

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:

- 1. Appendix A did not list/notify the California Public Utilities Commission (CPUC) as a Trustee Agency for the MND draft review. Our Law Dept has alerted the CPUC to this omission and has provided them with the link to the document on the SLC website. Please afford the CPUC extra time past the May 1 deadline for their comments as necessary. } H-1
- 2. Section 3.3.4, pg 36, lines 2-4 correctly state that the installation of three TSPs will result in the permanent loss of 0.002 acre of upland GGS habitat, yet four pole locations (4/94, 5/102, 5/105, and 5/112) are mentioned. Pole 5/102 is located beyond the extent of suitable GGS upland habitat (is located greater than 200-ft from permanent aquatic habitat) and therefore is not considered upland habitat. Thus, the reference to pole 5/102 should be removed. } H-2
- 3. Section 3.3.4, pg 36, line 6 gives a figure of 5.7 acres of temporary upland habitat impacts, but the actual figure (revised in a submittal to the Service on 12/18/08) was calculated to be 4.5 acres. PG&E can provide this information to the SLC if it has not previously been provided. } H-3
- 4. GGS habitat figures 3-6 and 3-7 do not depict the updated GGS habitat information provided to the Service in a 12/18/08 transmission. PG&E can provide this information to the SLC if it has not previously been provided. } H-4
- 5. Section 3.3.4, pg 38, line 14, MM BIO -1m cannot be implemented as all of PG&E's work within GGS habitat will occur within 200-ft of suitable aquatic habitat. The measure should be revised to state that construction within 200-ft of the banks of GGS aquatic habitat will be minimized to the extent possible. } H-5
- 6. Section 3.3.4, pg 39, lines 31-32 state that 0.15 acre of nesting and foraging habitat will be permanently disturbed; this is an inaccurate statement as PG&E does not anticipate permanent impacts to any nesting or foraging habitat along the project alignment- all impacts are considered temporary. } H-6
- 7. Not all drainage ditches mentioned in the text (Section 3.3.4, pg 11, line 25 and pg 43, line 6) are depicted/referenced on the two GGS figures (3-6 and 3-7). } H-7

Mr. Huitt
April 30, 2009
Page 2 of 3

- 8. Section 3.3.5, pg 10, line 4, MM CUL-1 is referencing the wrong existing pole number. The MM states that pole 4/90 is adjacent the Northern Electric RR and must be replaced outside the RR bed, yet the recorded site described on pg 4, lines 3-4 state that the feature is located immediately east of Jack Slough; the structure immediately east of Jack Slough is pole 4/86. H-8
- 9. Section 3.3.2, page 6: Since PG&E's utility projects are not subject to local use permit requirements, please revise the second to last sentence in first full paragraph to read: "However, because the design and construction of the Project falls within the exclusive jurisdiction of the California Public Utilities Commission ("CPUC"), these Zoning Code provisions do not apply. Moreover, even if the Project was subject to these Zoning Code provisions, no use permit would be required because the Project consists of reconstruction of a new transmission line in place of the existing line." H-9
- 10. Section 3.3.3, page 20: PG&E will incorporate mitigation for CO2 emissions in its construction practices, in particular the use of carpooling and recycling. The CPUC generally requires that projects provide calculations for CO2 emissions both before and after mitigation, and indicate the estimated emissions reductions from each measure. PG&E can assist in providing these calculations. H-10
- 11. Section 3.3.6, page 8: Please delete all references to the California Building Code, as PG&E's project facilities are not covered by this Code. Rather, PG&E is subject to the more stringent requirements of the CPUC's General Order 95. H-11
- 12. Section 3.3.6, page 10: MM GEO-2 requires PG&E to submit a geotechnical report and detailed design drawings to the State Lands Commission for "review and approval." The CPUC has exclusive jurisdiction over the design of PG&E's power line facilities, and has set forth detailed requirements in its General Order 95. Since the SLC lacks design authority over the Project, it would not be appropriate for it to "review and approve" the geotechnical report and detailed design drawings. Moreover, this information is confidential. Since power line design matters are regulated by the CPUC, please delete this condition. H-12
- 13. Section 3.3.2, pg 7, MM AGR-3 states that PG&E shall provide advanced notification of impending construction activity (including photos and mapping of the new line) to local landowners, aerial applicators, and county farm bureaus. This is an existing line, not a new facility, and notification to aerial applicators who already know of the existing line would be burdensome and unnecessary. PG&E typically notifies land owners and relevant local officials of its construction projects, but not aerial applicators; furthermore PG&E does not divulge sensitive information such as facility maps to the public because of utility security concerns. PG&E requests that this MM be revised to eliminate the requirement to provide notification to aerial applicators and to provide facility information not normally provided. Attached is an example notification letter to landowners. H-13
- 14. Section 3.3.3, pg 17-19, MMAQ-4a and 4b are addressed in PG&E's SWPPP prepared for the project. The SWPPP will be submitted with the fugitive dust control plan to the FRAQMD. H-14
- 15. PG&E objects to and request the elimination of MM HAZ 5a and 5b (Section 3.3.7, pg 8) as this is an existing facility and well recognized in the area; PG&E feels that notification to local airports of the line's new specifications is not warranted as the line is not located immediately adjacent to an airport runway or located in the immediate runway approach area. PG&E and/or its contractors will file appropriate notification (as mandated by the FAA) for any helicopter work associated with the project, but use of ground-based construction equipment has not typically required notification to local airports. The project involves two TSP structures that will be significantly taller (50+ feet) than existing wood poles because these structures will replace poles that currently sit atop levees (the east and west levees of the Feather River) and will be relocated to the base of the levee. These taller structure are needed to span over the levee and will result in nearly the same line profile as existing, therefore they should not H-15

Mr. Huitt
April 30, 2009
Page 3 of 3

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.

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H-15
Cont.
H-16

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 and 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>

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: _____, _____ County, State of California.

In order to ensure the delivery of safe, reliable, responsive electric service to our customers, Pacific will be <project work>. Crews will be starting construction the week of DATE. If there are tenants on your property, please contact them so they are aware of the construction.

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

H-17

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

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- 4 **H-1** Please refer to the CPUC's comment letter dated May 4, 2009 (Comment Letter
5 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,
7 has been modified to clarify that Pole 5/102 is not located in giant garter snake
8 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
15 4.5 acres would not change the significance conclusions or associated mitigation
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.
- 30 **H-6** The 0.15 acre of permanent habitat represents the cumulative amount of habitat
31 (primarily grassland that is used as nesting and/or foraging habitat by several
32 bird species) permanently disturbed with the installation of each of the
33 transmission poles. Nevertheless, as indicated on page 3.3.4-39 of the MND,
34 this does not represent a substantial loss or degradation of nesting or foraging

1 bird habitat within the Project areas. As the commenter indicated, the vast
2 majority of impacts to on-site habitats will be temporary in nature and will be
3 restored upon completion of construction work.

4 **H-7** Figures 3-6 and 3-7 of the MND are intended to only depict those habitat areas
5 and features considered as suitable for giant garter snake. Irrigation ditches DD-
6 1 through DD-4 (line 25 on page 3.3.4-11 of the MND) and DD-12 (line 6 on page
7 3.3.4-43) are not considered suitable giant garter snake habitat and were,
8 therefore, not depicted on these figures.

9 **H-8** CSLC agrees that Mitigation Measure CUL-1 erroneously references proposed
10 Pole 4/90 when it should reference Pole 4/86. The text on page 3.3.5-10 of the
11 MND has been modified as follows:

12 Mitigation Measure for Impact CUL-1:

13 **MM CUL-1. Placement of Pole ~~4/90~~4/86.** Pole ~~4/90~~4/86 must be placed
14 outside of the railroad bed of the Northern-Electric Railroad.

15 Because the text of this mitigation measure appears in the Mitigation Monitoring
16 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.

26 **H-10** Comment acknowledged. As indicated on page 3.3.3-20 of the MND, CO₂
27 emissions were calculated and were determined to be less than significant;
28 therefore, mitigation for reduction of these emissions was not included. Because
29 this Project did not result in excessive CO₂ emissions, CSLC did not require a
30 “before mitigation” and “after mitigation” CO₂ emissions calculation.

31 **H-11** Section 3.3.6, Geology and Soils, subheading “Regulatory Setting,” on pages
32 3.3.6-7 and 3.3.6-8, provide relevant and potentially relevant statutes, regulations,

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

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

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

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

34

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

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