

# Responses to Comments

## Introduction

During the public review period for the Mitigated Negative Declaration (May 31, 2007 through June 30, 2007), the CPUC received one public comment from the various State and local agencies, the public, and the Applicant that were notified of the intent to adopt the Mitigated Negative Declaration. This section presents responses to the comments.

Table D-1 lists the persons and agencies that submitted comments on the Proposed MND. The individual comments are numbered, and responses immediately follow the comments. If revisions were made to the MND and supporting Initial Study based on the comments, the revisions are provided with the response to the specific comment and are indicated in the text of this Final MND with ~~strikeout~~ for deletions of text, and in underline for new text.

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

Commenter	Date of Comment	Comment Set
Native American Heritage Commission, Dave Singleton, Program Analyst	June 29, 2007	A

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## Comment Set A Native American Heritage Commission

STATE OF CALIFORNIA

Arnold Schwarzenegger GOVERNOR

### NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-6990  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
e-mail: [ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



June 29, 2007

Mr. Jensen Uchida  
California Public Utilities Commission  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

FAX to (415) 955-4776  
No. of Pages: 3

Re: SCH#2007051159; CEQA Notice of Completion; Proposed Mitigated Negative Declaration for Southern California Edison Riverway Substation Project (A.06-06-004); Lead Agency, California Public Utilities Commission (CPUC); Project located in Tulare County, California

Dear Mr Uchida:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf>. The record search will determine:
  - If a part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
  - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

A-1

A-2

A-3

A-4

Comment Set A, cont.  
Native American Heritage Commission

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

\* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

A-5

√ Health and Safety Code §7050.5, Public Resources Code §5097.96 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

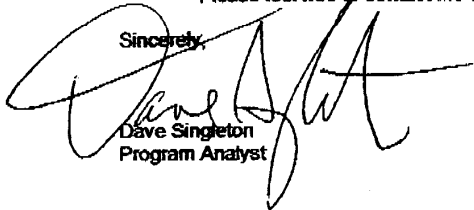
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√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

A-7

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: List of Native American Contacts

Comment Set A, cont.  
Native American Heritage Commission

**Native American Contacts**  
Tulare County  
June 29, 2007

**Santa Rosa Rancheria**  
Clarence Atwell, Chairperson  
P.O. Box 8  
Lemoore, CA 93245  
(559) 924-1278  
(559) 924-3583 Fax

Tache  
Tachi  
Yokut

**Sierra Nevada Native American Coalition**  
Lawrence Bill, Interim Chairperson  
P.O. 125  
Dunlap, CA 93621  
lb2354@yahoo.com  
(559) 338-2354

Mono  
Foothill Yokuts

**Tule River Indian Tribe**  
Neil Peyron, Chairperson  
P.O. Box 589  
Porterville, CA 93258  
chairman@tulerivertribe.nsn.  
(559) 781-4271  
(559) 781-4610 FAX

Yokuts

**Kenneth Woodrow**  
1179 Rock Haven Ct.  
Salinas, CA 93906  
831-443-9702

Foothill Yokuts  
Mono

**Ron Wermuth**  
P.O. Box 168  
Kernville, CA 93238  
warmoose@earthlink.net  
(760) 376-4240 - Home  
(916) 717-1176 - Cell

Tubatulabal  
Kawaiisu  
Koso  
Yokuts

**Wukchumni Tribe**  
Susan Weese, C/o Lalo Franco  
2504 West Beech Street.  
Visalia, CA 93277  
(559) 925-2831 - Lalo Franco

Wukchumni

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007051159; CEQA Notice of Completion; proposed Mitigated Negative Declaration for Southern California Edison Riverway Substation Project (A-06-06-004); Lead Agency: California Public Utilities Commission; Project located in northern Tulare County.

## Responses to Comment Set A – Native American Heritage Commission

- A-1 Section B.3.5.1 of the Initial Study identifies the records and literature search that was completed by Pacific Legacy, Inc. for SCE on June 3, 2005. The search of the California Historical Resources Information System, Southern San Joaquin Valley Information Center, California State University Bakersfield (CHRIS/SSJVIC File No. 05-361) included Southern San Joaquin Valley Information Center site and study base maps, the most recent updates of the National Register of Historic Places (NRHP), California Register of Historic Resources (CRHR), California Historical Landmarks, California Points of Historical Interest, and evaluations of properties reviewed by the State of California Office of Historic Preservation. Based on geological and geographical conditions at the site, soil type, lack of previously recorded or identified cultural resources, and past site disturbances, the probability that cultural resources are in the area of potential effect is low.
- A-2 A confidential report of the cultural resources inventory was prepared for SCE by Pacific Legacy, Inc. (February 2007) and provided the basis of the conclusions in Section B.3.5 of the Proposed MND/Initial Study. There are no known recorded prehistoric or historic archaeological sites of Native American cultural resources in the project area. The findings of the records and literature search concluded that there are no cultural resources within the project area listed in the NRHP, the CRHR, California Points of Historical Interest, California Inventory of Historic Resources or the California State Historic Landmarks, and no evidence of prehistoric or historical resources was found during field studies.
- A-3 Section B.3.5.1 of the Initial Study includes clarifying revisions to show that SCE, through Pacific Legacy, initiated consultation with the California Native American Heritage Commission (NAHC) in 2005 and in a February 28, 2006 letter describing the project and asking for information on cultural resources in the Sacred Lands Inventory for the project area. The NAHC responded on November 8, 2005 and March 20, 2006, respectively, noting that no known Native American cultural resources are in the immediate project area. The NAHC also provided a list of Native American individuals and organizations who may have knowledge of cultural resources in the project area. Although there is a low potential for cultural resources, on July 17, 2007, SCE distributed letters to Native American individuals and organizations listed on the NAHC letter to afford them an opportunity to comment on the project. Copies of these letters are provided on the following pages.
- A-4 Section B.1.13 of the Initial Study identifies Applicant Proposed Measures (APM Cult-1 and APM Cult-2, in Table B.1-4) that incorporate provisions for accidental discovery of cultural resources. These measures are included in the Mitigation Monitoring Plan (Section C). A certified archaeologist or culturally affiliated Native American monitor would not be necessary because the project would not occur in an area of identified archaeological sensitivity.
- A-5 Section B.1.13 of the Initial Study identifies an Applicant Proposed Measure (APM Cult-2, in Table B.1-4), which incorporates provisions for accidental discovery of human remains or cemeteries and requires appropriate coordination with the NAHC and Native Americans.
- A-6 Section B.1.13 of the Initial Study identifies an Applicant Proposed Measure (APM Cult-2, in Table B.1-4) that incorporates provisions for accidental discovery of human remains.

A-7        Section B.3.5 of the Initial Study provides information to demonstrate that no significant cultural resources were identified during project planning.



July 17, 2007

Mr. Kenneth Woodrow  
1179 Rock Haven Ct.  
Salinas, CA 93906

Subject: Southern California Edison's (SCE) Proposed Riverway Substation  
Project, Visalia, California

Dear Ken:

The purpose of this letter to request your comments on the Riverway Substation project proposed by Southern California Edison (SCE) for construction in the City of Visalia. Edison filed an application and environmental assessment with the California Public Utilities Commission (CPUC), who released a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) on 31 May 2007, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The MND contains a provision for accidental archaeological discoveries including disposition of recovered artifacts, a provision for inadvertent discovery of Native American human remains, and avoidance is considered the preferred treatment if significant resources are discovered.

If you have any concerns about the Riverway project, please respond within 10 days to Jensen Uchida, CPUC Project Manager, c/o Aspen Environmental Group, 235 Montgomery Street, Suite 935, San Francisco, CA 94104-3002, email: [riverwaysub@aspene.com](mailto:riverwaysub@aspene.com), or we will assume that there are no concerns.

The proposed Riverway Substation Project includes a new 1.7-acre 66/12 kV low-profile substation, six 12 kV distribution lines, approximately 1,200 feet of underground 66 kV subtransmission lines, as well as new fiber optic cable and communication equipment to connect the substation to SCE's existing telecommunication system. The substation site is located north of Riggin Avenue and east of Mooney Boulevard (which is being extended north of Riggin Avenue) in the City of Visalia (see enclosed map). SCE believes that the project is necessary to maintain safe and reliable service and meet projected electrical load requirements in the City of Visalia and northern Tulare County. The substation would be constructed to accommodate future capacity increases beyond 2010, as required.

SCE contacted the Native American Heritage Commission (NAHC) for a sacred lands file search, the Southern San Joaquin Valley Information Center (IC) of the California Historical Resources Inventory System for an archaeological records search, and commissioned an archaeological survey of the project areas. The NAHC and IC searches showed no identified cultural resources on or in the near vicinity of the Project area, and the archaeological survey resulted in no resource discoveries. The Project area was an

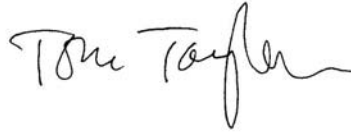
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agricultural orchard, as was the surrounding area, which is now under development for residential housing.

The next step is for the CPUC to release a Final MND. After that, the CPUC will issue a Decision on the Proposed Project as part of the proceeding, which will be announced and published concurrent with a scheduled CPUC meeting.

If you have any questions, I can be reached at (626) 302-9540 or by email at [thomas.t.taylor@sce.com](mailto:thomas.t.taylor@sce.com). Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Tom Taylor". The signature is written in a cursive, flowing style.

Thomas T. Taylor, Manager  
Biological & Archaeological Resources  
Corporate Environment, Health & Safety

Enclosure

cc: Jensen Uchida, CPUC Project Manager





July 17, 2007

Ms. Susan Weese  
c/o Lalo Franco  
Wukchumni Tribe  
2504 West Beech Street  
Visalia, CA 93277

Subject: Southern California Edison's (SCE) Proposed Riverway Substation  
Project, Visalia, California

Dear Ms. Weese:

The purpose of this letter to request your comments on the Riverway Substation project proposed by Southern California Edison (SCE) for construction in the City of Visalia. Edison filed an application and environmental assessment with the California Public Utilities Commission (CPUC), who released a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) on 31 May 2007, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The MND contains a provision for accidental archaeological discoveries including disposition of recovered artifacts, a provision for inadvertent discovery of Native American human remains, and avoidance is considered the preferred treatment if significant resources are discovered.

If you have any concerns about the Riverway project, please respond within 10 days to Jensen Uchida, CPUC Project Manager, c/o Aspen Environmental Group, 235 Montgomery Street, Suite 935, San Francisco, CA 94104-3002, email: [riverwaysub@aspene.com](mailto:riverwaysub@aspene.com), or we will assume that there are no concerns.

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SCE contacted the Native American Heritage Commission (NAHC) for a sacred lands file search, the Southern San Joaquin Valley Information Center (IC) of the California Historical Resources Inventory System for an archaeological records search, and commissioned an archaeological survey of the project areas. The NAHC and IC searches

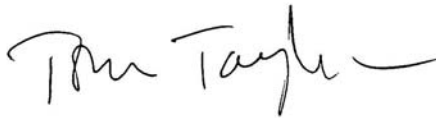
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showed no identified cultural resources on or in the near vicinity of the Project area, and the archaeological survey resulted in no resource discoveries. The Project area was an agricultural orchard, as was the surrounding area, which is now under development for residential housing.

The next step is for the CPUC to release a Final MND. After that, the CPUC will issue a Decision on the Proposed Project as part of the proceeding, which will be announced and published concurrent with a scheduled CPUC meeting.

If you have any questions, I can be reached at (626) 302-9540 or by email at [thomas.t.taylor@sce.com](mailto:thomas.t.taylor@sce.com). Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Tom Taylor" with a long horizontal flourish extending to the right.

Thomas T. Taylor, Manager  
Biological & Archaeological Resources  
Corporate Environment, Health & Safety

Enclosure

cc: Jensen Uchida, CPUC Project Manager



July 17, 2007

Mr. Clarence Atwell, Chairperson  
Santa Rosa Rancheria  
P.O. Box 8  
Lemoore, CA 93245

Subject: Southern California Edison's (SCE) Proposed Riverway Substation  
Project, Visalia, California

Dear Mr. Atwell:

The purpose of this letter to request your comments on the Riverway Substation project proposed by Southern California Edison (SCE) for construction in the City of Visalia. Edison filed an application and environmental assessment with the California Public Utilities Commission (CPUC), who released a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) on 31 May 2007, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The MND contains a provision for accidental archaeological discoveries including disposition of recovered artifacts, a provision for inadvertent discovery of Native American human remains, and avoidance is considered the preferred treatment if significant resources are discovered.

If you have any concerns about the Riverway project, please respond within 10 days to Jensen Uchida, CPUC Project Manager, c/o Aspen Environmental Group, 235 Montgomery Street, Suite 935, San Francisco, CA 94104-3002, email: [riverwaysub@aspeneg.com](mailto:riverwaysub@aspeneg.com), or we will assume that there are no concerns.

The proposed Riverway Substation Project includes a new 1.7-acre 66/12 kV low-profile substation, six 12 kV distribution lines, approximately 1,200 feet of underground 66 kV subtransmission lines, as well as new fiber optic cable and communication equipment to connect the substation to SCE's existing telecommunication system. The substation site is located north of Riggin Avenue and east of Mooney Boulevard (which is being extended north of Riggin Avenue) in the City of Visalia (see enclosed map). SCE believes that the project is necessary to maintain safe and reliable service and meet projected electrical load requirements in the City of Visalia and northern Tulare County. The substation would be constructed to accommodate future capacity increases beyond 2010, as required.

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the archaeological survey resulted in no resource discoveries. The Project area was an agricultural orchard, as was the surrounding area, which is now under development for residential housing.

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If you have any questions, I can be reached at (626) 302-9540 or by email at [thomas.t.taylor@sce.com](mailto:thomas.t.taylor@sce.com). Thank you for your attention.

Sincerely,

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Thomas T. Taylor, Manager  
Biological & Archaeological Resources  
Corporate Environment, Health & Safety

Enclosure

cc: Jensen Uchida, CPUC Project Manager



July 17, 2007

Mr. Lawrence Bill, Interim Chairperson  
Sierra Nevada Native American Coalition  
P.O. Box 125  
Dunlap, CA 93621

Subject: Southern California Edison's (SCE) Proposed Riverway Substation  
Project, Visalia, California

Dear Mr. Bill:

The purpose of this letter to request your comments on the Riverway Substation project proposed by Southern California Edison (SCE) for construction in the City of Visalia. Edison filed an application and environmental assessment with the California Public Utilities Commission (CPUC), who released a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) on 31 May 2007, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The MND contains a provision for accidental archaeological discoveries including disposition of recovered artifacts, a provision for inadvertent discovery of Native American human remains, and avoidance is considered the preferred treatment if significant resources are discovered.

If you have any concerns about the Riverway project, please respond within 10 days to Jensen Uchida, CPUC Project Manager, c/o Aspen Environmental Group, 235 Montgomery Street, Suite 935, San Francisco, CA 94104-3002, email: [riverwaysub@aspeneg.com](mailto:riverwaysub@aspeneg.com), or we will assume that there are no concerns.

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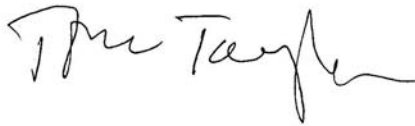
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If you have any questions, I can be reached at (626) 302-9540 or by email at [thomas.t.taylor@sce.com](mailto:thomas.t.taylor@sce.com). Thank you for your attention.

Sincerely,



Thomas T. Taylor, Manager  
Biological & Archaeological Resources  
Corporate Environment, Health & Safety

Enclosure

cc: Jensen Uchida, CPUC Project Manager



July 17, 2007

Mr. Neil Peyron, Chairperson  
Tule River Indian Reservation  
P.O. Box 589  
Porterville, CA 93258

Subject: Southern California Edison's (SCE) Proposed Riverway Substation  
Project, Visalia, California

Dear Mr. Peyron:

The purpose of this letter is to request your comments on the Riverway Substation project proposed by Southern California Edison (SCE) for construction in the City of Visalia. Edison filed an application and environmental assessment with the California Public Utilities Commission (CPUC), who released a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) on 31 May 2007, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The MND contains a provision for accidental archaeological discoveries including disposition of recovered artifacts, a provision for inadvertent discovery of Native American human remains, and avoidance is considered the preferred treatment if significant resources are discovered.

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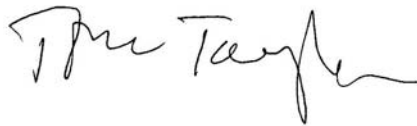
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Sincerely,



Thomas T. Taylor, Manager  
Biological & Archaeological Resources  
Corporate Environment, Health & Safety

Enclosure

cc: Jensen Uchida, CPUC Project Manager





July 17, 2007

Mr. Ron Wermuth  
P.O. Box 168  
Kernville, CA 93238

Subject: Southern California Edison's (SCE) Proposed Riverway Substation  
Project, Visalia, California

Dear Mr. Wermuth:

The purpose of this letter to request your comments on the Riverway Substation project proposed by Southern California Edison (SCE) for construction in the City of Visalia. Edison filed an application and environmental assessment with the California Public Utilities Commission (CPUC), who released a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) on 31 May 2007, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The MND contains a provision for accidental archaeological discoveries including disposition of recovered artifacts, a provision for inadvertent discovery of Native American human remains, and avoidance is considered the preferred treatment if significant resources are discovered.

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Biological & Archaeological Resources  
Corporate Environment, Health & Safety

Enclosure

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