

# Responses to Comments

## Introduction

During the public review period for the Mitigated Negative Declaration (September 22, 2006 through October 23, 2006), the CPUC received three public comments from State and local agencies and 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 Proposed MND. The following pages show the comment letters. The comments in each letter have been numbered. Responses correspond to the comment sets and immediately follow each comment document. If revisions were made to the MND and supporting Initial Study based on the comments, the revisions are provided with the response to the specific comment and are indicated in the text of this Final MND with ~~strikeout~~ for deletions of text, and in underline for new text.

**Table D-1. Comments Received on the Proposed Mitigated Negative Declaration**

Commenter	Date of Comment	Comment Set
City of Antioch, Community Development Department Victor Carniglia, Deputy Director of Community Development	October 23, 2006	AN
California Department of Transportation Timothy C. Sable, District Branch Chief	October 25, 2006	CT
Pacific Gas and Electric Company Jo Lynn Lambert, Attorney at Law	October 23, 2006 and November 8, 2006	PG

Comment Set AN  
City of Antioch



October 23, 2006

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

Dear Junaid,

Thank you for the opportunity to comment on the Mitigated Negative Declaration for the PG&E Delta Substation project proposed in the City of Antioch. The following are our comments on the environmental document:

1. The Mitigated Negative Declaration discusses the need for a distribution power line extending from the Substation, but does not address its impact. A footnote on pg. B-12 states that the distribution power line is "not considered part of the project and is not analyzed". Section B.1.10.3 indicates that an approximately one half mile long temporary power distribution line will run from the proposed Substation along the future alignment of Hillcrest Ave. to a connection presumably at the current terminus of Hillcrest. This distribution line is proposed to be on 50 ft. tall wooden poles with an average spacing of 225 ft., resulting in the need to install approximately 12 poles.

The Negative Declaration states that this distribution line will be "temporary", and will be placed underground when Hillcrest is extended south across Sand Creek to near the Substation site. This extension of Hillcrest is at least five years away, and could be much longer depending on the pace of development in the surrounding area. While the time frame for the Hillcrest extension may be uncertain, the City knows what the future alignment of Hillcrest will be. Given this, the power distribution line needs to be placed underground initially as part of the Substation construction in the future alignment of Hillcrest. The above ground "temporary" power distribution line is not acceptable given its significant visual impact, and therefore should be placed underground as part of the first phase of the project.

AN-1

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Comment Set AN, cont.  
City of Antioch

2. The construction of the Substation involves the installation of a new PG&E tower 100 ft. to 130 ft. tall to transition the power lines from the existing lines to the new substation. This new tower will be the most visible part of the Substation project, and given its size and height, will be impossible to screen visually. However, the Negative Declaration concludes that there would not be an unmitigated impact given that there are already existing tower structures in the area. This is curious logic in that it assumes adding a new tower where there are existing towers does not make the visual impact worse?! One alternative to adding a new tower could be to connect the Substation to the power grid from the existing tower approximately 250 ft. south of the proposed new tower, thereby avoiding the need to construct a new tower. While this may require modifying the existing tower to handle the additional load, such an approach would have a much reduced visual impact. This option needs to be addressed and evaluated in the Mitigation Negative Declaration. AN-2
3. The Mitigated Negative Declaration discusses the proposed exterior lighting and security lighting for the Substation. While the exterior lighting would use non glare light bulbs, the security lighting will utilize sodium vapor lamps. Sodium vapor lights can be extremely bright, thereby creating the very real potential for glare from the Substation area. The Mitigated Negative Declaration should explore the use of alternate security lighting to minimize or eliminate off site glare. A lighting plan also needs to be included with the Substation plans to demonstrate how this can be done. AN-3
4. The Mitigated Negative Declaration does not include any alternatives analysis, even though a number of other sites were evaluated as part of the earlier Substation site selection process. While this earlier comparative analysis of other sites is referred to in the Mitigated Negative Declaration, none of this documentation is brought forward. The Mitigated Negative Declaration simply states that because the analysis concludes that there will no unmitigated significant impacts, there is no need for an alternative analysis. This type of approach makes it difficult for decision makers to determine if another site may have fewer environmental impacts than the preferred site. For example, a new 130 ft. high tower is proposed for the current preferred substation location, while such a tower may not be needed at an alternate location. This would likely make the alternate location superior from a visual impact perspective. Without this kind of comparative analysis, important information is not being made available to decision makers. AN-4
5. The City appreciates the extent to which PG&E has worked with the City to visually screen the Substation site itself to the extent practical from off site views. The plan as proposed contains both earth berms and landscaping. The eventual success of this visual screening is dependant on appropriate long term maintenance of the landscaping. Given that the substation site is unmanned and would have the equipment serviced on at most a monthly basis, the City needs appropriate assurances from PG&E that the Substation landscaping will be well maintained both in the short and long term. The current wording in the Mitigated Negative Declaration (Mitigation V-1) states that landscaping plan “will be developed by PG&E and submitted for review and approval of the City of Antioch”. This mitigation measure needs to be expanded so that in addition to a landscape plan, a landscape “maintenance plan” needs to be prepared subject to the review and approval of the City of Antioch. AN-5
6. The City appreciates the extent to which PG&E has worked with the City to visually screen the Substation site itself to the extent practical from off site views. The plan as proposed contains both earth berms and landscaping. The eventual success of this visual screening is dependant on appropriate long term maintenance of the landscaping. Given that the substation site is unmanned and would have the equipment serviced on at most a monthly basis, the City needs appropriate assurances from PG&E that the Substation landscaping will be well maintained both in the short and long term. The current wording in the Mitigated Negative Declaration (Mitigation V-1) states that landscaping plan “will be developed by PG&E and submitted for review and approval of the City of Antioch”. This mitigation measure needs to be expanded so that in addition to a landscape plan, a landscape “maintenance plan” needs to be prepared subject to the review and approval of the City of Antioch. AN-6

Comment Set AN, cont.  
City of Antioch

6. The Mitigated Negative Declaration assumes that well water will be used to irrigate the Substation landscaping prior to permanent City water becoming available. However, no information is provided on the likelihood of drilling a successful water well on the site (there are existing and abandoned water wells up gradient to the west of the Substation site). Despite the importance of having landscape screening to reduce the visual impacts to insignificant levels, the Mitigated Negative Declaration does not address the possibility that an on site water well may prove unsuccessful. This is critical as it could easily be 5 to 10 years before permanent City water is available south of Sand Creek in this area. The Mitigated Negative Declaration needs to address other scenarios for providing the necessary quantity and quality of water to irrigate the landscape screening prior to permanent City water becoming available.

AN-7

Thank you again for the opportunity to comment on the Mitigated Negative Declaration for the Delta Substation Project. If you have any questions concerning these responses or other issues please give me a call at (925) 779-7036.

Sincerely,



VICTOR CARNIGLIA  
Deputy Director of Community Development

cc: Mayor and City Council  
Jim Jakel, City Manager  
Lynn Tracy Nerland, City Attorney  
Joseph G. Brandt, Director of Community Development/City Engineer  
Michael Woods, Esq.

## Responses to Comment Set AN City of Antioch

- AN-1 The Project Description (Sections A and B.1.9) identifies the 21 kV distribution circuits that eventually would be installed as build-out of the substation gradually occurs in response to growing load and demand. A footnote in the Project Description (Section B.1.9) illustrates that distribution circuits are not normally within the scope of CEQA review because distribution lines do not require formal approval from the CPUC under General Order 131-D.

There is an existing 21 kV single-circuit distribution that presently travels to the existing Hillcrest Avenue on existing poles (shown in Figure B.3-3a, KVP 2 and Figure B.3-3b, KVP 7). The initial distribution circuit related to the Proposed Project would be on new temporary poles in a double-circuit configuration replacing the existing single-circuit poles south of Hillcrest Avenue. The Project Description includes revisions to clarify this aspect of the project (Section B.1.10.3). Because the distribution poles would occur in place of an existing pole line along the anticipated alignment of what the City of Antioch has provided for Hillcrest Avenue, the appearance of the pole line would be much as it is today.

Placing distribution circuits underground in an area that eventually is to be developed would be inappropriate until after the street system is designed and laid out. To minimize the cost and disruption of potentially relocating the lines multiple times, distribution circuits are not normally placed underground until final design and construction of the new street occurs.

- AN-2 Discussion of impacts under CEQA begins with an assessment of baseline conditions, including the existing transmission line that detracts from the existing visual quality. The analysis of project impacts to aesthetics notes the dominance of the existing towers in the transmission line right-of-way (Section B.3.1.3) and describes the relatively minor effects of the adding one tower in line with the existing towers.
- AN-3 The comment suggests modifying the existing tower that is 250 feet south of the proposed substation site to transition the lines into the substation. PG&E believes that it would not be possible to design a direct tie from the existing tower for 250 feet to the substation due the angles of the tower and bus hardware and the requirements to meet minimum electrical clearances required in CPUC General Order 95. PG&E investigated this concept and found that an intermediary structure would be needed outside of the existing ROW to orient the lines for connection into the substation bus. Preliminary substation designs included this concept and the extra structure, and the analysis of aesthetics illustrates that an out-of-line intermediary structure would result in more severe impacts than the Proposed Project (Appendix 3 includes visual simulations showing such a structure).
- AN-4 The comment concerns the brightness of substation security lighting. The potential impact of light and glare would be mitigated to a less than significant level with implementation of Mitigation Measure V-3, which requires PG&E to shroud lamps and minimize light. PG&E expects to use low-voltage, high-pressure sodium vapor lighting consisting of heavy duty prismatic, low-glare glass refractor designed to reduce the possibility of glare without compromising safety. The substation lighting fixtures would be behind the proposed earthen berm and landscaping trees, which would provide screening. Light shields that may be needed are available for use if necessary to further reduce glare in a manner consistent with Mitigation Measure V-3.

- AN-5 The Mitigated Negative Declaration notes that CEQA does not require a review of alternatives where the project would not result in significant environmental impacts (see Section A). With the mitigation measures identified in the MND, decision makers are provided the necessary information to act on the Proposed Project in a manner compliant with CEQA. As the comment notes, PG&E is required by the CPUC to identify alternatives to the project. All alternative substation sites would require an additional intermediate tower. Given the need for an intermediate tower at the alternative substation sites, and the lack of topographic screening provided by other sites, the aesthetic impacts of other sites compared to the Proposed Project would likely be similar or more severe.
- AN-6 The comment requests that Mitigation Measure V-1 regarding landscaping be expanded to clearly require a maintenance plan. Revisions to Mitigation Measure V-1 clarify the requirement for a landscaping maintenance plan in the MND/Initial Study (Sections A and B.3.1.3) and the Mitigation Monitoring Plan (Section C).
- AN-7 The comment notes the potential for the proposed water well to be unsuccessful. With the history of occupation in the area, PG&E believes it is very unlikely that a well would not prove successful, but this would need to be verified by drilling the well. PG&E proposes a revision to the project description to temporarily install a holding tank and refill it during dry months. The Project Description and description of water supply impacts is revised to show the potential need for water deliveries by truck if the well fails (Section B.1.10.6 and B.3.8.2).

Comment Set CT  
California Department of Transportation

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

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*Flex your power!  
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October 25, 2006

CC004B17  
CC-4-R28.94  
SCH2006092112

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

Dear Mr. Rahman:

**Delta DPA Capacity Increase Substation Project – Initial Study/Mitigated Negative Declaration**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Delta DPA Capacity Increase Substation Project. We have reviewed the Initial Study/Mitigated Negative Declaration and have the following comments to offer:

***Encroachment Permit***

Any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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:

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

CT-1

*"Caltrans improves mobility across California"*

Comment Set CT, cont.  
California Department of Transportation

Mr. Junaid Rahman  
October 25, 2006  
Page 2

Should you require further information or have any questions regarding this letter, please call Christian Bushong of my staff 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 CT California Department of Transportation

- CT-1 It is noted that the Department of Transportation would require an encroachment permit for any work or traffic control that encroaches onto the State Right-of-Way. This approval is included in the revisions to Table B.1-3. The Caltrans encroachment permit application process is noted.

Comment Set PG  
Jo Lynn Lambert, for Pacific Gas and Electric Company

**JO LYNN LAMBERT**  
ATTORNEY AT LAW

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October 23, 2006

**Via Electronic and Regular Mail**

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

Re: Delta DPA Capacity Increase Substation Project, Comments to Proposed Mitigated  
Negative Declaration

Dear Mr. Rahman:

I represent Pacific Gas and Electric Company on permitting for the Delta DPA Capacity Increase Substation Project. Thank you for the opportunity to submit comments on the California Public Utility Commission's ("Commission's" or "CPUC's") Proposed Mitigated Negative Declaration ("MND") for this project.

First, due to several reasons including the need to secure federal permits after the Permit To Construct is issued, the construction on this project will not begin until early 2007, with a planned in-service date of November 1, 2007. Because the new construction schedule will not be interrupted by winter seasonal constraints, PG&E now plans to construct over an approximately eight-month period. Page B-19 of the MND should be corrected to reflect the revised schedule.

PG-1

In addition, PG&E has further developed its construction plans, and has determined that it will need a temporary construction work area of approximately 200 feet by 200 feet, rather than 100 feet by 200 feet, in order to install the new tower. Thus, on page B-24 of the MND, under "Installation of Tower," we suggest that you correct the first sentence and add the following third paragraph to this section:

PG-2

In order to clear the existing conductors from the proposed new tower location, it will be necessary to install at least two temporary wood poles and appropriate guy wires to spread the existing conductors sufficiently to install the new structure. The temporary "shoofly" poles would be installed within the 200 foot by 200 foot work area adjacent to the new tower position. They would be removed once the new tower is erected.

Comment Set PG, cont.  
Jo Lynn Lambert, for Pacific Gas and Electric Company

Junaid Rahman  
October 23, 2006  
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- Pages B-19 and B-55 should also be revised to reflect the larger work area. PG-2 cont.
- At page B-28, APM Bio-20, please delete “immediately” and add after telephone “within 24 hours as required by USFWS” to reflect USFWS requirements. On the same page, APM Bio-21, please delete “during the dry season” and insert “April 15 through October 15,” consistent with the definition used by the California Department of Fish and Game. PG-3
- At page B-63, for Mitigation Measure V-1, please add after the middle sentence: “consistent with safety, feasibility and engineering requirements.” PG-4
- Regarding federal jurisdiction over wetland features described in the MND at B-74 and B-80, PG&E’s experts reached somewhat different conclusions about which features qualify as jurisdictional wetlands, but PG&E concurs with the MND that the U.S. Army Corps of Engineers (“USACE”) will be the final arbiter on wetlands jurisdiction. PG&E has commissioned Olberding Environmental to prepare a wetlands delineation report, which will be submitted to the USACE for a wetlands determination, and PG&E will comply fully with the USACE’s determination. PG-5
- On page B-101, PG&E requests that Mitigation Measure H-1 be replaced with the following language: PG-6
- The nature and extent of contamination shall be identified through soil and/or water testing. Prior to disturbing additional contamination, PG&E shall submit a work plan detailing proposed remedial action for approval by the appropriate jurisdictional agency (i.e., the Department of Toxic Substance Control, the Regional Water Quality Control Board, and/or the City of Antioch, depending on the type of contamination). PG&E shall copy the CPUC on all correspondence with the regulatory agencies and provide documentation of any permits or approvals obtained.
- PG&E also requests that a variance procedure be included in the final Mitigation and Monitoring Plan for any issue that come up during construction, and notes the following minor corrections to the MND: PG-7
- Pages B-9 through B-16 at the beginning of Section A are duplicates and should be deleted. PG-8
- The building identified as the “nearest residence” on page B-5, section B.1.6 of the MND is not a residence; it is a commercial office and construction yard. PG-9
- On page B-12, section B.1.10.2., second sentence, should be “west” of the proposed substation site, not “south.” On the same page, section B.1.10.3, fourth sentence, “replace” should be “replaced.” PG-10

Comment Set PG, cont.  
Jo Lynn Lambert, for Pacific Gas and Electric Company

Junaid Rahman  
October 23, 2006  
3

On page B-19, section B.1.11.1, the last line of the second paragraph should read “Workers’ vehicles would carry water and shovels or fire extinguishers . . . .”

PG-11

On page B-53, last paragraph, the earthen berm will be “10 to 15 feet in height,” not 10 to 12 feet in height.

PG-12

If you have any questions concerning these comments, please contact me. Thank you again for the opportunity to submit comments on behalf of PG&E.

Very truly yours,



JO LYNN LAMBERT  
Attorney for Pacific Gas and Electric Company

JLL:ib

cc: David Kraska, PG&E Law Department

Comment Set PG, cont.  
Jo Lynn Lambert, for Pacific Gas and Electric Company

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November 8, 2006

**Via Electronic and Regular Mail**

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

Re: Delta DPA Capacity Increase Substation Project, Comments to Proposed Mitigated  
Negative Declaration

Dear Mr. Rahman:

I am writing to advise you of additional information that PG&E plans to submit to the U.S. Fish and Wildlife Service ("USFWS") in connection with PG&E's Section 7 consultation (through the U.S. Army Corps of Engineers) for this project.

As you know, PG&E's PEA and the studies it was based upon indicated that the proposed substation site does not contain habitat for the fairy shrimp. PG&E continues to believe that is the case. Through recent contacts with Pulte Homes representatives, PG&E learned that Monk & Associates had performed a survey for fairy shrimp habitat for the Pulte Homes project adjacent to PG&E's proposed substation site. That survey, which included the entirety of PG&E's project site including the access road, does not identify any potential fairy shrimp habitat that PG&E's project would impact. The only place in the project vicinity identified as fairy shrimp habitat is the tributary drainage to Sand Creek directly south of the project. Thus, the Monk & Associates survey provides additional confirmation that fairy shrimp are not likely to be present within PG&E's project area.

Nevertheless, because the surveys by PG&E's consultants and Monk & Associates were not protocol-level surveys, and because we want to avoid any potential delays during the Section 7 consultation, we plan to notify the USFWS in our Biological Assessment that we will assume presence for fairy shrimp in the ponding feature at the bend in the road north of the creek, the only feature that could possibly support this species within PG&E's project boundary. While we

PG-13

Comment Set PG, cont.  
Jo Lynn Lambert, for Pacific Gas and Electric Company

Junaid Rahman  
November 8, 2006  
2

do not believe that fairy shrimp are present at this site, we are taking this approach in an abundance of caution to avoid unanticipated delays that could adversely impact our project construction schedule.

Please note that this ponding feature is different in both nature and kind from the Sand Creek drainage and the habitat confirmed to support fairy shrimp on Site D.

Thank you for the opportunity to submit this additional information. Please let me know if you have any questions.

Very truly yours,



JO LYNN LAMBERT  
Attorney for Pacific Gas and Electric Company

JLL:ib

cc: David Kraska, PG&E Law Department

PG-13 cont.

## Responses to Comment Set PG

### Jo Lynn Lambert, for Pacific Gas and Electric Company

- PG-1 The comment proposes postponing the construction schedule, due to the permitting sequence after the CPUC decision. Revisions to the Initial Study (in Section B.1.11.3 and Section B.3, as needed) show the new construction start date and shorter duration.
- PG-2 The comment proposes expanding the temporary work area for the proposed tower by 20,000 square feet to make room for temporary wood poles. Revisions to the Initial Study (in Sections B.1.11.1, B.1.11.6, and B.3, as needed) account for the larger temporary work area and the temporary poles.
- PG-3 The comment proposes clarifications to the Applicant-Proposed Measures to add specificity to monitoring actions and actions taken to avoid impacts. Revisions to the Initial Study (Table B.1-2) show the changes.
- PG-4 Revisions to Mitigation Measure V-1 regarding landscape screening show the suggested changes in the MND/Initial Study (Sections A and B.3.1.3) and the Mitigation Monitoring Plan (Section C).
- PG-5 The comment notes potential disagreement between experts on the extent of wetlands at the site (Section B.3.4.1). The Initial Study describes how jurisdictional waters would be identified through determination made by the U.S. Army Corps of Engineers. No revisions are necessary.
- PG-6 Revisions to Mitigation Measure H-1 regarding encountering previously unknown subsurface contamination include clarifications based on the changes recommended by PG&E in the MND/Initial Study (Sections A and B.3.7.2) and the Mitigation Monitoring Plan (Section C).
- PG-7 The introduction to the Mitigation Monitoring Plan (Section C) includes additional text to describe a procedure for variances in response to this comment. A process for dispute resolution is also included. Mitigation Measure V-1 also includes a clarification of the role of CPUC in dispute resolution, if it should become necessary during review of the landscaping plan by the City of Antioch.
- PG-8 The duplicate pages were an error of production and have been removed.
- PG-9 The description of surrounding land uses (Section B.1.6) includes clarification to show the current use of this residential-type structure as a commercial office.
- PG-10 The minor corrections are included in the description of project components (Section B.1.10).
- PG-11 The minor corrections are included in the description of construction methods (Section B.1.11).
- PG-12 The description of the proposed berm is clarified at appropriate locations in the description of impacts to aesthetics (Section B.3.1.3).
- PG-13 PG&E filed a late comment (November 8, 2006) on the proposed approach to protecting Vernal Pool Fairy Shrimp, a special status species. The comment is noted. PG&E intends to assume the presence of fairy shrimp in the vicinity of the existing access road north of Sand Creek, even though the Proposed Project would not likely impact the species or its habitat (Table B.3.4-2).

PG&E also filed late information regarding the cultural resources in the vicinity of the existing access road near Sand Creek. The cultural resources data prepared and submitted by PG&E in late October 2006 indicates that revision of Mitigation Measure CR-1 is appropriate. The measure in the MND/Initial Study (Sections A and B.3.5.2) and the Mitigation Monitoring Plan (Section C) includes revisions to accommodate the new data.