Section A presents copies of all comment letters submitted on the Draft SEIR; each comment letter is marked in the margin with individual comment identifiers. This section (Section A) presents responses to all comments, presented in the order shown in Table A-1. To find the response to a particular comment or comment set, note its comment set number from Table A-1 (the comment set number is also shown on the top of each comment letter). Agency comment letters are presented first (Section A.1), followed by letters from PG&E, the Applicant (Section A.2), and the general public (Section A.3). A graphic image of each individual comment is presented, followed by the response.

Table A-1 Commenters and Comment Set Numbers

Commenter	Comment Set
Letters from Public Agencies	
California Regional Water Quality Control Board (CRWQCB), Central Valley Region	A
California Department of Parks and Recreation, Four Rivers District	B
California Department of Transportation (CalTrans), CDOT Intergovernmental Review	C
California Department of Transportation (CalTrans), Division of Aeronautics	D
Transmission Agency of Northern California (TANC)	E
California Department of Fish and Game (CDFG)	F
City of Coalinga	G
Western Area Power Administration (Western)	H
County of Fresno	I
Letters from Individuals or Private Companies	
Pacific Gas & Electric Company (PG&E)	1
Ross M. Allen (Turk Station, Dorothy Allen Family Partnership, Pleasant Valley Farms)	2
Marvin Meyers (Meyers Farming, et al)	3
Donn R. Campion	4

A.1 RESPONSES TO WRITTEN AGENCY COMMENTS ON THE DRAFT SEIR

COMMENT SET A: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (CRWQCB), CENTRAL VALLEY REGION

Comment A-1:

We received your request for comments on a draft supplemental environmental impact report for the Los Banos-Gates 500 kV Transmission Project on 9 October 2001. The project will involve the construction of approximately 84 miles of overhead transmission line between the Los Banos and Gates Substations, realignment of existing overhead transmission lines, upgrading portions of the existing overhead transmission lines, and modifications to the substations to accommodate the new transmission lines.

The Board submitted a comment letter dated 13 August 2001 regarding the notice of preparation of a supplemental environmental impact report for this project. Based on the information in the draft supplemental environmental impact report, all our concerns of 13 August 2001 were addressed. Therefore, we have no further comments.

Response: The commenter states that all of its scoping comments were addressed in the Draft SEIR.

COMMENT SET B: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (DPR), FOUR RIVERS DISTRICT

Comment B-1:

This is in regards to the proposed project for the construction of a 500 kV transmission line following a route called the "Western Corridor", between the Los Banos-Greggs Substation in Merced County and the Gates Substation in Kern County. This includes realignments, modifications and upgrading to the Los Banos and Gates Substations. Included in this DEIR is an alternate routing of the transmission lines referred to as the "Eastern Corridor Alternative".

California State Parks (CSP) would like to endorse the "Eastern Corridor Alternative" of the two options offered in this proposal. This endorsement is due to the significant negative impact to natural, cultural, environmental, and water resources as well socioeconomic, public service and recreational resources.

Authors of this DEIR base their support of the Western Corridor on ten basic elements: Air quality; biological resources; cultural resources; geologic resources, water resources; land use / recreation; public health, safety, and nuisance; socioeconomic / public services; transportation / traffic; and visual resources. This DEIR provides information which concludes that air quality, biological resources, cultural resources, and water resources would be least impacted by the Eastern Corridor Alternative. Land and recreation impacts from the proposed Western Corridor are almost entirely agricultural land where little or no public recreation takes place. The very essentials of natural and cultural resources, water and air quality, as well as open space provide the elemental foundation for high quality recreation. This element of the proposal clearly supports the Eastern Corridor alternative.

[Comment B-1 is continued on the next page.]

Comment B-1 continued:

This draft plan also supports the Western Corridor alternative based on the public safety, health, and nuisance element. Quality public health goes hand in hand with clear air and water and the supporting information indicates that the Eastern Corridor alternative provides these factors. Evidence supporting the visual resources element as well as the transportation and traffic element are inconclusive when comparing the Western and Easter Corridor alternatives. The Eastern Alternative corridor would blend with the current transmission lines whereas the Western Alternative corridor would add an additional blight on the land.

The socioeconomic and public service element indicates no preference over Western or Easter corridor. However, both corridors cross lands administered / owned by CSP and impacts may require economic mitigation which are not clearly addressed in this DEIR.

Supportive information for both alternatives is occasionally reinforced by questionable data from older surveys, especially in the area of natural and cultural resources. Federal and state species status list is incorrect on some species. All cultural sites within the Western Alternative corridor are not identified. Mitigation measures based on this data will unlikely accomplish the needed correction or task.

Our overall evaluation of the project would support the corridor, which has the least impact on the ten elements of this proposal within California State Parks. This is the Eastern Alternative corridor.

Response: The CPUC acknowledges DPR's support for the Eastern Corridor Alternative. Section E of the Draft SEIR, Comparison of Alternatives, summarizes the reasons that the Western Corridor was found to be the environmentally superior alternative. The commenter states that the species list presented in the Draft SEIR was incorrect; this has been corrected in the Final SEIR (see Responses to Comment Set F).

The commenter also states that not all cultural resources sites within the Western Corridor are identified, but no specific information is provided in the comment. For the Draft SEIR, EIR preparers obtained recorded cultural and historic site records from State databases, mapped these sites for the proposed and alternative transmission line routes, and prepared a cultural resources report for the CPUC's files. Mitigation Measure C-2 requires completion of a cultural resources survey after finalization of project location. Any newly identified cultural resources would be protected with implementation of Mitigation Measures C-1 through C-5, regardless of whether they have been identified in the Draft SEIR.

COMMENT SET C: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), CDOT INTERGOVERNMENTAL REVIEW

Comment C-1:

> Thank you for the opportunity to review this document. The California Department of Transportation (CDOT) has reviewed this material with the CDOT (also known as Caltrans) headquarters Division of Structures Hydraulics, and the District 6-Fresno and District 10-Stockton intergovernmental review offices. CDOT's previous comments made August 7, 2001 to Ms. Natilie Walsh of the California Public Utilities Commission are still valid (attached 16 pages). This project will still require a CDOT encroachment permit for any encroachment involving CDOT right of way or any work done adjacent to or in close proximity to CDOT right of way that might potentially affect the CDOT right of way. Please see the attached CDOT letter and its attachment. Please call the appropriate district intergovernmental review coordinator if you have specific district questions - for District 6, Fresno it is Moses Stites (559) 445-6666 and for District 10, Stockton it is Ken Okereke at (209) 942-6022. If you have other questions, call me at (916) 653-9689.

Response: The comments received by CDOT during scoping were considered in the analysis. CDOT encroachment permits will be obtained by PG&E prior to construction.

COMMENT SET D: CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), DIVISION OF AERONAUTICS

Comment D-1:

> Figure B-1b shows the old Coalinga Airport that is now closed. The new Coalinga Municipal Airport is located north of Phelps Avenue and west of Calaveras Avenue (see enclosed diagram). The new airport appears to be approximately two miles west of Segment Alternative 6B.

Response: The CPUC acknowledges the new location of the Coalinga Municipal Airport. The change in location does not affect the environmental analysis presented in the Draft SEIR, because the new airport location is about two miles west of the proposed and alternative routes. Due to the distance of the airport from the proposed and alternative route segments, the project would have no impact on airport operations.

Comment D-2:

> Page C.8-6 Policy 12 requires that applications for proposed power or related transmission towers and lines be submitted to the Merced County Airport Land Use Commission (ALUC) for review. We suggest a similar policy for Fresno County.

Response: According to Draft SEIR Section C.7.2.2 (Land Use, Local Regulations), Fresno County regulations require that "the routes of proposed electric power lines shall be submitted to the [Planning] Director for County review prior to acquisition of rights-of-way." Also, as described in Section C.7.2.2, the provisions of the Harris Ranch Airport Land Use Compatibility Plan require review of the proposed project by the Airport Land Use Commission. Therefore, it appears that similar project review provisions are in place for Fresno County as in Merced County.

Comment D-3:

> In accordance with Federal Aviation Regulations Part 77, submit the enclosed Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration if required.

Response: The first sentence of the second paragraph on page C.10-4 acknowledges that a Notice of Proposed Construction or Alteration (Form 7460-1) would be required of the Applicant pursuant to Federal Aviation Regulations, Part 77.

Comment D-4:

> The need for compatible and safe land uses near airports in California is both a local and a state issue. Along with protecting individuals who reside or work near an airport, the Division of Aeronautics views each of the 250 public use airports in California as part of the statewide transportation system, which is vital to the state's continued prosperity. This role will no doubt increase as California's population continues to grow and the need for efficient mobility becomes more crucial. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future.

Response: The CPUC acknowledges the Division of Aeronautics' view that the protection of airports from incompatible land use encroachment is vital to California's economic future. This project would comply with FAA Regulations, so no incompatibility would be created by the new transmission line.

COMMENT SET E: TRANSMISSION AGENCY OF NORTHERN CALIFORNIA (TANC)

Comment E-1:

> TANC has reservations about the Draft SEIR since the cumulative impact of the proposed mitigation measures and reporting requirements appear to be excessive for the project. TANC is initially concerned that some of the measures may be technically infeasible, cost prohibitive, and do not address cascading impacts that affect other environmental aspects of the project.

Response: TANC believes that the proposed mitigation measures and reporting requirements appear to be excessive, and may cause other impacts. Because no specifics are provided for this comment, it is not possible to respond in detail as to the alleged technical or cost prohibitions or whether these concerns would warrant a different conclusion regarding the environmentally superior alternative or the adequacy of the recommended mitigation measures. However, mitigation measures and reporting requirements presented in the Draft SEIR are based on the CEQA Guidelines §15097. These measures are consistent with measures approved and implemented by the CPUC on similar projects.

Comment E-2:

TANC is not providing detailed comments on the Draft SEIR at this time as the status of the project has been clouded due to the request by the Pacific Gas and Electric Company (PG&E) on November 6, 2001, to withdraw its application for a Certificate of Public Convenience and Necessity (CPCN) for the project before the CPUC. Once the issue of PG&E's November 6, 2001, request and its impact on the project is clarified, TANC would be in a better position to provide detailed comments on the Draft SEIR. To this end, TANC reserves the future right to provide such comments.

Response: On November 30, 2001, Assigned Commissioner Loretta Lynch of the CPUC denied PG&E's motion to withdraw its application. According to the Commissioner's ruling,

"PG&E has stated that it will not build a standalone Path 15 project. Therefore, pursuing A.01-04-012 is arguably moot. However, PG&E states its intent to participate in the MOU project, which we understand to encompass the same (or very similar) physical project as proposed in A.01-04-012, with a lesser ownership responsibility for PG&E. In order to understand the impact on PG&E's ratepayers of potential participation in the MOU project, we [the CPUC] must have a clearer understanding of the MOU project and its allocation of costs, benefits, and responsibilities and the resulting economic need for the project."

In addition, the ruling determined that I.00-11-001 provided *"a logical forum to further explore the issue of project economics and to examine the allocation of benefits among the project participants under the MOU development approach"*, as such, A.01-04-012 and I-00-11-011 were consolidated.

Regarding TANC's statement that it "reserves the future right to provide … comments [on the Draft SEIR]", the comment period for the Draft SEIR ended on November 19, 2001, and there will be no further opportunity to comment on the that document. However, TANC is a party to the CPUC's General Proceedings on Application A.01-04-012 (Los Banos-Gates 500 kV Transmission Project) and Investigation I.00-11-011, and as such may participate in those proceedings.

COMMENT SET F: CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG)

Comment F-1:

Wildlife resources, including listed and fully-protected species, occur along the transmission line route. Occurrences are more abundant along the preferred Western Corridor Alternative. The Department of Fish and Game (Department) agrees with the conclusion in the Draft SEIR that the Eastern Corridor Alternative will have far fewer impacts to species and habitats. We prefer selection of the Eastern Corridor Alternative.

Species that are fully-protected by Fish and Game Code Sections 3511, 4700, 5050, and 5515 may not be taken or possessed at any time. The Department cannot issue permits that authorize the "take" of any fully-protected species. A list of fully-protected species is enclosed for your information. Of particular concern to the Department is the likelihood that blunt-nosed leopard lizard, a listed and fully-protected species, will be encountered and potentially taken along segments of the Western Corridor. In order to comply with Code Sections regarding fully-protected species, the Project may need to be routed around habitat for blunt-nosed leopard lizard, work may need to be done at only specific times of the year, and extensive survey and avoidance measures (such as scoping and hand excavating potential blunt-nosed leopard lizard

Comment F-1 continued:

> burrows) may need to be implemented. The SEIR should disclose State laws and regulations regarding fully-protected species and should evaluate the additional cost to comply with these regulations.
>
> Other State laws and regulations related to wildlife protection that should be disclosed in the SEIR include Code Section 3503 (taking or destroying nests or eggs), Section 3503.5 (taking or possessing or destroying birds-of-prey or their eggs), and Section 3513 (taking or possession of migratory non-game birds as designated in the Migratory Bird Treaty Act).

Response: CDFG's preference for the Eastern Corridor Alternative is acknowledged. The Draft SEIR also found the Eastern Corridor to be preferred over the Western Corridor in the areas of biological resources. However, impacts in other disciplines resulted in the overall determination that the Western Corridor was environmentally superior overall.

The CPUC acknowledges the additional, relevant state regulations related to fully-protected species and migratory, non-game birds provided by CDFG. Table C.3-7 (in Section C.3.2.1) has been revised to clearly indicate California Protected species and Section C.3.2.2 has been revised to reflect these additional Fish and Game Code regulations.

Mitigation Measures B-8 and B-9 (presented in Section C.3.3.5.2 of the Draft SEIR) have been updated in response to this comment on potential project-related impacts to fully protected and sensitive species. The revised mitigation measures are presented below, and are also incorporated into Section C.3 with replacement pages.

B-8 In order to reduce direct mortality impacts during construction, PG&E shall impose the following conditions on all construction personnel, and these requirements shall be addressed in the WEAP (Mitigation Measure B-5):

- Vehicles shall not exceed 10 mph on the entire ROW or along designated portions of access roads where blunt-nosed leopard lizards are known to occur ~~unpaved access roads or in the ROW~~. These locations will be determined during pre-construction surveys and ~~These roads shall be~~ identified on project maps ~~and speed limits shall be identified on maps~~ prior to the onset of construction. All other areas along dirt access roads outside the limits of known blunt-nosed leopard lizard habitat shall have a 15 mph speed limit, consistent with Air Quality Mitigation Measure A-1.

- Litter or other debris that may attract animals shall be removed from the project area; organic waste shall be stored in enclosed receptacles, removed from the project site daily, and disposed of at a suitable waste facility

- No pets will be allowed in the construction area, including access roads and staging areas

- Construction crews will be educated regarding sensitive wildlife that could be encountered on highways and how to safely avoid them. Crew behavior shall be monitored by a qualified biologist approved by CPUC.

B-9 Pre-construction wildlife surveys (following appropriate survey protocol, as applicable) shall be performed by qualified biologists to locate active raptor nests, owl~~/harrier~~ and blunt-nosed leopard lizard ~~burrows~~ and other resources defined in Table C.3-11 in/or adjacent to the ROW and access road areas. Maps and reports, as well as proposed fence locations, shall be provided

to the CPUC's approved biological monitor for review and approval prior to the start of construction.

Based on survey results, construction and operation activities shall be scheduled to avoid critical breeding, nesting and rearing seasons for sensitive wildlife species occupying a given area, as defined in Table C.3-11 below. Specific identified habitats (nests, riparian habitat, burrows, etc.) shall be avoided during specific seasons throughout the construction, operation, and maintenance of the approved project. Travel routes for vehicles, equipment and personnel will be along existing roads. If such roads are not present, routes will be flagged or fenced and no activities would be permitted outside these areas. If active nests, burrows or other habitat are observed, the avoidance period and buffer distances shown in Table C.3-11 will be implemented.

Specific distances from resources (see Table C.3-11) shall be maintained during construction, operation and maintenance of the transmission line. Travel areas shall be flagged prior to construction (see Mitigation Measure B-2), and biological monitors as specified by CPUC will be present during construction to verify that no vehicular travel occurs outside flagged areas. However, an exemption (variance) to a mitigation measure may be approved by CDFG or USFWS on a case-by-case basis. When a particular species (i.e. blunt-nosed leopard lizard) for which a specific mitigation measure has been proposed cannot be avoided by construction activities, a variance will be requested from the appropriate resource agency by the designated Project Biologist. Biological monitors will also have the authority to terminate construction activities if any significant adverse effect on special status species is observed.

Comment F-2:

> The biological section (Section C.3) of the Draft SEIR includes color maps that identify significant natural plant communities and sensitive plant species locations within the Project corridor and alternative corridors. We recommend that the SEIR include similar maps that describe significant habitats and known locations for sensitive animals.

Response: Since the status and locations of many sensitive wildlife species may change from year to year, and information must be current to allow for mitigation and impact avoidance, maps of wildlife locations are not considered to be accurate for evaluation of impacts or implementation of mitigation measures. Consequently, in accordance with Mitigation Measure B-9, field surveys (following appropriate USFWS and CDFG survey protocol, as appropriate) will be conducted by qualified biologists prior to construction activities. Significant habitat and locations of sensitive wildlife will be mapped and included in a survey report that will be provided to the CPUC's approved biological monitor, CDFG, and USFWS for review and approval prior to the start of construction.

Comment F-3:

> Based on the information provided in the Draft SEIR, we believe that "take" of state-listed threatened or endangered species is likely to occur during construction and operation of this Project. We recommend that appropriate endangered species "take" authorizations are applied for and received prior to initiating ground disturbing activities in areas of the Project alignment where listed species could occur. Incidental take permit applications should be submitted to the Regional Manager in accordance with the requirements in the California Code of Regulations, Title 14, Section 783.2. At your request we would be happy to provide more information on application requirements and the incidental take permitting process.

Response: Section C.3.2.2 (Biological Resources) of the Draft SEIR identifies State laws and regulations that are applicable to the project, including Section 2080 of the California Fish and Game

Code. In addition, Table A.3-1 of the Draft SEIR lists all State permits and authorizations that may be required for the Proposed Project. PG&E is required to conform with the applicable permitting requirements, including endangered species "take" authorizations, prior to construction.

Comment F-4:

> Pursuant to Fish and Game Code Sections 1600 et seq., the Department should be notified of any Project related activities that could affect the beds, banks, or channels of streams or lakes. We will likely need to negotiate a Stream Alteration Agreement or Agreements for stream disturbing activities associated with this Project. According to the Draft SEIR, specific surveys to determine if the Project will affect streams will not be completed until after the Project is approved. Without the results of these surveys we can not determine if mitigation in the document is adequate or if we will be able to negotiate a Stream Alteration Agreement for the Project. Results of surveys conducted to determine stream and lake associated impacts of the Project should be disclosed in the SIER.

Response: Section C.3.2.2 (Biological Resources) of the Draft SEIR identifies State laws and regulations that could be applicable to the project, including CDFG 1601 Streambed Alteration Agreements (SAA). In addition, Table A.3-1 of the Draft SEIR lists all State permits and authorizations that may be required for the Proposed Project. If the project is approved and constructed within any areas that require a SAA, PG&E will be required to provide all the necessary information to CDFG.

Comment F-5:

> We would like an opportunity to review and comment on the additional information that we have requested and we recommend that the a revised Draft SEIR be circulated for that purpose. We use the SEIR to determine conditions necessary to include in permits or agreements that we issue for this Project as a Responsible Agency and to prepare our CEQA findings and Responsible Agency Notices of Determination for said permits. If the final SEIR lacks the information we need to prepare our permits agreements and findings, we may need to collect and evaluate additional information prior to permitting the Project.

Response: As described in the Responses to Comments F-2 through F-4 above, several changes have been made to the SEIR as a result of comments by the CDFG. There will not be an additional opportunity to comment on these responses to comments. However, parties to the General Proceeding may comment on the Draft Decision prior to CPUC approval or certification of the EIR. If additional information is required by the CDFG prior to permitting the project, this will be provided by PG&E prior to the initiation of construction, as described in Responses to Comments F-2 through F-4, above.

Comment F-6:

Fully-Protected Species

The following is a list of mammalian, avian, reptilian, amphibian and fish species that can not be taken or possessed at any time and the Department is not authorized to issue licenses or permits to take them. The Fish and Game Commission may authorize the collecting of such species for necessary scientific research and may authorize the live capture and relocation of fully-protected birds pursuant to a permit for the protection of livestock. The full text of the provisions for fully-protected species can be found under Fish and Game Code Sections 3511, 4700, 5050 and 5515.

Fully-Protected Birds (Fish and Game Code Section 3511)

(a) American peregrine falcon *(Falco peregrinus anatum)*
(b) Brown pelican *(Peleçanus occidentalis)*
(c) California black rail *(Laterallus jamaicensis coturniculus)*
(d) California clapper rail *(Rallus longirostris obsoletus)*
(e) California condor *(Gymnogyps californianus)*
(f) California least tern *(Sterna albifrons browni)*
(g) Golden eagle *(Aquila chrysaetos)*
(h) Greater sandhill crane *(Grus çanadensis tabida)*
(i) Light-footed clapper rail *(Rallus longirostris levipes)*
(j) Southern bald eagle *(Haliaeetus leucocephalus leucocephalus)*
(k) Trumpeter swan *(Cygnus buccinator)*
(l) White-tailed kite *(Elanus leucurus)*
(m) Yuma clapper rail *(Rallus longirostris yumanensis)*

Fully-Protected Mammals (Fish and Game Code Section 4700)

(a) Morro Bay kangaroo rat *(Dipodomys heermanni morroensis)*
(b) Bighorn sheep *(Ovis canandensis)* except Nelson bighorn sheep *(subspecies Ovis canadensis nelsoni)* as provided by subdivision(b) of Section 4902.
(c) Northern elephant seal *(Mirounga angustirostris)*
(d) Guadalupe fur seal *(Arctocephalus townsendi)*
(e) Ring-tailed cat *(Bassariscus astutus)*
(f) Pacific right whale *(Eubalaena seiboldi)*
(g) Salt-marsh harvest mouse *(Reithrodontomys raviventris)*
(h) Southern sea otter *(Enhydra lutris nereis)*
(i) Wolverine *(Gulo luscus)*

[Comment F-6 is continued on the next page.]

Comment F-6 continued:

Fully-Protected Reptiles and Amphibians (Fish and Game Code Section 5050)

(a) Blunt-nosed leopard lizard *(Gambelia sila)*
(b) San Francisco garter snake *(Thamnophis sirtalis tetrataenia)*
(c) Santa Cruz long-toed salamander *(Ambystoma macrodactylum croceum)*
(d) Limestone salamander *(Hydromantes brunus)*
(e) Black toad *(Bufo boreas exsul)*

Fully-Protected Fish (Fish and Game Code Section 5515)

(a) Colorado River Squawfish *(Ptychocheilus lucius)*
(b) Thicktail chub *(Gila crassicauda)*
(c) Mojave chub *(Gila mohavensis)*
(d) Lost river sucker *(Catostomus luxatus)*
(e) Modoc sucker *(Catostomus microps)*
(f) Shortnose sucker *(Chasmistes brevirostris)*
(g) Humpback sucker *(Xyrauchen texanus)*
(h) Owens River pupfish *(Cyprinoden radiosus)*
(i) Unarmored threespine stickleback *(Gasterosteus aculeatus williamsoni)*
(j) Rough sculpin *(Cottus asperrimus)*

Response: See Response to Comment F-1. If this project is constructed under CPUC jurisdiction, consultation with the CDFG will occur prior to construction, as part of the mitigation monitoring program.

COMMENT SET G: CITY OF COALINGA

Comment G-1:

In reviewing the SEIR for the proposed transmission line it became clear the project would be traversing the City of Coalinga's Habitat Mitigation Bank. The City of Coalinga's Habitat Conservation Plan (HCP) was developed in response to the requirements of the Federal Endangered Species Act and the California Endangered Species Act. Specifically the Coalinga HCP is intended to avoid, minimize, and mitigate impacts on listed species and their habitats, ensure protection of other sensitive species, and reduce potential conflicts between sensitive species and development

The Coalinga HCP establishes a delineated conservation area (i.e. Habitat Mitigation Bank) in an area identified as having high conservation values. This Habitat Mitigation Bank consists of several individual parcels owned and managed by the City of Coalinga for the purpose of mitigating past and future development projects. The proposed project would potentially impact the following parcels of habitat land:

- Sec 8-Twp 20S-R16E, 160 acres,
- Sec 16-Twp 20S-R16E, 320 acres,
- Sec 28-Twp 20S-R16E, 170 acres, and
- Sec 32-Twp 20S-R16E, 155 acres.

Should the proposed project alignment traverse any portion of these parcels, the City would require land replacement of equal or better habitat quality within the delineated Habitat Mitigation Bank area.

Response: Three parcels of the City of Coalinga's Habitat Mitigation Bank are traversed by the Proposed Project or Western Corridor Alternative Segment 6B. Section C.3.3.5.3 (Biological Resources) of the Draft SEIR have been updated to reflect this additional information. In addition, Mitigation Measure B-11a, below, has been added to ensure that PG&E would provide land replacement for any Habitat Mitigation Bank land obtained for the project.

B-11a PG&E shall provide land of equal of better habitat value to the City of Coalinga to compensate for any acreage lost within the City of Coalinga's Habitat Mitigation Bank.

COMMENT SET H: WESTERN AREA POWER ADMINISTRATION (WESTERN)

Comment H-1:

Section B.8, No Project Alternative, page B-40 (also section C.12 and E.4): This section should specifically recognize that the Path 15 Project as described in the document (or something very similar) could be constructed by entities other than PG&E, which is now in fact the case. As presently written, it's either PG&E builds the Path 15 Project, or other fairly nebulous new generation projects would be built, and/or undefined transmission improvements in other parts of the interconnected system would likely be made. Given the focus of the SEIR and its relationship to PG&E's application to the CPUC, the present direction of the project may not need to be spelled out in detail. However, the document should acknowledge that other entities could build the same or similar project if for any reason PG&E does not. Conforming changes in the Executive Summary will be needed as well.

Response: Section A.1.4 of the Draft SEIR describes the NEPA process and the potential for other entities to construct the Path 15 project. The discussion of Western's process is updated in Executive Summary, Section 4.1 of this Final SEIR. These discussions make it clear that other entities may construct the proposed project as a federal project. However, this is not considered under the No Project scenario because the environmental impacts of other entities constructing the project would be essentially the same as those identified in this SEIR. If this SEIR is certified by the CPUC, other entities may use this certified SEIR to document their compliance with CEQA. Furthermore, despite recognition of potential project construction as a federal project, the goal of the Final SEIR is to evaluate the project proposed by PG&E in A.01-04-012 as presented to the CPUC.

Comment H-2:

Section C.2, Impact 2-2, Construction equipment exhaust emissions, page C.2-12: As a point of clarification, this reviewer is assuming the calculations for ROC and NOx use estimates based on current construction equipment technology and emissions, and not information from the EIS which would have used "dirtier" 1980s emissions data. Adding a sentence stating that current technology emission was used would be helpful.

Response: The commenter is correct in assuming that the emission factors used to calculate estimated air emissions associated with project construction activities that are presented in Table C.2-9 of the Draft SEIR are more current than the "dirtier" emission factors that were available in the 1980s. Please refer to Appendix 4 of the Draft SEIR for all emissions factors and calculations that were used to estimate air emissions associated with the project. Emission factors were obtained from the following two sources:

USEPA (U.S. Environmental Protection Agency), 1998. Office of Mobile Sources, AP-42 Appendix J Emission Sensitivity Table by Vehicle Type.

SCAQMD (South Coast Air Quality Management District). 1993. *CEQA Air Quality Handbook*.

Comment H-3:

Section C.3, Biological Resources, page C.3-1, last sentence in first paragraph: "Plants" in the last part of the sentence appears to need a modifier, either "native" or, if exotic plants are also present, perhaps "non-agricultural" or something similar.

Response: In Section C.3, Biological Resources (page C.3-1), the last sentence in the first paragraph has been modified in response to the comment.

Comment H-4:

Section C.3, Biological Resources, page C.3-1, third paragraph and elsewhere in this section: Unlike the treatment of other resources, the biological resources section takes the approach that even if potential impacts on special status plant and wildlife species cannot yet be defined (mainly because the project centerline, structure locations, and access roads have yet to be precisely located), the potential impacts are considered significant and unmitigable. In many places, the described effects are not conditioned by the term "potential" even when no impacts are known, or can be determined at this time. We believe that the potential impacts are overstated in this document, especially when avoidance is a very effective mitigation tool in transmission line construction, and potential plant ranges may contain many areas where the plants are not actually found.

Additionally, the impact discussions in this section do not differentiate between potential impacts on individual plants and animals, and potential impacts on the species in the area. As written, the implication is that any impact to an individual is a significant impact. While a case could be made that this may be true for certain endangered species, we do not believe it is true for all species of concern. The appropriate sections should be rewritten to specify if the potential impacts identified pertain to affected individuals, or the entire population in the project vicinity.

Western would like to see the impact discussion rewritten to reflect that the **potential** for adverse impact to special status plants and animals exists **if** avoidance and other mitigation measures are not effective in eliminating impacts. We cannot support the logic that since the effectiveness of mitigation is not known, impacts will be significant (page C.3-54 first paragraph and other places), when it is equally unknown if there will be any **potential** impact to the species of concern to begin with. Our suggested approach brings the treatment of these resources into line with the discussion of others with similar uncertainties (such as cultural resources), and more accurately reflects the actual situation. The determination that there would be significant and unmitigable impacts on these species is not supported by the information in the document, and is completely speculative at this time. We agree that as specific information becomes available from additional surveys, and specific structure and road locations are identified, a determination of significant impact may indeed become valid.

Response: In accordance with the terminology in this SEIR, impacts that are stated as "potentially significant" are those that would be significant if mitigation were not implemented. Therefore, all impacts identified as Class II would be significant without mitigation, but would be less than significant with mitigation.

EIR preparers agree that avoidance is the most effective mitigation for biological resources impacts. Mitigation measures are presented however, because specific tower locations had not been identified at the time the Draft SEIR was prepared. Without detailed surveys at all tower locations, it is not yet known whether avoidance can be implemented (sometimes there are engineering constraints that prevent relocation of towers). Therefore, the potential for significant residual impacts exists. As stated in Section C.3.3.5.3, successful implementation of all mitigation measures would reduce all biological resources impacts to less than significant levels. But because the extent of impacts to all resources has not been identified, EIR preparers believe that it is important to acknowledge the potential for significant impacts to remain after mitigation. The commenter's last sentence in this comment implies agreement with this concept: "…a determination of significant impact may indeed become valid."

Comment H-5:

Page C.3-41, Mitigation Measure B-6b: This mitigation measure should be deleted. Single-pole structures for a 500-kV line would simply be too massive and expensive to be considered a viable option to tried and proven lattice steel structures. The requested reporting and simulations would be a waste of time, effort and funds.

Response: Mitigation Measure B-6b requires an analysis of the potential use of Tubular Steel Poles (TSP) rather than the use of single-pole structures as suggested by the commenter. The TSP structures referred to on pages C.3-41 and C.3-42 of the SEIR would be constructed with two relatively close pole footings. PG&E has informed the CPUC that TSPs are considered feasible for the 500 kV transmission line.

The use of TSPs is suggested because they would result in a ground disturbance area of approximately half of that required for the proposed lattice structures. PG&E's analysis comparing the use of TSPs versus lattice structures will be carefully reviewed by the CPUC to evaluate the technical feasibility of using TSPs for this project. However, because PG&E's engineers have stated that they consider TSPs to be technically feasible, this analysis is expected to be simple and inexpensive.

Comment H-6:

Page C.3-45, Mitigation Measure B-8: The first provision specifies a 10 mph limit on unpaved access roads or the ROW – this provision would seem to conflict with the 15 mph specified in Mitigation Measure A-1.

Response: Mitigation Measures B-8 and A-1 have been modified so they are consistent with each other. See also Response to Comment 1-4.

Comment H-7:

Page C.3-50, Table C.3-11, Avoidance and Buffer Requirements: What are the criteria for establishing the buffer distances given in this table? Are the distances a radius from the location, or a diameter centered on the location? Many of the buffer distances seem excessive – why is 100 feet from a potential kit fox den sufficient, but 300 feet is needed for potential kangaroo rat burrows, when the kit fox is considered to require a higher level of protection? Establishing buffer distances for any "potential" den, burrow or nesting site is problematic in any case, posing severe siting constraints and possibly causing unnecessary impacts to other resources if the project is relocated for a "maybe" den or burrow. The focus should be based on reasonable buffer distances from known dens, burrows or nesting sites. We would like to see additional information providing the rationale for these buffer distances, and the reduction or elimination of buffer distances for "potential" sites.

Response: The primary criterion for determining appropriate buffers around dens, nests or burrows of special status species is the distance from an active breeding/rearing structure, less than which will likely result in some disruption of the normal breeding/rearing activity of that species. The buffer distances are determined based on knowledge of the species' breeding behavior and biology. The distances in Table C.3-11 of the SEIR are stated as radii from the structure. In establishing these buffer distances, the biologists chronicled those distances generally used for these species in the region by reviewing a number of documents, reports, and by consulting with both species experts and agency personnel.

However, Western's comment that "*establishing buffer distances for any 'potential' den, burrow or nesting site is problematic…*" has some merit. Pre-construction surveys (as required by Mitigation Measure B-9) for active dens/burrows should clearly identify those that require disturbance buffers. Consequently, references to "potential" dens/burrows in Table C.3-11 (Section C.3.3.5.2, page C.3-51) have been revised to "known" dens/burrows.

Comment H-8:

Page C.9-20, first full paragraph: We do not agree that the body of evidence on EMF supports a conclusion that EMF pose and "adverse" effect. Besides the lack of a proven cause-effect relationship between EMF and human health, there are very few people in the project area to be exposed, even for a short time. The conclusion that EMF "…is an adverse, but less than significant impact…" is not supported by the evidence or the document. We note that your classification scheme does not provide for a neutral or no effect determination; however, potential impacts should not be overstated because of shortcomings in the classification scheme.

Response: The impact classification scheme used in the SEIR allows for a determination of "no impact", which is less that the level of a Class III (adverse but less than significant) impact. That determination was consciously not made in this case.

In the case of potential EMF impacts, there is a substantial body of information on EMF effects (see SDEIR Section C.9.1) and studies are ongoing under the California EMF Program. As a result, the CPUC has implemented its "No Cost/Low Cost" EMF mitigation requirements, which PG&E would be required to implement for this project.

Western is correct that there are very few people in the project area. However, there are several rural residences along the Western Corridor. Based in currently available information and with implementation of the "No Cost/Low Cost" mitigation, the CPUC believes that the EMF impact will be less than significant (Class III).

Comment H-9:

> Page D-15: Rather than a fire starting from a downed conductor, there is a far greater risk that smoke from a grass fire in the project area will cause a flash-over on the line and take it out service.

Response: A discussion about flashover, caused by smoke from a grass fire in the project area, potentially taking the proposed transmission line out of service has been added to the Socioeconomics and Public Services Section of the SEIR on page C.8-11.

Comment H-10:

> In addition, the burden of intensive reporting and oversight monitoring should be removed. Most mitigation stipulations can be made part of the Certificate, and effectively implemented, without all of the reports and continual independent monitoring described in the SEIR. There are exceptions, such as cultural resources, where reports and/or monitoring may be required by law or regulation. However, many of the mitigation measures include reporting, approval and/or monitoring requirements that are overly bureaucratic and provide little value for the expenses they entail.

Response: It is difficult to respond to this comment because Western presents no specific examples as to mitigation measures that it believes are excessive. The mitigation measures presented in this SEIR are comparable to those implemented by the CPUC for similar projects. The monitoring requirements are in compliance with CEQA Guidelines Section 15097, which require that Lead Agencies adopt a program for monitoring or reporting on mitigation implementation. Western is correct that CEQA allows a wide range of actions in mitigation monitoring, including applicant reporting only. Each Lead Agency determines the appropriate method of monitoring or reporting based on its policies and procedures. The CPUC has traditionally taken a very active role in mitigation monitoring to ensure that mitigation measures are implemented as adopted by the Commission.

COMMENT SET I: COUNTY OF FRESNO

Comment I-1:

The Draft SEIR does not adequately address potential impacts related to aviation. The Harris Ranch Public Use Airport is located at Interstate 5 and State Route 198 approximately 1.5 miles east of proposed Segments 6 and 6A of the Western Corridor and approximately 1.5 miles south of the proposed Eastern Corridor. An EIR for a project within two nautical miles of a public use airport or within the purview of an airport comprehensive plan must rely on the California Department of Transportation Division of Aeronautics Handbook for technical assistance on safety and noise consideration. For further information contact Patrick Tyner at CalTrans Aeronautics. His email address is Patrick_Tyner@ dot.ca.gov. Mr. Tyner can be reached by telephone at (916) 654-7075.

Several issues that must be addressed in an EIR for a proposal within an Airport review area include airspace protection to eliminate the potential for siting land uses which would present a hazard to air operations; and limiting land uses in Safety Zones to reduce the intensity of improvements. Airspace protection consideration include height of structures in airport zones; glare from structures or from site lighting; sources of smoke and the potential for electronic interference from the proposed use; and the potential of the use and site improvements to attract birds. Height limitations are established in airport zones and enforced through aviation easements.

Response: A discussion of Fresno County's Airport Land Use Commission and its responsibilities has been added to the discussion under Impact 10-4 (Adverse Affects of Aviation Activities) in Section C.10, Transportation and Traffic.

A.2 RESPONSES TO WRITTEN COMMENTS ON THE DRAFT SEIR FROM INDIVIDUALS OR PRIVATE COMPANIES

COMMENT SET 1: PACIFIC GAS & ELECTRIC COMPANY (PG&E)

Comment 1-1:

On behalf of Pacific Gas and Electric Company ("PG&E), we submit these comments on the Draft Supplemental Environmental Impact Report ("DSEIR") prepared by the California Public Utilities Commission ("Commission" or "CPUC") for the Los Banos - Gates 500 kV Transmission Project (the "Project"). On November 6, 2001, PG&E withdrew its Conditional Application for a Certificate of Public Convenience and Necessity to construct the Project, and, therefore, the CPUC no longer has any obligation under the California Environmental Quality Act ("CEQA") to finalize this DSEIR. Nonetheless, PG&E understands that the Transmission Agency of Northern California or other appropriate CEQA lead agency may utilize the information contained in the DSEIR in complying with CEQA for a similar project. Therefore, without assuming any obligation to pay for the Commission's expenses in completing the DSEIR, if the Commission chooses to incur any such expenses, or conceding that the Commission has any legal basis to continue work on the DSEIR, PG&E submits the following comments. PG&E's comments include both General Comments, included in the body of this letter, and Technical Comments or Corrections, which are attached to this letter as Appendix A.

Response: Section 4.2 of this Final SEIR acknowledges PG&E's filing requesting that its CPCN application be withdrawn. On November 30, 2001, the Assigned Commissioner denied PG&E's Motion to Withdraw its application. According to the ruling,

"PG&E has stated that it will not build a standalone Path 15 project. Therefore, pursuing A.01-04-012 is arguably moot. However, PG&E states its intent to participate in the MOU project, which we understand to encompass the same (or very similar) physical project as proposed in A.01-04-012, with a lesser ownership responsibility for PG&E. In order to understand the impact on PG&E's ratepayers of potential participation in the MOU project, we [the CPUC] must have a clearer understanding of the MOU project and its allocation of costs, benefits, and responsibilities and the resulting economic need for the project."

In addition, the ruling determined that I.00-11-001 provided *"a logical forum to further explore the issue of project economics and to examine the allocation of benefits among the project participants under the MOU development approach"*, as such, A.01-04-012 and I.00-11-011 were consolidated.

Because PG&E's CPCN Application (A.01-04-012) remains an active proceeding, CEQA evaluation and related costs are required and justified in order for the CPUC to carry out its responsibilities in evaluating the Application.

Comment 1-2:

> The purpose of the Los Banos-Gates 500 kV Transmission Project is to decrease congestion on "Path 15" to provide a more reliable electricity supply to consumers in Northern California. PG&E's primarily concern with the DSEIR is that it includes a number of mitigation measures that are inflexible and/or infeasible. If these measures were adopted, they would significantly increase the cost of the Project and/or cause extensive delays in the completion of the Project. While PG&E understands the importance of mitigating significant adverse Project impacts, it believes more flexible and less expensive alternatives can be used to lessen or avoid the Project's impacts on the environment. These comments specifically address individual impacts and the recommended mitigation measures below.

Response: PG&E's comments on individual mitigation measures are addressed in Response to Comments 1-3 through 1-15.

Comment 1-3:

The DSEIR suggests three measures to lessen or avoid wind blown dust impacts caused by the construction of the Project: (1) restricting the speed of vehicles on unpaved roads to 15 mph; (2) suspending excavation and grading when winds exceed 20 mph; and, (3) washing all truck tires and equipment before vehicles leave the construction site (See mitigation measure **A-1**, page ES-22). These measures are, for different reasons, overly conservative and expensive means of lessening and avoiding wind blown dust.

Mitigation measure **A-1** states, "Traffic speeds on unpaved roads shall not exceed 15 mph." This mitigation measure is intended to reduce fugitive dust and associated particulate pollution. As a general matter, the existing access roads for the existing 500 kV transmission lines are in good condition, and many areas are flat and easily traversed safely at speeds greater than 15 mph. While a 15 mph speed limit may lessen or avoid wind blown dust impacts, it will also cause Project completion delays and increase Project costs.

There are other, less restrictive means of preventing wind blown dust impacts. For example, PG&E could effectively minimize fugitive dust with the use of water and/or surfactants to stabilize dust from wind. These common construction methods would lessen and avoid wind blown dust impacts without significantly increasing the cost of the Project or delaying construction. To lessen and avoid dust impacts, without unnecessarily restricting construction activity, PG&E recommends the use of water and/or surfactants and a 25 mph speed limit on all unpaved roads.

Mitigation Measure **A-1** also would require that PG&E "suspend excavation and grading when winds exceed 20 mph." This measure is an unprecedented mitigation requirement. The consequence of enacting this measure will be a significant increase in Project costs (up to an additional $3,000,000) and constructions delays of almost two months. Neither the San Joaquin Valley Unified Air Pollution Control District ("SJVUAPCD"), the regional agency that has the regulatory responsibility for air quality along the construction route, nor CEQA, requires the suspension of excavation and grading activity when the wind blows at speeds greater than 20 mph as measured by an onsite wind anemometer. (See SJVUAPCD Regulation VIII – Fugitive PM10 Prohibitions.)

Relatively high winds are a very common occurrence along the entire 85-mile Project route. To evaluate the potential financial impact of suspending work when winds

[Comment 1-3 is continued on the following page.]

Comment 1-3 continued:

exceeded 20 mph for one hour (less stringent than the 10 minute criteria in the proposed mitigation measure), PG&E analyzed wind data measured in Los Banos during the year 2000. PG&E found that on 54 days the winds exceeded 20 mph for one or more hours during work hours. Using monthly data from Figure B-8 depicting work force numbers by month for the transmission line work, PG&E calculated a potential of 3500 to 5000 man-days lost if construction were stopped for 54 days out of every year due to wind during the life of the project. This results in additional costs that could reach $3,000,000 and delays in Project completion reaching 54 days.

While wind blown dust is a mitigatable impact, good construction practices such as the use of water and/or surfactants to stabilize dust are highly effective, less expensive means of mitigating this impact that will not cause construction delays. Also, it may be possible to schedule certain earth moving activities during the wetter or less windy periods of the year. In addition, where blowing dust could affect the public, for example when construction comes within 2000 feet of a highway or public road, PG&E recommends that visibility, not wind speed, be the measure used to determine whether construction should be suspended due to blowing dust.

Measure **A-1** would also require that all truck tires and equipment be washed before leaving a construction site. This measure would increase costs by requiring additional use of water and washing equipment and it will require significant additional project labor. Other, less burdensome and inexpensive mitigation measures that equally lessen or avoid dust impacts from construction vehicles – such as graveling, paving or oiling a short section (the length of two large tractor-trailer trucks) of the private dirt road before it joins a public road – should be adopted in place of the tire and vehicle washing measures.

Response: In accordance with San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Regulation VIII, PG&E would already be required by law to stabilize dust emissions using water or chemical stabilizers/suppressants on all on-site unpaved roads and off-site unpaved access roads. SJVUAPCD recommends the additional items listed under Mitigation Measure A-1 when project conditions warrant, e.g., if a construction project is of significant size, such as the subject project.

Because the components of Mitigation Measure A-1 were defined by the SJVUAPCD any modification to those provisions could be considered by the CPUC only after SJVUAPCD approval of such changes. PG&E would need to provide the CPUC with written approval of such modifications from the SJVUAPCD prior to the commencement of construction activities. Mitigation Measure A-1 (Section C.2.3.4, Construction Impacts) has been revised as follows (new text is underlined):

A-1 The following procedures for reducing fugitive dust shall be implemented. Records documenting personnel awareness and the wind speed log shall be maintained at the construction site and shall be provided to CPUC's environmental monitor upon request. In order for the items listed below to be modified, the Applicant shall provide the CPUC with written approval from the SJVUAPCD of such modifications prior to the commencement of construction activities.

- Traffic speeds on unpaved roads shall not exceed 15 mph, except on portions of project access roads that are in designated areas where blunt-nosed leopard lizards are known to occur and/or within the Project ROW. Per Mitigation Measure B-8, the designated speed limit within those areas is 10 mph (see Section C.3.3.5.2). PG&E shall insure that all project personnel (including contractors, subcontractors, and service company representatives) sign a statement acknowledging their

awareness of the unpaved road speed limit restriction. The signed statement shall specify that 15 mph is the maximum speed limit on any unpaved road, except on project access roads that are in designated areas where blunt-nosed leopard lizards are known to occur and/or within the Project ROW, where the maximum speed limit is 10 mph.

- Wash off all truck tires and equipment leaving the construction site. PG&E shall insure that all project personnel (including contractors, subcontractors, and service company representatives) sign a statement acknowledging their awareness that tires and equipment leaving the construction site are to be washed.

- Suspend excavation and grading activity when winds exceed 20 mph for a sustained period of 10 minutes, as measured by an anemometer. PG&E shall measure the wind speed with the anemometer when moderate to high winds occur, based on the fair judgment of a designated PG&E representative. PG&E shall maintain a written log to be maintained at the construction sites that documents day, time, and wind speed of each measurement.

Please note that text has also been added to Mitigation Measure A-1 that limits the 15-mile per hour (mph) speed limit to all portions of project access roads that are not in designated areas where blunt-nosed leopard lizards are known to occur and/or not within the Project ROW. The designated speed limit within those areas is 10 mph (see Response to Comments F-1 and 1-4).

With regard to the comment about the projected number of man-days lost that would be associated with implementation of the third bullet of Mitigation Measure A-1, the CPUC also analyzed available wind data representative of the project area. Five years of hourly meteorological data for Lemoore, located approximately 15 miles northeast of the Gates Substation, were analyzed to determine the frequency of hours when average wind speed is 20 mph or more during general work hours (6 a.m. to 6 p.m.). Wind patterns at Lemoore are considered to be representative of those within the project area (SJVUAPCD, 2002b).

Table B-2 provides the dates and number of hours that average hourly wind speeds exceeded 20 mph during the five-year study period (1992 through 1995 and 1997). A total of 72 days had average wind speeds of over 20 mph for at least one hour. Out of those 72 days, only 19 days had 20 mph hourly average wind speeds for 4 hours or more. Therefore, the number of annual working days during the five-year study period on which wind speed would have limited excavation and grading work is approximately 14 days. Of those 14 days, excavation and grading work would have been suspended for four hours or more on only four of the days. The most extreme one-hour averaged wind speed recorded during the five-year study period was approximately 56 mph, recorded during the afternoon of October 8, 1997.

Table B-2 Hours Wind Speed Averaged Over 20 mph at Lemoore

Year	Date	Hours Wind Speed Averaged > 20 mph	Year	Date	Hours Wind Speed Averaged > 20 mph
1992	February 7	1	1995	June 6	4
	February 12	1		November 26	3
	April 18	4		December 12	2
	May 9	6	1997	January 8	3
	November 18	2		March 30	2
	November 20	2		March 31	2
	November 28	2		April 1	10
	December 6	1		April 2	6
	December 12	1		April 4	1
	December 28	1		April 9	6
1993	January 22	2		April 11	2
	April 1	2		April 19	2
	April 26	3		April 21	8
	April 27	1		April 23	11
	April 29	1		April 24	10
	April 30	4		April 30	2
	May 3	2		May 1	6
	May 4	1		May 6	2
	May 10	1		May 20	1
	May 11	2		May 23	1
	May 17	1		May 26	1
	May 24	1		June 5	1
	November 14	5		June 25	1
1994	February 17	1		July 2	1
	February 18	1		September 27	2
	June 12	1		October 2	3
	October 3	1		October 5	1
	November 9	1		October 6	5
1995	January 4	4		October 7	1
	January 10	6		October 8	1
	March 10	1		October 11	1
	March 22	6		October 24	5
	April 8	4		November 20	1
	April 9	4		November 26	1
	April 18	2		December 21	2
	June 5	2		December 22	1

Source: NCDC, 2001.

Comment 1-4:

> Mitigation measure **B-8** would impose a 10 mph speed limit on designated unpaved roads or in the right-of-way to address the impact of wildlife mortality caused by construction and maintenance vehicles. In the mostly barren Project construction corridor, the most common forms of wildlife –snakes, badgers, coyotes, small field rodents – are able to avoid vehicles moving at speeds significantly faster than 10 mph. Moreover, the area containing protected species are to be cordoned off from an vehicle traffic and the protected species most likely affected by vehicle traffic, the San Joaquin antelope squirrel and the blunt nose leopard lizard, move quickly enough to avoid vehicles travelling at faster speeds. To lessen and avoid wildlife mortality impacts, without unnecessarily restricting construction activity, PG&E recommends a 20 mph speed limit on all designated unpaved roads. This recommendation is based on a wildlife protection impact measure (to protect the desert tortoise) that was approved for another PG&E project in Southern California. PG&E supports the 10 mph speed limit for vehicle travel in the right-of-way.

Response: The CPUC and its consultants are aware that the most common types of wildlife – including badgers, coyotes, squirrels, rodents, and passerine birds – are able to avoid vehicles moving at speeds in excess of 10 mph. Other species, however, are not able to do so for various reasons:

(1) The blunt-nosed leopard lizard is not as mobile as most birds and mammals and is simply unable to move out of the way of vehicles traveling at speeds in excess of 10 mph;

(2) The San Joaquin antelope squirrel, while mobile, tends to dart out into the road, rather than away from oncoming traffic. An approaching motorist traveling at high speed would have less time to react than a motorist traveling at a slower speed, thus increasing the likelihood for a vehicle related fatality.

For these reasons, the designated speed limit in the mitigation measure changed: vehicles shall not exceed 10 mph within the ROW or along designated portions of access roads where blunt-nosed leopard lizards or San Joaquin antelope squirrel are known to occur. These locations will be determined during pre-construction surveys and identified on project maps prior to the onset of construction. The DSEIR will be revised to recommend that all other areas along access roads outside the limits of known blunt-nosed leopard lizard and San Joaquin antelope squirrel habitat shall have a posted 15 mph speed limit to be consistent with Air Quality Mitigation Measure A-1, see above.

Comment 1-5:

The DSEIR overstates the potential adverse environmental effects to sensitive species. While it is possible that the Project impacts on a non-listed sensitive species could result in a potentially significant adverse impacts under CEQA, the DSEIR fails to include the facts and analyses necessary to reach any such significance conclusion. The DSEIR includes significant criteria at pages C.3-29 and C.3-30, but fails to provide analyses measuring the potential Project impacts against these criteria. For example, at page C.3-47 the DSEIR estimates that the Project may result in the loss of approximately 120 acres of denning and feeding habitat for the American Badger, but fails to include any analysis of whether this amount of habitat loss is significant when measured against the significance criteria. Rather, the DSEIR merely contains a conclusory statement that the habitat loss is potentially significant and mitigatable by pre-construction surveys and avoidance measures. In each case, the DSEIR then shifts the analytical focus of discussion to mitigation measures that would lessen or avoid these "potential" impacts. PG&E believes the Project will cause significant impacts to relatively few, if any, sensitive species. The DSEIR should be revised to include an analysis of the relative impact to each species of concern as measured against the standards of significance. Without this information, PG&E and the public are unable to evaluate the necessity or adequacy of the proposed mitigation. Based on its studies in the Project corridor, PG&E believes that the DSEIR overstates Project impacts to sensitive species and contains unnecessary mitigation requirements that will significantly increase Project costs and delay the Project construction schedule.

Response: Preparers of the Draft SEIR maintain that analysis of the relative project related impacts to special status species were adequately measured against the standards of significance as defined in §15065 of the CEQA Appendix G Guidelines ("Mandatory Findings of Significance"). These guidelines require that a reduction in numbers of a rare or endangered species be considered a significant effect. CEQA Guidelines §15380 ("Rare or Endangered Species") provide for assessment of unlisted species as rare or endangered under CEQA if the species can be shown to meet the criteria for listing. Evaluation of impacts to wildlife resources considers the magnitude of impact, the rarity of the resource, and susceptibility of the resource to impacts. In the context of the SEIR analysis, "potentially significant" means that an impact would be significant if mitigation were not implemented. Therefore, without mitigation, these impacts would be significant (Class I).

Comment 1-6:

Mitigation measure **B-10** (page C.3-52) would require PG&E to study actual bird strike incidents at existing transmission lines in the vicinity of the approved project corridor or install bird strike diverters to lessen or avoid bird mortality from collisions. A bird strike study is a lengthy expensive undertaking that compares the affects of transmission lines on bird mortality to other bird mortality factors, including hunting. The Project's tight construction schedule means that PG&E will likely have to implement mitigation measures before the study is complete. As a consequence, PG&E will have to spend significant sums on bird strike diverters that may later prove unnecessary.

Moreover, the mitigation measures suggested in **B-10** are more stringent than necessary to lessen or avoid bird collision impacts. Measure **B-10** would require PG&E to install bird diverters on new equipment at the Los Banos substation and to mark extensive lengths of transmission line near the Little Panoche and Los Banos reservoir areas. First, the Los Banos substation is a substantial distance from likely bird flight corridors; thus, bird collisions are likely to be minimal at the substation without the use of diverters. In addition, requiring bird strike diverters on any new equipment and lines at the Los Banos substation will be largely ineffectual since the proportion of new equipment to existing equipment at Los Banos is going to be very small. Also, the substation itself is a large, noticeable facility and the addition of bird flight diverters would minimally increase the facility's visibility. PG&E suggests eliminating this part of measure **B-10**. Second, the line marking required near the Los Banos and Little Panoche reservoirs is significant and likely to be found excessive by any bird strike study that is conducted. PG&E recommends that the transmission lines in these areas remain unmarked until the bird study is complete and that the findings from the study be used to determine what length of transmission line, if any, requires bird strike diverters. Finally, proposed mitigation measure **B-10** would require PG&E to conduct a second three-year study after bird diverters are installed. While a bird collision study of this magnitude may be of scientific interest, there is insufficient evidence in the DSEIR to support the need for this study, particularly when the recommended bird collision impact mitigation measures will have already been implemented when the study is begun. PG&E, therefore, recommends the elimination of this part of mitigation measure **B-10**.

Response: The absence of available information on the existing likelihood of bird strikes within the areas designated for diverter installation forces the assumption that these impacts could occur, and therefore requires mitigation to prevent such bird-strike mortalities to the greatest extent possible. The discussion under Impact 3-10 of the Draft SEIR that states "*It is difficult to predict the magnitude of collision-caused bird mortality without extensive information on bird species and movements in the project vicinity. These data are not available for the proposed transmission line corridor.*"

While a pre-project evaluation to provide this information would surely have required a certain cost and effort, it would not have needed to compare various mortality factors. The study could have indicated the level(s) of mortality caused by bird strikes on transmission lines in the vicinity of large bodies of water in the region, where birds tend to congregate. Under Impact 3-10, the discussion states "*It is generally expected that collision mortality will be greatest where the movements of susceptible species are the greatest (e.g. wetlands, water bodies, etc.)*" and "*The potential for bird mortality from collisions with transmission lines is greatest with waterfowl, because of the local movements of relatively large numbers of waterfowl that occur between San Joaquin Valley wetlands east of the project area, and reservoirs, ponds, and wetland habitats within and adjacent to the project area.*")

Consequently, in the absence of information that would provide some assurance that mitigation is not required, the CPUC maintains that the installation of bird diverters and subsequent monitoring of these specific locations be required as appropriate mitigation.

PG&E comments that the components of Mitigation Measure B-10 are more stringent than necessary to lessen or avoid bird collision impacts and that Los Banos Substation is a substantial distance from likely bird strikes; however, the substation is one mile from the southern shore of O'Neill Forebay, an area where birds tend to congregate.

PG&E comments that "requiring bird strike diverters on any new equipment and lines at the Los Banos substation will largely be ineffectual since the proportion of new equipment and lines at the Los Banos substation is going to be very small." Mitigation Measure B-10 has been revised to require bird diverters only on new transmission lines at the Los Banos substation. Though the proportion of new equipment and lines at the Los Banos substation may in fact be very small, mitigation for potential bird mortality on these new lines is nonetheless required.

PG&E also states that "the substation itself is a large, noticeable facility and the addition of bird flight diverters would minimally increase the facility's visibility." Even if it is assumed that birds in the vicinity have somehow adapted to the facility's existing lines, erection of new lines at this location could, conceivably, introduce a new hazard to birds traversing this area, and diverters should be installed to minimize such a hazard.

In addition, PG&E states that "Line marking required near the Los Banos and Little Panoche reservoirs is significant and likely to be found excessive by any bird strike study that is conducted." Mitigation Measure B-10 recommends marking a total of four miles of transmission line along the Western Corridor (and three miles along the Eastern Corridor Alternative) in the vicinity of Los Banos Reservoir and a total of two miles of transmission line (in either corridor) in the vicinity of Little Panoche Reservoir. The CPUC believes these distances are not excessive given the 84-mile overall length of the transmission line. The assumption that this would "likely to be found excessive by any bird strike study that is conducted" is unfounded without some basis of reference for that statement.

In the absence of a pre-project evaluation to determine the likelihood of bird strikes on static lines at these locations, the recommendation for installation of bird diverters stands as presented in Mitigation Measure B-10. A three-year monitoring of the effectiveness of bird diverters is a common requirement of resource agencies. The results of yearly monitoring efforts should be reported to the appropriate resource agency(ies) for review and a suspension of monitoring requirements requested, should data reveal insignificant mortality impacts on birds at these locations.

Comment 1-7:

In the Executive Summary (ES-30) and throughout the Geology, Soils and Minerals chapter (C.5-28, 29,34-35, 40) the DSEIR recommends mitigation measure **G-2** that requires detailed geotechnical studies at each tower and substation site. (Page C.5-28). There are three practical reasons that the proposed fault rupture impacts should not apply to this Project. First, none of the structures proposed as part of this Project, including the substations, are intended for extended human occupancy. Second, the O'Neill and San Joaquin Faults, those closest to the Project corridor, are not "active" faults, rather they are classified as "potentially active." (As generally indicated in the DSEIR, these faults have a long recurrence period (10,000 years or longer) and the general hazards posed by earthquake surface fault rupture to overhead transmission lines is minor.) Third, investigations of the after-effects of several severe earthquakes indicate that damage to transmission towers from earthquakes has been very limited, and collapses of towers directly over faults (even though damaged) is rare or unprecedented. These facts demonstrate that the fault rupture mitigation measures recommended in **G-2** are inappropriate for the Project.

If the CPUC determines that mitigation measure **G-2** is necessary to further reduce fault rupture impacts, however, PG&E proposes that the required geological or geotechnical reviews be made by using existing fault mapping to determine whether any proposed tower sites are on a mapped fault trace. If it is technically and economically feasible to relocate the tower off the fault trace to another location, then a field examination should be made by a geologist and engineer and an alternate location chosen. If relocation is not feasible the small risk related to earthquake damage should be assumed. At Los Banos substation PG&E proposes that geological or geotechnical reviews be made of existing fault mapping to determine whether the new equipment will be located on a fault trace. Relocation of the new equipment located on a fault trace should be made if it is technically and economically feasible. If relocation is not feasible other mitigation measures, such as the use of flexible bus connectors, could be used to reduce the small residual risk of earthquake damage.

Finally, measure **G-2** would require PG&E to "submit these geotechnical reports to the CPUC for review and site approval prior to the start of construction." However, the DSEIR does not discuss why CPUC review is needed or identify what, if any, impact this process will mitigate. PG&E hires professionals to perform the geotechnical surveys and prepare the reports. Thus, a secondary review by the CPUC is unlikely to enhance the reliability or substantive quality of the reports. Moreover, this extra review process will likely delay the completion of the Project and increase the Project's overall cost. PG&E, therefore, suggests eliminating the CPUC review process from this mitigation measure. If the review process is not eliminated, PG&E recommends that the CPUC's review of the geotechnical studies and reports be limited to verifying that the reports have been completed, and that the CPUC review be concluded within 15 days of its receipt of the geotechnical reports.

Response: The original intent of Mitigation Measure G-2 was preparation of a geologic or geotechnical "survey" of the planned locations for the electrical towers and substations, i.e. a reconnaissance of the proposed sites, a review of existing mapping, and review of air photos. Then, if a tower or substation were found to be located astride an active or potentially active fault trace and PG&E did not wish to relocate the facility, a professional geologist should evaluate the fault's seismic potential. This detail required for a seismic evaluation may range from a desk-top study to a complete fault investigation. The seismic evaluation should take into account the fact that power lines are lifeline facilities and the

interruption of power transmission associated with failure of the towers or substation facilities can have a huge economic impact on PG&E's customers and electricity consumers throughout the state. The CPUC's review of the geotechnical report is needed primarily to ensure that the report is prepared and that it covers the required topics. On previous projects, this review has not resulted in delays or cost increases except where the original report was found to be completely unresponsive to the mitigation requirement. Note that the mitigation measure has been modified to delete the requirement that the CPUC approve each tower site.

Mitigation Measure G-2 (Section C.5.3.4, page C.5-29) has been modified as follows (new text is underlined and old text is struck out):

G-2 In areas where the potential for surface fault rupture exists, PG&E shall perform ~~detailed~~ geotechnical surveys at each tower or substation site to ~~accurately~~ determine the fault locations and the seismic potential of each fault, so that facility locations may be adjusted to avoid this hazard. PG&E shall submit these geotechnical reports to the CPUC for review at least 30 days ~~and site approval~~ prior to the start of construction. Incorporation of standard engineering practices as part of the project shall ensure that persons or structures are not exposed to this geological hazard.

Comment 1-8:

Mitigation Measure **H-6** states that "Transmission towers shall not be sited within a designated 100-year floodplain." (See pages ES-34, C.6-32 and C.6.39).[1] This mitigation measure is intended to mitigate floodwater damage to the transmission line towers through floodwaters or erosion. As a practical matter, the broad floodplains within the work corridor, such as the 100-year Panoche Creek floodplain or terrace, would be prohibitively difficult (if not impossible) to avoid. The entire floodplain or terrace is too broad to span with transmission lines, particularly due to the limited space for towers in the hills on the south edge of the floodplain.[2]

In addition, the flood and erosion risks to this Project can be minimized without having to prohibit tower siting in 100 year floodplains. The presence of existing transmission towers on the Panoche Creek floodplain or terrace, at a distance from the main stream channel, suggests these plains can be safely built upon. In addition, flood waters on the floodplains within the Project corridor are unlikely to cause damage to transmission towers because the depth of flood waters on these broad plains are likely to be shallow. Shallow waters would not effect the towers or pier foundations. Foundation piers could be heightened to keep the steel structure above any estimated flow. These facts suggest that instead of an absolute prohibition on siting towers on a 100-year floodplain, measure **H-6** should be changed to require that tower sites be located a certain distance from the main stream channel.

Response: Considering the nature of the region's hydrologic setting, the streams, and the floodplain valleys, Mitigation Measure H-6 (page C.6-31) has been modified as follows (new text is underlined and old text is struck out):

H-6 Transmission towers shall not be sited within a <u>distance of 200 feet from the edge of stream channels</u> ~~designated 100-year floodplain~~. ~~Prior to final alignment of transmission towers, the Applicant shall evaluate the position of all towers in light of the most recent (July 2001 or later) floodplain delineations in the project area.~~ To demonstrate compliance, PG&E shall provide the CPUC with a map of tower~~s~~ locations <u>relative to stream courses</u> ~~within 100 feet of identified floodplains~~ 30 days prior to the start of construction.

Comment 1-9:

> • Visual Impacts. The DSEIR states, "The Proposed Project does not create any potentially significant visual impact so no mitigation measures are required." (ES-16). Nonetheless, the DSEIR suggests several mitigation measures to ensure that the visual impacts of construction activities remain less than significant. These measures include a requirement that towers be sited "to minimize the use of hilltops" and that PG&E use "non-reflective materials in construction." PG&E does not believe any mitigation measures are necessary or appropriate in light of the conclusion that the Project will have no significant visual impacts. If, however, the Commission adopts measures to avoid or mitigate non-significant impacts, it is important for the Commission to be aware that it will be necessary to site some towers on ridgelines and hilltops. The alternative, siting towers in narrow canyons, is not economically or technically feasible in many instances because it would subject the tower sites to erosion and instability and would require the use of extremely tall and costly towers.

Response: As stated in both the Executive Summary (Section 4.10) and the Visual Resources text (Section C.11.3.4), visual impacts are determined to be less than significant (Class III). CEQA allows a Lead Agency to adopt mitigation for impacts that are less than significant, and it has been the CPUC's policy to reduce impacts to the extent feasible. Therefore, EIR preparers present Mitigation Measures V-1 and V-2 for the consideration of the Commission. The decision on the Proposed Project would state which of the SEIR's recommended mitigation measures are adopted.

The commenter's concern about Mitigation Measure V-2 is addressed in Response to Comment 1-34.

Comment 1-10:

> • CPUC Review of New Road Construction Plans. Mitigation measure **H-1** (Impact 6-3, page ES-32) would require PG&E to obtain local grading permits, which consider potential drainage and erosion impacts. Secondary review of grading plans by the CPUC required by **H-2** is redundant and would delay Project completion. Instead of requiring secondary CPUC review, PG&E recommends that mitigation measure **H-2** be changed to only require PG&E to submit copies of approved grading plans to the CPUC.

Response: Mitigation Measure H-2 (page C.6-28) has been modified as follows (new text is underlined and old text is struck out):

H-2 Access roads shall be designed to account for anticipated surface runoff and channel flow. Culverts designed to convey flow beneath access roads shall be designed for the specific hydrologic and hydraulic conditions occurring at the site. Culvert design should follow standard practices (Caltrans Highway Design Manual, 1999) and should also include energy dissipation practices (Federal Highway Administration, 1983). It is important that flow velocities are maintained below levels that are capable of causing channel erosion downstream or headward channel incision upstream. PG&E shall submit copies of approved grading and construction plans for new roads ~~Construction plans for new roads shall be submitted~~ to the CPUC for review ~~and approval~~ prior to the start of project construction.

Comment 1-11:

- Impacts on Agriculture and Soil Compaction. Mitigation measure **L-6** (page ES-35) suggests developing a construction schedule to avoid disruption to agricultural operations while mitigation **L-10** suggests avoiding construction during wet weather conditions. PG&E understands disruption to agricultural operations should be avoided "whenever practical," however, due to the long agricultural season in the Project corridor, PG&E anticipates that construction will be necessary during planting, growing and harvesting seasons. PG&E recognizes the tension created by measure **L-6** and **L-10**, namely, if both agricultural and soil compaction impacts are to be avoided, there will be little time available for construction during the year. While proposed mitigation measure **L-6** recognizes that some disruption of agricultural operations may be necessary, proposed mitigation measure **L-10** does not provide this flexibility. PG&E requests that mitigation measure **L-10** be revised to allow necessary soil disturbance during the wet season.

Response: To provide the requested flexibility in situations where wet season construction on agricultural land cannot be avoided, Mitigation Measure L-10 has been modified as follows (new text is underlined):

L-10 PG&E shall avoid, to the extent feasible, construction operations that disturb agricultural soil during the wet season (moist soil is generally more susceptible to compaction than dry soil). For any area in which PG&E determines avoidance to be infeasible, PG&E shall provide to the CPUC for review and approval at least two weeks prior to construction at that site, a brief written description of the area and the reasons that avoidance is not considered to be feasible.

PG&E shall minimize the use of heavy equipment on agricultural land to avoid soil compaction. Where compaction occurs on agricultural land as a result of construction, the soil shall be ripped to restore adequate percolation of irrigation water through the soil strata. PG&E shall incorporate these requirements into the project construction plan and submit the plan to CPUC for review and approval.

Comment 1-12:

- Coordinating Line Design and Alignment with Land Owners. Impact 7-2 mitigation **L-11** (page ES-36) states that PG&E "shall coordinate" transmission line design and alignment with affected property owners, with the review and approval of the CPUC.

While PG&E recognizes that concerns of property owners are important, coordination of every aspect of design and alignment with residents and the CPUC is not logistically feasible and could significantly delay the Project. PG&E suggests changing the mitigation measure to "PG&E shall coordinate with property owners during final transmission line design and shall, to the extent feasible, align the transmission line, so as to avoid existing residences and maximize the distance between the line and agricultural operations, planned developments, canals, oil fields, dams, recreation areas, and air strips located within, adjacent to, and near the ROW."

Response: To provide the requested flexibility in transmission line design and alignment, and at the same time ensure that land use conflicts are minimized, Mitigation Measure L-11 has been modified as follows (new text is underlined):

L-11 PG&E shall coordinate with property owners during final transmission line design and shall, to the extent feasible, align the transmission line, with the review and approval of the CPUC, so as to avoid existing residences, minimize potential land use conflicts, and maximize the distance between the line and agricultural operations, planned developments, canals, oil fields, dams, recreation areas, and airstrips located within, adjacent to, and near the ROW. PG&E shall document compliance with this measure by submitting a letter or report to the CPUC prior to the start of construction, documenting unavoidable landowner and land use conflicts, why avoidance is not possible, and proposed resolution.

Comment 1-13:

> • Fencing Special Status Plants. Mitigation Measure **B-6a** (page C.3-41) states, "Any special status plant occurrences located within 200 feet of the approved project construction corridor will be fenced prior to the start of any construction…". This mitigation measure is infeasible in respect to the gypsum-loving larkspur, which occurs throughout the construction corridor. The prevalent and homogeneous presence of the gypsum-loving larkspur makes it impossible to protect with a fence. Therefore, PG&E recommends adding this language to measure **B-6a**, "The gypsum-loving larkspur is exempted from this fencing requirement due to its prevalent and homogeneous presence throughout the construction corridor."

Response: To reflect that gypsum-loving larkspur is exempt from the fencing requirement because of its widespread distribution and abundance throughout the project area and because it is not considered a special status species under Federal Endangered Species Act (FESA), California Endangered Species Act (CESA) or the National Plant Protection Act (NPPA), the text of Mitigation Measure B-6a has been modified as follows (new text is underlined):

B-6a Prior to construction, comprehensive rare plant surveys shall be conducted (or compiled from previous surveys) for all plants that have been identified within the study area and those plants with the potential to occur in the study area (as defined in Tables C.3-3 and C.3-4). Surveys shall be conducted within appropriate areas along the selected construction ROW and in areas susceptible to surface disturbance by construction vehicles or personnel. Surveys of the selected alignment (if not covered in 2001 spring survey) shall be appropriately timed to cover the blooming periods of the nine special status plant species known to occur in the area (April, May, and July). Maps depicting the results of these surveys will be prepared and will include other recently mapped special status plant occurrences in the area to ensure that the full scope of rare plant habitat in the project corridor vicinity is delineated.

Locations of ~~these~~ special status plant populations will be provided to construction personnel. Any special status plant occurrences located within 200 feet of the approved project construction corridor will be fenced prior to the start of any construction, and if feasible, towers or other project components shall not be placed in areas where these plant populations have been identified. Maps and reports, as well as proposed fence locations, shall be provided to the CPUC's approved biological monitor for review and approval prior to the start of construction. Gypsum-loving larkspur, while a CNPS List 4 (watch list) species, has no special status under FESA, CESA or the NPPA. It occurs at numerous locations along the proposed ROW and because of its prevalence and abundance within the project area, this species is exempted from the above fencing requirement.

Comment 1-14:

> • Protection of Sensitive Wildlife Species. Mitigation measure **B-9** (page C.3-49), which would require buffer zones, flagging of areas and would improve various restrictions on construction activities to protect sensitive wildlife species, does not provide enough flexibility to perform construction in certain situations. The prevalent and sometime unpredictable presence of sensitive species means that the suggested restrictions are not always feasible. For example, PG&E has seen the blunt-nosed leopard lizards ("BNLL") in locations where construction sites are needed. To address this impact, PG&E spoke with the California Department of Fish and Game ("CDFG") who agreed to permit the use of a barrier fence to keep BNLL outside of the construction area as an alternative mitigation measure. Therefore, PG&E recommends that throughout the second and third paragraph of measure **B-9** the word "shall" be changed to the phrase "will, to the extent possible." Also, construction should not be absolutely prohibited during the critical seasons noted in Table C.3-11. For some species the critical season for a number of species is long (e.g. "all year" for the San Joaquin whipsnake) and occurs during the construction season. Additional language should be added to this table to allow for exceptions to the construction prohibition.

Response: Project features including transmission towers and construction access roads can generally be avoided so as to prevent direct impacts to special status species, and a number of mitigation measures have been proposed with the intent that such avoidance occurs. However, an exemption (variance) to a mitigation measure may be approved by the CPUC, after consultation with the CDFG or USFWS on a case-by-case basis. This process would be defined in the CPUC's mitigation monitoring plan developed after project approval. When a particular species (i.e., blunt-nosed leopard lizard) for which a specific mitigation measure has been proposed cannot be avoided by construction activities, a variance would be requested from the appropriate resource agency by the designated Project Biologist. Mitigation Measure B-9 has been modified as follows (new text is underlined and old text is struck out):

B-9 Pre-construction wildlife surveys (following appropriate survey protocol, as applicable) shall be performed by qualified biologists to locate active raptor nests, owl~~/harrier~~ and blunt-nosed leopard lizard ~~burrows~~ and other resources defined in Table C.3-11 in/or adjacent to the ROW and access road areas. Maps and reports, as well as proposed fence locations, shall be provided to the CPUC's approved biological monitor for review and approval prior to the start of construction.

Based on survey results, construction and operation activities shall be scheduled to avoid critical breeding, nesting and rearing seasons for sensitive wildlife species occupying a given area, as defined in Table C.3-11 below. Specific identified habitats (nests, riparian habitat, burrows, etc.) shall be avoided during specific seasons throughout the construction, operation, and maintenance of the approved project. Travel routes for vehicles, equipment and personnel will be along existing roads. If such roads are not present, routes will be flagged or fenced and no activities would be permitted outside these areas. If active nests, burrows or other habitat are observed, the avoidance period and buffer distances shown in Table C.3-11 will be implemented.

Specific distances from resources (see Table C.3-11) shall be maintained during construction, operation and maintenance of the transmission line. Travel areas shall be flagged prior to construction (see Mitigation Measure B-2), and biological monitors as specified by CPUC will be present during construction to verify that no vehicular travel occurs outside flagged areas.

However, an exemption (variance) to a mitigative measure may be approved by CDFG or USFWS on a case-by-case basis. When a particular species (i.e. blunt-nosed leopard lizard) for which a specific mitigation measure has been proposed cannot be avoided by construction activities, a variance will be requested from the appropriate resource agency by the designated Project Biologist. Biological monitors will also have the authority to terminate construction activities if any significant adverse effect on special status species is observed.

Comment 1-15:

- Construction Vehicle Emissions. Mitigation measure **A-2** requires the engines of motorized equipment be checked by an independent third party to ensure that the equipment is maintained "in tune." PG&E contacted representatives of San Joaquin Valley Unified APCD, and confirmed that this measure is not one of the regularly required construction emissions mitigation measures. PG&E also contacted representatives of the Lake County AQMD, the Bay Area AQMD, and the San Joaquin Valley APCD and received consistent responses. The San Joaquin Valley Unified APCD has established a set of standards that could inexpensively and effectively mitigate and avoid construction equipment exhaust emissions impacts. PG&E recommends changing mitigation measure **A-2** to adopt these San Joaquin Valley Unified APCD standards.

Response: EIR preparers also contacted the San Joaquin Valley Unified Air Pollution Control District regarding Mitigation Measure A-2. The SJVUAPCD representative informed the EIR author for Section C.2 that measures similar to Mitigation Measure A-2 are commonly used by the SJVUAPCD to control NOx emissions from construction equipment and that the SJVUAPCD would support such a measure (SJVUAPCD, 2002a).

Comment 1-16:

There are a number of discrepancies between the Project as described in the 1988 EIR/EIS and the Plan of Service dated September 24, 2001. The following changes should be made to the Description of Proposed Project and Alternatives to reflect the recent changes to the Plan of Service:

Overhead Ground Wires:

- On page B-8, third paragraph, states "Two overhead ground wires, each approximately 3/8 inch in diameter, will be installed on the top of the towers to protect the conductors from direct lightening strikes." Next, this sentence should be inserted to specify the type of wire being used, "At least one of the overhead ground wires will be a OPGW, a metallic wire encasing a fiber optic bundle, for the protective relays and the SCADA."

Table B-1: Summary Description of Proposed Project Facilities

- Gates Substation Loop: change the text to "Re-align the existing Los Banos-Midway 500 kV #2 line to loop into and out of Gates Substation, resulting in the removal of seven towers and construction of six towers adjacent to the existing Los Banos-Midway #1 line."

- Gates-Arco-Midway 230 kV Line: change the text to "Reconductor or reconfigure the 230 kV lines between Gates and Midway. Reconductor would upgrade the conductor on approximately 50 miles of the single Gates-Arco-Midway 230 kV circuit. Reconfigure would establish two 230 kV circuits by restoring the second Gates-Midway line and installing line terminals at each station."

- Los Banos, Gates, and Midway Substations: change the text to "Install 230 kV shunt capacitors at Los Banos and Gates Substations. Install miscellaneous electrical equipment including 230 kV disconnecting switches, reactors, instrument transformers, . . . etc."

Figure B-2: The figure needs to be updated to show the 230 kV reconductor.

Project description:

- On page B-14, the second paragraph of section B.2.1.3 the following equipment need to be added to the list of electrical equipment to be installed at Los Banos Substation, "structural steel, conductor, 500 kV circuit breakers, 230 kV shunt capacitors."

[Comment 1-16 is continued on the following page.]

Comment 1-16 continued:

- Project description: On page B-14, the second paragraph of section B.2.1.4 the following equipment need to be added to the list of electrical equipment to be installed at Gates Substation, "structural steel, conductor, 500 kV circuit breakers, 230 kV shunt capacitors."

Figure B-8: The figure needs to be changed to include the southern part of the 500 kV loop.

Reconductoring Gates-Arco-Midway Line:

- On page B-19, the fourth paragraph of section B.2.1.5, the first sentence needs to be changed to "PG&E's second option (the "reconductoring option") would require that 50 miles of the 80 miles of the Gates-Arco-Midway line would be reconductored." In addition, the fourth sentence in the paragraph beginning "According to PG&E . . ." should be changed to: "According to PG&E, reconductoring may require minor structural upgrades to the existing towers, but it is unlikely that installation of new towers would be required."

Construction Crews:

- On page B-28, the first sentence of the third paragraph of section B.3.5, should be changed to: "None of the construction crews are expected to come from within PG&E. The use of contractors is expected for both the construction of the new 500 kV line, substation modifications, and the 230 kV line work."

Response: The suggested modifications to Section B, Description of Proposed Project and Alternatives, are reflected on replacement pages: B-8, B-9, B-14, B-19, and B-24.

Figure B-2 has been updated to show the 230 kV reconductor portion of the Proposed Project. Figure B-8 has been updated and clarifies the exclusion of the labor force for construction south of the Gates Substation in the diagram. These updated figures are located in Section C, Replacement Pages.

Section B.3.5, Construction Workforce and Equipment, has been modified to reflect PG&E's changes to the construction labor force identified in their comment letter. Furthermore, as a result on the change in the labor force, the analysis in Section C.8.3.5.1 of the Socioeconomics and Public Services chapter and Section 4.12 of the Executive Summary have been updated.

Comment 1-17:

1. On page ES-6, preliminary engineering has not been performed on segment West 3 (as defined in the 1998 EIR/EIS), therefore, the number of structures in this section may increase.

Response: While the specific number of towers is not yet defined, the additional length of one segment relative to another is still considered to be a reasonable factor for comparison of impacts.

Comment 1-18:

> 2. Page ES-10: Comparison of alternatives overstates the difference of impacts to sensitive species between the eastern and western alternatives. In fact, impacts to sensitive species for the western alternative are low.

Response: SEIR authors believe that there is a substantial difference between the Western Corridor and the Eastern Corridor Alternative with respect to biological resources. This is supported by CDFG (see comment letter F).

Comment 1-19:

> 3. On page ES-14, paragraph 4.7, section "Mitigation Measures" the sentence "One mitigation measure would require PG&E to submit. . ." should be changed to: "One mitigation measure would require PG&E to submit a Fire Prevention and Suppression Plan to the State Fire Marshal, CDF or other agencies that oversee and manage impacted lands. PG&E would submit the approved plan to the CPUC."

Response: The comment is acknowledged but remains unchanged. As stated in Mitigation Measure S-1 (Section C.8, Socioeconomics and Public Services), PG&E would be required to submit a Fire Prevention and Suppression Plan (FPSP) based on consultation with the appropriate agencies, including the applicable counties, BOR, BLM, and the California Department of Forestry and Fire. The FPSP shall be submitted to the CPUC for review and approval prior to construction.

Comment 1-20:

> 4. On page ES-15, section 4.9, the information regarding the mitigation measure for transportation and traffic impacts should be supplemented to include the fact the PG&E is required to obtain a permit from CalTrans for all crossings. The mitigation for such crossings is determined after consultation with the California Highway Patrol and the CalTrans District Engineer.

Response: The required permits for crossing of state highways are addressed in Section C.10, Traffic and Transportation.

Comment 1-21:

> 5. On page ES-17, section 4.12, the sentences beginning "Construction crews for the project are expected to come from within PG&E" is incorrect. PG&E does not have enough crews to construct this Project on the schedule proposed. The text should be revised to indicate construction crews will be contractors, not PG&E crews, which likely will come from out of state.

Response: See Response to Comment 1-16.

Comment 1-22:

6. On page ES-30, 31, section "Mitigations G-2, G-3, G-4, G-5" the sentence "Incorporation of standard engineering practices as part of the project shall ensure that persons or structures are not exposed to this geological hazard" or "to geological hazards" should be edited to reflect actual risks and financial feasibility. The sentence should be changed to: "Incorporation of standard engineering practices as part of the project shall ensure that exposure of persons or structures to geological hazards is minimized or reduced to a feasible extent."

Response: The suggested language change has been made.

Comment 1-23:

7. On page ES-31 and on page C.6-26, section "Mitigation H-1" the second bulleted item stating "reseeding … as soon as possible after grading is completed" should be changed to: "reseeding … after the grading is complete" because reseeding is more effective if done when precipitation is expected.

Response: The text of the mitigation measure has been modified to add "…or later if approved by the Project Biologist."

Comment 1-24:

8. On page ES-31 on page C.6-26 in the section titled "Mitigation H-1" the third bulleted item "…collect excavated or disturbed soil…and surround …" should be changed to indicate that these practices would only be applicable at times of the year when rainfall might occur.

Response: The text of the mitigation measure has been modified to add "Based on weather conditions as determined by the CPUC's Environmental Monitor…".

Comment 1-25:

9. On page ES-34 at Impact 6-11 mitigation measure **H-7** discusses the creation of a SPCC pond to collect runoff and retain storm runoff at the Los Banos, Gates and Midway substations. This is an incorrect usage of SPCC ponds which are intended to be used for spill containment, not stormwater runoff.

Response: Mitigation Measure H-7 does not require the creation of a SPCC pond as indicated by PG&E in its comment letter. The measure states that if there are currently SPCC ponds at the substations, these ponds should be upgraded to accommodate additional flow from the substation modifications. However, if SPCC ponds do not exist at the substations, PG&E shall update its SPCC plan to explain how the additional runoff or potential releases would be accommodated. The measure does not indicate that PG&E would be required to create a SPCC pond if an update to their SPCC plan is necessary.

Comment 1-26:

1. On page B-31, section B3.6, the second paragraph states, "First, a right-of-way agent contact each owner and request permission for PG&E employees or consultants to enter the property and conduct necessary surveys and other engineering or environmental studies." This sentence should be eliminated. It is PG&E's position that CCP section 1245.010 does not require it to obtain permission prior to entering land over which it seeks to obtain a transmission line right-of-way.

Response: Deletion of the sentence identified in the comment is reflected on replacement page B-32. PG&E's position that they do not need to obtain permission prior to entering land over which they seek to obtain a transmission line right-of-way is acknowledged.

Comment 1-27

A. Air Quality

1. On page C.2-2, Section'C.2.1.1, first paragraph, the stated elevations of the coastal mountain ranges west of the SJVAB are significantly incorrect and the source of this information should be re-examined.

2. On page C.2-2, Section C.2.1.1, first paragraph, the phrase ". . . Tehachapis prevent southerly passage of air flow,. . . " is too absolute and should be change to: ". . . Tehachapis hinder southerly passage of air flow, . . . "

3. On page C.2-2, Section C.2.1.1, Footnote 1, the description of inversion layer height is confusing and/or is technically incorrect.

4. On page C.2-4, fourth paragraph, the description of "mixing height" is confusing and/or is technically incorrect.

5. On page C.2-4, fifth paragraph, the cited winter temperatures for Five Points do not agree with Table C.2-1 (page C.2-5), and either the text or the table should be changed to makes these numbers consistent.

[Comment 1-27 is continued on the following page.]

Comment 1-27 continued:

6. On page C.2-4, sixth paragraph the first sentence states that the wind "flows in a south-southwest direction through the Basin." This is incorrect. The phrase should be changed to: "flows in a south-southeast direction through the Basin."

7. On page C.2-4, seventh paragraph the first sentence should be changed to: "Temperature inversions are more persistent (stable) during the winter months, when the top inversion occurs at 500 to 1,00 feet above the valley floor."

8. On page C.2-5, first paragraph, this paragraph states that greater air pollution problems occur in winter and presumes which types of pollutant are a greater problem. For example, this is not correct regarding Ozone. The paragraph should be re-written to clarify this point.

9. On page C.2-7, last paragraph, the text should be changed to correctly indicate that three years of standard violations are averaged, not added. On the same page, last paragraph, third sentence the words "data was" should be changed to: "data were" for correct subject-verb agreement.

10. Section C.2.3 should include the following topics relating to design specification and the potential need for environmental mitigation measures during construction: (1) a discussion of expected extreme wind speed in the project area; and (2) an analysis of wind statistics (a wind rose).

11. Page C.2-12, Table C.2-9 (connected to Appendix 4, Table 1) contains errors for commute vehicle emissions. Table 1 in the Appendix uses the correct calculation for *annual* ROC for LDGV, but then provides *daily* emission for the other ROC, NOx, SOx, Co and PM10 emissions. Summary data from this table are then listed in Table C.2-9 for worker commute trips. Consequently, Table 1 and Table C.2-9 should be changed to make all emission either annual or daily. Also, the total emissions of NOx from construction vehicles implies the daily use of approximately 26 large diesel engines during the entire construction year (based on a comparing the construction NOx total to that of a typical bus which emit 1 ton/year of NOx, a similar engine in highway Class 8 engines). This estimate is too high and should be re-examined.

Response:

1) The third sentence in the first paragraph of Section C.2.1.1 has been changed to reflect that the average height of the coast ranges west of the project area is 3,000 feet in elevation.

2) The phrase "..the Tehachapis prevent southerly passage of air flow,..." in the first paragraph of Section C.2.1.1 has been changed to "..the Tehachapis limit southerly passage of air flow,..."

3) For clarity, the sentence from the footnote on page C.2-2 of the Draft SEIR has been changed to: "A temperature inversion layer is the height that a layer of warm air contacts over cooler air below."

4) The referenced sentence: "A temperature inversion is when air temperature increases with height to a point referred to as the "mixing height." on page C.2-4 of the Draft SEIS has been changed to: "The height of the base of the temperature inversion is when air temperatures increases with height to a point referred to as the "mixing height."

5) The text that cites the winter temperatures for Five Points has been changed to be consistent with the value presented in Table C.2-1.

6) The phrase "flows in a south-southwesterly direction through the Basin" in the first sentence under wind speed and direction on page C.2-4 of the Draft SEIR has been changed to "flows in a south-southeasterly direction through the Basin".

7) The referenced sentence ("Temperature inversions are more persistent (stable) during the winter months, when the inversion usually occurs 500 to 1,000 feet above the valley floor.") in paragraph 7 on page C.2-4 is believed to be an accurate statement, and has not been modified.

8) The last sentence under "Temperature Inversions" on page C.2-5 has been rewritten to clarify that winter inversions tend to create more localized air pollution problems, rather than greater air pollution problems.

9) The intent of the text on the last paragraph of page C.2-7 of the Draft SEIR is to describe the data presented in Table C.2-5. This is not to be confused with the process that the U.S. Environmental Protection Agency (USEPA) uses in determining the Federal air quality attainment status, which involves pollutant concentration averages of three consecutive years.

10) Wind statistic topics have not been added to Section C.2.3 because the CPUC believes that such a discussion would not be helpful to describe or ensure mitigation effectiveness. However for the record, five years of hourly meteorological data for Lemoore, located approximately 15 miles northeast of the Gates Substation, were analyzed. See Response to Comment 1-3.

11) Final SEIR Table C.2-9 and Table 1 of Appendix 4 have been changed to reflect annual emission levels associated with worker commute trips.

    With regard to NOx emissions associated with heavy-duty construction equipment, assumptions were made as to the number and types of equipment that would be used at the various construction sites along the more than 80 miles of project right-of-way because input was not provided by the applicant. It was assumed that 24 pieces of heavy-duty construction equipment (e.g., dozers, excavators, etc.) would be used during the peak year of construction of the project. The length of time that each piece of equipment is assumed to be working during the peak construction year varies between two and ten months of ten-hour workdays, 5 days a week. In addition to the 24 pieces of construction equipment, it was assumed that the project would require over 100,000 miles of diesel haul truck mileage, mostly to deliver materials and supplies to the tower and substation locations.

    While it is acknowledged that 26 tons of NOx in the peak year of construction activity may be a conservative estimate, without a detailed construction scenario from the applicant, EIR prepares were forced to develop the equipment inventory and haul trip assumptions briefly described above, which we believe to be reasonable.

Comment 1-28:

B. Biological Resources

1. The Jones and Stokes report of April 2001 is not included in reference list yet it is used extensively in the biological resources section. In fact, much of the detailed text and the tables of species occurrence are directly copied from the Jones and Stokes report yet the source document is not cited. The Jones and Stokes report should be cited appropriately throughout the Biological Resources section . The proper citation for the report is:

> Jones & Stokes. 2001. Results of the special-status plant and wildlife surveys conducted along the proposed Path 15 transmission line project in Fresno and Merced counties. June. Sacramento, CA. Prepared for Pacific Gas and Electric Company, San Francisco, CA.

[Comment 1-28 is continued on the following page.]

Comment 1-28 continued:

2. On page C.3-1 there is duplicate text that should be deleted beginning with "The conclusion of the biological resources analysis..."

3. On page C.3-9 the reference to Table C.3-4 should be changed to C.3-5.

4. On page C.3-14, Table C.3-5 the title of table "Wildlife Species Observed within the Western Alignment During 1986 and 2001 Field Surveys" should be changed to: "Wildlife Species Observed or with Potential to Occur within the Western Alignment During 1986 and 2001 Field Surveys" because not all the species shown in the table were observed.

5. On page C.3-24, section C.3.1.5.2, Special Status Wildlife Species "MP" should be changed to: "EMP."

6. On page C.3-26, Table C.3-7, the section "De-listed Wildlife Species" that appears show giant garter snake, bald eagle and Swainson's hawk as de-listed. This is a incorrect because these species are listed.

7. On page C.3-27, second paragraph states, "The USFWS ultimately issues a final opinion on whether the project will affect the federally listed species. A Section 10(a) Endangered Species Incidental Take Permit may be necessary when the "taking" of a species is incidental to the lawful operation of a project" is inaccurate. No mention is made of a Section 7 permit that is used for federal lands. Section 10(a) permits are used for private lands.

8. On page C.3-31, second paragraph, the text should be changed to reflect the fact that specific tower locations have been designated for the route.

9. On page C.3-37, the last paragraph states "Approximately 3 acres of alkali, wetland, and riparian vegetation would be temporarily impacted…" This should be changed to: "An estimated 3 acres..." to reflect the fact that this acreage is an estimate.

Response: The Draft SEIR has been revised, where appropriate, to reflect the changes and/or clarifications recommended in this set of comments. For comment #8 – "specific tower locations have been designated for the route", the preparers of the SEIR had not received this information at the time of the preparation of the Draft SEIR and consequently made relatively conservative assumptions to allow for the analysis.

Comment 1-29:

C. Cultural Resources

1. The description of the resources within the various segments is inconsistent. The treatment of a resource depends on whether the resource is eligible to be placed on either the National or California Registers of Historic Places. All discussions of particular resources should indicate whether a particular resource is eligible for the historic registers or if there is sufficient data to make a determination.

Response: The SEIR presents information on cultural resources at a level of detail adequate to allow comparison of alternatives. If and when the CPUC selects a particular route and adopts the recommended mitigation measures, eligibility determinations for the Registers of Historic Places would occur during implementation of mitigation.

Comment 1-30:

D. Geology, Soils and Minerals

1. On page C.5-6, first paragraph line four, the San Joaquin Fault System should be included in the list on "notable faults."

2. On page C.5-6, second sentence in the third paragraph states "These classifications were developed to regulate the extent of detailed study required prior to

Response:

1) The San Joaquin fault system mapped by Jennings (1994) is part of the Great Valley fault system (See Petersen et. al., 1996). The text has been modified to make is clear that the blind thrust faults associated with the CRCV boundary, which include the San Joaquin fault, are known as the Great Valley fault system.

2) The Alquist Priolo Special Studies Zone Act was adopted in 1972 "To prohibit the location of most structures for human occupancy across the traces of active faults and mitigate thereby the hazard of fault rupture" (CDMG Special Publication 42). Appendix B, Section 3601 of the Alquist-Priolo Special Studies Zone Act defines an active fault as "a fault that has had surface displacement within Holocene time (about the last 11,000 years)." Thus, while definitions of fault activity predate the Alquist Priolo Act, the classifications of "active", "potentially active", and "inactive" are specifically defined by the Act to regulate development in areas of active faulting. The text has been changed to eliminate any ambiguity.

3) The activity entry for the O'Neill fault has been changed on the table. All references to the San Joaquin fault have been changed to indicate that it is part of the Great Valley fault system (see Response to Comment 1-30.1).

4) The low petroleum production recorded in 1999 is consistent with PG&E's original discussion.

5) The text has been changed by inserting "state and" before federal specifications.

6) Reference to the Uniform Building Code has been eliminated.

7) The technical content of the original mitigation measures is generally acceptable. However, these measures involve no provisions for monitoring and enforcement, and include non-specific language like "whenever possible". Therefore, the text has not been modified.

8) If an impact is less than significant before mitigation, then no mitigation is required. However, both the Final FEIS/EIR (1988) and the SEIR include mitigation measures for these impacts. Therefore, they are significant, but mitigable impacts, i.e. less than significant after mitigation.

9) References used by Jennings for his classification of the O'Neill fault are regional investigations that do not focus exclusively on the O'Neill fault. A cursory review of the existing database failed to find a report that directly contradicts Herd's conclusion. Since this SEIR does not treat the O'Neill fault as active, we have left the reference to Herd "as is" and we have not pursued the data search any further.

10) The text has been changed.

11) Hydrology Mitigation Measure H-9 was changed to H-8 in the Hydrology Section during editing of the draft document. The text of the Geology and Paleontology Section has been changed to correct this reference.

12) through 16) The text has been changed as suggested.

Comment 1-31:

E. Hydrology and Water Resources

1. On page C.6-22 in the first paragraph the first bulleted item includes the phrase "defined as an increase of one foot per second in 100-year flow velocity." This statement should be eliminated or re-worded because, as written, the statement and definition are unclear.

2. On page C.6-30, the description of mitigation measure **H-5** should be changed to clarify whether the intent of the measure requires soil sampling (or "potholing") at all locations along the corridor or only at those that are potentially impacted (i.e., along the Coalinga Nose).

3. The DSEIR does not have a fisheries section. The arid environment and lack of perennial streams in the study area may explain why the section was not included.

Response:

1) The paragraph on C.6-22 has been modified for clarification.

2) Mitigation Measure H-5 (page C.6-29) is further specified to emphasize soil sampling only south of milepost 66 (this is where there is concern for contamination). The Mitigation Monitoring table was updated to reflect this change as well (page C.6-37).

3) The reviewer is correct that the SEIR does not have a fisheries section. The original project EIR states that "no stream fishery exists except immediately above and below the Los Banos Reservoir. As water quality impacts are expected to be low, …no impacts on fisheries are expected to result from construction of this project…".

Comment 1-32:

F. Land Use and Recreation

1. On page C.7-1 the discussion regarding preferred segments (i.e. 2A, 4A and 6B) should be consistent with the Executive Summary so as to indicate that the preferred segment is preferred in the Land Use and Recreation context.

Response: The purpose of the "Comparison of Alternatives" paragraphs in the Executive Summary is to provide the reader with a summarized comparison of potential impacts between the Proposed Western Corridor and the Eastern Corridor Alternative. These paragraphs are not intended to provide a detailed breakdown of the preferred segments within each of the corridors. Details on the Comparison of Alternatives are presented in Section E.

Comment 1-33:

G. Public Safety, Health and Nuisance

1. On page C.9-10, the sentence "Corona, as an issue for transmission lines, is more significant for extra-high voltage lines of 345 kV or above. . ." is not correct. Corona is not limited to voltages above 345 kV. The sentence should changed to "Corona, as an issue for transmission lines, is a function of the insulation/insulators used, the cleanliness of the insulators, the moisture in the air (fog/rain), and the line voltage."

2. On page C.9-13, third paragraph, the sentence "Nighttime ambient levels in urban environments are about seven decibels lower that the corresponding daytime levels" should be deleted because it is overly general and adds no value to the paragraph.

3. On page C.9-14 the terms L_{dn} & L_{eq} should be scientifically defined.

4. On page C.9-24, section "Proposed Substation Modifications," should be modified to note that the operation of existing transformers at a higher energy levels or the installation and use of certain breakers can result increased audible noise if any of these changes are part of the Project.

5. On page C.9-24, section "Proposed Substation Modifications" needs to be expanded to include a more thorough description of the noise impacts including evaluation of impacts on nearby sensitive receptors – both people and biota. Also, frequently operated high voltage switch or breaker can generate substantial noise which could interfere with any nearby sensitive wildlife breeding activities.

Response:

1) The sentence referenced by the commenter does not imply that corona is limited to voltages above 345 kV. The entire sentence on page C.9-10 of the Draft SEIR states "Corona, as an issue for transmission lines, is more significant for extra-high voltage lines of 345 kV or above but will occur on lower voltage lines during rain or fog conditions."

2) The sentence that the commenter references is a statement that is meant to provide information to the laymen about the general differences in urban noise levels relative to day and night. The sentence offers value to the paragraph in that the reader is able to understand that the general differences in rural noise levels relative to day and night can be considerably less than 7 dBA.

3) Scientific definitions for Ldn and Leq are provided on page C.9-13 of the Draft SEIR, the first page that the terms are introduced.

4) The discussion on the last paragraph of page C.9-24 has been modified to include operation of existing transformers at higher energy levels. The paragraph now contains the following sentence:

   "With regard to operational noise at the Gates and Los Banos Substations, the existing transformers that could operate at higher energy levels and the additional equipment that would be needed to be installed could generate noise levels above existing conditions."

   However, because there are no sensitive noise receptors in the immediate vicinity of either of the substations, operational noise levels at the Gates and Los Banos Substations would still result in less than significant impacts.

5) The CPUC believes that the discussion of noise impacts is adequate because the closest existing sensitive receptor is over 1,000 feet from the existing Los Banos Substation facility and over 2,200 feet from the site of proposed new facilities at the Los Banos Substation. In addition, the closest receptor is separated from the substation site by Highway 33 and is bordered on the north by Highway 152 and on the south by a truck stop, which would all mask additional noise associated with the proposed project. There are no sensitive receptors near the Gates Substation.

   With regard to additional substation noise interfering with nearby sensitive wildlife breeding activities, because the ambient levels in the vicinity of the Los Banos Substations are relatively high because of existing substation operations and traffic noise, wildlife species living or foraging in areas surrounding the substation most likely have become adapted to high levels of noise.

   Furthermore, the closest high-use wildlife area to either of the substations is the O'Neill Forebay Wildlife Area, approximately one mile north of the Los Banos Substation, across State Route 152. Attenuated noise levels at the O'Neill Forebay Wildlife Area generated by the Los Banos Substation would not be anticipated to interfere with sensitive wildlife breeding activities.

Comment 1-34:

H. Visual Resources

1. On page C.11-3 in the section "Key Viewpoints" information regarding the type of camera and lens equipment used to create the photographs representing the key viewpoints should be included.

2. On page C.11-21, in suggested measure **V-2** the phrase "avoid siting towers on ridgelines and hilltops whenever possible" should be changed to: "where the towers would not be seen against a backdrop of existing landforms, avoid siting towers on ridgelines and hilltops whenever possible" to specify when siting of towers on ridgelines and hilltops would create visual impacts.

Response:

1) A Linhof 617S with 90 mm f5.6 Super Angulon Lens configuration was used to capture the photographs presented in the Visual Resources section.

2) In order to assess the appropriateness of the suggested language change to Visual Resources Mitigation Measure V-2, a field evaluation of precise tower locations should be conducted to determine the visibility of potential ridgetop/hilltop locations, the effectiveness of any available terrain backdrop, and the resulting visual impact. At the time the visual resources analysis was conducted, information on specific tower locations was not available.

COMMENT SET 2: ROSS M. ALLEN (TURK STATION, DOROTHY ALLEN FAMILY PARTNERSHIP, PLEASANT VALLEY FARMS)

Comment 2-1:

> The purpose of this letter is to again inform you that I do not agree with a portion of the path this project takes. After reading the Draft Supplemental Environmental Impact Report it appears that Aspen Environmental did not look very closely at the southern portion of the proposed path. First, the Western Corridor passes through the Conservation Area of the Coalinga Habitat Conservation Plan. It also passes through Turk Station, a privately held Upland GameBird Preserve with recognized Habitat. second, Alternative 6B would pass through Coalinga's Conservation Area then cross Turk Station and then cross a California Department of Fish and Game Ecological Reserve. The Western Corridor and both Alternative
> 6A and 6B would cause significant impacts to Visual Resources and Land use/Recreation For these properties. There would be a serious impact to Habitat and the many species that it contains with both the Western Corridor and Alternative 6B as well.

Response: The CPUC acknowledges the commenter's position on the southern position of the Western Corridor, the proposed and alternative segments. The visual, land use, and biological impacts identified by the commenter are acknowledged in the SEIR and this information is used to compare the impacts of the route segments (see Section E.3.2.3). Information on the Coalinga Conservation Area has been added to Section C.3.3.5.3 of the Draft SEIR (page C.3-56), but this does not change the conclusion regarding the Environmentally Superior Alternative.

COMMENT SET 3: MARVIN MEYERS (MEYERS FARMING, ET AL)

Comment 3-1:

> Meyers Farms is an agricultural entity producing permanent crops and has developed environmental habitat areas located in the corridor of your Path 15 Project Area.
>
> On July 24, 2001 during a public hearing held in Los Banos, California, Meyers Farms expressed their concerns regarding the potential problems with the present location of your proposed alignment of the Los Banos Gates 500 kV Transmission Project.
>
> Since that meeting Heidi Miller from the Western Area Power Administration has visited the area of concerns and has acknowledged there is a problem with the present proposed power and lines location within the present proposed corridor.
>
> Meyers Farms recognizes the need for the Path 15 Project give the lack of adequate conveyance facilities of power in California during peak use intervals and realizes that power demands will increase dramatically in the near future.

Response: The CPUC acknowledges the comment. The commenter's concern that the proposed project would create conflicts with agricultural operations is acknowledged in SEIR Section C.7, Land Use. Note that Western Area Power Administration (Western) is a Federal agency that is not affiliated with the CPUC, which is a State agency.

Comment 3-2:

> Our concern is basically short and long-term impacts, notwithstanding the fact that in your introduction you mention that the project has not changed substantially from 1986. We submit that the area relating to land use has substantially changed through the addition of almond orchard structures and conservation habitat, which includes a eucalyptus orchard, lined canals and drip systems, etc.
>
> Meyers Farms is also concerned with potential short and long-term damage to its crops, interference to our daily and ongoing cultural operations including imposition of the project on our irrigable lands.
>
> Specifically relating to the Western corridor of the Path 15 Supplemental EIR. Meyers Farms is concerned about many probable impacts:

Response: The referenced SEIR introductory comment relates specifically to the fact that the proposed project (i.e., the proposed transmission line route) has not changed substantially from the original proposal in 1986. However, it is true (as the comment points out) that land use changes have occurred since 1986; these changes are acknowledged in the land use analysis in Section C.7 of the SEIR. The increase in permanent crops (such as almond orchards) is discussed in the introduction, environmental setting, and impacts subsections of Section C.7.

Short and long-term impacts on permanent crops are addressed in Impact 7-1 and 7-2; loss of productive agricultural land is addressed in Impact 7-3; impacts on agricultural operations are analyzed in Impact 7-4; and disruption of irrigation systems is identified in Impact 7-5. Numerous mitigation measures are recommended to reduce potential impacts on agricultural production. Mitigation Measure L-12 states that transmission line towers shall avoid orchards wherever possible and that PG&E shall coordinate with landowners to minimize impacts. Mitigation Measure L-11 requires PG&E to coordinate with property owners during final transmission line design, with the intent to re-align where feasible to avoid agricultural operations. Mitigation Measure L-9 requires that PG&E reimburse landowners for the value of the crops lost and the cost of any delay or interruption in necessary farming. With the exception of Impact 7-3, these impacts are found to be less than significant. Impact 7-3, the long-term conversion/loss of productive agricultural land, is found to be significant and unmitigable in several areas.

The land use analysis in the SEIR identifies Alternative Segment 6B as environmentally preferred over the other two alternative segments in this area because it avoids most cultivated agricultural land, thus avoiding significant impacts on agriculture associated with Proposed Segment 6. However, other environmental factors indicate that proposed Segment 6 is environmentally preferred overall (see SEIR Section E.3.2.3, Comparison of Alternatives).

Comment 3-3:

> **Aerial Application.** Proposed Segment 6 will greatly reduce or prohibit the aerial application of fungicides and pesticides to our orchards and row crops. The PG&E 500 kV line in place runs diagonally through our orchards and according to your EIR the project will parallel that line which will cause a significant danger to the aerial crop dusters that spray our property beneath those lines.
>
> The prospect of fixed wing aircraft flying under both sets of lines to accommodate better efficiency and coverage is a real danger. In the past we have had 2 (two) instances where crop dusters hit the lines and towers. I suggest that there is a potential significant impact, 3.2.2 page ES6 & 7-6 page ES36.

Response: The SEIR is in agreement with the commenter's position on the dangers to aerial applications for proposed Segment 6; these impacts are considered to be significant and unmitigable. The impact is addressed in Section C.9.1.3.2 of the SEIR and the locations that the impact would occur are shown in Table C.9-8. The safety hazard of transmission lines to aerial applicators is addressed in section C.9.2.3 of the Draft SEIR. Specifically on pages C.9-22 and C.9-23, *Impact 9-6, Transmission Lines in Agricultural Areas present a Safety Hazard to Aerial Applicators* was determined to be a Class I impact (significant; cannot be mitigated to a level that is less than significant).

Comment 3-4:

Environmental Habitat: The towers present a real problem for wildlife. Mainly hawks and crows. Many have died due to electrocution on the lines and towers. Also, the footings for the towers have become undermined by burrowing rodents and have become residents of the burrows, which subsequently feed in our almond crops within the orchards. The tower footings lend to an environment for weed growth to accommodate rodent's substantial cover and protection from the elements as well.

We have also observed increased fecal matter in the vicinity of the towers and footings, which could cause diseased product leaving our orchards, and carried throughout by water use and cultural equipment.

In our experience – wild pigs frequent our orchards and wallow in the drip lines. Deer, rodents and numerous species of bird life have been observed each year. Several duck species nest in our orchards and populate the 3rd lift canal of the San Luis Water District. These ducks rear their offspring until maturity, however, they return each and every year. Swallows frequent the buildings and PG&E towers and migrate each and every year to the same site.

During our spraying activities for weed and insect control we must keep precautions to avoid any environmental habitat or nesting areas of any species not targeted for control. The proposed project would hinder this approach to our spraying practices.

The installation of additional transmission structures would cause increased nesting habitat for the large crow population present in our orchards. Crows present a very difficult problem as they consume a large amount of almond meats and damage the trees as well as accumulate large amounts of fecal matter beneath the structures. Meyers Farms control is by a hazing program using carbide guns and shotgun blasts to keep them on the move. This is a daily effort.

The addition of transmission liens and structures would serve as additional nesting site for these pests in our orchard fields. Meyers also uses solar operated bird distress calls in its bird control program.

The proposed corridor passes through a 38-acre environmental habitat eucalyptus orchard that is habitual for numerous wildlife species.

The U.S. Fish & Wildlife Service, California Fish & Game, NRDC, Federal EPA and other environmental agencies have endorsed this concept so as mitigate our impacts to cultivated lands easterly of the habitat site. This habitat friendly eucalyptus orchard is highly flammable if sparks or other sources of fire were to reach this combustible matter contained in this area. We suggest this is a significant impact, 4.2 page ES-9.

In our opinion we believe this to be a significant impact, 3-10 page ES 27.

Response: The habitat along the transmission corridor is described in detail in Section C.3 of the SEIR. Impact 3-10, bird electrocution and tower collision, is discussed in detail in Section C.3.3.5.2 (page C.3-51) and Mitigation Measure B-10 is recommended to reduce the impact to a less than significant level. Mitigation measures are also presented for loss of wildlife habitat and for direct wildlife mortality that could be caused by the project.

Section C.8 and Section C.9.1.3 address the risk of fire. Mitigation Measure S-1 requires that PG&E prepare a Fire Suppression Plan to reduce the risk of fire.

Comment 3-5:

Damage to existing producing almond orchards during the construction phase. Presently located in the preliminary Western corridor a proposed tower site exists at the southern edge of one of Meyers Farms almond orchards. This is a significant impact for long-term loss of production land, 7-3 page ES 37.

Cultural practices such as orchard floor preparation would be impacted as well as weed, rodent control, San Joaquin Kit Fox and Giant Kangaroo Rat are reported to frequent the area proposed for construction.

In the supplemental analysis Section 7-3 referring to mitigation measures, we would encourage the adjustment of structure placements to avoid our almond orchards. Presently the proposed alignment is diagonal from SE to NW access our orchard rows, V2 page ES 40 refer to the aesthetic relationship to be proposed alignment. In our opinion west of our orchards would be a more preferred route and would not cause the skylining effect.

Response: The impact of diagonal placement across agricultural fields and orchards is identified in Section C.7.3 of the SEIR. Please see revised text in Section C.7.3.5 regarding impact significance in Segment 6. As noted in the text, if the transmission towers cannot be re-aligned to avoid or reduce the impacts on the existing almond orchard, as recommended in mitigation measures outlined in Section C.7.3, impacts on agricultural operations may be significant and unavoidable.

Comment 3-6:

The transmission lines would tend to affect our farms 2 way radios and cellular phone service, which is extremely active throughout each season.

Response: Please refer to Mitigation Measures PS-1 and PS-2 on page C.9-20 of the SEIR, which were developed to reduce potential impacts associated with radio, television, and other electronic equipment interference to a level that is less than significant.

Comment 3-7:

Irrigation practices. In the analysis you state that access roads, staging yards and ingress and egress to towers sites will cause irreparable damage to lands impacted by the construction of the project. In addition to tree and yield loss the soil compaction of orchard floors, the underground main and submain pipelines for the drip systems, the overlying drip lines valves and valve structures to the drip system will be impacted. This would cause excessive disruption of the entire orchard acreage due to inadequate timelines of irrigation scheduling which is intensive and exact in our area orchards. Areas throughout the orchards impacted would not receive timely irrigation as irrigation cycles would be disrupted. The timing of line installation would cause disruption to our cultural operations, 7-5 page ES 36.

Response: The impacts to irrigation practices identified in the comment are acknowledged. Impacts on irrigation practices are identified in Section C.7.3 of the EIR and are deemed significant. Please see revised text in Section C.7.3.5 regarding impact significance in Segment 6. Re-alignment of tower structures in agricultural areas is recommended in Mitigation Measures L-11 and L-12.

Comment 3-8:

> **Land Use and Recreation**. In your remarks regarding temporary construction disturbances 7-1 page ES 34. The summary indicates that mitigation L1 PG&E shall use existing access roads that were constructed for the existing 500 kV transmission lines. This is not the case on Meyers Farms lands where the present 500 kV line is approximately 2,000 feet east of the proposed construction.
>
> L-2, L-3, L-4, L-5, L-6, L-10 all refer to construction of staging areas pulling sites, and scheduling. We submit that in a permanent almond orchard configuration much difficulty will occur due to the irrigation and cultural practices. Meyers Farms believes this effect to be a significant impact pages ES 34 & 35.

Response: Disturbance to agricultural lands from construction activities is identified in Impact 7-1 (Section C.7.3.3). Mitigation Measure L-2 states that construction staging areas shall be sited in coordination with landowners on non-agricultural land or in areas with less sensitive crops, where feasible. Mitigation Measure L-4 has been modified, as follows, to minimize placement of new access roads on permanent crop land (new text is underlined):

L-4 PG&E shall locate new access roads parallel to landform contours where feasible, in order to minimize ground disturbance and/or reduce scarring. Construction of new access roads on permanent crop land (e.g., orchards) shall be avoided, where feasible. PG&E shall document compliance with this measure by submitting an access road plan (demonstrating conformance to landform contours and avoidance of permanent crop land) to the CPUC for review and approval.

Comment 3-9:

> Section 7-1 page 35 refers to road construction. These temporary roads would cause great interference with our daily cultural actions. Our existing farm roads are heavily traveled by farm equipment and possible gridlock would take place, as farm implements are extraordinarily wide.
>
> Section 7-1 also refers to grading and contours. Our orchard floors must remain as flat as possible to enable harvest equipment to operate as efficiently as possible.
>
> Section 6-3 refers to culverts being installed for drainage reduction. These culverts would serve to harbor rodents and unwanted wildlife species and vegetation.

Response: Mitigation Measure L-6 (Section C.7, Land Use) would require PG&E to work with the appropriate County agent and farmers to agree to a construction schedule that would avoid the prime crop planting, growing, and harvesting seasons, to the extent possible. Mitigation Measure L-6 would require PG&E to submit a construction schedule to CPUC for approval that documents how disruptions to agricultural operations would be avoided.

To ensure that stockpiled soil does not interfere with the operation efficiency of harvest equipment, the following underlined statement has been added to the first sentence of Mitigation Measure L-5 (new text is underlined):

L-5 In agricultural areas where sites would be graded, PG&E shall stockpile topsoil at locations acceptable to the applicable landowners.

While culverts installed to improve drainage can harbor rodents and other undesirable wildlife or vegetation, the benefit of ensuring appropriate drainage is substantial.

Comment 3-10:

> In the case of row crops, fields that are sprinkle irrigated with 30-foot aluminum pipes cause electrical shock to irrigator line movers and many line movers refuse to move the pipes located beneath the present transmission lines.

Response: Mitigation Measure PS-3 on page C.9-21 of the SEIR was developed to reduce potential impacts associated with induced currents and shock hazards in joint use corridors to a level that is less than significant.

Comment 3-11:

> The present proposed alignment of the Path 15 Transmission Line if enacted will cause tremendous economic hardship and damage to Meyers Farms orchard operations and subsequently almond yields.
>
> For example, Meyers Farms mature almond orchards produce 4,000-5,000 lbs. of almonds per acre each year. Each orchard has a projected life of 23-25 years. The removal of just 1(one) tree equated to the loss of $1,000.00 for the projected life of the orchard. There are 110 trees per acre planted in our orchards in diamond configuration.
>
> The damage during the construction phase of the Path 15 Transmission Line would cause adverse impacts for several years upon completion of the project, which equated to increase economical damage.

Response: Impacts on the current orchard land use and damage to crops are acknowledged in land use Impacts 7-1, 7-3, 7-4, and 7-5. The impact would be significant if the proposed project cannot be re-aligned to avoid these permanent crops. Re-alignment is recommended in Mitigation Measure L-12. Please note Mitigation Measure L-9, which requires PG&E to reimburse landowners for the value of the crops lost and the cost of any delay or interruption in necessary farming.

Comment 3-12:

> There is suspicion that the electrical field that exists beneath the transmission lines cause tree damage during periods of high humidity. There's presently no scientific data to back up this claim, however, it should be considered.

Response: Section C.9 addresses the potential EMF effects that are disclosed in scientific literature. Other speculative effects are not considered to be appropriate for disclosure.

Comment 3-13

> San Luis Water District is very short of water supply from the Bureau of Reclamation. The question arises as to the sources of the water supply to use during construction.

Response: The Applicant would most likely hire a construction contractor that would bring water to the construction sites in trucks with water tanks. The contractor would either make use of local, regional, or more distant water sources as needed.

Comment 3-14:

> **Meyers Farms would suggest that the preferred route of Path 15 be re-located westerly of the cultivated orchards and west of the boundaries of San Luis Water District.**

Response: Section E of this SEIR considers the impacts identified in 10 environmental disciplines. The conclusion regarding the Environmentally Superior Alternative balances impacts in various issue areas in an attempt to minimize the overall impact.

Comment 3-15:

> The loss of acreage of our farm located in San Luis Water District would decrease our RRA 960-acre cap, which decreases the amount of water to be allocated to our lands within San Luis Water District.
>
> The project would save considerable project funds and avoid a great deal of concern from growers in the San Luis Water District.

Response: Mitigation measures in the Land Use section (see Response to Comments 3-2, 3-8 and 3-9) would reduce the impact of the project on agricultural lands, but the section acknowledges that significant impacts may still result.

Comment 3-16:

> The short and long-term economical hardship and damage caused by the implementation of the proposed alignment of Path 15 Transmission Line will be extremely negative and Meyers Farms believes it would benefit all involved to reconsider the proposed path to a more westerly alignment.
>
> Thank you for allowing Meyers Farms to participate in the comments regarding the Path 15 Transmission Line Project.

Response: See Response to Comment 3-14. The SEIR identifies potential impacts to agricultural lands, and presents mitigation measures, as described above.

COMMENT SET 4: DONN R. CAMPION

Comment 4-1:

Section 5.4 AREAS OF CONTROVERSY
Page ES-20: "Negative effect on property values and potential loss of use of land between adjacent parallel corridors."

The SEIR acknowledges the above issue I have raised during the review period and presented in both private meetings and public hearing. The SEIR continues in response as follows:

Page ES-20: "Consistent with CEQA, the SEIR does not analyze the potential economic impacts of the Proposed Project and Alternatives. CEQA is not intended or designed to protect against a possible decline in the commercial value of property adjacent to a project (Hector v. People of the State of California, 1976, 58 Cal. App. 3d653, 656). Therefore, any possible reduction of property value does not constitute a CEQA impact (and would not be expected indirectly to create environmental impacts), and is not analyzed for purposes of determining an environmentally superior alternative.

Response: The commenter expresses concern about potential adverse property value impacts adjacent to the proposed and alternative corridors. As cited on page ES-20 of the SEIR Executive Summary and CEQA Guidelines Section 15131, economic effects of a project *per se* are not considered as significant effects on the environment.

A great deal of research has been conducted on property value impacts of industrial uses and transmission lines. Although there is evidence that transmission lines have affected property values in some cases, the effects are generally smaller than anticipated and primarily affect property located within 400 feet of the transmission line. Impacts on property values result from visual impacts, or concerns related to health and safety. These issues and potential impacts are analyzed extensively in the SEIR, Section C.11 (Visual Resources) and Section C.9 (Public Safety, Health, and Nuisance). Property value concerns of the commenter relate primarily to the impact of the transmission line on a future residential development. Because the baseline for the environmental analysis presented in this SEIR is based on the date of out Notice of Preparation (July 2001), impacts on residential development are not evaluated.

Comment 4-2:

Section C3.3.5.3 SPECIAL STATUS PLANT AND WILDLIFE SPECIES, page C.3-53
Through extensive recent biological surveys and related involvement with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, I am aware that my 3,200 acre "Agua Fria Ranch" property (which constitutes the northernmost 3.0 mile segment of the PATH 15 PROJECT) is considered to represent prime San Joaquin Kit Fox as well as Borrowing Owl habitats. Based upon my personal experiences with these related wildlife issues I would recommend the voluntary implementation of MITIGATION MEASURE B-11 to avoid disagreements and loss of time.

Response: As stated on page C.3-53, site-specific surveys have not been completed within the Western Corridor because the precise location of project components had not yet been defined at the time of the Draft SEIR was published. As a result, it is difficult to determine the magnitude of impacts that would result on such species as the San Joaquin kit fox and the borrowing owl, and whether the other required mitigation measures would fully eliminate the impacts by ensuring avoidance. When the precise locations of project components are defined, if engineering concerns, topographic constraints, or other issues result in the unavoidable siting of a project component in a location where loss of special status

plant species or wildlife habitat would occur, as determined by a CPUC-approved Project Biologist, Mitigation Measure B-11 would be implemented and PG&E would be required to consult with CDFG and USFWS to determine additional protective or compensatory measures.

Comment 4-3:

Section C.7.1.2.1 LAND USE AND RECREATION, page C.7-4

"Segment 1
…. From the (PG&E) substation parcel, the initial 0.5 mile section of the transmission corridor crosses undeveloped CDFG and State of California land. The remaining 1.5 mile is on private undeveloped land, with MP 0.75 to MP 1.25 planted in seasonal hay."

The SEIR fails to describe that the above referenced CDFG and State of California parcels were purchased by CALTRANS and PG&E respectively to fulfill U.S. Fish & Wildlife Service mitigation requirements for endangered species (San Joaquin Kit Fox) habitat take related to nearby construction projects. Further, when the Aspen Environmental Group edited the "Proposed Villages of Laguna San Luis Community Specific Plan" (included as Figure C.7-2) labeling land uses to improve legibility, they intentionally left off the "Kit Fox Corridor" label assigned to the above referenced land area. This acknowledged Kit Fox Corridor has been established by CDFG and USFW in conjunction with the historic mitigation requirements.

Also, MP 0.75 to MP 1.25 exists upon my property which is also within the established Kit Fox Corridor, and it exists in a natural state, not planted in hay. The reason this significant portion of the Villages of Laguna San Luis Community Specific Plan is identified as OS, Open Space, is the existence of the known Kit Fox movement corridor, not for recreational purposes.

Not only have I participated in the preparation of the Villages of Laguna San Luis Community Specific Plan and multiple EIR documents, I have prepared an EIR for my adjacent property known as "Agua Fria Village." This planned development is acknowledged by both CDFG and USFW as an acceptable alternative to urban land uses planned within my ownership of The Villages of Laguna San Luis land area. The Agua Fria EIR was certified by the San Luis Water District as the lead agency and also received LAFCO approval. The EIR process included the inclusion of 1,645 acres of Agua Fria property within the federal water service area boundary, enabling future submission to Merced County for zone change supporting the associated "Villsges Community Specific Plan" goals, policies and implementation measures. Letters of support by the CDFG and USFW are included within the Agua Fria Inclusion EIR documents, State Clearinghouse No. 95062021, which have been presented to the CPUC and the Aspen Environmental Group during the summer of 2001.

In summary, the proposed Path 15 Western Corridor extends south for 3.0 miles through my property which has been planned for both endangered species conservation easement and urban village development, within "Segment 2." Even though I have met with Billie Blanchard, CPUC SEIR Project Manager and numerous members of the Aspen Environmental Group, and I have submitted certified EIR documents to them, this data is not reflected within the SEIR document, particularly within the "Segment 2" description on page C.7-7. Nevertheless, I continue to be supportive of the Path 15 Project and intend to participate in continued discussions with PG&E staff.

Response: See revised text in Section C.7.1.2.1 regarding existing land uses in the referenced route segment. Endangered species and habitat values within the proposed project route are addressed in EIR Section C.3 (Biological Resources). Figure C.7-2 is a map of the Proposed Villages of Laguna San Luis Community Specific Plan, received from Merced County Planning Department. The comment

suggests that the "Kit Fox Corridor" label was removed from the map by the SEIR preparers. However, the original map, as received from the County, did not include a Kit Fox Corridor label.

The comment suggests that the Agua Fria project should be included in the environmental setting section of the SEIR land use analysis. The Agua Fria project, as described by the property owner, potentially includes a 1,020 acre development within a 4,000 acre total area. Development may include residential, commercial, office, institutional, park, and golf course uses. About 3,000 acres surrounding the development area are planned for recreational open space and wildlife habitat conservation. Proposed Segments 1 and 2 of the proposed transmission line project would cross portions of the property planned for residential development.

At the time of the SEIR preparers' referenced meeting with the Agua Fria property owner (August 15, 2001), the property owner had not decided whether to pursue development on 1,000 acres of the property or to utilize the property entirely for mitigation bank purposes. The mitigation bank had not been approved at that time. Although inclusion of the Agua Fria property in the San Luis Water District was analyzed in a certified EIR in 1996, no development application has been filed with Merced County and no entitlements exist for the development. Further, as stated in the Final EIR for (January 1996) for the Agua Fria Village Inclusion into the San Luis Water District, that EIR was based upon the fact that no change in land use is authorized as a result of the inclusion and that potential urban development would be addressed at a later date and as permitted by Merced County as the lead agency. For these reasons, the Agua Fria development was not considered a reasonably foreseeable project. A description of the project and its status has been added to the SEIR, Section C.7.

With regard to cumulative projects, the cumulative project list in Section D.1 of the SEIR was established by consulting with local and regional agencies on projects that are being considered for approval under their jurisdiction. The Agua Fria project was not included in the cumulative impact analysis because it was not viewed as a "probable future project." According to CEQA Guidelines Section 15130(b)(1), probable future projects may be limited to those projects requiring an agency approval for an application, which has been received at the time the notice of preparation is released. As stated above, no application has been filed with Merced County.

Although this comment refers to the land use section, the comment relates primarily to the kit fox corridor and potential effects on it. See revised land use text in Section C.7.3.3 which acknowledges presence of the kit fox corridor.

Comment 4-4:

Section C.7.3.3 GENERAL IMPACTS AND MITIGATION MEASURES
Impact 7-2: Conflicts with Existing and Planned Land Uses, page C.7-21.
"Planned Developments – A new town is being proposed around the Las Banos Substation, including homes, parkland, and commercial uses. The proposed corridor would pass through areas of the new town designated as open space."

The above statement again ignores the historic mitigation purchases within the planned open space/kit fox corridor as well as the concept accepted in writing by CDFG and USFW regarding

planned development. Compliance will be determined by CPUC, in consultation with Merced County planning officials."

This mitigation measure demonstrates a lack of understanding of the endangered species issue along with the past mitigation purchases within Segments 1 and 2. The measure also ignores planned urban development within Segment 2 upon my Agua Fria property. Compliance will require consultation with CDFG and USFW, not Merced County.

Response: Impacts to the San Joaquin Kit Fox are addressed in Section C.3.3.5.2, Impact 3-8, of the Draft SEIR and mitigated to a less than significant level with implementation of Mitigation Measure B-9. However, the following text has been added to Section C.3.1.2, *Special Habitat Management Areas*, of the Draft SEIR, and is also included in Section C.3, Replacement Pages, of this Final SEIR.

> According to the landowner, there is a Kit Fox Corridor on the private land just south of the Los Banos Substation. This land was purchased by CalTrans and PG&E to fulfill U.S. Fish & Wildlife Service requirements for endangered species habitat take related to nearby construction projects. Further discussion is provided by the landowner in Comment Letter 4 (Final SEIR Section B.2).

Comment 4-5:

Impact 7-7: Permanent Preclusion of Existing, Permitted, and Planned Land Uses, page C.7-25

The SEIR states the following:

"Placement of the transmission line and towers will lead to some limitations on long-term use of property.

"A concern was raised at Supplemental EIR scoping meetings regarding preclusion of future development on the band of land between the existing transmission lines and the proposed transmission line. This 2,000 foot wide section of land is needed to provide a separation corridor between the two lines to maintain transmission safety and reliability. Due to topography and final corridor design, in some places the separation may be as great as 4,000 feet ... building and structures (are permitted outside the project ROW). However, in effect, it may be less desirable for landowners to locate new major developments within this buffer zone due to physical constrictions on two sides of the land, the narrowness of the area that could be developed, and visual impacts of the two transmission lines."

This statement appears to have been prepared with regards to my property since it contains the only urban development plans within the 84 mile Path 15 Project corridor. Even though I have not yet acquired zoning approval for urban land uses from Merced County, my plans have been in active process for 9 years. For example, Bill Nicholson, AICP, Director of Planning for Merced County, prepared the Community Specific Plan Document in conjunction with my project manager, TDM Associates in 1994. This goals, policy and implementation measure document which includes extensive illustrated planning principles has not changed substantially since that time and a Program EIR has been prepared and reviewed by County staff in support of the CSP document. This EIR is planned for its second circulation and public review. Considerable funds have been expended and considerable work efforts have been undertaken in association with these long-term urban planning efforts. This CSP document also coincides with the "Agua Fria Village" Plan.

Response: The referenced SEIR statement was not prepared specifically for the Agua Fria property. In fact, members of the public owning land elsewhere along the proposed project route raised the concern. Please see Response to Comment 4-3 regarding the status and consideration of the Agua Fria project.

Comment 4-6:

Mitigation Measure for Impact 7-7, Permanent Preclusion of Existing, Permitted, and Planned Land Uses.

"L-17 During the right-of-way acquisition process, PG&E shall coordinate with each affected property owner, in order to develop an alignment and specific tower locations, to provide clear information about the right-of-way acquisition process compensation, and construction and maintenance activities, and to understand landowner plans for use of the transmission corridor area in order to minimize the impact of tower and ROW location. PG&E shall document compliance with this measure by submitting to the CPUC written evidence of landowner consultation and a copy of the written information distributed to landowners."

I understand that CEQA was not designed to protect against a possible decline in the commercial value of property adjacent to a project. However, mitigation measure L-17 acknowledges such impacts and suggests that they will be appropriately responded to by PG&E directly.

L-18 Within the area proposed for the Specific Urban Development Plan (SUDP), the Villages of Laguna San Luis Community Specific Plan, PG&E shall landscape the transmission line ROW and buffer area or otherwise design the area for integration and compatibility with the planned development. Compliance will be determined by CPUC, in consultation with Merced County planning officials."

This mitigation measure demonstrates a lack of understanding of the endangered species issue along with the past mitigation purchases within Segments 1 and 2. The measure also ignores planned urban development within Segment 2 upon my Agua Fria property. Compliance will require consultation with CDFG and USFW, not Merced County.

Response: The primary purpose of Mitigation Measure L-17 is to ensure that landowners are given proper notice and information about the right-of-way acquisition process and construction disturbances. Also, the measure is intended to provide an opportunity for property owners to be consulted on the final project alignment and potential land use plans/conflicts. The measure does not address commercial property value changes. Compensation to property owners for the right-of-way is required by law.

Regarding Mitigation Measure L-18, the text has been modified as follows (new text is underlined and old text is struck out):

L-18 Within the area proposed for the Specific Urban Development Plan (SUDP), *The Villages of Laguna San Luis Community Specific Plan*, and the area designated as kit fox corridor, PG&E shall ~~landscape the transmission line ROW and buffer area or otherwise~~ design the area for integration and compatibility with the planned development and with the existing kit fox habitat conservation corridor. Compliance will be determined by CPUC, in consultation with Merced County planning officials, CDFG and USFW.

Comment 4-7:

This mitigation measure demonstrates a lack of understanding of the endangered species issue along with the past mitigation purchases within Segments 1 and 2. The measure also ignores planned urban development within Segment 2 upon my Agua Fria property. Compliance will require consultation with CDFG and USFW, not Merced County.

Section C.9.2.3 GENERAL IMPACTS AND MITIGATION MEASURES
Impact 9-1: Electric and Magnetic Fields (EMF); Methods to Reduce EMF
The SEIR contains substantial discussion regarding the reduction of potential EMF impacts. However, the discussions do not necessarily coincide with conclusions reached within the CPUC's study released in 2001.

With regards to planned urban development upon my affected Agua Fria Ranch Property, potential EMF impacts to human health pose a strong emotional if not proven scientific effect upon my abilities to continue to plan and market the property for urban land use development. Large development companies have reviewed the recent CPUC EMF evaluation and have stated their concerns related to the marketability of new urban development within close proximity to 500Kv overhead power transmission lines. Their concerns are particularly directed to potential elderly buyers within a retirement housing setting as well as to young families with children within a new community setting. Therefore, recent experience demonstrates EMF related impacts will exist upon my planned urban development.

Response: The public's concerns about EMF are acknowledged; Section C.9.1 presents a discussion of current research and findings. Please see Response to Comment 4-1. Potential impacts on future development are not considered in this SEIR.

A.3 REFERENCES FOR THE RESPONSES TO COMMENTS

SJVUAPCD, 2002a. Personal communication between Matt Fagundes of Aspen Environmental Group and Tom Jordan of the SJVUAPCD Central Division, January 7, 2002.

SJVUAPCD, 2002b. Personal communication between Matt Fagundes of Aspen Environmental Group and Leland Villalvazo of the SJVUAPCD Central Division, January 9, 2002.

NCDC (National Climatic Data Center). 2001. Meteorological data collected during 1992 to 1995 and 1997 from the Lemoore Naval Air Station (LNAS) Meteorological Monitoring Station.