

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

In the Matter of the Application of Southern
California Edison Company (U338E) for a
Certificate of Public Convenience and Necessity
for the RTRP Transmission Project.

A.15-04-013
(Filed April 15, 2015)

**PETITION OF THE CITY OF NORCO TO MODIFY
DECISION 20-03-001 TO REOPEN THE RECORD TO
RECONSIDER ALTERNATIVE 8 OF THE RIVERSIDE
TRANSMISSION RELIABILITY PROJECT**

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Pursuant to Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the City of Norco (“Norco”) submits its Petition to Modify Decision (D.) 20-03-001 to Reopen the Record to Reconsider Alternative 8 of the Riverside Transmission Reliability Project (“RTRP” or “Project”)(“Petition”) in the above-captioned Application. In order to comply with Rule 16.4, the City of Norco presents in this pleading its explanation of why the Petition was not filed within one year, and explains in detail why material changed circumstances now warrant reconsideration of the underlying decision at this time.

I. INTRODUCTION

Norco has filed this Petition for Modification because it now faces a dramatically increased number of wildland fires within its city limits. This risk will be increased exponentially by the construction of an overhead, high-voltage transmission line that will pass through open space loaded with flammable vegetation in the very region that gave the notorious Santa Ana Winds their name. The heightened fire risk is not only related to the increased

number of wildfire ignition incidents, but also the increased risk of damage from fires due to expansion of residential construction in the urban/wildland interface, and the limited number of narrow roads in these areas which make access for firefighters and evacuation by residents difficult. Should the overhead portion of the RTRP be built, Norco and its neighboring communities will also be endangered by the fact that the transmission towers along the RTRP route will restrict the ability of helicopters and fixed-wing aircraft to attack wildfires along the Santa Ana River corridor in windy, smoky conditions. Aerial attack is a crucial firefighting tool for fighting wildfires, and placing tall transmission towers in this particular location increases the risk of a catastrophic fire to unacceptable levels.

If the Commission takes a candid look at the environmental documents supporting this project, it will acknowledge that the 2013 EIR and the 2018 SEIR are products of an era and an attitude before major wildfires involving utility infrastructure were a routine occurrence in California, and these documents did not adequately assess, or address, the risk of wildfire damage to the communities through which the RTRP will pass. Therefore, Norco asks the Commission to reopen this proceeding, as it has done once before when residential construction forced the undergrounding of portions of the RTRP, and re-examine Alternative 8, the full undergrounding alternative for the RTRP. Norco is convinced that an impartial assessment by the Commission of the risks associated with building overhead transmission in one of the most notoriously dangerous areas for wildfire during hot, windy conditions will lead the Commission to conclude that undergrounding the RTRP is a prudent and wise investment—and one that will significantly reduce the risk of wildfire damage for multiple communities close to the RTRP route.

II. PROCEDURAL BACKGROUND

The RTRP was first proposed by the City of Riverside’s Municipal Utility Department (known as Riverside Public Utilities [“RPU”]). RPU, acting as lead agency under CEQA, certified an environmental impact report for the Project on February 5, 2013 (“2013 EIR”),¹ which included an evaluation of elements proposed by Southern California Edison (“SCE”).

SCE filed an application for a Certificate of Public Convenience and Necessity (“CPCN”) with the Commission in 2015, which was docketed as Application (A.) 15-04-013. However, several new residential developments were underway within the proposed alignment, several of which had begun or completed construction since certification of the 2013 EIR. SCE proposed to revise the Project, most significantly to avoid four entitled development projects, and to underground two miles of the transmission line located within private property and rights-of-way of the City of Jurupa Valley.

The Commission determined that the changes would require subsequent environmental review under CEQA and, acting itself as the new lead agency, prepared a subsequent EIR, which it certified in 2018 (“2018 SEIR”).² Among the alternatives from the 2013 EIR considered in the 2018 SEIR was Alternative 8, which would have undergrounded the entire Project. However, Alternative 8 was not substantively considered, and was rejected from further consideration in part because of the EIR screening process,³ and in part because it would not reduce any

¹ RTRP Final Subsequent Environmental Impact Report (“2018 SEIR”), p. P-1.

² *Id.* at p. P-2.

³ *Id.* at p. 3-37.

significant impacts of the Revised Project.⁴ As discussed below, that conclusion was factually incorrect and contradicted the analysis in the SEIR itself.

The 2018 SEIR determined that the “Revised Project” alternative for RTRP, as proposed by SCE, was not the environmentally superior alternative. Rather, the SEIR designated Alternative 1, which provided for two more miles of underground transmission within public rights of way in the City of Jurupa Valley, as the environmentally superior alternative.⁵

On March 18, 2020, the Commission issued D. 20-03-001 (the “Decision”), granting SCE the CPCN for the Project. Because Alternative 8, the full underground alternative, had been erroneously eliminated in the SEIR, the Commission’s decision granting the CPCN did not reference it or evaluate its feasibility. In the interval since the issuance of the Decision, the City of Jurupa Valley has granted SCE a permanent easement to use public rights of way along the RTRP route to install its underground transmission facilities. However, construction on the project has not yet commenced.

III. A PETITION FOR MODIFICATION FILED OVER A YEAR AFTER THE UNDERLYING DECISION CAN BE ACCEPTED AS TIMELY IF MATERIAL FACTUAL CHANGES HAVE OCCURRED WHICH MERIT MODIFYING THE DECISION

Rule 16.4(d) of the Rules of Practice and Procedure of the California Public Utilities Commission states in part, “[e]xcept as provided in this subsection, a petition for modification must be filed and served within one year of the effective date of the decision proposed to be

⁴ *Id.* at p. 3-11.

⁵ The California Environmental Quality Act (“CEQA”) provides that “public agencies should not approve projects as proposed if there are feasible alternatives...available which would substantially lessen the significant environmental effects of such projects...” In this instance, the SEIR designated Alternative 1 as the environmentally superior alternative, finding that it “would substantially lessen the significant environmental effects” of the Revised Project. See also CPUC Decision D.20-03-001, p. 33 (“The environmentally superior alternative, other than the No Project Alternative, is Alternative 1”.)

modified. If more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision.”

The City of Norco did not file this Petition within one year of the issuance of D.20-03-001, and is, therefore, required to submit its explanation why the petition could not have been presented within the required one year period. The City of Norco submits its Petition at this time due to multiple changed factual circumstances that have combined within the last two years to greatly increase the risk of wildfire in the portion of the RTRP route that is to be constructed with overhead lines.⁶ As explained in more detail below, wildfires have begun to occur much more frequently in Norco and the surrounding communities. Combined with increased residential growth in the vicinity of the RTRP route, and the growth of extremely heavy flammable vegetation along the proposed overhead route, the increase in the number of fire incidents in this location makes it clear that Norco and its neighbors now face a dramatic increase in the risk of catastrophic wildfires.

Just within the City of Norco, there were 16 wildland fire incidents during the period from January 1, 2018 to March 12, 2021—one year after issuance of the Decision approving the RTRP. This reflects an average of 4.9 wildland fire incidents per year. From March 12, 2021 to December 31, 2022 there were 23 wildland fire incidents within the City of Norco, which is an

⁶ The City of Norco is shown the service list for A.15-04-013 as an Information Only party. The City filed a Motion for Party Status on Nov. 7, 2018. The City of Norco subsequently served prepared testimony in the case on June 17, 2019. However, its Motion for Party Status was denied by a ruling from the ALJ on August 12, 2019, determining that testimony about fire risks addressing portions of the RTRP other than the Revised Project were outside the scope of the proceeding. Notwithstanding the denial of its motion for party status, the City of Norco lies within the route of the RTRP and its residents are directly impacted by the overhead portion of the RTRP, and the increased risk of wildfire damage that the overhead transmission line would create. Accordingly, by virtue the extensive evidence of increased wildfire risk documented in the City of Norco’s petition and its attachments, the City has complied with Section 16.4(e) of the Commission’s Rules of Practice and Procedure by explaining how the decision affects the City and its residents, and has explained its good faith efforts to obtain party status and participate by serving testimony.

average of 13.1 per year and an annual increase of 267%. It is important to remember that these statistics only reflect wildland fires within the City of Norco, which represents only a small portion of the overhead transmission route planned for the RTRP.⁷

The Commission has indicated that a Petition for Modification may be timely even if filed more than a year after the underlying decision when a showing is made that material factual changes have occurred beyond the one year deadline that merit modification of the decision. For example, in D.17-07-006 the Commission granted the Joint Petition for Modification of the three largest electric distribution utilities even though it was filed more than a year after D.15-07-001. The Joint Parties sought flexibility to modify their rate tariffs as they continued to manage the transition to a flatter rate design which includes full implementation of time of use rates. The Commission first examined the timeliness issue, stating,

Because the Joint PFM was filed more than one year after D.15-07-001, we must consider whether the requirements of Rule 16.4(d) have been met. We find that the Joint PFM could not have been presented within one year of the effective date of the decision. There have been significant changes in conditions, such as changes in residential electricity load, revenue requirements and billing determinants, that make it necessary to revisit the directions given to the IOUs in D.15-07-001. We therefore find that the Joint PFM meets the requirements set forth in Rule 16.4.⁸

The Commission concluded that changes in residential electricity load, revenue requirements and billing determinants were sufficient material factual changes to support a Petition for Modification filed 18 months after the underlying decision.

Further precedent supporting the timeliness of Norco's petition is found in D.22-03-006. Southern California Gas Company (SoCalGas) filed a Petition for Modification of D.15-10-049,

⁷ Attachment C, Declaration of Peter M. Bryan ("Bryan Decl."), p. 4:40-5:4.

⁸ CPUC Decision 17-07-006, Order Instituting Rulemaking on the Commission's Own Motion to Conduct a Comprehensive Examination of Investor Owned Electric Utilities' Residential Rate Structures, the Transition to Time Varying and Dynamic Rates, and Other Statutory Obligations, p. 10.

which granted SoCalGas approval of its proposed “fully elective, optional, nondiscriminatory tariff service which would provide its customers an opportunity to employ Distributed Energy Resources [DER].”⁹ The Commission denied the Petition of SoCalGas without prejudice in order to allow the company to consider other means or other proceedings to expand the DER program. However, although the Petition was filed five years after the underlying decision, the Commission did not find that the Petition for Modification was untimely. The Commission referred to SoCalGas’ statement that, “material factual changes beyond the year of D.15-10-049 issuance have occurred pertaining to climate resiliency, which merit modifying its DERs Tariff.”¹⁰ SoCalGas also asserted that, “since the approval of its tariff five years ago, there have been significant changes in resiliency needs and backup generation needs of customers due to the impacts of climate change and grid impacts.”¹¹ The Commission agreed that SoCalGas had justified the timeliness of its Petition, stating,

We disagree with SCGC that SoCalGas untimely filed its petition for modification under Rule 16.4. We agree with SoCalGas that resiliency needs and backup generation of customers due to the threat and impacts of climate change meet the threshold requirements for review of its petition for modification under Rule 16.4(d). However, for the reasons discussed below, we dismiss SoCalGas’ petition for modification, without prejudice.¹²

Thus, while the Commission denied SoCalGas’ petition due to other reasons, including SoCalGas’ attempt to expand the DER tariff to allow the provision of non-renewable resources, it did confirm that changes in material factual circumstances such as climate change and the availability of back up generation for the grid, are sufficient to support the timeliness of a Petition for Modification filed more than a year after the decision.

⁹ CPUC Decision D.22-03-006, In the Matter of the Application of Southern California Gas Company (U904G) to Establish a Distributed Energy Resources Services Tariff, pp. 1-2.

¹⁰ *Id.* at p. 6.

¹¹ *Id.* at p. 7.

¹² *Id.* at p.7.

The changed circumstances that support Norco’s petition, like the large utilities’ references to climate change and electric market changes, are based upon an array of facts demonstrating that over the last two years there has been a dramatic increase in the wildfire risk facing the communities along the RTRP route. Most notable is the 267% increase in wildland fires within the City of Norco since March 12, 2021.¹³ This increase in wildland fires occurred after the 12 month deadline for the filing of a Petition for Modification under Rule 16.4.

Norco presents evidence of these changed circumstances in the form of Declarations under penalty of perjury from recognized experts in firefighting, who are both familiar with the terrain along the RTRP route.¹⁴ One is the current Fire Chief of Riverside County, William Weiser, and the other is a two-time former Fire Chief of the City of Norco, Peter M. Bryan. With the establishment of the changed circumstances regarding increased fire risk arising more than a year after the issuance of the Decision, Norco has met the standard to justify the timeliness of its Petition for Modification.

Norco knows that the Commission places a very high priority on the prevention of the ignition and spread of wildfires, particularly when utility infrastructure is involved.¹⁵ In this instance, Norco urges the Commission to recognize that the recent factual changes that have

¹³ Bryan Decl. at 4:40-5:4.

¹⁴ Rule 16.4(b) of the Commission’s Rules of Practice and Procedure states, “Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.” Norco has complied with this requirement by submitting Declarations under penalty of perjury from two expert witnesses, with accompanying exhibits.

¹⁵ CPUC Rulemaking 18-10-007, Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018) (establishing the requirement for all electric utilities to prepare Wildfire Mitigation Plans); CPUC Safety and Enforcement Division Incident Investigation Report E20181108-01 (concluding that PG&E transmission lines started the Camp Fire); *The People of the State of California v. Pacific Gas and Electric Company*, CV22-00061 (Plumas Co. Sup. Ct.) (settlement agreement that PG&E entered into with several Northern California District Attorney offices regarding its role in the Dixie Fire); CPUC Rulemaking 18-12-005, Order Instituting Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions (adopting rules and guidelines for de-energization of electric facilities to mitigate wildfire risk.)

heightened the wildfire risk in the area of the overhead portion of the RTRP are not merely material changes in facts; they represent a critical change in the environment that has greatly accelerated in the last two years compared to the circumstances in place when the CPUC finalized the 2018 SEIR and issued the 2020 CPCN decision. Thus, these changed conditions warrant a determination that Norco’s Petition for Modification is timely, which, in turn, will permit the Commission to reconsider the full underground alternative for the RTRP.

IV. NEW FACTUAL CONDITIONS INCREASING WILDFIRE RISK WARRANT REOPENING D.20-03-001

At the time the EIR was certified in 2013, it is believed that the largest wildfire in the history of California was likely the Santiago Canyon Fire of 1889.¹⁶ The years since the EIR was certified have seen a monumental increase in wildfire hazards statewide, leading to seven fires larger than the Santiago Canyon Fire in just the last five years, and the deadliest and most destructive wildfire in state history—the 2018 Camp fire.¹⁷ Many of the wildfires that have occurred in recent years have been caused by distribution or transmission lines, including both the Camp fire¹⁸ and the largest single (non-complex) wildfire in California history – the 2021

¹⁶ Western Fire Chiefs Association, *History of California Wildfires*, Nov. 17, 2022. The earliest known wildfire in California history was the Santiago Canyon Fire of 1889. It burned around 300,000 acres in parts of Orange County, San Diego County, and Riverside County (available at <https://wfca.com/articles/history-of-california-wildfires/>).

¹⁷ Nicas, Jack and Thomas Fuller, *Wildfire Becomes Deadliest in California History*, The New York Times (Nov. 12, 2018) (available at <https://www.nytimes.com/2018/11/12/us/california-fires-camp-fire.html>); Penn, Ivan, *PG&E agrees to pay \$55 million in penalties and costs over two wildfires*, The New York Times (Apr. 11, 2022) (available at <https://www.nytimes.com/2022/04/11/business/energy-environment/pge-wildfire-settlement.html>); CPUC, SED Staff Wildfire Investigations: Wildfire Incident Reports and Staff Investigation Reports (available at <https://www.cpuc.ca.gov/industries-and-topics/wildfires/wildfires-staff-investigations>).

¹⁸ See SED Incident Investigation Report for 2018 Camp Fire with Attachments, pp. 1-2 (“CalFire determined that the fire was caused by electric transmission lines owned and operated by Pacific Gas & Electric Company (PG&E) near the Pulga area....The resulting Camp Fire burned approximately 153,336 acres, destroying 18,804 structures and resulting in 85 fatalities.”)

Dixie fire.¹⁹ In addition, the Commission’s own Safety and Enforcement Division (SED) has investigated a large number of fires related to utility transmission infrastructure.²⁰ Initial video footage of the 2023 Lahaina fire in Hawaii, one of the deadliest in United States history, also shows arcing overhead wires early on in the fire’s development.²¹

The significant increase in wildland fire risk is also starkly visible when looking at the longer-term picture. When the EIR was certified in 2013, the then-current five-year average of annual area burned in the state at that time was 449,178 acres.²² There has been a nearly 500% increase in that figure, with the five-year average at 2,132,516 acres as of the end of 2021.²³ This increased risk is reflected in conditions in and around the location where the RTRP is to be located. And it is reflected in recent regulatory requirements for more robust wildfire analysis in CEQA documents than was conducted for the RTRP in either the 2013 EIR or 2018 SEIR.²⁴ The CEQA Guidelines require an analysis of wildfire hazards caused by projects “located in or near”

¹⁹ *The People of the State of California v. Pacific Gas and Electric Company*, CV22-00061 (Plumas Co. Sup. Ct. 2022) at ¶ 6 (“The Dixie Fire (the ‘Dixie Fire’) started in Plumas County on July 13, 2021. The Dixie Fire was ignited after a tree fell onto the Bucks Creek 1101 12kV Overhead Distribution Line, which was owned and operated by PG&E. The tree falling was a Douglas Fir that was approximately 40 feet from the line.”)

²⁰ Bryan Decl. at p. 9:11-14; CPUC, SED Staff Wildfire Investigations: Wildfire Incident Reports and Staff Investigation Reports (available at <https://www.cpuc.ca.gov/industries-and-topics/wildfires/wildfires-staff-investigations>).

²¹ Biesecker, Michael, Bernard Condon and Jennifer McDermott, *Videos put scrutiny on downed power lines as possible cause of deadly Maui wildfires*, AP News (Aug. 16, 2023) (showing Lahaina fire igniting from arcing and dangling power lines) (available at <https://apnews.com/article/hawaii-wildfires-maui-electricity-power-utilities-c46a106db3c5019ac835ddeb01fde25f>).

²² 2013 Wildfire Activity Statistics, Cal Fire, p. 1 (available at https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/2013_redbook_final.pdf?rev=1117378e6a2e48e98a2b3cd66760fbd9&hash=F95975A7A7E87A2F1DA257B2B3207D13).

²³ 2021 Wildfire Activity Statistics, Cal Fire, p.1. (available at https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/2021_redbook_final.pdf?rev=525959073bbe4bbe816d67624911e4c3&hash=CFD17F879B2CE984AB5BA9FEA4F73A56).

²⁴ Bryan Decl. at p. 10:31-38.

areas of heightened fire risk, which would include the Project here.²⁵ As explained below, neither the 2013 EIR nor the 2018 SEIR conducted an adequate analysis of wildfire hazards related to the RTRP.

A. WILDFIRE RISKS HAVE SIGNIFICANTLY INCREASED IN THE LOCATION WHERE THE RTRP IS TO BE LOCATED.

Wildfire risk in the area of the overhead portion of the RTRP has significantly increased since the 2013 EIR analysis, and increased further following D.20-03-001.²⁶ As discussed in the Declarations submitted in support of this Petition, increased fuel sources, increased residential development, and an increased number of fire incidents in the area have all contributed to changed circumstances requiring reconsideration of D.20-03-001.

1. INCREASED FUEL SOURCES IN THE VICINITY OF THE RTRP HAVE INCREASED FIRE RISK AND MADE TERRAIN LESS ACCESSIBLE FOR FIREFIGHTING.

As stated in the Bryan Declaration, the City of Norco is approximately 14 square miles and contains commercial and residential areas among hazardous landscapes such as Chaparral river watershed, which contain fire-prone weeds such as tumbleweeds.²⁷ Chaparral is California's most distinctive habitat, characterized by both drought-tolerant vegetation and dead brush such as tumbleweeds, that extends from the coastline to the foothills and interior mountain slopes. River watershed also contains a vast amount of Arundo habitat. Arundo is a heavy water using, invasive species in the grass family that can grow four inches per day, reaching a mature height of 25 feet in approximately 12 months. Arundo can choke out other vegetation, and provides a considerable amount of fuel for fires. Similar vegetation is found throughout the other

²⁵ CEQA Guidelines, Appendix G, § XX.

²⁶ Bryan Decl. at p. 4:40-5:4.

²⁷ *Id.* at p. 3:3-5.

communities where the overhead portion of the RTRP is located, including the unincorporated area of Riverside County north of the City of Norco and the City of Riverside.²⁸

The fuel loading in the Santa Ana River Basin has almost tripled because of the Arundo infestation. The contrast in the aerial photographs in Attachment B of the Bryan Declaration clearly shows that from 2014 to the present, the vegetation along the riverbed has become far more dense, greatly increasing the fuel load for a wildfire.²⁹ Another hazardous plant type is the “Tumbleweed,” brownish, dead plants often formed from “Russian thistle” when the plant dies and breaks off from its stem base. Tumbleweeds move with the wind and can pile up to very high depths along the Santa Ana River, hillsides, and streets.³⁰

Bryan notes that a significant amount of fire loading and hazardous vegetation fuels are present in the City of Norco and the surrounding communities to the east along the proposed overhead RTRP route, including Chaparral, Arundo and the seasonal Tumbleweeds.³¹ These fuels are immediately adjacent to residential and commercial business areas.³² The 2014-2023 comparison photographs also show that housing developments have now been built much closer to the riverbed and the corridor of dense vegetation.³³

The enormous amount of flammable vegetation in the Santa Ana River open space area becomes clear in the photographs contained in Attachment E to the Bryan Declaration. Taken at a location (Location 1) very close to where the overhead RTRP transmission lines will cross the Santa Ana River, and at a second location slightly downstream and nearer to the main residential

²⁸ *Id.* at p. 3:5-13.

²⁹ *Id.* at p. 3:13-17; and at Attachment B.

³⁰ *Id.* at p. 3:17-20.

³¹ *Id.* at p. 3:20-24.

³² Bryan Decl. at Attachment E (First photo from Location 2.)

³³ Bryan Decl. at Attachment B (Comparison photos 1, 2, 3, and 6.)

areas of Norco (Location 2), the photos show dense, almost impenetrable thickets of Chaparral, Arundo, and Tumbleweeds, combined with expanses of other weeds and grasses.

Norco and the surrounding communities to the east are directly in the path and flow of the hazardous Santa Ana Winds, very hot, low humidity, downslope air currents originating in California inland areas and flowing to the ocean.³⁴ They develop annually from September until spring, but can also develop when the inland areas have cool-cold temperatures and high-pressure builds causing the cold, upper altitude air to sink. Santa Ana Winds can develop sustained wind speeds of 70–90 mph with gusts up to 150 mph bringing temperatures of 90–110 degrees and humidity of 5–10% Relative Humidity. When the Santa Ana Winds develop, fires are often unstoppable until the weather conditions relax.³⁵

The terrain in Norco ranges from the densely vegetated, fairly flat Santa Ana River areas to steep hillsides in the Norco Hills. The proposed overhead portion of the RTRP crosses both topographic areas. The river watershed areas are very difficult to access for firefighting due to the density and height of the Arundo (up to 25 feet). The hillsides are also covered in hazardous vegetation and are difficult to climb carrying firefighting tools and hose.³⁶ The areas in the unincorporated area of Riverside County north of the City of Norco, including the Hidden Valley Wilderness Area and the City of Riverside, have similar hazardous vegetation including grasses, seasonal tumbleweeds, and Arundo which make access for firefighting and rescue difficult.³⁷

As demonstrated by the fire incident statistics discussed below in Section III.A.3, the wildfire risk in the City of Norco continues to increase rapidly due to the difficulty and inability

³⁴ *Id.* at p. 3:26-29.

³⁵ *Id.* at p. 3:29-34.

³⁶ *Id.* at p. 3:36-40.

³⁷ *Id.* at Attachment E

to reduce the hazardous vegetation in the Santa Ana River watershed area.³⁸ As the photographs in Attachment E depict, the fuel load in the riverbed area adjacent to the overhead RTRP route has become heavily overgrown in recent years. There have been some efforts to cut back the vegetation in past years, but to no lasting effect. Arundo regrows at a rapid pace, rendering past efforts to reduce fuel ineffectual.³⁹ In addition, the Santa Ana River corridor includes multiple parks and protected areas, where aggressive vegetation management would be difficult, if not impossible. These include the Hidden Valley Wildlife Area, the River Trails Park, Savi Ranch Park, the Santa Ana River Wildlife Area, and other parcels with conservation easements managed by the Western Riverside Conservation Authority.⁴⁰

2. INCREASED DEVELOPMENT HAS PUT A LARGER POPULATION AT GREATER RISK OF WILDFIRE.

The City of Norco continues to change as well, including more residential construction in the vicinity of the proposed overhead portion of the RTRP and hillside areas adjacent to the route. This development is consistent with the general expansion of residential development throughout the Wildland/Urban Interface throughout California. SCE stated in its 2023-2025 Wildfire Mitigation Plan that 33.8% of its customers reside within the Wildland/Urban Interface.⁴¹ Norco has seen the construction of 159 new homes within the City since the 2013 EIR was issued.⁴² Much of this expansion of residential and animal-keeping structures is directly in the path of the Santa Ana Winds should a fire occur in the riverbed or along the

³⁸ *Id.* at p. 6:7-10.

³⁹ *Id.* at p. 6:10-12.

⁴⁰ Maps depicting the areas managed by these authorities can be found at <https://congis.maps.arcgis.com/apps/webappviewer/index.html?id=fa7c746a6eaa4cc881135f8eda085290>; <https://rivcoparks.org/open-space-areas-and-reserves/hidden-valley-wildlife-area> and <https://wrcrca.maps.arcgis.com/apps/webappviewer/index.html?id=2b9d4520bd5f4d35add35fb58808c1b7>.

⁴¹ SCE 2023-2025 Wildfire Mitigation Plan, Table SCE-5-01, p. 69.

⁴² Bryan Decl. at p. 5:32-37.

adjacent overhead transmission line right of way, thus threatening people, livestock, and buildings.

Streets in the area of the proposed overhead portion of the RTRP are spaced farther apart than in most southern California municipalities due to the minimum lot sizing of one-half acre for equestrian and animal keeping purposes, which makes access to the areas underneath the proposed overhead transmission line more difficult in fire conditions.⁴³ The smaller number of streets, and their often narrow widths, make it difficult in Santa Ana Wind-blown fire conditions for firefighters to see the roadways and evacuate people and animals in vehicle-pulled trailers at the same time emergency personnel are responding into the areas. The Santa Ana River itself prevents egress and evacuation north from the residential areas of Norco, which causes both evacuations and first responder ingress for emergency response to use the same limited number of streets.⁴⁴

3. INCREASED FIRE INCIDENTS IN THE AREA ARE EVIDENCE OF CHANGED CIRCUMSTANCES RELATED TO WILDFIRE RISK.

In line with the history of wildfire incidents in the State of California overall as discussed above, the City of Norco and the nearby California inland areas have a long history of wildfire incidents, including the area through which the proposed RTRP is to be built. Norco has been served by the Riverside County Fire Department/California Department of Forestry and Fire Protection (CAL FIRE) since 2012. Recent wildfire/vegetation fire statistics in the watershed and hillside areas demonstrate the severity of the wildfire risk. The City's fire incident statistics show that within the City of Norco alone, there were 39 wildland fire incidents during the period

⁴³ *Id.* at p. 5, Section 16 and Attachment C. As explained by Mr. Bryan, 24 foot wide streets are not readily able to allow fire trucks and other emergency vehicles to reach these neighborhoods while residents are trying to move large trucks with horse trailers in the opposite direction.

⁴⁴ *Ibid.*

from January 1, 2018 to December 31, 2022, with an annual increase in wildfire incidents of 267% in the last 20 months of that period.⁴⁵

The City of Riverside Fire Department also provided statistics on fires within the Santa Ana River watershed and the nearby open space areas between 2018 and June 2023. The department reported 501 vegetation fires.⁴⁶ First Street Foundation, a non-profit entity which researches the impacts of climate change, has issued a report stating that Riverside County is the now nation's top spot for wildfire risk.⁴⁷ Taken together these statistics demonstrate that the area in and adjacent to the RTRP overhead transmission route is highly vulnerable to wildfires.

4. INCREASED USE OF AERIAL FIRE FIGHTING TO COMBAT THE RAPID SPREAD OF WILDLAND FIRES MAKES IT ESSENTIAL TO AVOID PLACEMENT OF HIGH VOLTAGE TRANSMISSION LINES IN HIGH FIRE RISK AREAS

Wildland firefighting in the area adjacent to the Santa Ana River and the overhead RTRP route must be quick and aggressive if a Fire Department is to be successful in defending such areas from a wildfire that could spread due to the Santa Ana Winds' dangerous conditions. Because of the difficulty of access into these wildland areas full of hazardous vegetation, aerial attack aircraft are being utilized more frequently to control the spread of fires before they threaten people, livestock, homes, and businesses.⁴⁸ Cal Fire has published statistics showing that the volume of water and retardant dropped on fires has grown substantially in the last few

⁴⁵ *Id.* at pp. 4:34-5:4.

⁴⁶ *Id.* at p. 5:6-11. In addition, Riverside County reported 598 rubbish fires (likely associated with homeless activity), and 262 fires related to unauthorized burning in the open space areas during the same period of time. These fires obviously have the potential to increase in size and spread to neighboring communities.

⁴⁷ Appendix E, *Southern California tops wildfire risk ratings*, September 26, 2023, Associated Press and Riverside Press Enterprise.

⁴⁸ *Id.* at p. 6:14-20.

years.⁴⁹ Utilizing either helicopters or fixed wing aircraft to fight wildland fires involves inherent risk when the visibility in the airspace over the fire is impacted by smoke and high winds. Overhead high voltage transmission lines can have a tremendous impact in restricting aerial attack flight routes when both high winds and significant smoke from a wildfire are present.⁵⁰ An example of these conditions can be seen in the screenshot in Attachment F to the Declaration of Peter M. Bryan.

Notably, both of the firefighting experts whose Declarations support this Petition, Chief Weiser and former Chief Bryan, pointed to the obstacles to aerial firefighting caused by high voltage transmission towers as a significant consideration.⁵¹ As the fire risk continues to increase in the Santa Ana River area to be traversed by the overhead RTRP line, aerial firefighting will also continue to become more necessary, and more utilized, in order to reach fires that begin in or spread to the difficult-to-access riverbed areas with heavy fuel loads. Under these changed circumstances, the cursory analysis of the EIR and the SEIR, which focused only on construction fire ignition risks and failed to address impacts on aerial firefighting, cannot be relied upon by the Commission to approve construction of the RTRP as currently designed.

5. FIRE MAPPING OF BOTH CAL FIRE AND THE COMMISSION RECOGNIZE THE PROJECT AREA AS BEING ONE OF INCREASED FIRE-RISK

CalFire regularly publishes fire hazard severity zone (“FHSZ”) maps.⁵² The maps are periodically reviewed and revised by the agency to reflect on-the-ground changes.⁵³ In addition,

⁴⁹ These statistics are available at <https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/images---misc/rotary-wing-number-of-victims-rescued---2022/retardant-and-water-usage---2022.jpg?rev=0a341baf54dc4ba3afdd5d2d44dbb808&hash=66C3A56B27E856E35F15A6096D99BC5A>.

⁵⁰ Bryan Decl. at p. 6:22-24.

⁵¹ Attachment B, Declaration of William Weiser (“Weiser Decl.”), at p. 1; Bryan Decl. at p. 6:22-35.

⁵² Pub. Resources Code §§ 4201-4204.

⁵³ Pub. Resources Code § 4204.

the Very High Fire Hazard Severity Zone (“VHFHSZ”) area, High area, and Moderate area are expected to increase in size as the communities develop and housing expands into those areas. The City of Norco, and most local agencies, will play an integral part in updating the fire hazard mapping for those areas now that CalFire has completed the update to the state map. Norco expects that the fire hazard zones in the area of the Santa Ana River along the RTRP route will be expanded or upgraded to a VHFHSZ. The State map dated June 15, 2023 indicates a total statewide area of VHFHSZ of 16,920,753 acres; this is an increase from the previous map dated 2007, which showed 12,515,693 acres; a 35% increase. Riverside County had 533,507 acres of VHFHSZ in 2022 and that size is likely to increase significantly with the new mapping to be undertaken by local governments.⁵⁴

Under the current maps, the area immediately south of where the Project proposes to pass through the City of Norco is designated as a VHFHSZ – the highest threat level designation. A fire started at or around the Project in this area could easily jump to the VHFHSZ, rapidly spreading to areas adjacent to hundreds of thousands of residents. This in turn would trigger mass evacuations, and likely lead to immense property damage within those adjacent mostly residential communities.⁵⁵

The Commission has also itself published High Fire Threat District Map identifying areas where siting of overhead power lines would pose wildfire-related hazards. Tier 2 on the map represents areas where there is an elevated risk (including likelihood and potential impacts on people and property) from wildfires associated specifically with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities.

⁵⁴ Bryan Decl. at p. 4:3-16.

⁵⁵ Bryan Decl. at Attachment D (Fire zones depicted in Map.)

One such area of Tier 2 risk recognized by the Commission is the undeveloped area south of the Santa Ana River Parkway, within the City of Riverside.⁵⁶ The area is dominated by grass and shrub vegetation which has become heavily overgrown with vegetation that, for a substantial portion of the year, is largely dead and extremely dry.⁵⁷ The Tier 2 area extends to, and covers, the aforementioned VHFHSZ area within and adjacent to Norco (as well as Corona and Riverside).

The proposed Project does not merely pass near to the Tier 2 area. It will pass directly through it, for a distance of approximately 2.5 miles. As with hazards associated with the VHFHSZ, a fire event occurring in the Tier 2 area could rapidly spread throughout this region. Further, as the Project is proposed deep within this undeveloped land where there are few access points,⁵⁸ there is a good chance that a fire could take hold and begin to spread over substantial acreage before it was noticed and reported to fire authorities. Response to the fire might also be delayed due to the lack of paved roads and water supplies (e.g., fire hydrants) in this area.⁵⁹

And as with the VHFHSZ, the Tier 2 area extends all the way up to adjacent recently developed areas containing a significant number of communities and residents. This means that a fire here could easily burn up to, and potentially into, those developments, causing extensive damage. The RTRP also enters a third enhanced fire risk zone defined by CalFire as it approaches its terminus near the Riverside Airport, an SRA Zone, designated Moderate Fire Risk.⁶⁰

⁵⁶ *Ibid.*

⁵⁷ Bryan Decl. at Attachment E (Depicting photographs of the riverbed area.)

⁵⁸ Bryan Decl. at p. 3:36-44.

⁵⁹ *Ibid.*, Petition Attachment D, Figure 4.1-19, 2018 SEIR at p. 4.1-41. This is a photo simulation prepared for the SEIR showing transmission lines over the Santa Ana River crossing area with dense vegetation.

⁶⁰ Bryan Decl. at Attachment D.

As evidenced by the fire hazard area maps, the Project is proposed in an area of significant fire danger. Given the catastrophic consequences of power line-caused wildfires in recent years, introducing a new transmission line to such an area should only be done with a thorough evaluation of Project impacts that would aggravate fire hazards, and a balancing of those hazards against the potential benefits and impacts of Alternative 8 which would almost completely eliminate the risk of wildfire ignition from the transmission line⁶¹ and would eliminate interference with firefighting aircraft entirely.

B. REGULATORY REQUIREMENTS FOR ANALYSIS OF WILDFIRE RISK HAVE BEEN UPDATED TO REFLECT THE INCREASED RISKS FROM WILDFIRE.

In 2022, the California Attorney General’s office published guidance on analyzing and mitigating wildfire impacts under CEQA (“AG Guidance”).⁶² The AG Guidance is designed to help lead agencies comply with CEQA’s current requirement to evaluate environmental impacts related to wildfire hazards.⁶³ The guidance document repeatedly and forcefully acknowledges that the fire conditions are not what they were a decade ago:

Although wildfires are and have been an important natural process throughout California’s history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years and eight of the State’s ten largest fires since 1932 have occurred in the last decade. While lightning is a common cause of some of the State’s largest fires, **in recent years, many of the State’s most destructive fires have been caused by**

⁶¹ A review of the impacts of Alternative 8 would have to involve appropriate mitigation to reduce ignition risk during the construction of the underground transmission line.

⁶² Bryan Decl. at Attachment G; see also: <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>.

⁶³ Cognizant of the significant increases in wildfire hazards in recent years, the CEQA Guidelines were recently amended, in part to add an entire section addressing wildfire impacts to the environmental checklist. As they currently exists, the CEQA Guidelines now require an analysis of wildfire hazards caused by projects “located in or near” areas of heightened fire risk, which would include the Project here. CEQA Guidelines, Appendix G § XX.

human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.⁶⁴

The AG Guidance also acknowledges the “dramatic, adverse ecological impacts” that wildfires cause to biological resources in myriad ways, as well as adverse impacts on erosion and water quality.⁶⁵ And there are the obvious and devastating impacts to the people of California, particularly for lower-income households.⁶⁶ As such, in areas of elevated fire risk, “but also throughout the wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.”

Further, the Attorney General correctly notes that “[f]ire spread and structure loss is more likely to occur in low- to intermediate-density development,” which describes those communities that surround the RTRP line.⁶⁷ These hazards are particularly significant where such development exists within the wildland-urban interface, which includes much of the area surrounding the RTRP line.⁶⁸

Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.” Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.⁶⁹

As the AG Guidance discusses, CEQA and the CEQA Guidelines as updated in 2018 require a project to evaluate impacts related to wildland fires, “including both on- and off-site impacts.”⁷⁰ One of the most important variables to be considered in that analysis is the Project location in the landscape.⁷¹

⁶⁴ AG Guidance, pp. 2-3 (footnotes omitted, emphasis added).

⁶⁵ *Id.* at p. 3.

⁶⁶ *Ibid.*

⁶⁷ *Id.* at p. 7.

⁶⁸ *Id.* at p. 4.

⁶⁹ AG Guidance at p. 8 (footnotes omitted, quoting Max A. Moritz, et al., Learning to Coexist with Wildfire (2014) NATURE 515 (7525), at p. 64).

⁷⁰ AG Guidance at p. 7 (footnote omitted.)

⁷¹ *Id.* at p. 8.

Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk. **For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition.**⁷²

The bolded passage describing a hypothetical high-risk scenario is identical to the RTRP line, which is proposed as an above-ground power line located in a notorious wind corridor, that further travels through undeveloped areas in close proximity to residences.

To address these risks, the Attorney General extensively describes how environmental review of wildfire hazards under the current law should be approached:

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread. Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project's impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.⁷³

⁷² AG Guidance at p. 8 (footnote omitted, emphasis added).

⁷³ *Id.* at p. 9.

No such analysis was done in the EIR or SEIR here. There was no qualitative assessment of how the project would exacerbate wildfire risks, no modeling of any sort employed, no threshold of significance utilized to guide that analysis, and no conclusion about what the wildfire-related impact of the project would be, let alone substantial evidence to support such a conclusion.

The AG Guidance also discusses impacts on evacuation and emergency access as an independent analysis, and the particular need for modeling to assess those risks.⁷⁴ When a project has the potential to increase ignition risks it is particularly important that environmental review examine the ability of nearby residents to safely and effectively evacuate in the event of such ignition. This is especially true in areas where the ignition hazards are introduced in remote areas where a rapidly-spreading fire may not be immediately observed, and that firefighters may have difficulty accessing.

Specifically, the guidance details what evacuation modeling and analysis to address these concerns should contain, including:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.⁷⁵

The AG Guidance also notes that there are now many existing resources available to agencies to undertake such analysis. However, it also notes that agencies should “[c]onsult with

⁷⁴ *Id.* at p. 10.

⁷⁵ *Id.* at p. 10.

local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts.”⁷⁶

Consideration of evacuation options and access for first responders is clearly something that should have been done before permitting the overhead portions of the RTRP. As explained in the Declaration of Peter M. Bryan and discussed above in Section IV.A.2., access to the areas underneath or adjacent to the proposed overhead transmission line are more limited and difficult in fire conditions due to the lack of access from across the river, the smaller number of streets, and their often narrow widths, which also make it difficult in Santa Ana wind-blown fire conditions for firefighters to visually see the roadways and evacuate people and animals in vehicle-towed trailers at the same time emergency personnel are responding into the areas.⁷⁷ The Commission should remedy such an omission by reconsidering Alternative 8.

Lastly, the AG Guidance addresses mitigation for wildfire hazards.⁷⁸ When impacts are potentially significant under CEQA, a project is required to incorporate all feasible mitigation to ensure the impacts remain at a less-than-significant level.⁷⁹ Among those measures identified by the Attorney General is precisely the one requested here: “[u]ndergrounding power lines.”⁸⁰

This recent action by the state’s highest enforcement authority is yet further evidence of the significant increase in wildfire hazards in recent years and the high priority that the State places on avoiding wildfire risks through careful environmental review and full consideration of undergrounding options.

⁷⁶ *Id.* at p. 11.

⁷⁷ Bryan Decl. at p. 5:18-28.

⁷⁸ AG Guidance at pp. 12-14.

⁷⁹ Pub. Resources Code § 21002

⁸⁰ AG Guidance at p. 13.

V. **THE INCREASED WILDFIRE RISK AND FAILURE TO CONDUCT MEANINGFUL ANALYSIS OF THAT RISK REQUIRE THAT THE RTRP PROCEEDING SHOULD BE REOPENED TO PROPERLY ASSESS SIGNIFICANT IMPACTS RELATED TO WILDFIRE RISK FROM THE PROJECT AS APPROVED**

A. **THE MITIGATION MEASURES ADOPTED IN THE EIR AND SEIR ARE INADEQUATE TO EFFECTIVELY REDUCE INCREASED WILDFIRE RISK**

The 2013 EIR did not effectively evaluate potential wildfire impacts of the Project's operations, and only referenced a potential for "equipment- or arson-related" fires falling within the jurisdiction of local fire departments to fight.⁸¹ To that end, it required a fire prevention and management plan to be prepared to address *construction*-related fire risks such as "accidental ignition of combustible petroleum products or other flammable chemicals."⁸² But this limited mitigation measure quite clearly does not address the full set of wildfire hazards to stem from the Project—including (1) the risk of ignition from transmission lines during extreme Santa Ana Wind conditions, (2) the difficulty of fighting a wildfire and rescuing residents in or near the Santa Ana River open space area, and (3) interference of transmission lines with firefighting helicopters and fixed-wing aircraft.

The 2013 EIR also underestimated the risk of ignition from an energized transmission line "if tree limbs or structures were to interface with a live phase conductor" by suggesting that the line clearance standards in General Order 95 and Public Resources Code Section 4293 would reduce such risks.⁸³ However, as explained in the Bryan Declaration:

[N]either General Order No. 95 nor Public Resources Code section 4293 provide sufficient protections to effectively reduce fire risk along the RTRP overhead route. General Order 95 requires inspections, but it does not otherwise mandate significant fire prevention activities. GO 95 does require that utilities correct risks/violations related to transmission and distribution construction within 6 -12

⁸¹ 2013 EIR at p. 3-197.

⁸² 2013 EIR at pp. 3-205 (MM HAZ-03), 3-207.

⁸³ 2013 EIR at p. 3-214

months if the location is within a Tier 2 or Tier 3 High Fire Threat District. And both GO 95 and Public Resources Code Section 4293 require minimum clearances of between 4 to 10 feet between transmission line conductors and nearby vegetation. However, those clearance mandates have been in place for many years, and have not had the effect of preventing wildfires caused by transmission and distribution lines. Moreover, the mandated clearances are only a few feet, and such distances are essentially meaningless in a hot, dry, windy Santa Ana event, when vegetation along the overhead RTRP route can be blown hundreds of feet and could readily contact an electrified conductor.⁸⁴

The SEIR repeated and relied upon the EIR’s adoption of inadequate mitigation for wildfire hazards. While acknowledging that the RTRP did traverse a Tier 2 High Fire Threat District in the Hidden Valley Wildlife Preserve,⁸⁵ and conceding that ignition from construction activities “could escape initial attack containment and become a catastrophic fire,”⁸⁶ the SEIR relied upon the same inadequate mitigation measures to address these risks, specifically Mitigation Measure MM HAZ-03. However, this mitigation measure is focused only on minimizing ignition threats from construction activity, which is insufficient to counteract wildfire risk from the continued operation of the RTRP.⁸⁷ Simply training construction workers to reduce the idling time of their equipment and to carefully put out cigarettes is not sufficient to address the increasing level of wildfire risk in the Project area.

B. THE SEIR CONSISTENTLY UNDERESTIMATED WILDFIRE RISK

The SEIR also downplayed the risk of transmission-related fires, stating, “[f]ires caused by power lines are also a significant potential accident, but because higher voltage transmission line conductors are spaced far apart, fires started by contact with fallen or windblown tree limbs and debris, or from arcing, are rare.... The risk of fire hazards, including the risk of wildfire,

⁸⁴ Bryan Decl. at p. 8:13-25.

⁸⁵ 2018 SEIR, Appendix M3.1 at p. M-3.1-15.

⁸⁶ *Id.* at p. M-3.1-13

⁸⁷ Bryan Decl. at p.10:2-6.

were addressed in the 2013 RTRP EIR.”⁸⁸ However, contrary to this assertion in the SEIR, the 2013 EIR did *not* properly consider or mitigate fire risk other than the risk of ignition from construction activity, and clearly did not consider the increased fire risks due to the changed circumstances now present along the overhead RTRP route. The SEIR thus relied on a limited assessment of construction-related fire risk to dismiss the potential for all impacts from wildfires during the operation of the RTRP.⁸⁹ In addition, neither the EIR nor the SEIR addressed the fact that overhead lines would inhibit aerial firefighting aircraft attempting to attack wildfires, nor does the SEIR have adequate support for the conclusion that transmission lines represent a rare risk of ignition. Overhead transmission lines can cause ignition of wildfires if vegetation is blown into the lines in hot, dry, windy conditions. In fact, multiple major fires have been caused by transmission-related ignition.⁹⁰ The Santa Ana Winds found in this area have been implicated in some of the deadliest and most destructive wildfires, as they can rapidly spread and ratchet up the severity of a fire.⁹¹

The SEIR also mistakenly claimed that the fuel load in the Santa Ana riverbed open space was not a problem, claiming, “[v]egetation conditions along the south side of the Santa Ana River have not substantially changed since the 2013 RTRP EIR was certified.”⁹² However, as the Bryan Declaration makes clear, it is incorrect to state that fuel loads have not increased in the area of the overhead portion of the RTRP. The photographic evidence in Attachment B shows a dramatic increase in fuel loads since 2014. Attachment E also documents the extremely

⁸⁸ 2018 SEIR at p. 7-4.

⁸⁹ Bryan Decl. at 9:7-20.

⁹⁰ *Ibid.* The Safety and Enforcement Division has investigated an extensive list of fires involving utility transmission and distribution facilities. See <https://www.cpuc.ca.gov/industries-and-topics/wildfires/wildfires-staff-investigations>.

⁹¹ *Id.* at p. 3:26-34.

⁹² 2018 SEIR, Appendix M 3.3, at p. M-3.3-107.

dense concentration of flammable vegetation in the Santa Ana riverbed. Nor does the SEIR account for the fact that additional housing has been built closer to the high fuel load areas within the high fire threat areas along the overhead RTRP route.⁹³

The 2018 SEIR was repeatedly dismissive of wildfire risks. Its sole reference to operational fire hazards only evaluates the potential for a transmission structure to be “blown over” and concludes that the risk of a wildfire would be low because “the protection system of the line would shut off power flow in a fraction of a second.”⁹⁴ But again, recent years have seen that such automatic shutoff mechanisms have not prevented wildfire ignitions. In 2020 alone, there were no fewer than six wildfires ignited by power lines.⁹⁵

Today it would be unthinkable for an above-ground transmission line project, proposed through a wildlife area containing a heavy fuel load of flammable vegetation and an elevated fire risk, to not carefully consider operational wildfire hazards during its CEQA review. And yet this Project is poised to proceed, undeterred and unchanged by the extreme fire hazards that have arisen since its initial flawed design.

The failure of the EIR and the SEIR to properly evaluate wildfire impacts was carried through to the Decision which issued a CPCN for the Project. Though the Commission rejected the City of Jurupa Valley’s argument that fire hazards *rendered the Project infeasible*, the Decision noted that “no party challenges the findings made in the SEIR or that it was prepared in

⁹³ Bryan Decl. at p.10:15-21.

⁹⁴ 2018 SEIR at p. 4.7-24.

⁹⁵ See <https://www.cpuc.ca.gov/industries-and-topics/wildfires/wildfires-staff-investigations>. PG&E facilities stated the 2019 Kincade Fire and the 2021 Dixie Fire, and likely caused the 2020 Zogg Fire and the 2022 Mosquito Fire.

compliance with CEQA.”⁹⁶ It further stated that, “the EIR and the SEIR both conclude that fire-related impacts from the RTRP would be less than significant.”⁹⁷

Such a conclusion is not supportable when neither the EIR nor the SEIR meaningfully addressed the potential for wildfires to result from the operation of the 230 kV line. Nor did either document discuss the fact that overhead lines would inhibit aerial firefighting aircraft attempting to attack wildfires.⁹⁸ As a consequence of these shortcomings, the Commission did not discuss undergrounding of the entire project in its Decision, even though the line was proposed to be constructed through areas of heightened wildfire risk.

In light of the undeniable facts regarding current wildfire risks, the Commission’s consideration of the Project as framed and limited by the 2018 SEIR was clearly inadequate. A comprehensive evaluation of wildfire risks of the Project is required, as is an evaluation of strategies such as undergrounding that can mitigate those impacts.

VI. THE EIR AND SEIR CONTAIN FACTUAL ERRORS THAT RESULTED IN THE IMPROPER REJECTION OF ALTERNATIVE 8 DURING THE SCOPING PROCESS

The 2013 EIR briefly addressed undergrounding of the transmission lines, though its discussion is now quite dated:

Undergrounding electric lines is a relatively new technology. Overhead lines have been constructed to transmit and distribute electricity since commercial use of electricity became commonplace, and this is the commonly accepted technology in all developed and developing countries.⁹⁹

And though it continued on to discuss various topics related to undergrounding, there was no mention of wildfire hazards that undergrounding would avoid.

⁹⁶ Decision at p. 19.

⁹⁷ *Ibid.*

⁹⁸ Bryan Decl. at p. 9:10-14.

⁹⁹ 2013 EIR at p. 6-32.

During the scoping process of the 2018 SEIR, the public suggested undergrounding the entirety of the 230 kV transmission line. This alternative, identified as Alternative 8, would have eliminated the significant wildfire hazards associated with the Project discussed above. However, because the SEIR did not reconsider wildfire hazards beyond the analysis from the 2013 EIR, this alternative was summarily described and rejected without any discussion of how it would affect such hazards.¹⁰⁰ Though the discussion asserts that there would be an increase in environmental impacts, no new evidence is offered to support this assertion, and no analysis is included of the impacts versus the wildfire hazards that would be mitigated. Appendix D of the SEIR also claims that the alternative would not reduce any significant impacts of the Revised Project—a demonstrably false statement.¹⁰¹ Obviously it would reduce wildfire hazards throughout the southern portion of the project, but it would also reduce, and perhaps entirely eliminate, aesthetic impacts found to be significant and unavoidable in the SEIR.

For instance, the SEIR finds that the impacts of the overhead transmission lines on views from residential streets would be significant and unavoidable.¹⁰² The SEIR also found that riser poles would be another source of multiple significant and unavoidable impacts,¹⁰³ and undergrounding the lines can eliminate these impacts.¹⁰⁴

The 2013 EIR also acknowledges that undergrounding would be “an important benefit” that would “eliminat[e]... the primary cause of long-term visual impacts, [and] would significantly reduce Proposed Project impacts on aesthetics by eliminating most of the form and line contrasts associated with the scale and dominance of these project features.”¹⁰⁵

¹⁰⁰ 2018 SEIR at p. 3-37, Appendix D, pp. 45-46.

¹⁰¹ *Id.* at Appendix D, p. 45.

¹⁰² *Id.* at p. 4.1-43.

¹⁰³ *Id.* at pp. 4.1-43—44.

¹⁰⁴ *Id.* at p. 4.1-53.

¹⁰⁵ 2013 EIR at p. 6-37.

On the basis of the cursory conclusions in the 2013 EIR and inaccurate statements in Appendix D, Alternative 8 was examined by the SEIR wholly out of context with respect to its impact on the new underground portion of the Project north of the Santa Ana River—the Revised Project. As a result, the SEIR eliminated Alternative 8 from consideration, and it was not presented to the Commission as a viable Alternative. Its rejection was in error at the time the SEIR was certified, an error that has become even more consequential as wildfire hazards have continued to increase significantly. As such, Alternative 8, and undergrounding of the entire Project, should be reevaluated and reconsidered in light of current conditions and hazards.

VII. PROPOSED CHANGES TO D.20-03-001

Section 16.4 (b) of the Commissioner Rules of Practice and Procedure requires that: “A petition for modification of a Commission decision must concisely state the justification for the requested relief and must propose specific wording to carry out all requested modifications to the decision.” The foregoing portions of this Petition have addressed the justification for the requested relief. The City of Norco now proposes the specific relief required to make the RTRP both safe and reliable. The City proposes that the Commission:

1. Rescind or modify Finding of Fact 1 of the Decision to eliminate the statement that “significant impacts...on hazards...can be mitigated to a less-than-significant level with the mitigation measures identified in the MMRP....”
2. Rescind Conclusion of Law 2 of the Decision, stating in part that: “The SEIR was completed in compliance with CEQA....”
3. Rescind Ordering Paragraph 1 of the Decision.
4. Suspend Ordering Paragraph 3 of the Decision, pending further consideration of Alternative 8.

5. Order a Status Conference to be held in Application 15-04-013 to set a schedule for reconsideration of Alternative 8, including, if the parties cannot stipulate to adoption of Alternative 8, further appropriate evidentiary proceedings and/or further environmental review of Alternative 8 and the project as currently approved in the Decision in order to develop an appropriate record to address the feasibility of undergrounding the full length of the RTRP and full consideration of the fire hazard risks, including evacuation requirements, impacts on aerial firefighting, and other wildfire-related impacts so as to comply with the Attorney General's Guidance on CEQA evaluation of wildfire impacts.

VIII. CONCLUSION

For the foregoing reasons, the City of Norco respectfully requests that the Commission grant this Petition for Modification, make the proposed changes to the Decision, and allow all affected parties, including the cities adjacent to the RTRP, the opportunity to participate in further proceedings in this Docket to adequately evaluate wildfire hazards associated with the Project, with the goal of creating a record for the Commission to approve Alternative 8, requiring full undergrounding of the Project. This Petition is supported by federal and state elected officials from the Riverside County area, including congressmen, state legislators, county supervisors, the City of Corona, and the entire City Council of Norco, as well as the former General Manager of the Riverside Public Utility. See Attachment A hereto.

ATTACHMENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern
California Edison Company (U338E) for a
Certificate of Public Convenience and Necessity
for the RTRP Transmission Project.

Application 15-04-013
(Filed April 15, 2015)

**NOTICE OF AVAILABILITY OF SUPPORTING ATTACHMENTS TO
PETITION FOR MODIFICATION**

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October 2, 2023

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity for the RTRP Transmission Project.

Application 15-04-013
(Filed April 15, 2015)

**NOTICE OF AVAILABILITY OF SUPPORTING ATTACHMENTS TO
PETITION OF MODIFICATION**

In accordance with Rule 1.9(d) of the Commission's Rules of Practice and Procedure, The City of Norco serves this Notice of Availability of the supporting Attachments to its Petition of the City of Norco To Modify Decision 20-03-001 to Reopen the Record to Reconsider Alternative 8 of the Riverside Transmission Reliability Project in the above-captioned application. The Attachments will be electronically filed and available in the docket for this proceeding, but the file size significantly exceeds the 3.5 MB limit for electronic service provided for in the Commission's Rules.

The Attachments are available at the following URL:

<https://downeybrandllp.sharefile.com/d-sb516c4233632481c90e249992a99e123>

DATED: October 2, 2023

Respectfully submitted,

DOWNEY BRAND LLP

By:

/s/Michael B. Day

MICHAEL B. DAY
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