



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor

DONALD KOCH, Director



Comment Letter O13

July 27, 2009

Jensen Uchida  
San Joaquin Cross Valley Loop Project  
c/o Environmental Science Associates  
225 Bush Street, Suite 1700  
San Francisco, California 94104

Subject: San Joaquin Cross Valley Loop Transmission Project Draft  
Environmental Impact Report (DEIR), SCH No. 2008081090

Dear Mr. Uchida:

The Department of Fish and Game has reviewed the DEIR submitted by the California Public Utilities Commission (CPUC) for the above Project. Project approval would allow Southern California Edison (SCE) to loop the existing Big Creek 3-Springville 220 kV transmission line into the existing Rector Substation by constructing 18.5 miles of new transmission line and replacing 1.1 miles of existing transmission line. The Project also proposes to modify the Rector Substation and to remove wave traps and line tuners and install protective relays at the Rector, Springville, Vestal, and Big Creek 3 Substations. The proposed Project is located in northwestern Tulare County, near the cities of Visalia, Farmersville, and Exeter.

The DEIR analyzes four Project alternatives (Alternatives 2, 3, 6 and a No Project Alternative) in addition to the proposed Project. Alternative 2 was selected as the Environmentally Superior Alternative due to reduced impacts on agricultural resources and the absence of significant, unmitigable impacts to biological resources.

Alternative 3 would traverse the Department's Stone Corral Ecological Reserve (SCER) and could involve a significant reduction in the beneficial use of the land. While Alternative 3 was not chosen as the Environmentally Superior Alternative due to impacts to SCER and its associated rare biological resources, the DEIR describes the potential for SCE to pursue legal condemnation to obtain right-of-way easements on SCER should Alternative 3 be chosen by the CPUC. It is unclear whether or not SCE has the legal authority to condemn portions of the State-owned SCER for the placement, construction, and operation of the transmission line. Further, even if it were legally feasible for a private utility to condemn an easement on State-owned land, the CPUC would first need to provide evidence that the use of portions of SCER as part of the Cross Valley Loop is the best and most necessary public use of the property. It


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should be noted that Code of Civil Procedure Section 1240.680(a)(4) states that an ecological reserve established under Fish and Game Code Section 1580, as SCER was, is presumed to be the "best and most necessary" public use of the property. The Department feels that the placement of the transmission line through SCER would significantly impact the Department's ability to manage the property for its originally designated use and would also greatly reduce the biological value of the property.

The DEIR addresses the biological importance of SCER and the significant, unmitigable Project-related impacts that would occur should the alignment described in Alternative 3 be selected. The Department agrees with the assessment made in the DEIR that construction of the Alternative 3 alignment, as currently proposed, "could have substantial permanent impacts on the vernal pool habitat and hydrology."

If you have any questions regarding these comments, please contact Justin Sloan, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 216.

Sincerely,



for Jeffrey R. Single, Ph.D.  
Regional Manager

cc: State Clearinghouse  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, California 95812-3044

ec: Scott Flint  
Department of Fish and Game  
Renewable Energy Branch

Annee Ferranti  
Department of Fish and Game  
Central Region