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SAVE OUR RURAL TOWN

August 24, 2023

The Honorable Kathryn Barger
Los Angeles County Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple St., Suite 869
Los Angeles, CA 90012
Electronic Transmission of twenty (20) pages to
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Subject: Save Our Rural Town Comments on the Department of Regional Planning's Ministerial Approval of the Humidor BESS Project and the Notice of Exemption from the California Environmental Quality Act.

Reference: The Aug. 1, 2023 Letter from Regional Planning to the Acton Town Council. RPPL2023000687 and RPAP2023000718.
Notice of Exemption (#2023178859 Filed Aug. 16, 2023).

Dear Supervisor Barger;

Save Our Rural Town understands that, on August 1, 2023, the Department of Regional Planning ministerially approved a 420 Megawatt ("MW") utility-scale Battery Energy Storage System ("BESS") project proposed by Hecate Energy LLC ("Hecate") which will interconnect with California's high voltage transmission grid; Regional Planning approved the project via a simple "site plan review" by declaring that the Humidor BESS is similar to an "Electrical Distribution Substation" and is not similar to an "Electrical Transmission Substation". According to Section 22.226.040(C) of the County Code, the Director's decision to ministerially approve the Humidor BESS is final and not subject to appeal.

Regional Planning's declaration that grid-connected, utility-scale BESS projects are similar to Electrical Distribution Facilities establishes a precedent which will allow BESS developments to be approved "by right" in many non-residential zones, including M-1, CR-U, MXD-RU, C-1, C-2, C-3, C-H, C-M, etc. The implications of this declaration are *stunning*, and its impact on the Community of Acton is tremendously adverse given that Acton has more than 150 acres of M-1 and CR-U zoned lands distributed throughout the community and interspersed among many residential neighborhoods *all of which can now be ministerially developed with grid-connected, utility scale BESS.*

It is not only Acton that is affected by Regional Planning's declaration that grid-connected, utility-scale BESS projects shall be processed as if they were "Electrical Distribution Substations" and may therefore proceed "by right" in certain zones; many hundreds of acres in fire hazard areas within and surrounding rural communities like Agua Dulce, Pearblossom, Littlerock, Castaic, and elsewhere can now be devoted to ministerially approved, grid-connected, utility-scale BESS. Notably, certain "special status" communities have been granted specific protections in the Zoning Code which ensures that they will not be adversely affected by Regional Planning's declaration. For instance, County Code Section 22.338.070 requires Electric Distribution Substations on C-2 and C-3 zones in the Community of South San Gabriel to obtain a Conditional Use Permit; Section 22.418.120 requires Electrical Distribution Substations on C-M zones in Florence-Firestone to obtain a Conditional Use Permit; and, 22.306.070 requires Electrical Distribution Substations on C-2 and C-3 zones in Altadena to obtain a Conditional Use Permit. Additionally, Section 22.140.350 protects mixed use developments in urban areas because it prohibits Electrical Distribution Substations in commercial portions of such developments. Also, Electrical Distribution Substations proposed in C1 zones in the Santa Monica Mountains must obtain a Coastal Development Permit (Section 22.44.1730). Unfortunately, the Zoning Code offers no similar protections for rural communities like Acton and Agua Dulce.

Regional Planning is aware that utility-scale BESS projects are highly susceptible to spontaneous deflagration[1]; when placed in fire hazard areas like Acton, they pose a very real and very significant conflagration risk to the entire community. Given the devastating implications of Regional Planning's conclusion that grid-connected, utility-scale BESS projects can be ministerially approved in many non-residential zones, it is essential that this conclusion be carefully analyzed and that every contributing factual element be thoroughly examined and properly vetted. Save Our Rural Town has conducted this analysis (presented below) and concluded that the Zoning Code does not permit Regional Planning to approve grid-connected, utility-scale BESS facilities in M-1 zones either ministerially or via a discretionary review process and that there is no factual or material basis for Regional Planning's declaration that grid-connected, utility-scale BESS projects are similar to "Electrical Distribution Substations". Save Our Rural Town has also conducted a survey of how other jurisdictions review and consider proposed utility-scale, grid-connected BESS projects and note that none of them deem such projects to be "by right" and none of them approve grid-connected utility-scale BESS projects with a ministerial site plan review. Accordingly, Save Our Rural Town recommends that the ministerial approval of the Humidor BESS project be set aside.

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[1] Battery storage facilities are prone to explosion and deflagration due to "thermal runaway". https://www.spglobal.com/marketintelligence/en/news-insights/latest-newsheadlines/burning-concern-energy-storage-industry-battles-battery-fires-51900636 , https://www.publicpower.org/periodical/ article/recent-california-energy-storage-battery-firedraws-renewed-attention-storage-safety-issues, https://www.azfamily.com/2022/04/30/fire-smolders-chandler-battery-storage-facilitynearly-two-weeks-later/, https://pv-magazine-usa.com/2022/09/22/fire-at-pges-teslabattery-in-california-is-now-under-control/, and https://www.nfpa.org/~/media/Files/Code%20or%20topic%20fact%20sheets/ESSFactSheet.pdf

Save Our Rural Town understands that, on August 16, 2023, Regional Planning filed a "Notice of Exemption" stating that the Humidor BESS project is exempt from the California Environmental Quality Act ("CEQA"). Because a non-elected official/ decisionmaking body issued the decision that the Humidor BESS project is exempt from CEQA, Section 15061(e) of the CEQA Guidelines grants Save Our Rural Town the right to appeal this decision to an elected decisionmaking body which, in this case, is the Los Angeles County Board of Supervisors. Accordingly, Save Our Rural will soon submit an appeal to your Board requesting reconsideration of the Notice of Exemption filed for the Humidor BESS project; the basis for the appeal is set forth herein.

It is also noted that Regional Planning's filing of the referenced Notice of Exemption initiated a 35 day "statute of limitations period" on legal challenges to the County's ministerial approval of the Humidor BESS project and its decision that the project is exempt from CEQA. This letter, together with the appeal of the Notice of Exemption that was filed for the Humidor BESS project, constitutes Save Our Rural Town's express efforts to exhaust all administrative remedies before initiating a legal challenge of the County's approval of the Humidor BESS project; therefore, it is hoped that the matters raised herein will be given due consideration by the County.

Please note: The analysis provided below was prepared by Jacqueline Ayer, Director of Save Our Rural Town. Ms. Ayer is a certified environmental engineer and has more than 35 years of environmental engineering experience; for nearly 20 years, Ms. Ayer has actively participated in both adjudicatory and quasi-legislative proceedings involving electrical transmission projects before the California Public Utilities Commission, the Federal Energy Regulatory Commission, the Department of Energy, and the California Energy Commission. This participation has included the submission of extensive expert witness testimony, briefs, and comments regarding the need and efficacy of proposed electrical transmission projects. Accordingly, the comments provided herein constitute "substantial evidence" as that term is defined by the CEQA Statute [California Public Resources Code §21080(e)(1)] and CEQA Guidelines [California Code of Regulations Section 15064(f)(5)].

BACKGROUND

The Humidor BESS is a 420-megawatt ("MW") battery storage development proposed on 20+ acres of M-1 zoned property in Acton[2]. Its only external connection will be to the California transmission grid via a new 230 kV transmission line that will terminate at the Vincent transmission substation owned by Southern California Edison ("SCE"). The Humidor BESS has been approved by the California Independent System Operator

[2] The 20+ acre project size was confirmed via Regional Planning's GIS system; the M1 zoned area is more than 20 acres and will be entirely occupied by the Humidor BESS. The 420 MW capacity was confirmed by Appendix C of the "Large Generator Interconnection Agreement".

("CAISO") as a "Large Generator" facility and will be subject to CAISO control. The Humidor BESS will receive 230 kV "Alternating Current" power ("AC" power) from the transmission grid and transform it to 34.5 kV "Direct Current" power ("DC" power); it will then store the power on-site in extensive battery facilities consisting of more than 400 structures ("battery containers") that house thousands of batteries. When CAISO determines it is necessary to dispatch generation from the Humidor BESS, the 34.5 kV DC power stored in the batteries will be released, transformed back into 230 kV AC power, and then injected onto the transmission grid. The 34.5 kV DC power stored by the Humidor BESS will never be used for distribution purposes (the distribution system in Acton is controlled by SCE and operates at 12 kV AC). In fact, the Humidor BESS is specifically configured to preclude any opportunity for serving distribution customers because distribution facilities require 12 kV AC power and cannot use 34.5 kV DC power.

REGIONAL PLANNING ABUSED ITS DISCRETION BY APPROVING THE HUMIDOR BESS

The August 1 Letter sent by Regional Planning acknowledges that BESS facilities are not "allowed uses" in the Zoning Code; it further explains that, in such cases, Regional Planning "reviews allowable uses identified in the Zoning Code to determine whether there is an allowable use most similar to the proposed use" (page 1). Relying on such a "similarity determination", Regional Planning's Letter asserts "the use most similar to a BESS to be an electric distribution substation" (page 1); based on this determination, and the fact that the Zoning Code requires only a site plan review for proposed Electric Distribution Substations in M-1 zones, Regional Planning ministerially approved the Humidor BESS project.

The discretionary authority granted by the Zoning Code to approve uses that are not listed in the Zoning Code by analyzing their similarity to uses that are listed in the Zoning Code is not boundless; in fact, Regional Planning's authority to utilize such "similarity determinations" to approve uses that are not allowed in the Zoning Code is expressly restricted (particularly in industrial zones). For instance, Section 22.22.030(D) of the Zoning Code only authorizes Regional Planning to ministerially approve a proposed industrial use that is not allowed by the Zoning Code when it is similar to an allowed use ***only*** *in Zones M-1.5 and M-2*; the Zoning Code ***does not*** authorize Regional Planning to ministerially approve a proposed use in the M-1 zone if it is not allowed the Zoning Code *even if* it is similar to a use that is allowed in the M-1 zone. It is a basic tenet of the "Rules of Statutory Construction" that, when an ordinance expressly enumerates specific exceptions to a rule, one cannot infer that other exceptions exist; thus, by only authorizing Regional Planning to rely on "similarity determinations" to ministerially approve non-listed uses in the M-1.5 and M-2 zones, the Zoning Code precludes Regional Planning from using "similarity determinations" to ministerially approve non-listed uses in the M-1 zone.

In the Letter, Regional Planning justifies the ministerial approval of the Humidor BESS by claiming that Section 22.234.020 of the Zoning Code authorizes Regional Planning to permit a proposed use that is not allowed under the Zoning Code by reviewing "allowable uses identified in the Zoning Code" to determine "an allowable use most similar to the proposed use" and then issuing an "interpretation memorandum" pertaining to the proposed use; however, this argument is not dispositive. Section 22.234.020 states "When the Director determines that the meaning or applicability of any provision of this Title 22 is subject to interpretation, the Director may issue a written interpretation". Here, the plain language only authorizes Regional Planning to interpret the "meaning" and "applicability" of Title 22 provisions; it *does not* authorize Regional Planning to approve uses that are not allowed by the Zoning Code and it certainly does not allow Regional Planning to approve a use that is not allowed simply because it is has some attributes of a use that is allowed. Title 22 enumerates only a few limited circumstances in which Regional Planning is authorized to approve a use that is not allowed by the Zoning Code because it is similar to an allowed use; these circumstances are set forth in 22.22.030, 22.26.040, 22.116.020, 22.140.730, 33.140.740, 22.140.750, 22.408.060, and 22.418.040. Except under these specifically enumerated circumstances, when Regional Planning approves a proposed use that is not allowed in the Zoning Code based on a determination that it has similarities with an allowed use, it fails to proceed in the manner required by law and thereby abuses its discretion (Code of Civil Proc., § 1094.5, subd. (b)).

This is precisely the situation presented by Regional Planning's approval of the Humidor BESS on M-1 zoned property: Because grid-connected, utility-scale BESS facilities are not an "allowed use" in the M-1 zone, and because Section 22.22.030 explicitly *does not* authorize Regional Planning to make a "similarity determination" to ministerially approve any use that is not allowed in the M-1 zone, Regional Planning abused its discretion when it approved the Humidor BESS on M-1 zoned land in Acton. The ministerial approval of the Humidor BESS will not withstand judicial review and must be put aside. Furthermore, the M-1 zone underlying the Humidor BESS project precludes the County from approving the Humidor Bess with a Conditional Use Permit.

REGIONAL PLANNING ERRED IN CONCLUDING THE HUMIDOR BESS PROJECT IS AKIN TO AN ELECTRICAL DISTRIBUTION SUBSTATION.

As indicated above, Save Our Rural Town challenges Regional Planning's reliance on a "similarity determination" to ministerially approve the Humidor BESS project on M-1 zoned property in Acton. However, we also challenge Regional Planning's conclusion that the Humidor BESS is in any way similar to an "Electric Distribution Substation" because this conclusion is based on a faulty analysis and erroneous assumptions which render it fatally flawed. The most significant deficiency is that Regional Planning fails to grasp the very real and very substantial technical and regulatory differences that exist between "transmission", "subtransmission", and "distribution" facilities; Regional

Planning improperly conflates these facilities to such an extent that its conclusion that the Humidor BESS is akin to an electrical distribution substation is entirely without merit. To rectify this error, it is first necessary to understand the distinction between "transmission" facilities, "subtransmission" facilities, and "distribution" facilities; to wit:

- The California Public Utilities Commission ("CPUC") defines "Distribution" facilities as facilities that operate at under 50 kV [General Order 131-D Section I].

- The CPUC defines "Transmission" facilities as facilities that operate at or above 200 kV [General Order 131-D]; the CPUC actively regulates transmission facilities owned by investor-owned utilities like SCE and requires a CEQA review and the issuance of Certificates of Public Convenience and Necessity ("CPCN") before utilities can construct new transmission facilities [General Order 131-D Section III(A)].

- The CPUC has not adopted a formal definition for the term "subtransmission"; however, it exclusively utilizes the term "subtransmission" when referring to systems with operating voltages between 50 kV and 200 kV[3]. The California Independent System Operator ("CAISO") also exclusively uses the term "subtransmission" when referring to systems with operating voltages between 50 kV and 200 kV[4]. SCE and other investor-owned utilities explicitly define the term "subtransmission" to mean facilities that operate between 50 kV and 200 kV[5]. The CPUC actively regulates subtransmission facilities owned by utilities like SCE and requires a CEQA review and the issuance of a Permit to Construct ("PTC") before new subtransmission facilities can be constructed [General Order 131-D Section III(B)].

- The Federal Energy Regulatory Commission ("FERC") only has jurisdiction over transmission facilities and not over "facilities used in local distribution" [16 U.S. Code § 824(b)(1)] defined as local systems that deliver power to customers[6].

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[3] CPUC's approval of the SCE Devers-Mirage 115 kV Subtransmission project [D.10-06-014 at https://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/118975.PDF].

[4] Page 5 of CAISO's Alberhill project analysis: 115 kV lines are "subtransmission" [http://www.caiso.com/Documents/091216DecisiononAlberhillSubstationProject-Presentation.pdf]. CAISO's analysis of the EKWRA 66 kV subtransmission project on page 221 of the "2010 CAISO Transmission Plan"; CAISO does not make previous transmission plans available on its website; thus, no link can be provided. However, an electronic copy can be provided upon request.

[5] "SCE identifies electrical lines operated at voltages between 50 kilovolts (kV) and 200 kV as subtransmission lines or subtransmission circuits. Electrical lines operated at voltages at or greater than 200 kV are identified as transmission lines". Page 1, footnote 1 of SCE's Application to construct the Gorman-Kern River 66 kV subtransmission project [https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M454/K865/454865255.PDF].

[6] DOE "Electricity System Overview" [https://www.energy.gov/sites/prod/files/2017/02/f34/Appendix--Electricity%20System%20Overview.pdf]. Page A-7.

- Page 3 of Regional Planning's Letter states that subtransmission voltage is "generally less than 110 kV per the California Energy Commission, 70kV per CAISO, and 50kV per California Public Utilities Commission". This statement, which is not supported by any citations or references, is erroneous and it indicates that Regional Planning has been given inadequate guidance regarding electrical infrastructure matters. As explained above, the CPUC establishes that voltages less than 50 kV are *distribution*, not subtransmission [GO 131-D Section I] and all agencies and utilities regard "subtransmission" as electrical facilities operating between 50 kV and 200 kV.

With these definitions firmly established, one can correctly assess whether the Humidor BESS displays the characteristics of an Electrical Distribution Substation defined by the Zoning Code as "A facility that contains an assembly of equipment that is part of a system for the distribution of electric power, where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution for general consumer use". According to page 2 of Regional Planning's Letter, this "describes a facility that receives electricity at [a] sub-transmission voltage, and then transforms the electricity (via a transformer component) to an appropriate voltage for distribution purposes". To be deemed similar to an "Electrical Distribution Substation" use as it is defined by the Zoning Code and per Regional Planning's interpretation of the Zoning Code definition, a project must exhibit at least *some* of the following characteristics:

1) The project must contain "an assembly of equipment that is part of a system for the distribution of electric power"; per the abovementioned definition of "distribution", a project only comports with this characteristic if the equipment that it consists of is part of a system that delivers power to customers at a voltage less than 50 kV.

2) The project must receive electric energy "at a subtransmission voltage"; per the abovementioned definition of "subtransmission", a project only comports with this characteristic if the voltage of the power it receives is between 50 kV and 200 kV.

3) The project must transform the incoming voltage to a distribution voltage "for distribution for general consumer use" and "for distribution purposes"; per the abovementioned definitions, a project only comports with this characteristic if it "steps" the subtransmission voltage it receives down to a voltage of less than 50 kV AC and then distributed "for general consumer use" and "for distribution purposes".

The Humidor BESS does not exhibit ***any*** of these characteristics.

1) The "assembly of equipment" constituting the Humidor BESS is not "part of a system for the distribution of electric power" because it is not connected to any distribution system; it is only connected to the *transmission* system and is therefore only part of a system for the *transmission* of electric power, not the *distribution* of electric power. Also, the Humidor BESS does not comport with the first characteristic because it does not deliver *any* power to *any* distribution customers at *any* voltage.

2) The Humidor BESS does not receive electricity at a subtransmission voltage; it is served by a 230 kV *transmission* line and will only receive electricity at a 230 kV *transmission* voltage. Therefore, the Humidor BESS does not comport with the second characteristic of an Electrical Distribution Substation.

3) The Humidor BESS transforms the voltage of the electrical energy that it receives down to 34.5 kV and converts it from AC to DC; the 34.5 kV DC power is not distributed and instead remains onsite where it is stored in battery facilities. The transformed power is not utilized for "distribution purposes" or for "distribution for general consumer use". In fact, the transformed power could *never* be utilized "for distribution purposes" or "for distribution for general consumer use" because SCE's distribution system requires AC power at 12 kV, not DC power at 34.5 kV. Because the Humidor BESS is configured to specifically ensure that transformed power is never utilized "for general consumer use", it does not comport with the third characteristic of an Electrical Distribution Substation.

It is clear that the Humidor BESS does not exhibit *any* of the characteristics established by the Zoning Code for Electrical Distribution Substations; therefore, Regional Planning lacks foundation to conclude that the Humidor BESS project is similar to an Electrical Distribution Substation. Additionally, the size and scale of the 20+ acre Humidor BESS project is nothing like the size and scale of actual Electrical Distribution Substations (which are typically about an acre in size[7]). In contrast, Electrical Transmission Substations are much larger[8] and highest voltage substations tend to be the largest[9].

THE REGIONAL PLANNING LETTER CONTAINS NUMEROUS TECHNICAL ERRORS THAT INVALIDATE THE CONCLUSIONS IT PRESENTS.

Save Our Rural Town notes a number of technical errors in statements presented in the Regional Planning Letter dated August 1, 2023; these errors undermine and invalidate the conclusions that are set forth in the Letter. They include:

An Electrical Transmission Substation is merely "a facility that transmits large amounts of electricity from the generating source to multiple users" (page 2).
Regional Planning offers this statement as a summary of the Zoning Code definition of "Electrical Transmission Substation"; however, this summary does not accurately reflect the Zoning Code definition and it fails to accurately portray what an Electrical

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7 The distribution substation serving the entire 100 square mile area of Acton is only 1.19 acres.

8 SCE's 230 kV Laguna Bell and Lighthipe Transmission Substations are 25 acres and 32 acres, respectively.

9 SCE's 500 kV Pardee and Vincent Transmission Substations are 40 acres and 45 acres, respectively.

Transmission Substation actually is. For instance, the Vincent Transmission Substation effects large (>4,000 MW) power transfers between Northern and Southern California and it is in fact the southern terminus of WECC Path 26[10]. In other words, Vincent does not transmit electricity "to multiple users"; rather, it accommodates bulk power transfers across the state on the CAISO-controlled transmission grid. Also, Vincent does not "transmit large amounts of energy from the generating source"; in fact, according to the CAISO Generation Interconnection Queue, less than 140 MW of generation resources are connected to the Vincent substation[11]. All new generation projects that are proposed for connection to the Vincent substation are BESS projects[12]. Thus, and contrary to what Regional Planning asserts, Electrical Transmission Substations do not merely "transmit large amounts of electricity from generation sources to multiple users"; as the Zoning Code indicates, they are part of a high voltage system for the transmission of large quantities of high voltage power for different purposes, including the purpose of interchange (which is how the Vincent substation is used), the purpose of providing subtransmission power that is then transmitted to Electrical Distribution Substations (which is how the Antelope Substation is used because it is the source of the 66 kV subtransmission line that serves the Community of Acton 13 miles away), and the purpose of supplying a "large scale user" (which is generally how the Humidor BESS will operate because the 230kV transmission power that is delivered to the Humidor BESS will be transformed and then supplied to the large scale battery "user" located onsite). While Save Our Rural Town does not necessarily agree that the Zoning Code definition of "Electrical Transmission Substation" is particularly accurate or robust, it is certainly more accurate than Regional Planning's summary of the Zoning Code definition.

"Energy storage facilities like the Humidor BESS are regarded as 'Non-Generator Resources' by the CAISO and not regarded as a generator" (page 2).

The Letter offers no citations or references to support this statement, and it suggests that Regional Planning is ignorant of the background and actual meaning of the term "Non-Generator Resource" which, according to CAISO, is in fact a *generation* resource. CAISO coined the term "Nongenerator Resource" in 2012[13] when it was grappling with how to integrate new types of energy resources (including battery storage) into the ISO regulation markets. As CAISO clearly states, electricity storage (including both batteries and pumped storage) has "*the capability to serve as both* ***generation*** *and load and can be dispatched to any operating level within their entire capacity range*" (emphasis added)[14]. Clearly, CAISO designates BESS resources to be generation resources and it

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[10] https://www.wecc.org/Reliability/TableMajorRAS4-28-08.pdf line 20. https://www.wecc.org/Reliability/Path%20Rating%20 Process%20Logbook.docx page 64.

[11] Queue Positions 100, 1003A, 1439, 1440, and 1679; https://rimspub.caiso.com/rimsui/logon.dov

[12] Positions 1325, 1625, 1629, 2060, 2091, 2110; https://rimspub.caiso.com/rimsui/logon.dov

[13] https://www.caiso.com/documents/ngr-removerview.pdf.

[14] http://www.caiso.com/participate/Pages/Storage/Default.aspx.

dispatches BESS generation resources in the same way that it dispatches any other generation resource (including gas turbine generation resources, nuclear generation resources, and solar generation resources). As CAISO points out, the only difference between BESS resources and other generation resources is that BESS resources can also serve as load; this allows CAISO to avoid curtailing renewable generation resources by charging BESS facilities during periods of high line congestion or low electrical demand. *There is no question* that BESS facilities like the Humidor project are generation resources because they are interconnected to the transmission grid, they are under the control of CAISO, and they are dispatched by CAISO in the same manner that other generation resources are dispatched. FERC deems grid-connected BESS projects like Humidor to be generation resources because they undergo the same interconnection process in the FERC-approved CAISO Tariff that other generation resources undergo[15]. And, like all other generation resources connected to the CAISO transmission grid, the Humidor BESS is subject to a "Large Generator Interconnection Agreement" executed by CAISO, Hecate, and SCE which outlines the individual responsibilities of these three entities in the development and operation of the Humidor BESS[16]. The Humidor BESS is an *electrical generation facility* in every sense of the word.

"The Humidor BESS is subject to CAISO oversight due to its point of interconnection to the CAISO-controlled grid via the Vincent Substation" (page 2).
This statement is inaccurate. The Humidor BESS is not subject to CAISO oversight because it will be connected to the Vincent Substation; the Humidor BESS is subject to CAISO oversight because it a large generation facility that will be controlled by CAISO under the CAISO Tariff which was approved by the FERC[17] and because CAISO will control the power that is dispatched from it.

The stored energy at the Humidor BESS is "redistributed back to the Vincent Substation for general consumer use" (pages 2-3).
This statement is categorically false. The Humidor BESS will neither "redistribute" nor "distribute" energy because it is not connected to any distribution system. Additionally, the 230 kV energy that Humidor BESS supplies to Vincent will never be distributed "for general consumer use" because the voltage is too high and it cannot be accommodated by distribution circuits. Furthermore, the Vincent substation *does not serve any consumers or customers*; as explained above, it effectuates bulk power transfers from

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15 The process is generally laid out in Appendix Y and elsewhere in the CAISO Tariff found here: http://www.caiso.com/Documents/Conformed-Tariff-as-of-Jul1-2023.pdf.

16 The Humidor BESS Large Generator Interconnection Agreement was executed in June, 2021; a copy has already been provided to the County.

17 FERC Order 841 required CAISO to revise its tariff to remove barriers to the participation of electric storage resources in the RTO/ISO markets; as a result, BESS projects like Humidor that are connected to the CAISO transmission grid are subject to the CAISO Tariff and CAISO control. 162 FERC ¶ 61,127 https://www.ferc.gov/media/order-no-841.

Northern and Southern California. Thus, any power delivered to Vincent from the Humidor BESS is placed on the CAISO transmission grid and directed to other transmission substations; it is not directed to consumers or to any distribution systems.

The "primary purpose" of the 34.5 kV operating voltage of the Humidor BESS is "to store and distribute electricity for consumer use" (page 3).
This statement is categorically false. The primary purpose of the 34.5 kV operating voltage of the Humidor BESS is not to "distribute electricity for consumer use" because the project's 34.5 kV operating voltage utilizes DC current and can therefore never be used to distribute *any* electricity or used by *any* consumers. Because the 34.5 kV DC operating voltage of the Humidor BESS is intrinsically incompatible with all SCE distribution circuits, it will *never* 1) be distributed; 2) provide electricity for consumer use; 3) be connected to any distribution systems; or 4) be connected to any consumers. Finally, because the 34.5 kV operating voltage of the Humidor BESS does not supply any distribution customers, its primary purpose is not "to store and distribute electricity for consumer use".

THE HUMIDOR BESS DISPLAYS CHARACTERISTICS OF AN ELECTRICAL TRANSMISSION SUBSTATION.

As indicated above, the Humidor BESS does not display any of the characteristics that are needed to support a conclusion that its land use is similar to that of an Electrical Distribution Substation; the logical "next step" would be to ascertain whether the Humidor BESS displays any of the characteristics needed to support a conclusion that its land use is similar to that of an Electrical Transmission Substation. The zoning code defines an Electrical Transmission Substation as "A facility that contains an assembly of equipment that is part of a system for the transmission of electric power where electric energy is received at a very high voltage from its generating source. The facility then transforms the energy to a lower sub-transmission voltage to supply or distribute electric power to large-scale users, to interchange connections with other power producing agencies, or to supply such power to electric distribution substations for transformation to a lower voltage for distribution to small-scale users". Accordingly, to be deemed similar to an "Electrical Transmission Substation" use as it is defined by the Zoning Code, a project must exhibit at least some of the following characteristics:

1) It must contain an assembly of equipment that is part of (i.e., interconnected with) a system for the transmission of electric power.

2) It must receive electric energy at a very high voltage.

3) It must transform incoming voltage to a lower voltage to either supply power to a large-scale user or to interchange connections with other power producing agencies or to supply power to distribution substations for distribution to small-scale users.

The Humidor BESS project exhibits most of these characteristics:

1) The Humidor BESS contains an assembly of equipment that is part of the transmission grid because it is interconnected with CAISO's transmission grid and CAISO will control the power dispatched from the Humidor BESS. Every element of the Humidor BESS is "part of a system for the transmission of electric power".

2) The Humidor BESS receives electric energy at a very high voltage because it is connected to the CAISO grid at 230 kV; this meets the CPUC's, CAISO's, SCE's definition of "transmission" level voltage.

3) The Humidor BESS transforms the incoming very high voltage power to a lower voltage and then converts it to DC to supply electric power to an onsite large-scale user (specifically, the onsite battery storage facility).

This analysis demonstrates that Regional Planning has no substantive basis to conclude that the Humidor BESS is similar to an Electrical Distribution Substation because it shows that the Humidor BESS is more similar to an Electrical Transmission Substation.

ADOPTED FERC STANDARDS DEMONSTRATE THAT THE HUMIDOR BESS IS A TRANSMISSION FACILITY, NOT A DISTRIBUTION FACILITY.

CAISO has control and oversight over the Humidor BESS and all other electrical infrastructure in California that meet FERC's criteria for "transmission" facilities and which are subject to FERC jurisdiction; these criteria are set forth in FERC's "5 factor Mansfield Test"[18]. Application of FERC's "5 factor Mansfield Test" reveals that the Humidor BESS is indeed a "transmission" facility and *not* a "distribution" facility[19]. Furthermore, because FERC has no jurisdiction over "distribution" facilities, FERC has established additional criteria by which it distinguishes "distribution" facilities; these

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[18] Opinion No. 454, 97 FERC ¶ 61,134 (2001); Opinion No. 454-A, 98 FERC ¶ 61,115 (2002).

[19] Opinion 454 establishes that electrical facilities are "transmission" if 1) They "loop back" into the transmission system and therefore provide power to the transmission system; 2) Power flows in two directions; 3) they serve transmission customers; 4) They provide benefits to the transmission grid in terms of reliability and whether the facilities can be relied on for coordinated operation of the grid; and 5) Whether an outage on the facilities would affect the transmission grid. FERC has determined that electrical facilities which meet any of these criteria are transmission facilities. The Humidor BESS meets ***all*** of these criteria. Humidor BESS puts power into the transmission system. Humidor BESS generates power flows in two directions (from the grid and to the grid). Humidor BESS serves transmission customers by putting power onto the transmission grid. Humidor BESS provides reliability and other transmission grid benefits (in fact, that is its core purpose). An outage of the Humidor BESS can affect the transmission grid because it would force curtailment of renewable resources.

criteria are set forth in FERC's "7 factor test"[20]. Application of FERC's "7 Factor Test" reveals that the Humidor BESS is not a distribution facility[21]. In other words, not only does the Zoning Code establish that the Humidor BESS is more similar to an Electrical Transmission Substation rather than an Electrical Distribution Substation; adopted FERC orders and the CAISO Tariff also establish that the Humidor BESS constitutes transmission facilities and not distribution facilities. Accordingly, Regional Planning's "similarity determination" is utterly contrary to FERC Orders and the CAISO Tariff.

REGIONAL PLANNING'S MINISTERIAL APPROVAL OF THE HUMIDOR BESS PROJECT VIOLATES CEQA

It is understood that Regional Planning has "ministerially approved" the Humidor BESS based on a "similarity determination" and further concluded that the California Environmental Quality Act ("CEQA") is inapplicable because CEQA does not apply to "Ministerial projects proposed to be carried out or approved by public agencies" (citing Government Code 21080(b)(1)). However, and as discussed above, the Zoning Code does not authorize Regional Planning to utilize "similarity determinations" to approve projects on M-1 zoned property and, in any event, the "similarity determination" that Regional Planning made is fatally flawed. Therefore, both the ministerial approval of, and the claimed CEQA exemption for, the Humidor BESS must be put aside.

Regional Planning also claims that the Humidor BESS is exempt from CEQA by citing Section 15300.1 of the CEQA Guidelines which states "Since ministerial projects are

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[20] FERC Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996) [https://www.ferc.gov/sites/default/files/2020-05/rm95-8-00w.txt at p. 402].

[21] Order 888 establishes that electrical facilities are "distribution" if 1) they are in close proximity to retail customers; 2) they are radial in character; 3) power flows into the facilities and rarely (if ever) flows out; 4) Power that flows into the facilities are not transported to some other market; 5) Power flowing into the facilities is consumed in a comparatively restricted geographical area; 6) there are meters placed at the at the facility interface with the transmission grid to measure flows into the local distribution system; and 7) they operate at reduced voltage. To qualify as a distribution facility, ***all*** of these criteria must be met. The Humidor BESS does not meet any of these criteria. It is not located in close proximity to retail customers; in fact, it does not serve any retail customers at all. It does not have a radial configuration and is not "radial in character"; to the contrary, it is a single point user. Its power flow is bi-directional and significant power flows out of the Humidor BESS (in fact, that is its core purpose). The power that flows into the Humidor BESS storage facilities will be transported to some other market once it flows back out onto the transmission grid. Power flowing into the Humidor BESS is merely stored and not consumed at all; thus, it is not "consumed in a restricted geographical area". The Humidor BESS does not provide power flows into the local distribution system so it has no meters to measure flows into the local distribution system; in fact, it provides no "interface" at all between the transmission system and the distribution system. The Humidor BESS receives and emits power at a high voltage and while it *stores* power onsite at a low (34.5 kV) voltage, it does not *operate* at a low voltage.

already exempt, categorical exemptions should be applied only where a project is not ministerial under a public agency's statutes and ordinances"; however, CEQA considers projects to be ministerial and thus exempt only if they involve "little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision" [CEQA Guidelines 15639]. These are not the circumstances presented by the Humidor BESS; in fact, Regional Planning has exercised extensive discretion regarding the character and nature of the Humidor BESS and the Director personally adjudged (wrongly) that it warrants ministerial review because it is similar to an Electrical Distribution Substation; this exercise of judgement facially invalidates any claim that approval of the Humidor BESS involved no discretion or judgement. In other words, the Humidor BESS it is not a "ministerial project" that is exempt from CEQA because its approval involved discretionary judgement.

Regional Planning also claims the Humidor BESS is categorically exempt from CEQA and cites "Class 3", "Class 4", and "Class 5" exemptions[22]. This claim is insupportable:

- The Class 3 Categorical Exemption applies only to the construction of limited numbers of new, small structures; the total number of structures must be less than 4 and the area must be less than 10,000 square feet. The Humidor BESS does not qualify because it involves more than four hundred structures on more than 20 acres.

- The Class 4 Categorical Exemption applies only to minor alterations to the condition of land (i.e., grading, landscaping, gardening) and minor temporary land uses having negligible effects on the environment. The Humidor BESS does not qualify because it involves permanent and major alterations to the condition of more than 20 acres of land and will significantly affect the environment in terms of aesthetics, wildfire risk, water quality, etc.

- The Class 5 Categorical Exemption applies only to projects that consist of minor alterations in land use and which do not result in any changes in land use. The Humidor BESS does not qualify for this exemption because it does not involve a mere "minor alteration" in land use; to the contrary, it completely eliminates all existing land uses (including a community oriented "paintball" recreational facility) and replaces it with a 20-acre industrial battery storage facility.

In short, none of the Categorical Exemptions that Regional Planning asserts are applicable to the Humidor BESS project are in fact legitimate; therefore, Regional Planning's claim that the Humidor BESS is exempt from CEQA lacks basis and carries no weight.

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[22] The "Notice of Exemption" filed by Regional Planning on August 16, 2023 identifies these Categorical Exemptions [https://apps.lavote.net/ceqa - Filing #: 2023178859].

Finally, Section 15061(b)(2) of the CEQA Guidelines requires that, before claiming that a project is categorically exempt from CEQA, Regional Planning must first consider whether the Categorical Exemption is barred by one or more of the exceptions set forth in Section 15300.2; if it is barred, then the lead agency cannot claim that the project qualifies for any Categorical Exemption. Had Regional Planning staff considered the exceptions to Class 3, Class 4, and Class 5 exemptions that are set forth in Section 15300.2 of the CEQA Guidelines, they would have found that at least three exceptions are applicable:

- The 15300.2(a) Location exception establishes that Class 3, Class 4, and Class 5 projects are not categorically exempt from CEQA if they are located in a particularly sensitive environment and may "impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies". These are the circumstances presented by the Humidor BESS project which will result in the placement of a high concentration of deflagration-prone battery facilities in a Very High Fire Hazard Severity Zone of Acton which has been precisely mapped and adopted by CALFIRE[23]. Because it is a mapped fire hazard area, the Community of Acton is a "particularly sensitive environment" and "an environmental resource of hazardous concern" that may be substantially impacted by the explosion-prone battery facilities proposed for the Humidor BESS project. The 15300.2(a) Location exception nullifies Regional Planning's claim that the Humidor BESS qualifies for any Categorical Exemption.

- The 15300.2(b) Cumulative Impact exception establishes that all Categorical Exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant. As Regional Planning is aware, at least 3 additional large BESS projects are proposed in the same area of Acton where the Humidor BESS will be located[24]; these projects will result in the construction of more than 2,000 MW of deflagration-prone battery storage facilities in the vicinity of the Vincent substation and they present a cumulatively considerable wildfire risk to the Community of Acton because Acton is a designated Very High Fire Hazard Severity Zone. Moreover, in a motion adopted on June 6, 2023, the Board of Supervisors clearly acknowledged that "the over-concentration of multiple utility-scale battery storage projects within a few communities" is a "significant concern". The motion specifically identifies Acton as a Community that is facing numerous successive BESS projects and it establishes that this "over-concentration" is of particular concern. The June 6, 2023 demonstrates that the cumulative impacts of successive BESS projects in Acton is significant; therefore, the exception set forth in Section 15300.2(b) of the CEQA Guidelines nullifies Regional Planning's claim that the Humidor BESS qualifies for any Categorical Exemption.

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[23] See CALFIRE's Fire Hazard Severity Zone Maps found here: https://egis.fire.ca.gov/FHSZ/

[24] The "Flea Flicker", "Maathai" and "Angeleno" projects are all near the Vincent Substation.

- The 15300.2(c) Significant Effect exception establishes that "a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The area where the Humidor BESS is proposed has the unusual circumstance of being designated as a Very High Fire Hazard Severity Zone; therefore, the deflagration-prone batteries that will be installed with the Humidor BESS project present a reasonable possibility that the Humidor BESS will have a significant wildfire effect on the environment. The 15300.2(c) Significant Effect exception nullifies Regional Planning's claim that the Humidor BESS qualifies for any Categorical Exemption.

For all these reasons, Save Our Rural Town disputes Regional Planning's conclusion that the Humidor BESS is exempt from CEQA.

APPROVING THE HUMIDOR BESS SEPARATELY FROM THE HUMIDOR 230 kV TRANSMISSION LINE VIOLATES CEQA.

As Regional Planning is aware, the County is contemplating a proposed franchise ordinance ("Ordinance") that will authorize Hecate to construct and operate a new 230 kV transmission line to connect the Vincent transmission substation to the Humidor BESS project (as well as connect to Hecate's proposed "Flea Flicker" and "Maathai" BESS projects). Because the Ordinance is not exempt from CEQA[25], it should undergo an environmental revies that considers the "whole of the action" which could result in direct or indirect physical changes to the environment. CEQA requires an environmental assessment of the "whole of the action" to prevent an impermissible "piecemeal" review in which a project is chopped into smaller parts that individually undergo minimal or ministerial permit review but which cumulatively pose significant environmental consequences (*Planning & Conservation League v. Castaic Lake Water Agency* [2009] 180 Cal.App.4th 210, 235). "A narrow view of a project could result in the fallacy of division . . . that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole" (*McQueen v. Bd. of Directors* [1988] 202 Cal.App.3d 1136, 1144*; City of Sacramento v. State Water Resources Control Bd.* [1992] 2 Cal.App.4th 960; *Lexington Hills Ass'n v. State* [1988] 200 Cal.App.3d 415; *City of Carmel- by the-Sea v. Board of Supervisors* [1986] 183 Cal.App.3d 229). CEQA prevents evasive environmental reviews by defining "project" broadly and requiring that environmental considerations not be concealed by separately focusing on isolated parts and overlooking the cumulative effect of the whole of an action. (*Arviv Enterprises v. South Valley Area Planning Com.* [2002] 101 Cal.App.4th 1333, 1345–1351; *Nelson v. County of Kern* [2010] 190 Cal.App.4th 252, 268–270).

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[25] Public Works claimed the Ordinance is exempt from CEQA but a public protest showed this claim was baseless. [http://file.lacounty.gov/SDSInter/bos/supdocs/176401.pdf and https://file.lacounty.gov/SDSInter/bos/supdocs/177704.pdf]

Individual project elements are deemed to be parts of the "whole project" under CEQA if they are interdependent and have no "independent utility". For example, the 230 kV transmission line that Hecate will be authorized to construct when the Ordinance is approved is entirely dependent on the three BESS projects that are proposed by Hecate (Humidor, Flea Flicker, and Maathai); without these Hecate BESS projects, the new Hecate 230 kV transmission line will have nothing to connect to and will serve no purpose. Similarly, the three Hecate BESS Projects are entirely dependent on the new Hecate 230 kV transmission authorized by the Ordinance; without the new Hecate 230 kV transmission line, none of the three proposed Hecate BESS projects will be able to store energy or connect to the transmission grid. Together, these four individual project elements (Hecate's 230 kV transmission line and Hecate's Humidor, Flea Flicker, and Maathai BESS facilities) comprise the "whole of the action" which must undergo a collective CEQA review. Instead of recognizing this and preparing a proper CEQA review of the "whole" project, County has violated CEQA by improperly segmenting Hecate's Humidor BESS project from Hecate's 230 kV transmission line project. Worse yet, County has proceeded to authorize the Humidor BESS based on an improper claim that it is exempt from CEQA; nothing could be further from the truth.

Save Our Rural Town is concerned that the County has the impression that CEQA does not apply to the Ordinance and that some entity other than the County (i.e., the CPUC) will conduct a CEQA review of the Hecate transmission line in the future. If that is what the County understands, then the County is very much mistaken.

The Franchise Ordinance is a "Project" that is Subject to CEQA.

The Ordinance is not merely a document that has little force or effect and it is not merely an "agreement" which facilitates no any physical changes to the environment. These facts are clearly established on the very first page of the Ordinance where the County expressly grants to Hecate the right to "construct, operate, maintain, renew, repair, change the size of, remove or abandon in place, and use an electrical transmission system consisting of conduits, manholes, vaults, cables, wires, switches, communications circuits, poles, other equipment, appliances, and appurtenances necessary and appropriate for one underground 230 kV cable circuit and one overhead 230kV cable circuit, for the purpose of conducting and transmitting electricity". It is clear from this plain language that what the Ordinance actually effectuates is an authorization by the County to Hecate to construct 230 kV transmission facilities in both overhead and underground configurations. With the Ordinance, County is clearly exercising its discretionary authority to grant Hecate the right to construct and operate new and extensive high voltage transmission facilities in the Community of Acton; these construction activities will unequivocally cause "a direct physical change in the environment" and as such, the Ordinance is a "project" that is subject to CEQA pursuant to §21065 of the CEQA Statute.

Save Our Rural Town further notes that, once the Ordinance is approved, Hecate can immediately apply to the County for ministerial building permits to construct the

transmission facilities that the Ordinance authorizes; these ministerial building permits will be peremptorily issued by the County *without CEQA review*. Accordingly, the only opportunity that the County has to meet its CEQA obligations for the Hecate 230 kV transmission line project is to conduct a proper CEQA review *before* the Ordinance is approved. The County has not prepared a CEQA document and has instead introduced the Ordinance for approval *without any CEQA review;* presumably, County has taken these steps because it assumes that the Hecate transmission line will undergo CEQA review after the Ordinance is adopted. Nothing could be further from the truth.

County is reminded that CEQA imposes a burden on lead agencies to consider the environmental consequences of a project at the "earliest possible stage" of any discretionary review process [*Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d]. Thus far, County has failed to meet this burden for the Hecate 230 kV transmission line project. Moreover, approval of the Ordinance constitutes the very last discretionary act that the County will take regarding the Hecate 230 kV transmission line; all subsequent County approvals for this transmission line (such as building permits) will be ministerial and not undergo the CEQA process. In other words, if the County's CEQA obligations pursuant to Hecate's 230 kV transmission line are not met *before* the Ordinance is approved, then they will never be met. Accordingly, County's plan to defer CEQA review of the Hecate 230 kV transmission line project until after the Ordinance is adopted is a direct violation of CEQA.

The County has No Basis to Conclude that the Hecate Transmission Line Will Undergo CEQA Review by the CPUC or Any Other Government Entity.

In the utility industry, the Hecate transmission line is commonly referred to as a "generation tie line" or "gen-tie line" because it is a transmission line that connects a privately owned electrical generation project to the CAISO-controlled transmission grid. Gen-tie lines which are owned by private (non-public utility) entities are not typically subject to the CPUC's discretionary review process (known as the "Certificate of Public Convenience and Necessity" or "CPCN" process); the CPUC has stated that gen-tie facilities "are typically not the subject of CPCN or PTC applications"[26]. Save Our Rural Town understands that gen-tie lines proposed by investor-owned utilities do undergo the CPCN process, but private gen-tie facilities typically do not. CPCN requirements set forth in Section III(A) of the CPUC's General Order 131-D expressly clarify that the obligation to secure a CPCN only applies to "electric public utilities"; unless Hecate is or becomes an "electrical public utility", it is not subject to General Order 131-D.

The manner in which the CPUC considers privately-owned gen-tie lines is clarified in the Final Environmental Impact Report ("EIR") that the CPUC issued for the "ECO Substation Project" proposed by San Diego Gas & Electric ("SDGE")[27] which addressed a

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[26] D.06-06-034 [https://docs.cpuc.ca.gov/word_pdf/FINAL_DECISION/57298.pdf page 16].

[27] https://ia.cpuc.ca.gov/environment/info/dudek/ECOSUB/Final_EIR/A.Introduction_Overview.pdf

non-utility gen-tie line and wind energy project that fell under the jurisdiction of San Diego County. The CPUC only addressed the private gen-tie and wind energy projects in the Final EIR because they were deemed to be a component of the "whole action" and thus the CPUC was required by CEQA to consider them. Page A-12 of the Final EIR clarifies that "Pursuant to Article XII of the Constitution of the State of California, the CPUC is charged with the regulation of investor-owned public utilities, including SDG&E. The CPUC is the lead state agency for CEQA compliance in evaluation of SDG&E's proposed ECO Substation Project … This EIR/EIS will be used by the CPUC, in conjunction with other information developed in the CPUC's formal record, *to act only on SDG&E's application for a PTC to construct and operate the proposed ECO Substation*" (emphasis added). Page A-13 explains that Responsible Agencies like the County of San Diego "could choose to either rely on the CPUC environmental document to meet their CEQA requirements for its discretionary action under CEQA in consideration of issuing two separate major use permits - one for the Tule Wind Project and one for the Gen-Tie Project, because portions of those projects are within the County's jurisdiction". In other words, the CPUC does not review or approve private gen-tie projects *unless they are connected to activities that are proposed by investor-owned utilities*. No aspect of the Hecate transmission line appears to be related to any activity proposed by a public utility; thus, it is unlikely that the Hecate transmission line will undergo review by the CPUC or that the County's CEQA obligations for the Hecate transmission line will be satisfied by others. Save Our Rural Town has confirmed this fact in discussions with staff from the Energy Division of the CPUC; we would be happy to share CPUC contact information with the County

If the CPUC does somehow wrest jurisdictional authority over the Hecate transmission line from the County and compels Hecate to initiate a CPCN process, then CEQA precludes County from approving the Ordinance until ***after*** the CPCN process because:

- As a "Responsible Agency", the County must coordinate with the CPUC as the "Lead Agency"; because Lead Agency decisions are binding on Responsible Agencies[28], the County cannot issue discretionary approvals before the CEQA review is complete.

- Because the CPUC's CPCN process would, in all likelihood, result in a transmission line configuration that differs from what is described in the Ordinance, the Ordinance itself would be rendered entirely invalid the instant that the CPUC issued a CPCN for the Hecate transmission line. For example, it is likely that the CPUC would require the Hecate transmission line to be constructed fully underground to reduce its associated environmental impacts; thus, the Ordinance would directly conflict with the CPUC's conditions of approval because it improperly authorizes overhead transmission facilities.

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[28] CEQA Topic Paper by AEP: "Lead Agency, Responsible Agencies, and Trustee Agencies" https://ceqaportal.org/tp/CEQA%20Lead%20Agency%20Responsible%20Trustee%202020%20Update.pdf at page 5.

For these reasons, the County cannot move forward with any discretionary approvals for any projects that are subject to CEQA until *after* the CEQA process is complete. It is also why the County's consideration of the Ordinance at this time (and before any CEQA review is completed) is premature and contrary to CEQA. Save Our Rural Town will challenge any discretionary approval issued by the County for the Hecate transmission line (including the Ordinance) if such approval is granted before the Hecate transmission line undergoes CEQA review.

CONCLUSION.

For the reasons set forth above, Save Our Rural Town respectfully requests that the County set aside the ministerial approval and the CEQA Notice of Exemption that were issued for the Humidor BESS project and refrain from approving the Ordinance until a proper environmental review of the Hecate 230 kV transmission line is performed.

Sincerely;

/S/Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

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