001)
- First Addendum Archaeological Survey Report for SR-11 and East Otay Mesa Port of Entry, San Diego County, California (Kyle 2007.)

In 2000, Kyle Consulting conducted a literature review and record search for the Otay Mesa East LPOE/SR-11 project and completed a field survey for the approximately 600-acre Area of Potential Effects (APE). This investigation covered the Petition area, as well as a 500-foot study area buffer zone extending past the Petition area.

The literature review and records search were conducted at the South Coastal Information Center at San Diego State University and identified one previously recorded cultural resource in the Petition area footprint (Site CA-SDI-11794). Field surveys were conducted by Kyle Consulting between May 1 through 11, 2000 with transects spaced 10 to 15 meters apart within the APE. The survey identified two newly discovered resources located within the Petition area (CA-SDI-15872 and CA-SDI-15873).

None of the cultural resources in the project footprint were recommended or determined eligible for listing for the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides additional information on these three cultural resources:

- CA-SDI-11794 is a light density lithic scatter. Artifacts include flakes and cores and a grinding slick scattered across a 46,730 square meters.
- CA-SDI-15872 was recorded as a light to moderate density lithic scatter. Four lithic tools, 21 cores, and 8 pieces of debitage of Santiago Peak metavolcanic material were identified. Most of the artifacts were concentrated on the northern edge of the site.

- CA-SDI-15873 is a sparse lithic scatter located in a shallow drainage. Artifacts include a lithic tool, core, and 8 pieces of debitage.

3.3.1 Mitigation Measures

The following actions to avoid, minimize or mitigate impacts to any unknown resources that might be encountered during construction will be implemented during construction, per the EIS/EIR:

- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the significance of the find.
- If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to PRC Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the District Environmental Branch so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

In addition, application of OMEC Decision cultural resources COCs CUL-1 through CUL-12 will ensure that potential impacts to cultural resources during construction are less than significant.

3.3.2 Documents Cited

Kyle, Carolyn. 2007. *First Addendum Archaeological Survey Report for SR-11 and East Otay Mesa Port of Entry. San Diego County, California*. 2007

Kyle, Carolyn, and Stephen Van Wormer. 2001. *Cultural Resources Survey and Extended Phase 1 Testing Program for the Future SR-11 and East OTAY Mesa Port of Entry Project, San Diego, California.* 2001

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.4 Geological and Paleontological Resources

The relocated fuel supply pipeline will not result in impacts to geological resources because project implementation would include conformance with standard design and construction measures, as well as applicable Caltrans, OSHA, Cal/OSHA, and other regulatory/industry standards (e.g., the IBC and CBC). No recoverable mineral resources or rare, high quality or scientifically significant geologic or topographic resources are present within the Petition area, and the Petition area is not located within any areas designated as National Natural Landmarks.

The relocated fuel supply pipeline will not result in impacts to paleontological resources because implementation of mitigation measures would reduce any impacts to less than significant. The Otay Formation is the primary geologic unit underlying the proposed pipeline. The paleontological resources evaluation conducted by the San Diego Natural History Museum (SDNHM) assigned a high paleontological sensitivity to the Otay Formation (San Diego Natural History Museum [SDNHM] 2009) based on six

paleontological collecting sites located within one mile of the study area and known abundance of terrestrial vertebrates from the Otay Formation within the project vicinity.

Accordingly, project implementation would potentially impact important paleontological resources and would require mitigation to address these potential impacts. Per the EIR/EIS, A paleontological resources mitigation plan (PMP) will be developed by a qualified Caltrans paleontologist during the design phase to describe the paleontological resources mitigation program. At a minimum, the PMP will include how and where paleontological monitoring will occur; procedures to be followed if fossils are discovered; procedures for fossil salvage, preparation, and curation; and report preparation. Implementation of these mitigation measures would reduce any impacts to less than significant. If previously undiscovered paleontological resources are found during pipeline construction, mitigation measures in the PMP consistent with the Commission Decision (PAL-1 through PAL-7) regarding the treatment of emergency discoveries will help to ensure that no adverse impacts occur.

3.4.1 Documents Cited

California Department of Transportation (Caltrans). 2009a. *Proposed SR-11 Extension: Hydrogeologic Site Assessment/Storm Water Data Report*. September 9.

California Department of Transportation (Caltrans). 2009b. *Proposed SR-11 Extension: Supplemental District Preliminary Geotechnical Report.* October 7

Ninyo & Moore. 2007a *Preliminary Geotechnical Study, Caltrans/SR-11, San Diego, California.* November 21.

San Diego Natural History Museum (SDNHM). *2009 Paleontological Resource Assessment; SR-11/Otay Mesa East Port of Entry; San Diego County, California*. June 24.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.5 Hazardous Materials Management

The relocated fuel supply pipeline will require similar hazardous materials use, chemical inventory, and management as discussed in the Commission Decision (99-AFC-5). Therefore, there will be no additional impacts resulting from hazardous materials management for construction and operation of the relocated segment of natural gas pipeline.

The chemicals listed in the Commission Decision, 99-AFC-5, as amended, remain unchanged to accommodate the proposed modifications. No new chemicals are required because of the modifications, and it will not be necessary to increase the quantities of hazardous materials currently used at the project site.

No additional hazardous materials storage is required to accommodate the pipeline relocation construction or operation. Discussion of hazardous materials management during construction was not included in the Caltrans/FHWA EIR/EIS, (FHWA/Caltrans 2012). However, as required by the Commission Decision in COCs HAZ-1 and HAZ-2 and WASTE-1 through WASTE-4, hazardous materials will be handled and stored in a safe manner and in accordance with the applicable LORS.

3.5.1 Documents Cited

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.6 Land Use

The relocated fuel supply pipeline will be similar in nature to the original underground gas pipeline alignment discussed in the Commission Decision (99-AFC-5). The general area around the natural gas pipeline has a San Diego County designated planned land use of Heavy and Light Industrial and a zoning designation of S88 (Specific Plan) (County of San Diego, 2021a). Ultimately, land use at the site would continue to be subject to the East Otay Mesa Business Park Specific Plan which was developed in anticipation of the planned SR-11 Otay Mesa East LPOE (County of San Diego, 2021b). The East Otay Mesa Business Park Specific Plan assigns a Mixed Industrial land use designation for the site, intended primarily for wholesale storage and distribution, research services, general industrial, and compatible commercial or manufacturing uses.

The relocated gas pipeline will be placed in a trench with approximately 4 to 5 feet of cover, thereby continuing to comply with Land Use Policy UD-7 which requires all utility lines to be underground.

The Petition area is vacant and undeveloped with no adjacent residential or community-based areas. Neither the abandonment of the existing underground gas pipeline segment nor construction of the new rerouted gas pipeline segment would require the conversion of designated land uses, conflict with designated land uses, conflict with land use plans, policies, or goals, or divide an established community.

3.6.1 Documents Cited

County of San Diego. 2021a. *SanGIS Interactive Maps*. Accessed on August 23, 2021: https://www.sangis.org/

County of San Diego. 2021b. *East Otay Mesa Business Park Specific Plan (as amended by PDS2020-SPA-20-002)*. Published on March 17, 2021.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.7 Noise and Vibration

The relocated fuel supply pipeline will not result in unmitigated impacts in terms of noise and vibration due to the limited and temporary nature of construction, industrial nature of the area, and lack of residential and sensitive receptors. Construction of the relocated gas pipeline is expected to require up to 3 months and will occur simultaneously with the construction of the SR-11 Otay Mesa East LPOE. Up to 20 pieces of construction equipment will be used for the pipeline relocation during this time. Once construction is complete, there will be no operational noise from the relocated natural gas pipeline.

A Noise Study Report for the SR-11 Otay Mesa East LPOE was prepared in November 2010, and short-term noise monitoring occurred approximately one-third mile southwest of the relocated natural gas pipeline route. Existing noise levels were 46 dBA L_{eq} (FHWA/Caltrans 2010d). Construction equipment is expected to generate noise levels ranging from 70 to 90 dB at 50 feet; however, noise produced by construction equipment reduces over distance significantly. The nearest residences are over a mile away from the SR-11 Otay Mesa East LPOE located on the north side of Otay Mesa Road between SR-905 and Alta Road. The nearest sensitive receptor (defined as K-12 schools, hospitals, nursing homes, parks, and day care centers) is more than 1.9 miles away from the SR-11 Otay Mesa East LPOE. There is both industrial development between the nearest residences and sensitive receptors and this further attenuates potential noise impacts.

3.7.1 Mitigation Measures

As discussed in the Caltrans/FHWA EIR/EIS, (FHWA/Caltrans 2012) Caltrans Standard Specifications Section 7-1.01(I) (Caltrans 2006), will require the Project Owner to comply with the applicable local noise standards including sound control devices, no unmuffled exhaust, and implementing noise minimizing measures such as turning off idling equipment, changing location of stationary construction equipment, and notifying residents in the area in advance of construction work. No significant impacts to noise and vibration will result from the approval of this Petition, given that compliance with existing Conditions of Certification regarding hours of construction (NOISE-8), notification of neighbors (NOISE-5), and worker noise control program (NOISE-3) are sufficient to prevent significant impacts as well as the measures put in place by FHWA/Caltrans to mitigate impacts that would otherwise be significant.

3.7.2 Documents Cited

California Department of Transportation (Caltrans). 2006. *Standard Specification Section 7-1.01I, "Sound Control Requirements"*. May.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010d. *Noise Study Report for SR-11 and the Otay Mesa East Port of Entry –Tier II Environmental Impact Report/Environmental Impact Statement.* November 2010.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.8 Public Health

The relocated fuel supply line will not result in unmitigated impacts to public health due to the limited and temporary nature of the construction and lack of sensitive receptors (typically schools, hospitals, nursing homes, and day care centers) in the area.

There are no residences or sensitive receptors (defined as K-12 schools, hospitals, nursing homes, parks, and day care centers) identified within one mile of the SR-11 Otay Mesa East LPOE. The nearest residences are over a mile away from the SR-11 Otay Mesa East LPOE located on the north side of Otay Mesa Road between SR-905 and Alta Road. The nearest sensitive receptor is the San Ysidro High School located

approximately 1.9 miles from the western edge of the SR-11 Otay Mesa East LPOE study area shown in Table 3.16-3 of the Caltrans/FHWA EIR/EIS (FHWA/Caltrans 2012).

Further, as discussed in Section 3.1, Air Quality, annual emissions for the construction phase would be below the *de minimis* thresholds for all pollutants (i.e., 100 tons per year) during construction of the Otay Mesa East LPOE facilities, and therefore impacts to any sensitive or residential receptors would not be significant. Furthermore, the Project modification(s) will comply with the Caltrans Standard Specifications Section 14 (Caltrans 2010) to reduce construction particulate matter impacts (discussed further in Section 3.1, Air Quality) to a less than significant level

3.8.1 Documents Cited

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (FHWA/Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

State of California Department of Transportation (Caltrans). 2010. *Standard Specifications, State of California Business, Transportation and Housing agency, Department of Transportation*. 2010.

3.9 Socioeconomics

The relocated fuel supply line will not result in unmitigated impacts in terms of socioeconomics. The relocation is a replacement in kind and is unlikely to cause impacts to community character and cohesion beyond those identified for the new SR-11/Otay Mesa East LPOE. Additionally, the Caltrans/FHWA EIR/EIS determined that there would be no impacts to growth or environmental justice for the SR-11 Otay Mesa East LPOE, including the pipeline relocation element of the project (FHWA/Caltrans 2012).

3.9.1 Documents Cited

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.10 Soil and Water Resources

3.10.1 Water Quality

The relocated fuel supply line will not result in significant impacts to water resources. The Petition area is located within the Tijuana Valley Hydrologic Area, which is a subdivision of the Tijuana Hydrologic Unit. Surface drainage within the area occurs as both concentrated (confined) flow in existing storm drains and natural drainage courses, and as unconfined (sheet) flow in areas such as vegetated slopes, graded sites, and streets. Drainage within the area is predominantly intermittent and flows generally to the south and west, with all associated flows ultimately discharging into the Tijuana River and potentially reaching the Tijuana Estuary and adjacent Pacific Ocean shoreline. Surface water within the Petition area consists of predominantly of intermittent flows from storm events (FHWA/Caltrans 2012).

Based on the SR-11 Otay Mesa East LPOE Project's Water Quality Report associated with the EIR/EIS, groundwater was not encountered during subsurface hydrogeologic investigations extending to depths of between 26.5 and 130 feet, and no significant groundwater is anticipated to occur within the underlying Otay Formation (FHWA/Caltrans 2012).

Potential water quality impacts related to the relocation of the underground gas pipeline may occur during temporary construction, including erosion and sedimentation. Erosion and sedimentation may occur during activities such as vegetation removal, excavation of existing compacted materials, and redeposition of excavated and/or imported material as fill. Erosion could result in the influx of sediment into downstream receiving waters with associated water quality effects such as turbidity and the transport of other contaminants that tend to adhere to sediment particles (FHWA/Caltrans 2012).

During construction, the storage and or generation of potentially hazardous materials such as vehicle fluids and solvents and thinners and wastes such as trash, and portable septic systems would potentially contaminate downstream receiving waters in the event of a release or accidental discharge. These activities are anticipated to have minimal use of hazardous materials, however, and standard measures mitigate this potential impact to a level below significance. In addition, no net increase in runoff from baseline conditions would result upon completion of construction of the relocated pipeline.

3.10.2 Soils

Based on subsurface exploration (borings and test pits) conducted during the SR-11 Otay Mesa East LPOE geotechnical and hydrogeologic investigations, local deposits of the Otay Formation were observed to include generally unconsolidated clayey and silty sands near the surface, with these materials grading into poorly consolidated sandstones, siltstones and claystones (FHWA/Caltrans 2012). Native soils with the Petition area encompass primarily Huerhuero Soils. Identified erosion potential for the on-site Huerhuero Soils (Huerhuero Loam, 2 to 9, 5 to 9, and 9 to 15 percent slopes) is given as slight to moderate, based on generally shallow slopes and relatively high clay content (FHWA/Caltrans 2012).

No known active earthquake faults are located within or adjacent to the study area. While the potential for ground rupture and lurching cannot be entirely discounted because such effects could occur locally because of off-site seismic events, ground surface rupture is not considered a hazard (FHWA/Caltrans 2012). Similarly, the site is not within a designated landslide susceptibility zone (San Diego County, 2009).

3.10.3 Mitigation Measures

Six construction BMP categories are identified in the Caltrans Construction Site Best Management Practices Manual (Caltrans 2003) to address potential short-term water quality impacts, including temporary soil stabilization, temporary sediment control, wind erosion control, tracking control, non-storm water management, and waste management and materials pollution control. Typical construction BMPs from the Project Water Quality Report, Caltrans Manual and current NPDES requirements are applicable to the project. Specific construction BMPs for the project will be determined prior to construction to ensure conformance with all associated regulatory requirements, including preparation/implementation of a project-specific SWPPP (also required under COC SOILANDWATER-1). The Project Owner would also be required to revegetate ground disturbance areas per SOILANDWATER-2.

The SR-11 Otay Mesa East LPOE Project avoidance, minimization, and/or mitigation measures prescribe steps to avoid or reduce impacts from on-site soil conditions, including potential seismic ground

acceleration, potential liquefaction, potential excavation instability, expansive surficial materials, and potential oversized materials. Additionally, the project geotechnical investigations recommend further subsurface exploration and laboratory testing. Results may recommend additional avoidance, minimization, and/or mitigation measures to address problematic subsurface conditions. Impacts are also mitigated with the implementation of COCs HAZ-1 and HAZ-2 and WASTE-1 through WASTE-4 and SOILANDWATER-1 and -2 mitigate this potential impact to a level below significance.

3.10.4 Documents Cited

San Diego County. 2009. San Diego County General Plan. Accessed on August 27, 2021: https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rtcref/ch9.0/rtcrefaletters/C2%202014-12-19_CountyofSanDiego2011_OPT_Part3.pdf

State of California Department of Transportation (Caltrans). 2003. *Caltrans Storm Water Quality Handbooks, Construction Site Best Management Practices Manual.* March 1.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.11 Traffic and Transportation

The relocated fuel supply pipeline will not result in impacts to traffic and transportation due to the limited and temporary nature of construction, lack of current road infrastructure and limited construction equipment/workers. Further, while industrial facilities are located to the west of the Petition area, to the immediate west is undeveloped land used primarily limited to U.S. Border Patrol and military training activities, illegal off-road vehicle activity, and various surveying/maintenance activities by contractors and utility personnel (e.g., border fence repair contractors, SDG&E personnel, and Otay Water District personnel). The nearest paved road to the Petition area is approximately ¼ mile to the west and is part of the SR-11 construction.

A Traffic Technical Report for the SR-11 Otay Mesa East LPOE was prepared in September 2011 and analyzed the operational impacts. The analysis was conducted for existing (2009) conditions, opening day (2015) conditions, and Horizon Year conditions (2035). The report determined that upon the completion of construction of the entire project would substantially reduce traffic levels at the existing POEs and would generally tend to reduce traffic or have no effect on other roadways in the study area (FHWA/Caltrans, 2011).

As discussed in the EIR/EIS (FHWA/Caltrans 2012), there may be delays on existing roads during construction of the SR-11/Otay Mesa East LPOE project due to heavy periods of hauling imported fill and demolition debris offsite as well as construction worker trips.

Construction of the relocated fuel supply pipeline is expected to require up to 3 months and will occur simultaneously with the construction of other parts of the SR-11 Otay Mesa East LPOE project. Up to 20 pieces of construction equipment and 17 workers are anticipated during this time for the pipeline relocation.

3.11.1 Mitigation Measures

Caltrans has prepared a Preliminary Traffic Management Plan (TMP) to reduce traffic delay, maintain traffic flow, and provide a safe environment for the work force and public (AECOM and Caltrans 2010). The TMP includes several suggested measures to reduce traffic impacts (FHWA/Caltrans 2012). Measures to address construction impacts include TMP recommendations (public awareness campaign, signage, incident management, construction strategies, contingency plans, and detours) as well as designated truck routes, scheduling truck traffic during no-peak traffic hours (as needed), and parking within project limits or other secured location to avoid conflicting with existing public parking. Give that Caltrans has prepared a TMP, the project will comply with traffic and transportation COCs TRANS-1 through TRANS-3 of the OMEC Decision, which include preparation of a TMP (TRANS-4).

3.11.2 Documents Cited

AECOM and State of California Department of Transportation (Caltrans). 2010. *Preliminary Transportation Management Plan (TMP) Constructing SR-11 from SR-11 905 to the Otay Mesa East Port of Entry.* February 2010.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2011. *Traffic Technical Report for SR-11 and the Otay Mesa East Port of Entry –Tier II Environmental Impact Report/Environmental Impact Statement.* September 2011.

3.12 Visual Resources

The relocated fuel supply pipeline will not result in permanent impacts to visual resources. The Petition area is currently vacant and undeveloped, and the nearest residences are located over a mile from the new pipeline segment route. The pipeline is currently located in open space in a cleared right-of-way. The relocated pipeline will be installed within a newly cleared space adjacent to the new Otay Mesa East LPOE. Changes to the viewshed will result from the LPOE. Changes to the viewshed resulting from the relocated right-of-way will be minor and insignificant.

Scenic resources in the region include the San Diego County Resource Conservation Area for Biologically Sensitive Lands Overlay, Otay Mountains Cooperative Land and Wildlife Management Area, Bureau of Land Management Otay Mountain Wilderness Area, National Wilderness Preservation System, Otay Mountain Ecological Preserve, and Otay Mountain Truck Trail which are located north and east of the Petition area. The Otay River Valley, Johnson Canyon, and O'Neal Canyon are notable topographic features; however, they are not visible from the proposed Petition area due to the slope and distance. The Petition area is not within a designated scenic area and no designated state scenic highway or County priority scenic routes are in the area (FHWA/Caltrans 2012).

Relocation of the fuel supply pipeline will require temporary construction equipment staging, excavation, trenching, and other typical construction activities which would have a temporary impact on local visual resources. Scenic resources would not be impacted, and no permanent impact on visual resources would

result from the relocation. There are no OMEC Decision COCs that apply to the pipeline relocation for visual resources.

3.12.1 Documents Cited

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

3.13 Waste Management

The relocated fuel supply pipeline will not result in impacts in terms of waste management beyond those discussed in the Commission Decision (99-AFC-5) due to limited generation of waste, both municipal and hazardous, as well as adequate landfill capacity within the state.

3.13.1 Municipal Waste

While it is anticipated that solid non-hazardous waste such as municipal trash, pallets, packaging materials, etc. would be generated, this would be limited). Further, there is adequate landfill capacity available at the Otay Landfill, located approximately 6.1 miles away, which has a remaining capacity of approximately 21,194,008 cubic yards (CalRecycle, 2021).

3.13.2 Hazardous Waste

To determine hazardous waste impacts, the EIR/EIS, (FHWA/Caltrans 2012), prepared an initial site assessment (ISA). The ISA noted that most of the Otay Mesa East LPOE/SR-11 project area, especially in the southeastern area of the project near the pipeline relocation area, was formerly used for agricultural purposes, and there is potential for pesticides, herbicides, and/or fertilizers in the soil (FHWA/Caltrans 2010e). As a result, soil sampling was conducted concurrently with the ISA to evaluate levels of agricultural constituents of concern. While no sampling was within the relocated natural gas pipeline corridor, some soil samples were taken in the top 0.5 ft bgs approximately 500 feet to the south and had elevated arsenic detections (within expected background levels) as well as organochlorine pesticides such as DDE, DDT, and toxaphene. None of the detections for organochlorine pesticides were above regional screening levels (Tier 1 Regional Water Quality Control Board screening values, residential Regional Screening Levels and California Human Health Screening Levels). While additional samples were taken at 2 feet bgs, no exceedances were noted at that depth. Based on concentrations in the surrounding areas, soil in the top 0.5 ft bgs along the relocated fuel supply pipeline route may not be suitable for unrestricted reuse. Soil from subsurface disturbance, including grading, excavation, or utility trenching, may constitute a waste requiring disposal (FHWA/Caltrans 2010e).

While there may be some contaminated soil that would require disposal, even if the top foot of soil from the entire fuel supply pipeline requires (approximately 950[1] cubic yards would need to be removed during grading and excavations activities), this would be far below the available capacity for disposal. Kettleman Hills Facility, a hazardous waste landfill in Kings County, for example, has approximately 15,600,000 cubic

[1] Assumes 1,700 ft length of pipeline, 15 ft excavation, 1 foot depth.

yards capacity remaining (CalRecycle, 2021). Therefore, the relocated fuel supply pipeline would not result in significant adverse impacts in terms of waste management.

3.13.3 Mitigation Measures

Due to the possibility of contaminated soil in the vicinity of the relocated fuel supply pipeline, the EIS/EIR and ISA identified avoidance, minimization, and mitigation measures to address the identified potential hazardous and nonhazardous waste concerns as well as health and safety environmental concerns, including additional site assessment and remediation in applicable areas (as needed). These measures and COCs HAZ-1 and HAZ-2, and WASTE-1 through WASTE-4, mitigate this potential impact to a level below significance. These measures include:

- In areas with agriculturally related contaminants, soils generated from the upper 0.5 feet from activities such as grading, excavation or utility trenching be managed, profiled, transported and/or disposed of accordingly. Based on analytical testing of this soil prior to disposal, depending on test results, on or off-site reuse or disposal at a permitted facility.
- A Community Health and Safety Plan will be developed prior to project initiation to document measures to manage potential health and safety hazards.
- A Soil Management Plan (SMP) will be prepared to address the potential for encountering areas of potential environmental concern mitigation measures associated with subsurface disturbance. The SMP will also identify specific measures including monitoring, handling, stockpiling, characterization, reuse, export, and disposal protocols.
- Other potentially hazardous wastes generated during construction activities would be disposed of and/or recycled at appropriately permitted waste disposal facilities.

3.13.4 Documents Cited

CalRecycle, 2021. Solid Waste Information System (SWIS) Database. https://www2.calrecycle.ca.gov/SolidWaste/Site/Search August 2021.

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2012. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010e. *Initial Site Assessment for SR-11 and the Otay Mesa East Port of Entry.* November 2010.

3.14 Worker Safety and Fire Protection

The relocated fuel supply pipeline will not result in unmitigated impacts in terms of worker safety and fire protection. Regional emergency services, including medical services, fire protection, and law enforcement, that accommodate the SR-11 Otay Mesa East LPOE can also accommodate the relocated natural gas pipeline construction activities. Workers will be exposed to demolition/construction safety hazards that will be fully mitigated.

3.14.1 Mitigation Measures

The Caltrans/FHWA EIR/EIS includes mitigation measures to minimize impacts to worker safety and fire protection. Appropriate worker and community health and safety measures will be implemented through a Community Health and Safety Plan and through compliance with OMEC COCs WORKERSAFETY-1 through -4. The Community Health and Safety Plan would implement additional measures to manage potential health and safety hazards to project workers and the public regarding areas of hazardous or non-hazardous waste environmental concern within the project construction footprint.

3.14.2 Documents Cited

U.S. Department of Transportation Federal Highway Administration (FHWA) and the State of California Department of Transportation (Caltrans). 2010. *SR-11 and the Otay Mesa East Port of Entry – Final Tier II Environmental Impact Report/Environmental Impact Statement, Volume 1 of 2.* Published March 2012.

4. Potential Effects on the Public

This section discusses the potential effects on the public that may result from the modifications proposed in this Petition, pursuant to CEC Siting Regulations (Title 20, CCR, Section 1769[a][1][F]).

The changes to the project, as proposed in this Petition, will not result in any greater impacts on the public and property owners than those analyzed during project licensing (99-AFC-5), resulting in no effect on the public and property owners beyond what was originally approved by the CEC.

5. List of Property Owners

CEC Siting Regulations (Title 20, CCR, Section 1769[a][1][G) require that the property owners within 1,000 feet of the site and within 500 feet of affected linears are identified. A list of addresses and parcel maps within 500 feet of the relocated natural gas pipeline is provided as Appendix A (provided to the CEC Staff under separate cover).

6. Potential Effects on Property Owners

This section addresses potential effects of the proposed change discussed in this Petition on nearby property owners, residents, and the public pursuant to CEC Siting Regulations (Title 20, CCR, Section 1769 [a][1][H]).

The project, as modified, will not differ significantly in potential effects on adjacent landowners or residents, compared with the project as previously proposed. The project, therefore, would have no adverse effects on nearby property owners, residents, the public, or other parties as determined in the Final Decision, 99-AFC-5.

Appendix A
List of Property Owners

Provided to CEC Staff under Separate Cover.