

**Northeast San Jose Transmission
Reinforcement Project
Environmental Impact Report**

SCOPING REPORT



Prepared for:
California Public Utilities Commission
Contract PS-5004

Prepared by:
**Aspen Environmental Group
Urban Alternatives**

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CALIFORNIA PUBLIC UTILITIES COMMISSION
Northeast San Jose Transmission Reinforcement Project
EIR SCOPING REPORT

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1. INTRODUCTION

The California Public Utilities Commission (CPUC) will direct the preparation of an Environmental Impact Report (EIR) for the Northeast San Jose Transmission Reinforcement Project proposed by the Pacific Gas and Electric Company (PG&E). The CPUC, as the lead California State agency, has selected Aspen Environmental Group (Aspen), a third-party contractor, to prepare a draft and final EIR to comply with the California Environmental Quality Act (CEQA).

This Scoping Report presents a summary of the issues and concerns presented by the public and various agencies. Comments were submitted in written form, and verbal comments were given at two scoping meetings held in the cities Fremont and Milpitas on January 12, 2000. Oral and written comments are summarized in Sections 2 and 3 respectively, and copies of all written comment letters are included in Appendix C. A summary of agency meetings is provided in Section 4.

1.1 PURPOSE OF SCOPING

The EIR on the Northeast San Jose Transmission Reinforcement Project will evaluate the potential significant environmental effects of the proposed project and its alternatives. (Note that the Proposed Project is described in the Initial Study, Appendix B) The process of determining the focus and content of the EIR is known as scoping. Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, and eliminates from detailed study those issues that are not pertinent to the final decision on the Proposed Project. Scoping is also an effective way to bring together and address the concerns of the public, affected agencies, and other interested parties. Significant issues may be identified through public and agency comments.

Scoping is not conducted to resolve differences concerning the merits of the project or to anticipate the ultimate decision on the proposal. Rather, the purpose of scoping is to help ensure that a comprehensive and focused EIR will be prepared that provides a firm basis for the decision-making process. Members of the public, affected Federal, State, and local agencies, the proponent of the action, interest groups, and other interested parties may participate in the scoping process for this project by providing written and verbal comments or recommendations concerning the issues to be analyzed in the EIR.

The intent of the Northeast San Jose Transmission Reinforcement Project EIR scoping process is to:

- 1) Inform the agencies and interested members of the public about the proposed project and the CPUC's actions in relation to it, including compliance with CEQA requirements
- 2) Identify the range of concerns and project-related issues that form the basis for identification of significant environmental issues to be addressed in the EIR
- 3) Identify a range of alternatives to the proposed project which may be considered in the EIR
- 4) Identify suggested mitigation measures or ideas and approaches to mitigation that may be useful and explored further in the EIR
- 5) Add scoping participants to the mailing list of agencies and individuals interested in future activities related to the preparation of this EIR.

1.2 SCOPING PROCESS

The scoping process for the Northeast San Jose Transmission Reinforcement Project EIR consisted of four elements:

- 1) Issuance of a Notice of Preparation (NOP)/Notice of Public Scoping Meetings soliciting comments from public agencies, as required by CEQA (copy included in Appendix B)
- 2) Public scoping meetings (copy of meeting notice included in Appendix C)
- 3) Summarization of scoping comments and feedback in the form of brief responses (Sections 2 and 3 of this Scoping Report)
- 5) Distribution of the Scoping Report, including scoping comments and feedback, as appropriate, to the commenting agencies, Scoping Meeting attendees, the EIR team members for use in work planning and impact analysis, and to public libraries designated as project repository sites for members of the public interested in reviewing the report and comments.

1.2.1 Notice of Preparation (NOP)

The CPUC issued the NOP on December 17, 1999 and distributed it to the State Clearinghouse and city, county, state and federal agencies, affected state and federal legislators, and local elected officials. There was a 30-day legally required period for interested parties to submit comments regarding the content of the EIR. Approximately 80 copies of the NOP were mailed out and additional copies were distributed at the scoping meetings to those who did not receive the NOP by mail. A copy of the NOP is included in Appendix B of this report.

1.2.2 Scoping Meetings

Dates and Locations. On Wednesday, January 12, 2000, two Scoping Meetings were held:

- From 2:00 p.m. to 4:00 p.m. at the Fremont Public Library, Fremont, California, and,
- From 6:30 p.m. to 8:30 p.m. at the Crowne Plaza Hotel, Milpitas, California.

Public Notice. Notices of the scoping meetings were posted in four newspapers in the vicinity of the proposed project. Meeting notices were also mailed to all individuals on the project mailing list. A copy of the meeting notice can be found in Appendix C. Following is a list of newspapers and the date on which the public notices appeared:

- *San Jose Mercury News (January 5, 2000)*
- *The Milpitas Post (January 6, 2000)*
- *Santa Clara Valley Weekly (January 5, 2000)*
- *The Argus (Fremont) (January 5, 2000)*

Format and Process. Jim Marks of Urban Alternatives, Public Participation Coordinator acted as meeting facilitator, welcomed the attendees, introduced the speakers and summarized the agenda. Judith Iklé of the California Public Utilities Commission (CPUC) then described the CPUC's environmental review and General Proceeding processes, including a schedule for completion of the environmental planning/decision-making processes. Susan Lee of Aspen Environmental Group, the

CPUC's environmental consultant, then described PG&E's preferred project and its alternatives and the EIR process. Judith Iklé completed the presentation with an explanation of the purpose of scoping. Jim Marks then facilitated the presentation of questions and comments by audience members, explained how to get more information and thanked the attendees for their participation in these meetings.

Attendance. The majority of people attending the meetings signed in when they arrived. A total of 18 people, excluding California Public Utilities Commission staff, consultants and representatives of Pacific Gas and Electric Company (PG&E) attended the two scoping meetings, 10 of whom signed in at the afternoon session and 8 in the evening. (A list of the individuals who attended these scoping meetings is found Page 4 of this report.)

Oral Comments: One commenter spoke at the afternoon session. At the evening session, one commenter spoke while another had her comments read into the record. Commenters and their remarks are listed in Section 2 of this report.

1.3 PROJECTED EIR SCHEDULE

Table 1 presents the anticipated schedule for publication of the Draft and Final EIR.

Table 1. EIR Schedule

Draft EIR Published	June 2000
DEIR Review and Comment Period	60 days
Final EIR Published	October 2000

1.4 ADDITIONAL PROJECT INFORMATION

Interested members of the public and agency representatives may obtain more information on the status of the project as follows:

- Send e-mail to the EIR preparation team: *nesanjo@aspeneg.com*
- Check the Internet website:
<http://www.cpuc.ca.gov/divisions/energy/environmental/info/nesanjo.htm>
- Call the Project Information Line: (408) 351-8858 (leave a voice message or send a fax).

Project information can also be found in five information repositories at public libraries in Fremont, Alviso, Milpitas and San Jose, and at CPUC headquarters in San Francisco. The addresses and hours of these libraries are listed in Appendix D.

Table 2. List Of Scoping Meeting Participants

Attendee	Affiliation
Afternoon Session, Fremont Public Library	
Jeff Barbosa	Senator Figueroa
Mary Blaser	Prologis Trust
Catherine George	California Electricity Oversight Board
Janet Harbin	City of Fremont
Tom Huen	no affiliation
Mike Keller	Silicon Valley Power
Paul Lang	King & Lyons
John Nadolenco	Mayer, Brown & Platt/ProLogis
Ean O'Neill	California Electricity Oversight Board
Bill Woods	Calpine Corporation
Evening Session: Crowne Plaza Hotel	
Gordon Chan	(SR) 237 landowner
Wilson Doe	landowner
John Galat	consultant
William Garbett	T.H.E. P.U.B.L.I.C.
Elizabeth & Tuck Lin	substation landowners
Leslie Little	San Jose Redevelopment Agency
Iat Nguyen	Vietnamese American Council
Gary Walker	California Energy Commission
Pacific Gas and Electric Company (PG&E) (both sessions unless noted)	
Robert Bonderud	Senior Land Planner
Michael Herz	EMF Program Consultant
David Kraska	Law Department
Tom Marki	Project Engineer (afternoon only)
David Kim	Landels Ripley and Diamond (PG&E counsel)
Mike Zischke	Landels Ripley and Diamond (PG&E counsel)
California Public Utilities Commission (CPUC) (both sessions unless noted)	
Judith Iklé	Regulatory Analyst, Energy Division; Project Manager
Andrea L. Biren	Administrative Law Judge (afternoon only)
Michael Yeo	Office of Ratepayer Advocates (afternoon only)
Aspen Environmental Group Team (environmental consultant)	
Susan Lee	EIR Project Manager
Valerie Starr	Project Assistant
Paul Scheuerman	Scheuerman Consulting, Transmission Engineer
Jim Marks	Urban Alternatives (public involvement consultant), Facilitator

2. SCOPING COMMENTS

This section summarizes the questions and comments received at the two scoping meetings as well as those received by mail. Scoping meeting attendees had the opportunity to ask questions both during the presentation and after it was completed. Attendees were also invited to provide comments verbally at the end of the presentation and/or submit comments on a form provided at each meeting. Comment forms or letters could also be submitted by mail, fax or email to the CPUC. The deadline for receipt of public comments on scoping was January 20, 2000. Seven comment letters were submitted. Two persons spoke at the scoping meetings, and another person's comments were submitted on a comment form, which was read to the attendees at that meeting.

The "*responses*" to comments noted in this Scoping Report were not provided at the scoping meetings. These are, in fact, post-meeting responses prepared by the environmental consulting team to provide feedback to all who commented either at the scoping meetings themselves or through written submissions. The only exceptions to this are the responses to participants' questions recorded in Section 2.2 below. CPUC/Aspen staff provided these responses at the evening scoping meeting.

This section of the Scoping Report is organized as follows:

- 2.1 Speakers at the Afternoon Meeting
- 2.2 Speakers at the Evening Meeting
- 2.3 Written Submissions
- 2.4 Summary of Agency Meetings Held

2.1 SPEAKERS AT THE AFTERNOON MEETING

Speaker: John Nadolenko for ProLogis Limited Partnership-I and Prologis Trust

(Mr. John Nadolenco of the law firm of Mayer, Brown & Platt presented comments verbally; Mayer, Brown & Platt also submitted written comments reiterating this testimony on behalf of ProLogis, the owner of the Bayside Business Park. The following summarizes both the comments presented by Mr. Nadolenco and the written comments submitted.)

1. **Alternatives:** Encouraged by the CPUC's willingness to consider "alternatives to the transmission line route and substation location." ProLogis encourages the CPUC to adopt the "Westerly Route" (the previously proposed route through the Refuge) instead of the currently preferred "Easterly Route," in order to avoid the impacts of the proposed project on the Bayside Business Park.

Response: *The EIR will analyze a "reasonable range of alternatives" as required by CEQA. As soon as a final set of alternatives is determined, the CPUC will inform the public about them. The EIR will analyze the effects of the proposed project and each alternative. This information will help support decision making on this application.*

2. **Visual effects on Bayside Business Park:** The Bayside Business Park is a business office development of approximately 5 million square feet accommodating businesses with approximately 20,000-25,000 employees. Transmission lines and towers would be clearly visible from the Bayside Business Park and would be "eyesores" significantly impacting property and rental values.

Response: *Aesthetic or visual impacts will be part of the analysis of all the alternatives.*

3. **Construction noise:** Construction of the preferred route would certainly have temporary adverse effects on noise levels in the area.

Response: *The EIR will analyze the construction noise impacts of all of the alternatives; where needed, appropriate measures to mitigate or avoid noise impacts will be proposed in the EIR.*

4. **Electrical noise and electromagnetic interference:** Electromagnetic interference generated by transmission lines is likely to have a "tremendous" adverse impact on electronic equipment used in the business park. All of the tenants use computer equipment and most of them are high-tech companies involved in computer hardware and software research and development. Computers, video display monitors and other sophisticated, sensitive electronic equipment will be affected. Tenants currently experience adverse impacts from the electrical lines running through the business park. Such impacts would, in turn, adversely affect the existing land use of the business park and could further displace a number of companies and/or people. ProLogis believes the scope of the environmental analysis should be expanded to include these environmental factors.

Response: *The EIR will address the potential effects of electric and magnetic fields on sensitive electronic equipment in the Bayside Business Park.*

5. **Regional effects:** ProLogis requests that the EIR consider the impacts of the Project on the region of the business park, including environmental resources that are unique to the region.

Response: *The EIR will evaluate potential impacts on the environmental resources that could be affected by the proposed project or alternatives.*

2.2 SPEAKERS AT THE EVENING MEETING

Questions

1. Is Silicon Valley Power a city-owned utility or a separate company?

Silicon Valley Power is the municipal utility for the City of Santa Clara.

2. Could the existing transmission lines between Newark Substation and the northeast San Jose area be expanded to provide 500 kV capacity?

We are evaluating potential project alternatives, but this alternative is not likely to be considered because there are no 500 kV lines serving the San Jose region.

3. Are you aware of the future widening of Montague Expressway?

Yes, Santa Clara County has given the CPUC engineering diagrams of that project.

4. Will the EIR consider other development in the area?

Yes, we will compile a cumulative development scenario with input from local agencies and carry out a cumulative impact analysis as required by CEQA.

Comments

Speaker: Elizabeth Lin, one of the landowners of PG&E's proposed substation site

(Ms. Lin spoke to CPUC staff and consultants prior to the meeting. She requested that CPUC/Aspen staff read her comments from their notes of the conversation with her at the beginning of the comment part of the meeting. Staff reviewed their notes of Ms. Lin's comments with her prior to reading them to the attendees, then again asked her if they accurately reflected her concerns. She agreed that they did.)

1. **Complex ownership situation of proposed substation site:** The land proposed for the substation site is owned by many individuals in undivided ownership, but the buildings on the land are owned by specific individual landowners. If PG&E purchases only part of the property, what will happen on the rest of it? Would owners in the front (the portion not purchased by PG&E) have to rent their space from the remaining owners?

Response: *This issue will be resolved in the land negotiations between PG&E and the landowners. It is not the role of the EIR to determine how much of the substation property PG&E should acquire. The EIR will analyze the potential environmental effects of the proposed project and its alternatives on the conversion of agricultural land to other uses, and recommend appropriate mitigation, if required. The EIR will not analyze the economic effects of the project, except insofar as these may have environmental effects.*

Speaker: William Garbett, P.O. Box 36132, San Jose, 95158, on behalf of T.H.E. P.U.B.L.I.C.

1. **Alternatives:** Mr. Garbett asked that the following issues and/or alternatives be considered in the EIR:

- The co-use of the City of San Jose's sludge ponds
- Three major electricity users in the region are the GE nuclear plant, the sewage treatment plant and NASA Ames. Rescheduling demand at those facilities could eliminate the need for the project by reducing peak demand
- Consider undergrounding as an alternative:
 - Reinforcing the transmission grid may be required, but going from wood to metal poles on Trimble Road and the Montague Expressway would maintain or increase the possibility of accidents; these lines should be undergrounded
 - Where the transmission line crosses sensitive areas, it should be undergrounded
- Consider moving the substation closer to the City of San Jose so existing lines could be removed
- Consider locating new power plants so that reinforcement of the transmission grid will not be necessary; (not sure whether this suggestion comes under the jurisdiction of California Energy Commission or the CPUC.)

Response: *This EIR will analyze a reasonable range of alternatives, including the No Project Alternative, as required by CEQA. Alternatives not considered in detail will be briefly described and*

the reasons for their elimination will be explained. When the final list of alternatives to be analyzed in the EIR is determined, this list will be published and distributed to interested members of the public.

2. Electric and Magnetic Fields (EMF):

- Aluminum conductors over the salt ponds could become corroded; this could cause "cross modulation" with other radio signals. Need to do an electromagnetic compatibility test.
- EMF would be minimized with underground lines; these would also reduce concerns related to heat, dust and sun.
- There could be impacts on the San Jose Airport expansion; this area is where the planes take off, so navigation and radio controls could be affected by transmission line EMF interference.

Response: *The EIR will analyze potential impacts on transportation in the area as well as potential EMF impacts.*

3. New Sewage Plant: The City of San Jose's Finance Committee is considering building a new sewage treatment plant near the Metcalf Substation.

Response: *The EIR will consider the potential cumulative impacts of the proposed project and its alternatives along with projects currently under construction or being planned for the project area.*

4. Costs: PG&E has not looked at the cost of underground cable.

Response: *This comment is not specifically relevant to the preparation of this EIR, which can consider only the potential environmental effects of the proposed project and its alternatives. Economic impacts can only be considered insofar as they have effects on the environment. PG&E has evaluated the costs of undergrounding as they relate to the alternatives addressed in its Proponent's Environmental Assessment.*

5. Ferrite materials: Consider using ferrite materials for transmission cable to minimize the stress on insulation; the military uses this type of cable.

Response: *This comment relates to engineering details of the proposed project; it is not relevant to the environmental analysis of the proposed project and its alternatives.*

6. Substation Property: PG&E would have to take all of the substation property (not just the part they want to use.)

Response: *This issue will be resolved in the land negotiations between PG&E and the landowners. It is not the role of the EIR to determine how much of the substation property PG&E should acquire. The EIR will analyze the potential environmental effects of the proposed project and its alternatives on the conversion of agricultural land to other uses, and recommend appropriate mitigation, if required.*

7. Piercy Substation: Mr. Garbett claimed that no EIR was done on this substation; he accused PG&E of fraud related to this project.

Response: *The Piercy Substation is not part of the proposed project or its alternatives.*

8. **Potential Calpine power plant:** Mr. Garbett stated his belief that the Northeast San Jose Transmission Reinforcement Project is a way to get PG&E's ratepayers to subsidize a Calpine power plant at the proposed substation site.

***Response:** No application has been filed with the California Energy Commission for a power plant at the Los Esteros site. The EIR will address the potential for a co-located plant in its discussion of alternatives.*

2.3 WRITTEN SUBMISSIONS

2.3.1 City of Fremont: Janet Harbin, Associate Planner, Development and Environmental Services Department

1. **Adverse Effects on Planned Open Space Area:** Proposed transmission line route is on the western edge of Bayside Technology Park I and II (which should not be confused with the Bayside Business Park) and the western perimeter of Pacific Commons Industrial Park at the interface of the industrial park and the wetlands to be dedicated as part of the South San Francisco Bay Wildlife Refuge. The City of Fremont has long planned to have a trail in this area that would be part of the Regional Bay Trail, including two trail head connections to trails within the Refuge. New powerlines would adversely affect trail facilities and create adverse visual impacts for the Bayside Technology Park developments.

***Response:** The EIR will analyze the visual and recreational impacts of the proposed project and its alternatives.*

2. **Planned City park would be adversely affected:** City of Fremont has the right to purchase up to 50 acres west of the transmission line traversing the Pacific Commons development to develop a park in this area. The City is concerned that the proposed project be compatible with the planned park.

***Response:** The EIR will analyze the land use and recreational impacts of the proposed project and its alternatives.*

3. **Alternatives analysis:** Several alternatives to the proposed project were shown at the scoping meeting. These alternatives appear to have less impact on approved project developments in the industrial part of Fremont. The City of Fremont suggests further analysis of these alternatives be included in the EIR.

***Response:** The EIR will analyze alternatives to the proposed project, which may include some or all of those shown at the scoping meetings.*

2.3.2 City of San Jose: Mollie J. Dent, Senior Deputy City Attorney for Joan R. Gallo, City Attorney

1. **Previous comments incorporated by reference:** Comments on the original PEA dated 08-12-98; Response to Application No. 99-09-029 filed by the City of San Jose on 10-25-99.

Response: *The CPUC and its EIR consultant will review the comments previously submitted by the City of San Jose and consider them in developing the issues to be addressed in this EIR.*

2. **Broaden the scope of this EIR:** The scope of this EIR needs to be broadened to consider alternatives to the (preferred) project which the City of San Jose discussed in its meeting with CPUC/Aspen staff on January 18, 2000.

Response: *The range of alternatives that will be considered in the EIR is currently being evaluated, and the City's concerns will be taken into consideration.*

3. **EIR needs a more detailed physical description of the (proposed) Project and the alternatives.**

Response: *The EIR will describe the proposed project and its alternatives in sufficient detail to complete the required CEQA analysis.*

4. **The scope of the EIR needs to include all transmission line upgrades:** Include upgrades proposed by PG&E for transmission lines carrying power from the new substation proposed in their application.

Response: *The EIR will define the project components that will be evaluated in the EIR based on the timing and likelihood of future components being installed. Lines that have already been approved by the CPUC and constructed by mid-2000 will be addressed in the EIR as part of the environmental baseline.*

5. **Fully evaluate undergrounding:** The EIR should fully evaluate undergrounding all transmission lines that will be constructed or upgraded in San Jose as part of this project; evaluate undergrounding the section of transmission line along Coyote Creek near the pollution control plant's sludge drying beds. Undergrounding has environmental advantages:

- Avoids interference with water pollution control plant operations
- Avoids negative aesthetic impacts
- Avoids incompatibility with planned public trails
- Avoids the need to remove large trees which enhance the appearance of the area.

Fully compare environmental effects of undergrounding versus overhead lines.

Response: *The EIR will address the undergrounding of various portions of the proposed and alternative transmission lines.*

6. **Fully evaluate design features:** Analyze design features and landscaping as mitigations for environmental impacts. (10-25-99 Response to Application: Failure to include landscaping and screening is inconsistent with applicable County land use policy and with City of San Jose's Industrial Design Guidelines.)

Response: *Design features and landscaping will be considered as mitigation where potentially significant impacts are identified.*

7. **Concerned about precise location of PG&E facilities:** San Jose is concerned about the lack of details in environmental documents provided so far concerning the precise location of the project with respect to City facilities and nearby landmarks and geographical features. For example, it is

not clear whether the transmission line section along Coyote Creek would be in the sludge drying beds, on an adjacent levee, or in the floodplain for the creek.

Response: *The EIR will specify the route of the proposed project and its alternatives for purposes of the analysis.*

8. **Insufficient detail concerning biological resources:** PEA lacks sufficient detail concerning the biological resources impacted by the project; it appears that a biological survey is needed and that mitigation measures should be developed as a result of this survey. Mitigation measures and monitoring proposed in the PEA do not meet CEQA requirements.

Response: *The EIR will analyze the potential biological effects of the proposed project and its alternatives at a level of detail consistent with CEQA requirements. Where significant impacts are identified, mitigation will be developed. The EIR will describe mitigation measures and monitoring in accordance with CEQA requirements.*

9. **Specify what undergrounding technology is being evaluated:** EIR needs to specify what undergrounding technology (oil-cooled or solid dielectric) is being evaluated and why. San Jose believes failure to evaluate not just the costs but the environmental advantages and disadvantages of solid dielectric technology has been a flaw in this project's environmental documents so far.

Response: *Insofar as various undergrounding technologies are relevant to the analysis of potential environmental effects, these will be evaluated by the EIR.*

10. **San Jose is concerned about "piecemealing":** City is concerned that PG&E has broken up a single project -- a new substation and associated distribution lines to carry power from it -- into two projects. This is forbidden under CEQA. To avoid "piecemealing," include all plans to construct or upgrade distribution lines carrying power from the new substation to facilities included in this project in this EIR. Specifically, include the planned upgrade of the distribution line running south from the new substation down Zanker Road to Trimble, east on Trimble, and south on South First Street to the Trimble Substation.

Response: *The EIR will define the transmission and substation components that are included in the analysis, the components included in the environmental baseline, and those that are considered as cumulative components. Components of previously approved projects (including those within the North San Jose Capacity Project) will be addressed in this EIR as cumulative projects.*

2.3.3 County of Santa Clara: Mark Frederick, Park Planner, Parks and Recreation Department, Environmental Resources Agency

1. **Impacts on trail alignments pursuant to the Countywide Trails Master Plan:** Plan was adopted by the Board of Supervisors in 1995 to provide a network of local and regional trails for recreational uses; also functions as an alternate transportation corridors plan. City of San Jose's Parks, Recreational and Neighborhood Services Department is currently preparing trail alignments for San Jose and to connect with planned trails in Milpitas. Contact San Jose's Parks, Recreational and Neighborhood Services Dept. and the City of Milpitas to determine potential impacts and possible mitigations. Trail alignments should be noted in the transportation section of the DEIR.

Response: *The impacts on local and regional trails will be analyzed in the recreation and land use sections of the EIR.*

2.3.4 County of Santa Clara: Sean Quach, Project Engineer, Land Development Services, Roads and Airports Department

1. **Previous comments incorporated by reference:** Please refer to previous comments in letters to PG&E dated 05-04-98 and 08-07-98. No additional comments at this time.

Response: *The CPUC and its EIR consultant will review the comments previously submitted by the County of Santa Clara and consider them in formulating the issues to be addressed in this EIR.*

2. **Planned widening of Montague Expressway:** If PG&E proceeds with the proposed project prior to the County's planned widening of Montague Expressway, PG&E will be responsible for the cost of relocation of the transmission lines. Installation of a safety net is required across Montague Expressway at the location of the transmission poles. An encroachment permit is necessary for work within the County's right-of-way. (Information from the Montague Widening Study Report submitted to PG&E.)

Response: *The CPUC is aware of the County's plans to widen Montague Expressway; transportation impacts will be analyzed in the EIR. County plans and requirements will be taken into account in the environmental analysis and development of mitigation measures.*

2.3.5 Valley Transportation Authority: Derek A. Kantar, Environmental Program Manager, Valley Transportation Authority

1. **Opposition to utility lines adjacent to VTA's Cerone property:** VTA strongly opposes any project alternatives involving an overhead utility line adjacent to our Cerone property, which is located at the southeast corner of Zanker Road and SR 237.

Response: *The VTA's opposition is noted and will be considered in the evaluation of the alternatives.*

2. **Opposition to substation on Cerone property:** VTA opposes any alternatives involving a substation on our Cerone property.

Response: *The VTA's opposition will be considered in the evaluation and selection of EIR alternatives.*

3. **Environmental impacts:** The EIR should fully evaluate impacts of the project to our Cerone property. This evaluation should consider our transit operations facilities, our currently vacant parcel of land at the southern end of the property, and the existing wetlands.

Response: *The potential impacts to the VTA's facilities and operations will be evaluated in the appropriate sections of the EIR.*

4. **Review of plans:** VTA requests the opportunity to review plans for this project as they are developed to determine whether there are impacts to transit facilities or services as well as to determine if an access permit is required.

Response: *The Draft EIR will be provided to the VTA and their comments on the proposed project and alternatives will be fully considered in the Final EIR.*

2.3.6 National Park Service, U.S. Department of the Interior: Meredith Kaplan, Superintendent, Juan Bautista de Anza National Historic Trail

1. **Potential impacts on trails:** The routes of the Juan Bautista de Anza National Historic Trail, the San Francisco Bay Trail and the Coyote Creek Trail may be affected by the proposed project. The National Park Service is interested in marking and interpreting the San Francisco Bay Trail in the project area as the Juan Bautista de Anza National Historic Trail.

Response: *Potential impacts of the project and its alternatives on recreational trails will be analyzed in the recreation and land use sections of the EIR.*

2.4 SUMMARY OF AGENCY MEETINGS HELD

Judith Iklé (CPUC) and Susan Lee (Aspen EIR Project Manager) arranged and attended three meetings with agencies in the Northeast San Jose area:

- \$ City of San Jose (10 a.m., 1/18/00)
- \$ Silicon Valley Power (City of Santa Clara; 12:30 p.m., 1/18/00)
- \$ Don Edwards San Francisco Bay National Wildlife Refuge (1:30 p.m., 1/20/00)

Paul Scheuerman (Scheuerman Consulting, Aspen EIR team member) also attended the meetings on 1/18/00, and Jim Buchholz (Wetlands Research Associates, Aspen EIR team member) attended the 1/20/00 meeting with the Refuge. A summary of each meeting follows (note that the City of San Jose also submitted a written scoping letter which is included in this report).

2.4.1 City of San Jose

Major issues are listed below (see letter for additional detail).

- **Impacts to the Water Pollution Control Plant (WPCP):** The WPCP property would be affected and the transmission line could affect operation of the plant. Because this is City land that is “in use” PG&E requires the City’s permission to cross.
- **San Jose Redevelopment Agency (SJRA) concerns:** The northeaster part of the City is in the “Rincon de los Esteros” redevelopment area and the SJRA is concerned about the visual impacts of transmission lines in areas where they are actively bringing in new development. They’re concerned about the 115kV line on Montague/Trimble, as well as the North San Jose Capacity Project line along Zanker Road
- **Planning Department:** Has concerns about biological issues (burrowing owl) and substation aesthetics (lack of proposed landscaping).
- **Parks and Recreation:** Concerns relate to the Bay Trail, Anza Trail (which follows the Bay Trail in this area), and other county-wide trails. The Bay Trail will be adjacent to Coyote Creek. Public access to the transmission line and substation areas will increase as these trails are developed. Concerns relate to visual impacts, safety, security, increased access, EMF, impacts on diverse users, birds.

- **Undergrounding of Lines:** The City wants analysis of overhead vs. underground alternatives for both the 115kv (definitely) and the 230kV where it's in the WPCP (less certain of the need for this but want to understand issues); clarify why each is better; clarify exact location of proposed route, especially through WPCP.

2.4.2 Silicon Valley Power (City of Santa Clara)

Support for PG&E's Project: The City sees PG&E's proposed project as part of the solution to the City's transmission/distribution problem, and they support the project. However, they believe the project will solve their short-term need but not the long-term need.

The NRS Substation Alternative: There are many advantages to the City of locating a 230kV substation in the City; the City is actively advocating use of the NRS site over the Los Esteros substation site. Even if the Los Esteros site is selected, the City believes that additional 230kV service may be needed in the future.

2.4.3 Don Edwards San Francisco Bay National Wildlife Refuge

The following issues were addressed:

- \$ Status of the draft regulations implementing the Refuge Improvement Act was discussed: Draft regulations are out now, and they address the process for approval of a ROW such as the Proposed transmission line. The draft regulations include a statement that mitigation could not be used by the Refuge to make a project compatible. However, it is possible that the project design (via "stipulations") could be modified to ensure that the project was compatible as proposed. Comments on the Draft regs were due October/November 1999, but they probably won't be finalized until later in 2000. There is also a National Policy that addresses appropriate use of Refuges.
- \$ Catellus/Pacific Commons property includes about 200-300 acres of land that will be donated to the Refuge after restoration. Refuge informed us that they will be given a Conservation Easement by Catellus, effective when all permits are issued for Pacific Commons. At that point, the Refuge will have to give "consent" for any permit issued affecting the Reserve.
- \$ A "Donation Agreement and Irrevocable Offer to Donate" has been signed by Catellus and the Refuge as part of the Endangered Species Act (Section 7) consultation on the Catellus property. This agreement requires that Catellus get the consent of the Refuge prior to conveyance of any rights of way across the property.
- \$ Refuge prefers the I-880 corridor over any other route.
- \$ Refuge asked that the EIR consider bird impacts at Coyote Creek/sewer plant area, and that the EIR consider impacts at the Fremont Airport property where salt-marsh habitat will be restored on the western portion of the parcel.
- \$ Refuge's biggest concern is the precedent of allowing additional development within the Refuge – there is huge development pressure from all areas surrounding the Refuge which pushes this type of land use into the only remaining open space
- \$ Environmental justice issue with Alviso was raised as a concern
- \$ Refuge would like synchronized tower height and spacing to minimize bird impacts and visual impacts