

## D. Responses to Comments

During the public review period for the Mitigated Negative Declaration (January 17, 2006, through February 16, 2006), the CPUC received six public comments from State and local agencies, as well as the Applicant. This section presents responses to all comments received during the public comment period.

Table D-1 lists all persons and agencies that submitted comments on the Mitigated Negative Declaration (MND) for the Kirby Hills Natural Gas Storage Facility Project. The following pages present the comment letters and an e-mail message received on the MND. Each of the comment documents has been given a number designation (1, 2, 3, etc.), and the comments in each document have been numbered. Responses correspond to the comment numbers and immediately follow each comment document. If revisions were made to the MND based on the comments received, the revisions are provided with the response to the specific comment and are indicated in the text of the Final MND with ~~strikeout~~ for deletions of text, and in **bold and underline** for new text.

Table D-1. Commenters and Comment Set Numbers

Commenter	Date of Comment	Comment Set Number
Dannas J. Berchtold, Central Valley Regional Water Quality Control Board, Storm Water Unit	January 24, 2006	1
Mark Fullerton, Lodi Gas Storage, LLC	February 1, 2006	2
Paul Andrew Hensleigh, Yolo-Solano Air Quality Management District, Deputy Air Pollution Control Officer	February 6, 2006	3
Jeanne B. Armstrong, Goodin, MacBride, Squeri, Ritchie & Day LLP. Counsel for Wild Goose Storage Inc.	February 6, 2006	4
Timothy C. Sable, California Department of Transportation, District 4	February 10, 2006	5
Ken Solomon, Solano County Contract Planner	February 17, 2006	6
Ken Solomon, Solano County Contract Planner (follow-up)	February 17, 2006	7

Comment Set 1  
California Regional Water Quality Control Board

  
Alan C. Lloyd, Ph.D.  
Agency Secretary

**California Regional Water Quality Control Board**  
**Central Valley Region**  
Robert Schneider, Chair

Sacramento Main Office  
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

  
Arnold  
Schwarzenegger  
Governor

20 January 2006

Junaid Rahman  
California Public Utilities Commission  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

***PROPOSED PROJECT REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA),  
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR KIRBY  
HILLS NATURAL GAS STORAGE FACILITY, KIRBY HILLS, SOLANO COUNTY***

As a Responsible Agency, as defined by CEQA, we have reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration for Kirby Hills Natural Gas Storage Facility. Based on our review, we have the following comments regarding the proposed project.

Construction Storm Water

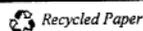
A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ is required when a site involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of one acre or more of total land area. Construction activity that involves soil disturbances on construction sites of less than one acres and is part of a larger common plan of development or sale, also requires permit coverage. Coverage under the General Permit must be obtained prior to construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>

For more information, please visit the Regional Boards website at <http://www.waterboards.ca.gov/centralvalley/> or contact me at 916.464.4683 or by e-mail at [berchtd@waterboards.ca.gov](mailto:berchtd@waterboards.ca.gov).



DANNAS J. BERCHTOLD  
Storm Water Unit  
916.464.4683

*California Environmental Protection Agency*



1-1

## Responses to Comment Set 1 California Regional Water Quality Control Board

- 1-1 Comment noted. As indicated in MND Section B.1.10 (Other Public Agencies Whose Approval is Required), a National Pollutant Discharge Elimination System (NPDES) permit would be required for construction activities and discharge of hydrotest water.

Comment Set 2  
Lodi Gas Storage, LLC



February 1, 2006

VIA FEDEX

Junaid Rahman  
California Public Utilities Commission  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

Re: Comments on Draft Mitigated Negative Declaration for the Kirby Hills Natural Gas Storage Facility

Dear Mr. Rahman:

Lodi Gas Storage ("Company") appreciates the opportunity to comment on the draft Mitigated Negative Declaration ("MND") for the Kirby Hills Natural Gas Storage Facility ("Kirby Hills Facility") issued by the California Public Utilities Commission ("Commission") for public comment on January 17, 2006. The Company is submitting its comments, all non-substantive in nature, early so as to assist the Commission in certifying a final MND as part of a decision on the Company's request for a Certificate of Public Convenience and Necessity in A.05-07-018 at the Commission's March 2, 2006 public meeting.

2-1

The Company believes the draft MND represents a complete and accurate analysis of the limited environmental impacts potentially caused by construction and operation of the Kirby Hills Facility. The Company accepts, without qualification, the mitigation monitoring plan detailed in Section C of the draft MND. The mitigation monitoring plan should ensure in those few instances, primarily during construction, that any potential environmental impacts will be reduced to less than significant levels.

The Company's comments are limited to providing clarifications, correcting factual statements and correcting typographical errors in the MND. The specific comments are enumerated below.

Section A.1: Page A-1

2-2

1. The first paragraph - first sentence:  
**Comment: To provide more clarity, suggest revising the sentence to read: "Lodi Gas Storage, LLC (LGS), is proposing to use a depleted natural gas reservoir in the Kirby Hills gas field as a storage facility for natural gas transported to the site by its customers." As written this sentence appears to suggest, contrary to the rest of the document, that the Company is proposing a temporary facility instead of a permanent facility that provides natural gas storage services to customers. The duration of storage for a given customer may be temporary; however the facilities will be permanent.**
2. In the sentence: "The proposed project is comprised the following six primary components:"  
**Comment: Insert the word "of" after the word "comprised".**

2-3

14811 St. Mary's Lane, Suite 150 – Houston, TX 77079  
281-679-1211 (phone) – 281-679-1564 (fax) – Internet: [www.westernhubs.com](http://www.westernhubs.com)

Comment Set 2, cont.  
Lodi Gas Storage, LLC

Section A.2.2: Page A-3

3. First paragraph – last sentence: “This EIR will become part of a body of evidence that the Commission will use in deciding whether or not to approve the LGS application.” **Comment:** Should the word “EIR” be replaced with “MND” or “assessment”?

2-4

Section B.1.9.2:

4. On page B-25 - fourth paragraph - reference sentence: “A flow control valve located at the compressor station would control the flow to/from PG&E Line 400”  
**Comment:** As part of the ongoing detailed design, the Company has decided to locate the flow control valve inside the meter station instead of the compressor station to provide greater operational flexibility. There is no environmental impact associated with this change.

2-5

5. On page B-34 - first paragraph - reference sentence: “After the permanent facility would put into operation, the temporary compressor would be removed.”  
**Comment:** Revise the sentence to read: “After the permanent facility is operational, the temporary compressor would be removed.”

2-6

6. **General Comment:** In various places throughout the document, it is stated that LGS will submit to the DOT, the completed detailed engineering design of the facilities. Please note that the CPUC has jurisdiction for enforcement in California, and there is no mechanism in place for submitting the stated information directly to the DOT prior to operation. The CPUC will perform periodic audits of the facility and will review the engineering design and construction documentation as well as operational compliance during the audits. As specified in Mitigation HZ-1, prior to construction the detailed engineering design will be submitted to the CPUC as the appropriate agency, for review by an independent third party for compliance with DOT and other applicable laws and regulations.

2-7

Section B.3.3.2:

7. On page B-70 - second paragraph - reference sentence: “The proposed well foundation construction and drilling sites are located more than two miles form the nearest residence.”  
**Clarification:** The nearest residence from well site S-10 is approximately 6,800’ (~1.3 miles), but still far enough away such that the construction impacts will be less than significant. See page 9 of Hoover and Keith report in appendix five for a correct dimension.

2-8

Section C – Figure C-4:

8. On page C-20 - flow box that reads: “The NAHC and SCE consult with the MLD to determine the appropriate course of action as required by NAGPRA (document and verify MLD concerns and requests)”  
**Comment:** The acronym “SCE” should be replaced by “LGS”.

2-9

14811 St. Mary’s Lane, Suite 150 – Houston, TX 77079  
281-679-1211 (phone) – 281-679-1564 (fax) – Internet: www.westernhubs.com

Comment Set 2, cont.  
Lodi Gas Storage, LLC

Please do not hesitate contacting me if you should have any questions regarding these comments.

Sincerely,



Mark Fullerton  
Vice President  
Lodi Gas Storage

Cc: Commissioner John Bohn  
ALJ Kirk McKenzie  
Robert Lane, Advisor Commissioner Bohn  
Ken Lewis, Energy Division

# 3558110\_v1

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281-679-1211 (phone) – 281-679-1564 (fax) – Internet: [www.westernhubs.com](http://www.westernhubs.com)

## Responses to Comment Set 2 Lodi Gas Storage, LLC

- 2-1 Comments noted.
- 2-2 It is acknowledged that LGS is proposing a permanent facility that provides natural gas storage services to its customers, and is not proposing a temporary facility. The first sentence of MND Section A.1 (Project Overview) has been revised as follows:
- Lodi Gas Storage, LLC (LGS), is proposing to use a depleted natural gas reservoir in the Kirby Hills gas field as a ~~temporary~~ storage facility for natural gas transported to the site by its customers.
- 2-3 The subject sentence in MND Section A.1 (Project Overview) has been changed as follows:
- The proposed project is comprised of the following six primary components. . . .
- 2-4 The last sentence in the first paragraph of MND Section A.2.2 (Environmental Review Process) has been changed as follows:
- This ~~EIR-Mitigated Negative Declaration (MND)~~ will become part of a body of evidence that the Commission will use in deciding whether or not to approve the LGS application.
- 2-5 It is acknowledged that LGS has decided to locate the flow control valve for the project within the proposed metering station, rather than within the proposed compressor station. LGS has verified that this proposed change to the project would not result in a change to any of the other project parameters that could affect the safety of the system, such the operating pressure of the natural gas pipeline. The following sentence has been deleted from MND Section B.1.9.2 (Project Components):
- ~~A flow control valve located at the compressor station would control the flow to/from PG&E Line 400.~~
- The following sentence has been added as the third sentence in the Metering Station discussion in Section B.1.9.2 (Project Components):
- A flow control valve located at the metering station would control the flow to/from PG&E Line 400.**
- 2-6 The last sentence of MND Section B.1.9.2 (Project Components) has been changed as indicated below. The CPUC disagrees with the suggested edit to the sentence because it would imply that the project will be operational, while the CPUC has not yet approved the project.
- After the permanent facility would be put into operation, the temporary compressor would be removed.
- 2-7 Comment acknowledged. However, page 2-19 of the Proponent's Environmental Assessment for the project identifies a seismic-resistant design measure that indicates that the completed engineering design of the project would be submitted to the DOT, Office of Pipeline Safety. Because this measure was proposed by LGS, it is identified in the MND as Applicant Proposed Measure (APM) G-2 (see MND page B.1-2). The notion of LGS submitting documents to DOT for review is also incorrectly stated in MND Section B.1.10, under Federal Agencies. Therefore, the subject sentence (see below) has been deleted from the MND.

~~However, LGS would prepare an Operation and Maintenance Plan, Damage Prevention Plan, and Emergency Response Plan for pipeline construction, operation, and safety to support authorizations from the U.S. Department of Transportation (USDOT).~~

- 2-8 The first sentence in the second paragraph of MND Air Quality Section B.3.3.2.d. has been changed as indicated below to more accurately describe the location of the nearest residences to the proposed well foundation construction and drilling sites.

The proposed well foundation construction and drilling sites are located more than ~~two~~ one miles from the nearest residence.

The CPUC agrees that the residences in the vicinity of the drilling sites would not be affected by construction emissions due to the relatively long distance (at least 6,800 feet) between the residences and the well drilling sites. Impacts related to exposing sensitive receptors to substantial pollutant concentrations would continue to be less than significant as identified in MND Section B.3.3.2.d.

- 2-9 The text in the subject box of MND Figure C-4 (Unanticipated Discovery of Human Remains) has been changed to the following:

The NAHC and ~~SCE~~ LGS consult with the MLD to determine the appropriate course of action as required by NAGPRA (document and verify MLD concerns and requests)

Comment Set 3

Goodin, MacBride, Squeri, Ritchie & Day, LLP, for Wild Goose Storage Inc.

505 Sansome Street  
Suite 900  
San Francisco  
California 94111

GOODIN, MACBRIDE,  
SQUERI, RITCHIE & DAY, LLP  
Attorneys at Law

Telephone  
415/392-7900  
Facsimile  
415/398-4321

February 2, 2006

Jeanne B. Armstrong

Junaid Rahman  
California Public Utilities Commission  
C/o Aspen Environmental Group  
235 Montgomery, Suite 935  
San Francisco, CA 94104

**Re: Mitigated Negative Declaration and Supporting Initial Study for the Kirby Hills Natural Gas Storage Facility (A.05-7-018)**

Dear Mr. Rahman:

In accord with the procedures set forth in the January 2006 Notice of Intent to Adopt a Mitigated Negative Declaration with respect to the Kirby Hills Natural Gas Storage Facility, Wild Goose Storage Inc. ("Wild Goose") submits this letter in order to address a factual inaccuracy contained in the supporting Initial Study.

Specifically, Section B.1.9.1, depicting the "Purpose and Need" for the Kirby Hills facility, contains the following description of Wild Goose:

Besides [Lodi Gas Storage], only one other company (other than PG&E and Southern California Gas Company) currently owns a natural gas storage facility in California. That company, Wild Goose Storage Inc. began operations in Butte County in the late 1990s. The Wild Goose Storage facility is similar to that proposed by Lodi Gas Storage [LGS], except that it does not offer the capability of injecting and withdrawing gas several times per day. Instead, the Wild Goose Storage facility was designed more for long-term storage.

This description of the Wild Goose facility is not entirely accurate.

Like the proposed LGS facility, the Wild Goose storage facility does have the physical capability, as well as the associated nomination procedures and contractual provisions, to allow a customer to both inject and withdraw gas on the same day. In this regard, the Wild Goose facility was designed for both short and long term storage transactions. Wild Goose requests that the Initial Study be corrected to reflect an accurate description of its facility.

3-1

Comment Set 3, cont.

Goodin, MacBride, Squeri, Ritchie & Day, LLP, for Wild Goose Storage Inc.

Junaid Rahman  
February 2, 2006  
Page 2.

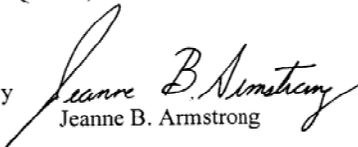
Please contact me at 415-392-7900 if you have any questions regarding this matter.

3-1

Very truly yours,

GOODIN, MACBRIDE,  
SQUERI, RITCHIE & DAY, LLP

By



Jeanne B. Armstrong

Counsel for Wild Goose Storage Inc.

cc: ALJ Kirk McKenzie (*via e-mail*)  
Peter G. Esposito (*via e-mail*)  
Service List, A. 05-07-018 (*via e-mail*)

2715/038/X74777.v1

## Responses to Comment Set 3

### Goodin, MacBride, Squeri, Ritchie & Day, LLP, for Wild Goose Storage Inc.

- 3-1 The last paragraph of MND Section B.1.9.1 (Purpose and Need) has been changed as follows to more accurately describe the existing Wild Goose Storage facility.

Besides LGS, only one other company (other than PG&E and Southern California Gas Company) currently owns a natural gas storage facility in California. That company, Wild Goose Storage, Inc., began operations at its facility in Butte County in the late 1990s. The Wild Goose Storage facility is similar to that proposed by Lodi Gas Storage, ~~except in~~ that it ~~does not offer~~ has the capability of injecting and withdrawing gas ~~several times per~~ on the same day. ~~Instead,~~ Like the proposed project, the Wild Goose Storage facility was designed ~~more~~ for long-term and short-term storage.

Comment Set 4  
Yolo-Solano Air Quality Management District

1947 Galileo Ct., Suite 103 • Davis, California 95616



(530) 757-3650 • (800) 287-3650 • Fax (530) 757-3670

February 2, 2006

Junaid Rahman  
California Public Utilities Commission  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

Subject: Kirby Hills Natural Gas Storage Facility (A. 05-07-018)

Dear Junaid Rahman:

The Yolo-Solano Air Quality Management District (District) received a copy of the Mitigated Negative Declaration for the above referenced project and appreciates the opportunity to review and offer comments. As a commenting agency, the District considers the air quality impact analysis complete. The District asks that the recommended mitigation measures be strictly enforced and that the applicant fully complies with Bay Area Air Quality Management District's permitting rules and regulations. If you require additional information, please contact Dan O'Brien at (530) 757-3677.

4-1

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Andrew Hensleigh".

Paul Andrew Hensleigh  
Deputy Air Pollution Control Officer

## Responses to Comment Set 4 Yolo-Solano Air Quality Management District

- 4-1 It is noted that the Yolo-Solano Air Quality Management District considers the MND air quality analysis complete. If the proposed project is approved, the CPUC intends to strictly enforce the Applicant's compliance with the recommended mitigation measures and all applicable Bay Area Air Quality Management District permitting rules and regulations.

Comment Set 5  
California Department of Transportation, District 4

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**  
111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5513  
TTY (800) 735-2929



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February 10, 2006

SOL012214  
SOL-12-19.17  
SCH # 2006012068

Mr. Junaid Rahman  
California Public Utilities Commission  
505 Van Ness Avenue, Fourth Floor  
San Francisco, CA 94102

Dear Mr. Rahman:

**Kirby Hills Natural Gas Storage Facility – Mitigated Negative Declaration**

Thank you for including the California Department of Transportation (Department) in the environmental review for the above-referenced project. We have reviewed the Mitigated Negative Declaration and offer the following comments:

5-1

Mitigation Measure TRA-1 on p. B-135 mentions that “Lodi Gas Storage and/or the construction contractor shall schedule construction traffic, including construction worker and delivery trips, to avoid peak traffic commute hours along State Route 12.” However, page B-133 notes that access to the project area by construction workforce and delivery vehicles will be via I-80, SR-113 and SR-12. If this is the case, TRA-1 should be modified to include any and all of the state highway facilities that may be adversely affected by project-related traffic.

It appears that Lodi Gas Storage and/or the construction contractor will be obtaining transportation permits from the Department for hauling oversized loads and will comply with project stipulations, such as designated haul routes for project-related traffic and payment for roadway repairs. Please assure that the mitigation measures, such as TRA-1, are compatible with the stipulations required by the transportation permits.

5-2

There will be traffic impacts related to the installation of the natural gas pipeline within the right of way (ROW) at I-80/Shiloh Road and SR-12/Olsen Road which “may require temporary lane and/or road closures.” It appears that ROW encroachment permits will be requested for these construction activities, which will include “stipulations to control traffic congestion that LGS would be required to implement.” Please allow sufficient lead-time for the Department to review and approve an appropriate Traffic Management Plan (TMP).

5-3

*“Caltrans improves mobility across California”*

Comment Set 5, cont.  
California Department of Transportation, District 4

Mr. Rahman  
February 10, 2006  
Page 2

A registered traffic engineer must prepare the Traffic Management Plan. Please submit a copy of the TMP report to the Office of Traffic and Highway Operations during the encroachment permit review for further comments. When this information is available, the Office will comment further on the mitigation measures that impact State highway facilities.

5-4

A written response to the above comments is requested prior to the commencement of the permit application process.

5-5

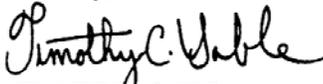
Work or traffic control within the State right-of-way (ROW) requires an encroachment permit that is issued by the Department. To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation and five (5) sets of plans that clearly indicate State ROW to the following address:

5-6

Mr. Sean Nozzari, District Office Chief  
Office of Permits  
California Department of Transportation, District 4  
P. O. Box 23660  
Oakland, CA 94623-0660

Should you have any questions about this letter or require further information, please call Christian Bushong at (510) 286-5606.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c. State Clearinghouse

*"Caltrans improves mobility across California"*

## Responses to Comment Set 5 California Department of Transportation, District 4

- 5-1 Mitigation Measure TRA-1 was designed to specifically reduce potentially significant impacts associated with peak commute hour traffic congestion along State Route 12. Potentially significant impacts to other State highways (e.g., Interstate 80 and State Route 113) associated with the proposed project were not identified. Therefore, mitigation limiting project construction traffic on these highways is not necessary to reduce potentially significant impacts to less than significant levels. However, the Applicant would be required to obtain transportation permits from Caltrans for all oversized loads that would use State highways and the Applicant would be required to adhere to all permit stipulations, as required by Caltrans.
- 5-2 Although the Caltrans transportation permits have not yet been obtained by the Applicant, it is anticipated that the stipulations that would be required by the transportation permits would be compatible with the requirements of Mitigation Measure TRA-1.
- 5-3 It is noted that the Department would require sufficient lead-time to review and approve an appropriate Traffic Management Plan developed by the Applicant.
- 5-4 It is acknowledged that a registered traffic engineer must prepare the Traffic Management Plan for the project and that the Traffic Management Plan should be submitted to the Office of Traffic and Highway Operations during the encroachment permit review for further comments.
- 5-5 It is noted that written responses to the Traffic Management Plan comments are requested prior to the commencement of the permit application process.
- 5-6 The Caltrans encroachment permit application process is noted.

## Comment Set 6 Solano County

**From:** Muniplan [mailto:muniplan@comcast.net]  
**Sent:** Friday, February 17, 2006 3:41 PM  
**To:** mfagundes@aspeng.com  
**Cc:** Solano\_JimLaughlin; Scott Wilson; Solano\_MYankovich; Solano\_KSolomon  
**Subject:** Solano County Comments\_Kirby Hills Nat. Gas Facility Mitigated Negative Declaration

Matt - Thank you for the opportunity to comment on the Mitigated Negative Declaration and Initial Study for the Kirby Hills Natural Gas Storage Facility. The initial comments from the Solano County Department of Resource Management are as follows: 6-1

1. Section B.1.8 references a Special Use Permit. The County has no such "special" use permit requirements, but does require a "use permit" for the proposed facilities in any zoning district. 6-1
2. An antenna is proposed at the location shown on Figure B-4a and as further referenced on page B-17. The County has a wireless communications facility ordinance (Sect. 28-50.01), which requires a use permit and other related information for all wireless communications facilities. 6-2
3. Exterior yard lighting is proposed at the meter site, presumably for security. It is unclear if additional lighting is proposed at other locations. To avoid impacts to surrounding properties, exterior lighting fixtures will need to be designed such that all illumination is confined to the project facilities only and offsite light spillage including glare is avoided. 6-3
4. Figures B-14a and B-4c identify proposed powerlines that will be overhead. This is inconsistent with County policies, which require all new utility lines in the Montezuma Hills and Suisun Marsh to be undergrounded wherever feasible. An exception is considered where undergrounding is infeasible and would have a greater adverse affect on sensitive biological resources than above-ground construction. 6-4

Ken Solomon  
Contract Planner  
Solano County  
707-784-3164  
[kmsolomon@solanocounty.com](mailto:kmsolomon@solanocounty.com)  
[muniplan@comcast.net](mailto:muniplan@comcast.net)

NOTE: See Comment Set 7 for a clarification regarding item #4 of this comment.

## Responses to Comment Set 6 Solano County

- 6-1 Section B.1.8 has been changed as shown below to correctly indicate that Solano County requires Use Permits for natural gas storage facilities in any zone.

To implement its policies to preserve the agricultural character of the project area, Solano County has zoned all of the project area east of Shiloh Road as “Agricultural District” (A-160), with a minimum parcel size of 160 acres. Facilities for the production and storage of natural gas are conditionally permitted uses ~~within this zone~~ requiring a ~~Special~~-Use Permit.

The upland area west of Shiloh Road is within the Suisun Marsh Secondary Management Area. This area is zoned “Limited Agricultural District” (AL-160), which allows for agriculture and agricultural-related uses. Facilities for the production and storage of natural gas are conditionally permitted uses ~~within this zone~~ and require a ~~Special~~-Use Permit. A Marsh Development Permit is also required by Solano County in this zoning district to ensure consistency of the proposed use with the Suisun Marsh Protection Plan and local marsh protection ordinances.

- 6-2 Comment noted that the proposed project would be required to comply with Solano County’s wireless communications facility ordinance Section 28-50.01.
- 6-3 As described in MND Aesthetics Section B.3.1.2.d, all aboveground facilities would have low-glare lights. The compressor facility would also have high-intensity floodlights that would be illuminated only when necessary for nighttime servicing. As required by Applicant Proposed Measure A-1, all facility lights would be shielded and directed downward to avoid offsite light spillage.
- 6-4 Clarification on this point is provided in Comment Set 7, following.

Comment Set 7  
Solano County – follow-up/clarification to item #4 in Comment Set 6

---

**From:** Muniplan [mailto:muniplan@comcast.net]  
**Sent:** Friday, February 17, 2006 5:19 PM  
**To:** MFagundes@aspeneg.com  
**Subject:** Re: Solano County Comments\_Kirby Hills Nat. Gas Facility Mitigated Negative Declaration

The County's Policies and Regulations Governing the Suisun Marsh is one source that comes to mind. See page 22 of this document. The County's Wind Turbine Siting Plan and EIR is another, which addresses development within the Collinsville-Montezuma Hills Wind Resource Area, and identifies the need for undergrounding of all transmission lines to mitigate both visual and avian impacts. See 2.e on page 26 and 2.g on page 27, under visual and biological resources, respectively, of this document. I believe there are other references in other documents, but this will take time to isolate exactly where.

7-1

Ken

## Responses to Comment Set 7 Solano County – follow-up/clarification to item #4 in Comment Set 6

- 7-1 For electrical service, LGS would contract with PG&E to extend an existing aboveground electric distribution line, located along Birds Landing Road, to the metering station approximately three-quarters of a mile to the north. This distribution line extension would be located in the Montezuma Hills Wind Resource Area. The Solano County Wind Turbine Siting Plan and EIR contain the following mitigation measure for siting of wind turbine facilities:

Whenever undergrounding would not increase slope instability, place transmission lines underground, or, if undergrounding is not feasible, locate transmission lines along existing rights-of-ways.

However, the proposed project does not include the siting of wind turbine facilities and does not include the construction of a transmission line. The proposed project does include the construction of a three quarters of a mile extension of an existing *distribution* line in the Montezuma Hills Wind Resource Area. Therefore, the CPUC believes that the subject mitigation measure of the Solano County Wind Turbine Siting Plan and EIR is not applicable to the proposed project.

The proposed project would also include the construction of a distribution power line that would extend from an existing line to the northern edge of the compressor station boundary for a distance that would be less than one quarter of a mile. This proposed distribution line would be located in the Suisun Marsh Secondary Management Area. Therefore, construction of the distribution line would be subject to Solano County's policies and regulations governing the Suisun Marsh and a Marsh Development Permit would be required by the County to ensure consistency of the proposed use with the Suisun Marsh Protection Plan and local marsh protection ordinances. Section 1.(c) of the County's Policies and Regulations Governing the Suisun Marsh indicates that new electric lines for local distribution should be installed underground “unless undergrounding would have a greater adverse environmental affect on the Marsh than above-ground construction, or. . . .”

Undergrounding the distribution line would increase ground disturbance associated with the project and would have a greater adverse environmental affect on the Marsh than aboveground construction. Reducing ground disturbance where feasible generally benefits plant communities and associated wildlife, and reduces the possibility of impacts to surface water runoff or groundwater flow. Construction of the overhead power line would represent a less than significant adverse impact to biological resources. With regard to bird strikes, small distribution lines tend to have a much lower potential for bird strikes than larger transmission towers with multiple lines and greater heights. Most bird strikes occur at night as migrating or dispersing shorebirds and waterfowl collide with the multiple lines associated with large transmission routes. Single distribution lines at low heights in an open grassland area would not likely result in a significant bird strike issue. The distribution poles would likely be beneficial to raptors in that they would be regularly used as hunting and/or resting perches.

Therefore, undergrounding the distribution line in a new utility trench would have a greater adverse environmental affect on the Marsh than above-ground construction. Regardless, the Applicant would be required to comply with all stipulations of the County's Marsh Development Permit.