

Comment Set C.148: Toby and Melinda Janowitz

09.27.06

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BY:.....

RE: Draft EIR/EIS for the Proposed Antelope-Pardee 500kv Transmission Project
(Application # A.04-12-007)

Dear Mr. Boccio and Ms. Kadota:

This comment letter is opposed to the proposed Alternate 5 (A.04-12-007). We are requesting that the CPUC disregard the possible utilization of this alternate as a viable route for the Antelope-Pardee Transmission Projects. As property owners that own land that will be directly affected and traversed by this route, we are requesting that the CPUC utilize another alternate or the original Proposal as a more suitable corridor for the proposed transmission lines. Outlined below are the points of concern for Alternate 5 and points of support for the original Proposal.

Points of Concern for Alternate 5:

1. **Fire Suppression:** It is the USDA's contention that the addition of taller transmission lines in ANF would create increased hazards and hindrances in fire fighting options, specifically the use of helicopters and water/fire retardant dropping aircraft? If this is true, then what are the residents of Leona Valley to expect in the event of a fire that threatens our homes? Many of these homes are in remote areas with limited road access and in the past have utilized these aerial types of fire suppression. If the transmission lines are to be constructed around our homes and a fire were to occur near the town, the residents here would have fewer resources to save their property for the same reasoning.
2. **Emergency Services:** For the same reasons mentioned above, the residents of Leona Valley are dependent on various emergency services. Many residents would be severely impacted if transmission lines were constructed close to their homes, as aerial services would not be available. On our property (110 acres), the valley created between two hill ridges on our property is a flyway for these emergency services. If the proposed Transmission Lines were constructed on the most easterly border of our property, it would impede that flyway.

C.148-1

C.148-2

3. **Ground Water Pollution:** Most of the properties that would be directly affected by the proposed transmission lines are on well water. Due to the remoteness of many of these parcels, well water is their only option. Any disturbance, but especially construction, changes the makeup of the water chemistry. Families, ranches and farms are dependent on these water resources and expect their water quality to remain unpolluted. Many families have moved to Leona Valley as they or their children suffer from ailments that are triggered by various pollutants in public water systems. Ranchers and farmers in the Leona Valley take pride in the "Organic" quality of their produce and livestock, which of course are dependent on these wells.
4. **Ground Water Disturbance:** Leona Valley is formed mainly by the San Andreas Fault and therefore has many water aquifers. Any disturbance, but especially construction that disturbs the ground directly, affects the flow and depth of these aquifers. Disturb the land and the aquifers move, consequently, many plentiful wells could dry up. Property owners would either have to spend additional money to locate new wells (which even today is a questionable process that requires the use of "Water Witches") or truck in water if the topography of their lot allows. As noted before many parcels are remote and during poor weather conditions, several service vehicles (propane, trash, and water, emergency, veterinary, delivery of mail, packages, feed farm equipment to name a few) are not able to traverse these remote roads. Trucked water dependency is not an option for many residents.
5. **Surface water runoff:** If land is disturbed to any extent there is a direct effect on how it reacts when the ground becomes wet. Many parcels that lay next to or in the pathway of the proposed transmission line corridor will be severely impacted by any ground disturbance due to construction, the future presence of transmission tower themselves as well and most importantly, the impact of access roads to maintain transmission towers. We experience the destruction of water runoff every year. Due to the smaller access roads (10 feet in width) provided by SCE to construct disbursement lines over hilly topography, there is sufficient water runoff onto egress/ingress roads, to make these roads impassible. The rainfall experienced in the winter of 04/05, created so much water runoff and ground water saturation that a landslide occurred at the front of our property. The runoff came down the SCE easement on to our only road out from our property and took out our solar electric fence, the concrete footings (4 feet deep) and subsequently saturated the ground surrounding the gate that the hillside above collapsed. We had to hire a Caterpillar to come dig us out. The residents are familiar with the inconveniences of annual water runoff and ground saturation, we all either own or have access to smaller tractors, however, if an entire mountainside is affected by construction/disturbance of ground and the resulting runoff and ground

C.148-3

saturation, the result could be devastating. Many homes could be in the direct line of massive landslides.

6. **Devaluation of properties:** The town of Leona Valley has a town ordinance of no parcels are to be sold that are under 2.5 acres in size. Most that have moved here have purchased either home or properties that are an average of 5-10 acres or more. Many residents have 20 acres or more. In addition, there many ranch owners; parcels of 100, 200 or 1000's of acres. Average homes are over 2000 square feet. Many new residents have built 4000-6000 square foot homes. Leona Valley has become a desired place to live due to its close proximity to town, beautiful surroundings, historical background, small town atmosphere and exceptional school district. Many people that live here are professionals: doctors, lawyers, teachers, firefighters, sheriffs, small, medium and large business owners and entrepreneurs. Many have lived here since they were children and now are raising their children here. Many have a vested interest in the agricultural component of the area and rely, in part, on the produce and livestock that thrive in this area. They pride themselves in their independence and are dedicated to a way of life that can not be found in the greater Antelope Valley. Average homes here have sold recently in excess of $\frac{3}{4}$ of a million dollars. Ranchettes are selling for 1-2 million dollars or more. If transmission lines are to be part of our landscape and a part of our daily responsibility to observe and maintain in an effort to insure some level of safety for our families and neighbors, the results will be that property values will decline. No one will want to pay for a property, no matter how well developed, if their view will be obstructed by transmission lines. No one will want to live by transmission towers if there is a possibility of health or geological hazards either real or imagined.
7. **Impact on Viewscapes:** Leona Valley is already visually impacted with transmission lines towers. From almost all properties within Leona Valley, residents can see these towers to the east, west, north and south. SCE should utilize these corridors already in place. Do we really need two more corridors running directly through the residencies located on west and east ends of the valley?
8. **Cost of litigation:** The residents of Leona Valley are rallying together and all are against Alternate 5. If the CPUC does not disregard the Alt. 5 proposal, there will be litigation. Many are preparing themselves for the worst and have taken the appropriate steps to protect themselves. Litigation will cost everyone considerable in time and money. Therefore, we can not see that this alternate would be considered as cost effective in any respect.
9. **Inadequate explanations, oversights, contradictions and misrepresentations in the Executive Summary prepared by Aspen Environmental Group:**

C.148-4

C.148-5

- a. Table ES-5(L-4): Why wouldn't Alt. 5 impact commercial land use? There are many farms/ranches that produce commercially in Leona Valley. In addition, there is no mention in the analysis of the disruption of recreational activities, either during construction or the permanent long term effects. Some of the recreational activities that will be affected are; bicycling, touring, horseback riding, hiking and jogging. Many of these activities also contribute to the economic welfare of the town by bringing in outside revenues. Leona Valley is also dependent on various annual events that bring in additional revenues, such as the Cherry Parade and Annual Barbecue. Any construction would and does have an immediate impact and the presence of transmission towers and lines would have a negative long term affect on annual celebrations and activities. C.148-6
- b. Table ES-5(N-2, 5, 7 & V-9): Why is Veluzat Motion Picture Ranch getting preferential treatment? Today's computer programs are have filter capabilities to erase any undesirable noise or visual effects. (Aspen managed to "stage" their DEIR photographs to depict areas designated for the transmission corridor as vacant undeveloped land, when in fact there are several homes/ranches/barns/orchards in those areas.) C.148-7
- c. Table ES-5(S-2, 7): What are the Socioeconomics effects for Veluzat Motion Picture Ranch? What are the actual forecasted decrease in revenues versus the impact on the various farms, ranches and businesses along the corridor in Leona Valley and their corresponding forecasted decrease in revenues?
- d. Table ES-5(S-7): Alt. 5 is the **ONLY** route where homes/farms/ranches are destroyed and **FAMILIES** are displaced. C.148-8
- e. Table ES-5(V-3): Why is At. 5 not mentioned here. Transmission lines will traverse Lake Elizabeth Road in Leona Valley, therefore affecting the visual quality of landscape views.
- f. Table ES-5(V-4): There is no mention of the alteration of views from Grass Mountain Leona Divide Trail and R & H Trails (**part of the Pacific Crest National Scenic Trail**) and numerous hiking and horse trails in the surrounding areas. The transmission corridor comes within ½ mile of the PCT in several spots including Spunky Canyon, Lincoln Crest; within ¼ mile and follows PCT at Annan Ranch, Latteau Canyon. Transmission lines will actually cross over the PCT in Aqua Dulce at Anthony Road. Please note the contradiction as in subsection ES.4.2 Impacts Comparison- Visual Resources, ASPEN does mention PCT impact. C.148-9
- g. ES.4.1 Methodology for Alternates Comparison: Since it is evident that comparative analysis did not correctly identify and characterize all Significant and Unavoidable Impacts, the

- Methodology for Alternate Comparison is void and at best subjective** as indicated in the DEIR itself; “Determining an environmentally superior alternative requires balancing many environmental factors. In order to identify the environmentally superior alternative, the most important impacts in each issue area were identified and compared. (Important to whom?) Although this EIR/EIS identifies an environmentally superior alternative, it is possible that the ultimate decision-makers could balance the importance of each impact area differently and reach a different conclusion.”
- h. **ES.4.2 Impacts Comparison:**
- i. **Air Quality:** Alternate 5 has 2nd highest annual and total emissions. Not acceptable for a residential area. C.148-11
 - ii. **Biological:** There has been significant mention that removal of 66 kV lines would be beneficial to condors and therefore Alt. 5 would be, from a biological standpoint, a superior alternative. May we ask who did the field inspection of the current transmission corridor and where is the report that identifies those condor habitats with accompanied photos and wildlife research that illustrates condor impacts? C.148-12
 - iii. We did not see any mention of any historical or cultural research regarding the founding and growth of the town of Leona Valley. It is a know fact that the Kitanemuk Indians dwelled in this area. Spanish explorers traveled through this area. Several German and Spanish families settled Leona Valley. (1) There are the remnants of a homestead on our property. C.148-13
 - iv. **Geological:** Per citation above, on my property alone, the proposed alignment traverses over a documented slide area with FEMA. Again, use of subjective terminology, the DEIR states that there would be no “Substantial permanent alteration of topography.” As cited above, the properties on 107th Street West and Lost Valley Road back up to and exist on hilly terrain. Construction of staging areas, crane pads, towers and maintenance roads will alter the topography of this area and will cause significant runoff and subsequent landslides during wet weather. The DEIR states the there will be no permanent impact of the topography of grading of new access roads for Alt. 5. Any grading and maintaining of roads, impact the topography on an ongoing basis, as cited above. C.148-14
 - v. **Public Health and Safety:** Why has this report excluded Leona Valley residences as an area “where the project may cause radio or television interference”? An oversight? In order to obtain homeowners insurance for C.148-15

- our property, we had to install a fence around our pool. A Local Building and Safety ordinance to prevent possible liability from trespasser (mainly children) drowning in our pool. Will SCE be fencing AND insuring each of these towers to prevent possible property owner liability from trespassers who are intrigued and climb the towers? We could still be liable and be required to carry our own rider. This will be an additional insurance expense for property owners or SCE, i.e. California Tax payers or rate payers.
- vi. **Forest Management Activities:** Why does the DEIR state that there will be no impacts regarding these activities when the transmission corridor still crosses over ANF land in the Alt. 5 route. Does the Forrest Service figure that they will not be needing aerial fire suppression on NFS land directly west and south of our properties? There are no roads to these areas as this is rugged, steep and densely vegetated topography. Table ES-4 states that there will be no helicopter construction. SCE had at one time mentioned prior to getting power to our property; they may have to utilize helicopters. Farther up on our property the terrain is steeper and more dense, why would it be characterized differently now?
- vii. **Hydrology and Water Quality:** The DEIR is incorrect that there will be zero "Minor (mountain stream) underground crossings. It is stated that field studies were conducted in January 23-24, 2006. It had to be apparent at that time that there were streams crossings (then above ground) at several different points that are in the direct path of the corridor. In order to do any preliminary research on our property, one would have had to traverse at least 2 water sources via 4 wheel drive. These same tributaries to Amargosa Creek go underground by April. The property north-east of our property is a low spot for at least 5 water sources which would converge directly in the path of the transmission corridor and eventually join Amargosa Creek. The DEIR cites that Alt. 5 is less desirable than the proposed Project and Alt. 3 & Alt. 4, with five Class II impacts and two Class III impacts.
- viii. **Land Use and Public Recreation:** Why did the DEIR state that "Potential condemnation of one or more homes (final outcome dependent on more detailed alignment studies)"? This is a gross understatement. A guesstimate of "about 30 homes" would have been a more accurate description. When will the property owners know the exact alignment? We would like to note here that the alignment map in the original Release Notice of this

C.148-16

C.148-17

project, post marked 07.21.06, is very different from the detailed alignment map in the DEIR. On the Release Notice the corridor is located on the back side of each of our neighbor's properties to the east. In the DEIR the corridor has been placed 1000 feet to the west of that same point, on our property within 250 feet or closer of our residence. What is the percent of variance that we can expect on each of these maps? When will the studies be finished? Who is doing the studies? In the statement "No. of private parcels traversed". What is the DEIR definition of parcel? Many of the ranches out here are made of several parcels. Do you actually mean number of separately owned properties? If the alignment has not been finalized, how can the number of parcels impacted be accurate? Since the time the field studies have been completed, there have been a number of new homes built or being built and therefore, the number of parcels to be impacted is inaccurate. Linear miles of traversed Farmland is not .08 miles. It is more than 4 or more miles in Leona Valley alone. Starting with Peterson Ranch(north of Lake Elizabeth Road) south to Bell ranch (1+mile), through Bell Ranch south (1 mile), continue south through our ranch (1 mile) to and through NFS land, back through Lost Valley and then east through several cherry, apple and pear orchards (1mile).

C.148-18

ix. Noise: Please explain why Corona noise levels would be exceeded at Veluzat Motion Picture Ranch (Class I) and not in Leona Valley (Class III). Why would there be permanent ambient noise at Veluzat Motion Picture Ranch and not for the residents in Leona Valley?

C.148-19

x. Socioeconomics: The DEIR states that there would be no businesses affected other than agricultural. If 15% of Leona Valley residents are displaced due to condemnation of their homes alone and another portion of residents leave due to Health & Safety, and Visual impacts, then in turn the local business will see a proportionate decrease in business. Types of business affected in Leona Valley alone: Stores, Restaurants, Health & Beauty, Septic, Feed and Farm Equipment, Hardware, Real Estate, Insurance, Automotive, Schools, Community Service, Advertising, Landscaping, and numerous small entrepreneurships. This list is not inclusive. The DEIR statement that there would be "some Potential" for Residential Displacement is incorrect and contradictory in this report. There **will be** condemnation of at least one residence, per the report.

C.148-20

- xi. **Public Services:** The DEIR cites that Alt. 5 would have the greatest demands on Public Services.
- xii. **Traffic and Transportation:** Again if SCE does not know where the final alignment will be, how do they know that only one road will be crossed? In Leona Valley alone, Lake Elizabeth Road, Ave, N-8, Lost Valley Road and Bouquet Canyon will be traversed. C.148-21
- xiii. **Utilities and Services Systems:** Alt. 5 would use the most water and generate more waste than any other alternate or the Project except for Alt. 1 which goes underground.
- xiv. **Visual Resources:** As cited above the PCT will be crossed at least once in Aqua Dulce with Alternate 5 Route and will be visually impacted with the corridor running along side of the PCT. C.148-22
- i. **ES.4.3 CEQA Environmentally Superior Alternative:** Again the assumption is that the comparison matrix contains correct and current data, which it does not. Therefore, any attempt to identify a Superior Alternate based on this DEIR is fallible. C.148-23
- j. **Why did ASPEN Environmental Group not inform the participants at any of the public informational meetings that SCE had submitted a second Application # A.04-12-008 concurrently on December 9, 2004?** Upon review of that second application is apparent that, that Proposal, would utilize the same transmission corridor along 103rd/105th Street West as proposed in this application's Alternate 5. In addition, Alternate 4, Re-route 2 would again impact Leona Valley on the east end of the valley as Alternate 5 does in this application. Although, it appears that utilization of this same corridor in both projects would be a possible cost benefit for SCE, it is obviously that is not in the best interest for the residents of Leona Valley or the other affected communities. C.148-24
- k. **Where is the analysis of costs in demolition of the residences/businesses of Leona Valley in the DEIR? Which parties will be responsible for gathering and paying for appraisals? What is SCE definition of "Fair Market Value"? What time period will ASPEN use to determine "Fair Market Value? If it is sometime in the future, the "value" number is already incorrect. Property values have already declined. Actual sale prices in Leona Valley have already fallen a documented 20% because of the mere threat of transmission lines. Correct property values will have to be extrapolated from pre-July 2006 data. How much in tax revenues does ASPEN anticipate that the state will lose if literally millions of dollars, in property value, are lost? If Alternate 5 comes to fruition, we as well as others will pursue Proposition 8 re-assessments.** C.148-25
- k. **Where is the analysis of costs in demolition of the residences/businesses of Leona Valley in the DEIR? Which parties will be responsible for gathering and paying for appraisals? What is SCE definition of "Fair Market Value"? What time period will ASPEN use to determine "Fair Market Value? If it is sometime in the future, the "value" number is already incorrect. Property values have already declined. Actual sale prices in Leona Valley have already fallen a documented 20% because of the mere threat of transmission lines. Correct property values will have to be extrapolated from pre-July 2006 data. How much in tax revenues does ASPEN anticipate that the state will lose if literally millions of dollars, in property value, are lost? If Alternate 5 comes to fruition, we as well as others will pursue Proposition 8 re-assessments.** C.148-26

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The Honorable Buck McKeon, U.S. Congress District 25
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The Honorable George Runner, State Senator
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The Honorable Sharon Runner, State Assembly District 36
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- 1.) History of Leona Valley, Leona Valley Improvement Association, 1974
- 2.) <http://www.whole-earth-energy.com/id3.html>

Response to Comment Set C.148: Toby and Melinda Janowitz

- C.148-1 We recognize that Alternative 5 would constrain the ability to aggressively fight a wildland fire in the vicinity of the route, and would create additional fire risks to inhabited areas such as Leona Valley and Agua Dulce (see discussion in Section D.5). Your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- C.148-2 As discussed in Draft EIR/EIS Section C.13.10.2, SCE would be required to submit FAA Form 7460-1, Notice of proposed Construction or Alteration, to the Manager of the FAA Air Traffic Division for review and approval of the Alternative 5 route. Impacts to aviation would be less than significant.
- C.148-3 As discussed in Draft EIR/EIS Section C.8.10, the construction and operation of Alternative 5 would result in less than significant impacts to water quality and available groundwater.
- C.148-4 Your comments will be shared with the decision-makers who are reviewing the Project at the USDA Forest Service and the CPUC. Please also see General Response GR-1 regarding potential effects on property values.
- C.148-5 As discussed in Draft EIR/EIS Section C.15.10.2, the change to existing views as a result of infrastructure construction are considered a significant and unavoidable impact of Alternative.5. Your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- C.148-6 Impacts to these businesses are addressed in the analysis of agricultural resources in Section C.9.10.2 of the Land Use and Public Recreation section under Criterion LU2 and in Section C.12.10.2 of the Socioeconomics under Criterion SOC3.
- C.148-7 Specific impacts to the Veluzat Motion Picture Ranch were completed for the Draft EIR/EIS due to the Veluzat Motion Picture Ranch providing comments and concerns of the proposed Project route early in the public scoping process. As discussed in Draft EIR/EIS Section C.12.6, operational impacts to the Veluzat Motion Picture Ranch were found to be significant and unavoidable.
- C.148-8 Comment noted. Your concerns will be shared with the decision-makers who are reviewing the Project at the USDA Forest Service and the CPUC.
- C.148-9 As discussed in Draft EIR/EIS Section C.15.10.2, the change to existing views as a result of infrastructure construction are considered a significant and unavoidable impact of Alternative.5. Your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- C.148-10 Please see General Response GR-4 regarding the identification, screening, and analysis of proposed Project Alternatives.
- C.148-11 As discussed in Draft EIR/EIS Section C.2.10.2, construction of the proposed Project would result in short-term construction related air quality impacts that are considered a significant and unavoidable impact of Alternative.5. Your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.

- C.148-12 Biological surveys were completed by ECORP Consulting, as described in Draft EIR/EIS Section H. Furthermore, biological field survey methodology is described in Draft EIR/EIS Section C.3.1.2.
- C.148-13 As discussed in Draft EIR/EIS Section C.4.10.2, the cultural resources analysis for Alternative 5 was based on identified cultural resources through literature review and field reports.
- C.148-14 As discussed in Draft EIR/EIS Section C.5.10.2, it is acknowledged that Alternative 5 would require more than 121.8 acres of altered topography.
- C.148-15 As discussed in Draft EIR/EIS Section C.6.10.2, Alternative 5 would cause impacts to radio or television interference that could be mitigated to a less-than-significant level.
- C.148-16 Draft EIR/EIS Section B.4.5 describes the Alternative 5 route, and associated construction and operational components.
- C.148-17 As discussed in Draft EIR/EIS Section C.8.10.1, Alternative 5 would cross Amargosa Creek. As discussed in Draft EIR/EIS Section C.8.10.2, Alternative 5 impacts to existing watercourses were found to be less than significant with mitigation incorporated.
- C.148-18 As discussed in Draft EIR/EIS Section C.9.10.2, the majority of land uses that would be restricted as a result of Alternative 5 would be the erection of new structures within the alternative ROW. However, given that SCE has not conducted construction or final alignment and design studies for Alternative 5, the EIR/EIS has assumed that the removal of one or more homes may occur. Alternative 5 would not result in the displacement of a significant portion of the families in the Leona Valley or Agua Dulce communities.
- C.148-19 Operational noise impacts are discussed in Draft EIR/EIS Section C.10, Noise.
- C.148-20 As discussed in Draft EIR/EIS Section C.9.10.2, the majority of land uses that would be restricted as a result of Alternative 5 would be the erection of new structures within the alternative ROW. However, given that SCE has not conducted construction or final alignment and design studies for Alternative 5, the EIR/EIS has assumed that the removal of one or more homes may occur. Alternative 5 would not result in the displacement of a significant portion of the families or businesses in the Leona Valley or Agua Dulce communities.
- C.148-21 Given that SCE has not conducted construction or final alignment and design studies for Alternative 5, the EIR/EIS has assumed the crossing of roads that would be unavoidable.
- C.148-22 As discussed in Draft EIR/EIS Section C.15.10.2, the change to existing views as a result of infrastructure construction are considered a significant and unavoidable impact of Alternative 5. Your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.
- C.148-23 Please see General Response GR-4 regarding the identification, screening, and analysis of proposed Project Alternatives.
- C.148-24 Please see General Response GR-5 regarding the Project's noticing procedures and review period. On September 13, the CPUC and the Forest Service formally extended the public review period for the Draft EIR/EIS to October 3, 2006.

C.148-25 Comment noted. Your concerns will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC.

C.148-26 Your comments will be shared with the decision-makers who are reviewing the Project and alternatives at the USDA Forest Service and the CPUC. Please also see General Response GR-1 regarding potential effects on property values.