## **Comment Letter H**



Land Planning and Routing 350 Salem Street Chico, CA 95928 530.896.4263

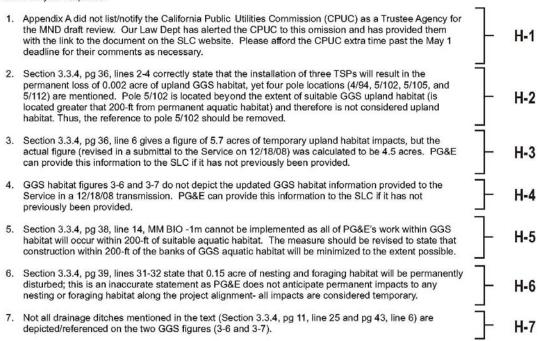
April 30, 2009

California State Lands Commission Attention: Christopher Huitt 100 Howe Avenue, Suite #100-South Sacramento, CA 95825

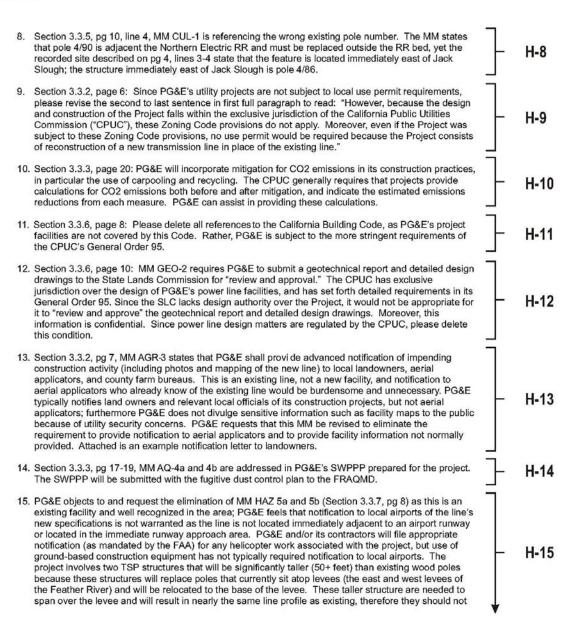
Re: PG&E Comments to the Pease-Marysville 60kV Transmission Line Project Mitigated Negative Declaration Draft Document Review

Dear Mr. Huitt,

Pacific Gas and Electric Company (PG&E) would like to thank you and the California State Lands Commission (SLC) for the opportunity to provide comments on the Pease-Marysville 60kV Transmission Line Project Mitigated Negative Declaration draft document. PG&E provides the following comments and suggested revisions for your response:



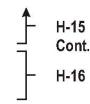
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pose any additional obstacle to air traffic in the area. PG&E objects to providing facility maps and design information to the public because of utility security concerns.

16. PG&E objects to MM UTI-8a and 8b (Section 3.3.16, pg 6-7) and request that these measures be eliminated as PG&E already has a legal obligation to USA for underground utilities before conducting work and has already sought and obtained approvals from local levee districts for the project. PG&E customers are always notified in advanced of planned service interruptions as a matter of good business practice.



PG&E welcomes the opportunity to discuss these responses with the Commission, so please contact me to arrange a convenient time. Thank you for your time an attention to this matter.

If you have any questions, please call me at (530) 896-4263.

Respectfully,

Jesus Viscarra Land Planner

JRViscarra (530 896-4263): jrv

pc: Jo Lynn Lambert, Pacific Gas and Electric Company Jerry Rice, Pacific Gas and Electric Company Rob Stiving, Pacific Gas and Electric Company Marvin Penner, Pacific Gas and Electric Company

Attachment

Date		
Property Owner Address State		
Re: <project name=""></project>		
Dear Property Owner:		
Pacific Gas and Electric Company (Pacific) owns and operates an existing electric line known as <project name=""> which may cross your property identified as APN:</project>		
In order to ensure the delivery of safe, reliable, responsive electric service to our customers, Pacific will be <pre></pre>	_	H-17
The construction crews will be working along and near the electric lines. If you have any questions please contact me at 916-923-7027.		
Thank you for your cooperation in this matter.		
Sincerely,		
Shawna Humphries Right of Way Agent		
t <del>-</del>	]	

## Response to Comment Letter H Pacific Gas and Electric Company April 30, 2009

- 4 **H-1** Please refer to the CPUC's comment letter dated May 4, 2009 (Comment Letter D), which indicates that the CPUC did not have any comments on the Draft MND.
- 6 **H-2** Comment acknowledged. In the Final MND, Section 3.3.4, Biological Resources, has been modified to clarify that Pole 5/102 is not located in giant garter snake habitat.
- 9 H-3 Comment acknowledged. The MND reflects the information that was provided by 10 the applicant and, therefore, represents the most current and accurate data 11 available at the time of Draft MND publication. The CSLC was not in receipt of 12 the December 18, 2008, documents that were provided to the US Fish and 13 Wildlife Service (USFWS); therefore, any updated impact calculations were not 14 reflected in the Draft MND. Revising the impact from 5.7 acres to the requested 4.5 acres would not change the significance conclusions or associated mitigation 15 16 obligations.
- 17 **H-4** Comment acknowledged. See response H-3.
- 18 H-5 Mitigation Measure BIO-1M was initially included in the Biological Assessment 19 Report for the Pacific Gas and Electric Company Pease-Marysville 60 kV 20 Transmission Line Project, Yuba and Sutter Counties (dated April 13, 2007), 21 prepared by PG&E and referenced on page 3.3.4-2 of the MND. However, given 22 that construction work within 200 feet of giant garter snake habitat cannot be 23 avoided for this project, in the Final MND, the first sentence of this mitigation 24 measure has been revised to state that construction within 200 feet of the banks 25 of giant garter snake aquatic habitat will be minimized to the extent possible. 26 Further, to ensure that this mitigation measure clarification does not result in any 27 impacts to giant garter snake, the Effectiveness Criteria noted in the Mitigation 28 Monitoring Program has been modified to state that no impacts to giant garter 29 snakes shall occur.
- The 0.15 acre of permanent habitat represents the cumulative amount of habitat (primarily grassland that is used as nesting and/or foraging habitat by several bird species) permanently disturbed with the installation of each of the transmission poles. Nevertheless, as indicated on page 3.3.4-39 of the MND, this does not represent a substantial loss or degradation of nesting or foraging

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- bird habitat within the Project areas. As the commenter indicated, the vast majority of impacts to on-site habitats will be temporary in nature and will be restored upon completion of construction work.
- Figures 3-6 and 3-7 of the MND are intended to only depict those habitat areas and features considered as suitable for giant garter snake. Irrigation ditches DD-1 through DD-4 (line 25 on page 3.3.4-11 of the MND) and DD-12 (line 6 on page 3.3.4-43) are not considered suitable giant garter snake habitat and were, therefore, not depicted on these figures.
- 9 **H-8** CSLC agrees that Mitigation Measure CUL-1 erroneously references proposed Pole 4/90 when it should reference Pole 4/86. The text on page 3.3.5-10 of the MND has been modified as follows:
- 12 Mitigation Measure for Impact CUL-1:
- 13 **MM CUL-1. Placement of Pole 4/904/86.** Pole 4/904/86 must be placed outside of the railroad bed of the Northern-Electric Railroad.
- Because the text of this mitigation measure appears in the Mitigation Monitoring Program, the same text modification has been made on page 5-13 of the MND.
- 17 H-9 Local General Plan and Zoning Policies as they relate to the Project are 18 addressed in the MND. It is noted that the CPUC as well as the CSLC have 19 jurisdiction over the Project; therefore, the Project is not subject to local or county 20 plans, policies, or zoning regulations. However, the CPUC as well as the CSLC 21 as lead agency under CEQA are required to consider local land use regulations 22 and policies when making decisions. As discussed in Section 3.3.2, the Project 23 would be consistent with the local Yuba County Zoning Ordinance. The MND 24 acknowledges on page 3.3.2-6 that no use permit would be required for the 25 Project.
- H-10 Comment acknowledged. As indicated on page 3.3.3-20 of the MND, CO<sub>2</sub> emissions were calculated and were determined to be less than significant;
   therefore, mitigation for reduction of these emissions was not included. Because this Project did not result in excessive CO<sub>2</sub> emissions, CSLC did not require a "before mitigation" and "after mitigation" CO<sub>2</sub> emissions calculation.
- 31 **H-11** Section 3.3.6, Geology and Soils, subheading "Regulatory Setting," on pages 3.3.6-7 and 3.3.6-8, provide relevant and potentially relevant statues, regulations,

and policies as they relate to the protection of geologic features and avoidance of geologic hazards. It is acknowledged that applicable federal, state, and local regulations do not specifically address transmission line construction and that the Project would be required to meet the CPUC's General Order for Seismic Standards. CPUC GO-95 provides the minimum requirements for transmission line design and construction. In accordance with standard practice, all engineering design and final construction drawings shall be certified by a California Licensed Civil/Structural Engineer. Please see response 12.

H-12 CSLC shall perform a detailed review for all the CSLC lease-crossing facilities during design and construction. Being a lead agency for this project under CEQA, the same level of engineering review that CSLC would normally do for its lease crossings shall be conducted for this project. At a minimum, all engineering design documents shall be certified by a professional engineer. Regarding the confidentiality of the information submitted by PG&E, PG&E can submit any sensitive information with confidentiality notes/requirements. CSLC will mark such information as "CONFIDENTIAL" and such information will not be released to the public without the written consent of PG&E. This has been the case with all applicants.

As a result of this comment, the Final MND has been revised to provide further clarification with regard to Mitigation Measure GEO-2. Mitigation Measure GEO-2 revisions are as follows:

MM GEO-2. Geotechnical Investigations. At least 90 days prior to the start of construction of the Project, the applicant shall conduct a site-specific geotechnical investigation to evaluate seismic hazards, including but not limited to peak ground accelerations, liquefaction, and expansive soils for the design of Project components. Recommendations contained therein shall, at a minimum, meet the California Public Utilities Commission's General Order for seismic standards and be implemented through Project design and construction. The final geotechnical report shall be certified by a California registered geotechnical engineer and final Project engineering design and drawings certified by a California registered civil/structural engineer. be submitted to the California State Lands Commission for review and approval.

- H-13 The CSLC does not agree with the applicant that notification to local landowners, aerial applicators, and county farm bureaus is unnecessary and overly burdensome. These individuals/entities may be impacted by construction and eventual operation of the proposed Project. In order to avoid potential conflicts with existing agricultural operations along the alignment, CSLC will require the implementation of Mitigation Measure AGR-3.
- H-14 Comment acknowledged. Section 3.3.8, Water Quality and Hydrology, of the MND outlines the requirements of the project's Stormwater Pollution Prevention Plan (SWPPP). Inclusion of air quality best management practices into the SWPPP would meet the requirements of Mitigation Measures AQ-4a and AQ-4b if all components of the Fugitive Dust Control Plan and measures outlined in these mitigation measures are included.
- H-15 Comment acknowledged. Aviation facilities, and the aviation community that they represent and support, may be impacted by construction and eventual operation of the proposed Project. In order to avoid potential conflicts with aerial operators that work within the vicinity of the proposed Project, CSLC will require the implementation of Mitigation Measures HAZ-5a and HAZ-5b.
- H-16 Comment acknowledged. CSLC's mitigation requirements are not intended to be
   duplicative of existing laws and/or other federal, state, or local agency notification
   requirements.
  - Mitigation Measure UTI-8a is requesting that PG&E submit verification that all local agencies have reviewed maps/documents outlining the proposed Project and understand what impacts, if any, the proposed Project would have on utilities or facilities that they own or manage. If this coordination process is already underway or required by another law or internal company policy, submittal of verification documentation to the CSLC will meet the requirements of this mitigation measure. Further, any encroachment permits already obtained from local levee districts can be included in the submittal package to the CSLC. Finally, the existing customer notification process outlined in the comment would meet the intent of Mitigation Measure UTI-8b. Copies of the notices and dates can simply be forwarded to the CSLC to ensure compliance with this mitigation measure.
  - H-17 This draft notice was discussed as a part of response H-13. The coordination process with USA to determine underlying utility locations would occur outside of

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the required CSLC utility verification process outlined in response H-16. Because the CSLC is an underlying landowner, compliance with all mitigation measures, including UTI-8a and UTI-8b, must occur prior to and/or during construction.

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