

APPENDIX C

C-1

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December 17, 2007

VIA FACSIMILE [800-371-8797]
Original to Follow by Mail

California Public Utilities Commission
c/o Dudek
Attn: Michael Rosauer
605 Third Street
Encinitas, California 92024

**Re: Comments regarding Notice of Preparation of a Draft Environmental Impact Report
for the Sacramento Natural Gas Storage Project**

Dear Mr. Rosauer:

On behalf of the Avondale Glen-Elder Neighborhood (“AGENA”), we have reviewed the Notice of Preparation (“NOP”) of a Draft Environmental Impact Report (“DEIR”) for the Sacramento Natural Gas Storage Project (“Project”) circulated by the California Public Utilities Commission (“CPUC”) for the Project pursuant to the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. (“CEQA”), and the CEQA Guidelines, California Code of Regulations, title 14, §§ 15000 et seq. (“CEQA Guidelines”). The Project consists of the construction and operation of a natural gas storage facility and related infrastructure located within the City of Sacramento, County of Sacramento, and Yolo County. The underground storage facility is located beneath approximately 700 residential, and 40 commercial and industrial, properties.

In AGENA’s view, the Project cannot be made safe and will have potentially significant unavoidable impacts at the currently proposed underground storage facility site location. The Project is located in the middle of an urban area directly below approximately 700 residences. There is no question that the location of this Project exacerbates the risk and severity of any

potential accidents. Despite this serious concern, the NOP fails to recognize that potential accidents associated with the Project will cause significant environmental impacts. AGENA appreciates your consideration of the following comments concerning the NOP and scope of the DEIR for this Project.

I. An Alternative Non-Urban Underground Natural Gas Storage Facility Site Location Should be Chosen

A report submitted to the CPUC by the Sacramento Natural Gas Storage, LLC (“Project Proponent”) acknowledges that several accidents have occurred at natural gas storage facilities including at least two failures causing surface explosions and fire. (International Gas Consulting, Safety Record Study of Underground Gas Storage in Depleted Gas Reservoirs (May 4, 2007), pp. 2-4.) An explosion in San Joaquin County in 1993, for example, caused “approximately \$2 million of damage.” In addition, the report acknowledges that “there have been occasional problems with storage gas migrating beyond [an] intended reservoir.” (*Id.*, at p. 4.) Further, “[s]ince 1990, there have been nearly 2,300 major natural gas pipeline accidents resulting in over 200 deaths.” (Clarke et al., *The Forgotten Homeland: A Century Foundation Task Force Report* (2006), p. 106.) The loss of a single life is clearly a significant environmental impact. Thus, “irreversible damage can result from environmental accidents associated with the [P]roject.” (CEQA Guidelines, § 15126.2, subd. (c).)

For these reasons, it is clear that mitigation measures will not be able to reduce potentially significant impacts of the Project to a less-than-significant level if the Project goes forward at the currently proposed urban location. The PUC should not approve the Project at the current proposed urban site. An alternative non-urban location should be chosen for the underground storage facility due in part to the unavoidable safety concerns associated with operating an underground natural gas storage facility in an urban setting. Therefore, in AGENA’s view, the analysis of alternative underground storage facility locations will be one of the most important sections of the DEIR.

The NOP does not include any alternative non-urban locations for the underground storage facility. Non-urban underground storage facility alternatives must be included in the DEIR. Further, the DEIR must provide an equal level of analysis for alternative non-urban underground storage locations. This analysis must include quantitative and comparative data between the currently proposed urban location and the proposed alternative non-urban locations to allow for meaningful consideration and comparison of the alternatives. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692.) Without this level of detail, the DEIR will fail to comply with CEQA.

II. Specific Comments on the NOP

A. Project Description

The Project description must include a detailed map with the precise location and boundaries of the proposed Project, as well as a regional map showing the location of the Project. (CEQA Guidelines, § 15124, subd. (a).) The required maps should outline the full area covered by the underground storage facility, and illustrate the location of the underground storage facility in relationship to residential properties and any nearby schools. Further, it would be helpful if the properties included in the Project area were keyed to an appendix that listed the property owner names and addresses. The Project description must also include, “[a] list of permits and other approvals required to implement the Project.” (Pub. Res. Code, § 15124, subd. (c).) And, the Project description should describe all infrastructure requirements. (*San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1996) 42 Cal. App. 4th 608.)

B. Environmental Baseline

According to CEQA Guidelines section 15125, subdivision (a), issuance of the NOP for the Project generally defines the date for the “environmental baseline.” The DEIR’s analysis of all potential environmental impacts, therefore, must begin with an accurate description of existing conditions current as of November 14, 2007, the date the NOP was issued. The CPUC must conduct comprehensive air quality, geology and soil, hydrology and water quality, and transportation studies, so that the current baseline for analyzing the impacts of the Project is based upon real data and not outdated conjecture.

C. Areas of Controversy

The executive summary for the DEIR must identify AGENA’s concerns regarding hazardous materials, water quality, geology and soil, health and safety, land use and planning, and non-urban alternative Project locations as “areas of controversy,” as required by CEQA Guidelines section 15123, subdivision (b)(2).

D. Mandatory Findings of Significance

Potentially significant cumulative impacts will be caused by the Project, which require a “mandatory finding of significance.” (CEQA Guidelines, § 15065.) Both individually significant and cumulative impacts are certain to occur since the Project contemplates injecting large quantities of natural gas, a hazardous material, into an underground storage reservoir in an urban area below 700 residences. Further, “(t)he environmental effects of [the] [P]roject will cause substantial adverse effects on human beings... directly or indirectly” due the health and safety concerns caused by the proposed site location. (CEQA Guidelines, § 15065, subd. (a)(3)-(4).) As the Project triggers the requirement to make “mandatory findings of significance,” the CPUC must make the necessary CEQA findings and modify the Project where feasible to lessen or avoid significant impacts. (*Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal. App. 4th 1019, 1024, fn. 6.)

E. Mitigation

As described in Part I, *supra*, we believe mitigation measures will not reduce the potentially significant environmental impacts at the current urban site location to a less than significant level. Off-site underground storage alternatives must be considered in the DEIR. (*San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1996) 42 Cal. App. 4th 608.) And, an off-site non-urban location should be chosen for the Project.

None-the-less, for the DEIR to comply with CEQA it must include analysis of, and mitigation measures for, potentially significant impacts relating to hazardous materials, water quality, geology and soils, land use planning, and health and safety issues. The remainder of this letter will discuss the environmental analysis and proposed mitigation measures that the DEIR must include to comply with CEQA. But, AGENA urges the CPUC to require an alternative non-urban location for the underground storage facility. No level of mitigation measures could make the Project safe at its current proposed location.

CEQA requires that the DEIR thoroughly analyze and mitigate all of the Project's potentially significant direct, indirect, and cumulative impacts. Mitigation measures included in the DEIR must address potential accidents and related secondary impacts. The mitigation measures proposed in the DEIR to reduce the potentially significant environmental impacts of accidents need to include monitoring plans with funding mechanisms in place to ensure the monitoring continues throughout the lifespan of the Project, and continues for an appropriate period of time after operations terminate at the facility. Mitigation measures requiring future environmental monitoring should provide for oversight and review by a designated third-party organization. The remainder of the letter discusses studies, analysis, and mitigation requirements that need to be included in the DEIR.

a. Air Quality

AGENA encourages construction mitigation measures such as using alternative fuel construction equipment and a dust control plan. Further, an air quality study should be conducted to establish an accurate description of existing conditions current as of November 14, 2007, the date the NOP was issued, to establish baseline conditions. Monitoring programs must be established to guard against natural gas migration, leak or emission of noxious odors, and leak or emission of carcinogenic chemicals from the Project.

b. Biological Resources

A biological resources study should be conducted to establish an accurate description of existing conditions current as of November 14, 2007, the date the NOP was issued. The biological resource study must determine whether any plant or animal resources may potentially

be disturbed by the Project. This study should include an ecological analysis of the subsurface plant, fungi, and animal life, including insects, in the Project area. A study should also be conducted to determine if Project operations, or accidental gas or chemical leaks from the Project, could impact the above-, and below-, ground biological resources in the area, or if potential water contamination caused by the Project could impact biological resources on-, or off-, site.

c. Cultural Resources

AGENA encourages the CPUC to contact Native American Heritage Commission regarding cultural resources and include mitigation to address potential issues. The DEIR should include a plan for recovery in case cultural resources are discovered during Project construction.

Further, “a resource shall be considered by the lead agency to be “historically significant” if the resource ... [i]s associated with events that have made a significant contribution to the broad patterns of California’s history ... [or] [i]s associated with the lives of persons important in our past.” (CEQA Guidelines, § 15064.5, subd. (a)(3)(A)-(B).) The Sacramento Army Depot was established in 1945. It has been described as a “Historic California Post[]” by the California State Military Museum. (Starbuck, Historic California Posts, <http://www.militarymuseum.org/SacramentoArmyDepot.html>.) The Army Depot is a “historically significant” site. The DEIR must analyze potential impacts at the Army Depot accordingly.

In addition, a study must be conducted to determine if the underground reservoir is a “unique geological feature.” If the underground reservoir is a unique geological feature, direct and indirect impacts of the Project on the reservoir need to be analyzed in the DEIR. (CEQA Guidelines, Appendix G, Cultural Resources.) The DEIR must include mitigation measures to address these potentially significant environmental impacts on cultural resources within the Project area.

d. Geology and Soils

A geology and soil study should be conducted to establish an accurate description of existing conditions current as of November 14, 2007, the date the NOP was issued. The study should include careful analysis of fracture zones and imperfections in the earth’s geological layers and any other potential conduits through which natural gas might travel between geological layers/zones whether currently in existence or having the potential to develop in the future and whether naturally occurring or the result of human activity. The study should also consider the possibility of the Project directly or indirectly causing subsidence of land in the Project area. Mitigation measures must be established to address the potential of gas migration and other gas or chemical leaks caused by geologic conditions in the Project area.

e. Hazards and Hazardous Materials

For the purposes of CEQA, the term “hazardous materials” refers to both hazardous materials and hazardous wastes. A hazardous material is defined as hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local regulatory agency, or if it has

characteristics defined as hazardous by such an agency. The California Health & Safety Code, section 25501, subdivision (o) defines hazardous materials as follows:

"Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (*Ibid.*)

Under the California Health & Safety Code, businesses "operating an unstaffed remote facility located in an isolated sparsely populated area" are exempt from certain hazardous materials safety planning requirements "if the quantities of materials onsite are limited to... [f]ive hundred standard cubic feet of compressed inert gases." (Health & Safety Code, § 25503.5, subdivisions (c)(6), (c)(6)(i).) The Project is not an unstaffed facility, is located in an urban area, and involves the storage of non-inert natural gas. Therefore, the Project is not covered by an exemption. The Project is designed to store and handle large quantities of natural gas, a hazardous material. The DEIR should analyze the chemical makeup of all substances added to the natural gas that is injected into the underground storage facility to determine if any of these chemicals are also hazardous materials. Mitigation measures should reduce the number of hazardous materials handled at the Project facilities and must establish monitoring programs to monitor for migration or leak of any hazardous materials.

As recognized in Attachment 2 of the NOP, Appendix G of the CEQA Guidelines asks whether a Project "handle[s] hazardous... materials... within one-quarter mile of an existing or proposed school." The Education Code similarly emphasizes that hazardous materials and gas pipelines, specifically, should not be located near schools. (See, e.g., Educ. Code, § 17213, subd. (a)(2)-(3).) Therefore, the DEIR must determine whether any public or private schools exist within one-quarter mile of the boundaries of the underground storage facility. If schools are located within one-quarter mile of the boundaries of the underground storage facility, this is a significant and unavoidable environmental impact.

In addition, Appendix G of the CEQA Guidelines recommends that a public agency consider whether a Project "[c]reate[s] a significant hazard to the public or the environment through the routine transport [of or]... reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment." As discussed earlier, the location of this Project exacerbates the risk and severity of any potential accidents. Given the quantity of natural gas proposed to be stored at the facility and its sensitive urban location, potentially significant environmental impacts of the currently proposed Project cannot be mitigated to a less-than-significant level.

The California Health & Safety Code, section 25503.5, subdivision (a)(1), requires that the Project “establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503.” (*Ibid.*) This emergency response plan should include a fund to cover the costs of damage to property and life in the case of an accident at the Project facilities.

f. Hydrology and Water Quality

A hydrology and water quality study should be conducted to establish an accurate description of existing conditions current as of November 14, 2007, the date the NOP was issued. The study should illustrate where the storage facility is located in relationship to the water table and measure ground water quality in the Project area to establish baseline conditions for future water quality monitoring. Finally, a monitoring program should be established to monitor the Project’s impacts on ground water. The secondary effects of the Project caused water pollution on biological resources and human health must also be studied and mitigated in the DEIR.

g. Land Use and Planning

Given the issue of land use compatibility between natural gas storage and urban residential land uses, the DEIR must carefully consider all potential environmental impacts of possible conflicts with existing local and regional plans. In addition, the CPUC should consider how safety concerns may impact residential property values. The CPUC should also consider how the natural gas storage leases, or other methods used to acquire rights to store the natural gas beneath residential properties, may impact the residential property values in the area. Potential impacts on residential property values could cause secondary urban decay and blight impacts. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184.) Mitigation measures must be incorporated that address this potentially significant impact.

h. Public Services

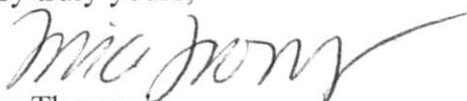
The DEIR must consider the Project’s impacts on fire protection services and water services. The DEIR should consider the potential impacts on these services in case of an accident. If natural gas fires and related accidents would require the use of chemicals or other methods, in addition water, to control accidental fires, then the DEIR must evaluate the availability of these additional resources as well as the potential environmental impacts of using the resources in case of an accident.

In closing, I request that the CPUC include my name on the CPUC's mailing list to receive copies of all public notices relating to the Project, especially any notices prepared pursuant to the requirements of the California Environmental Quality Act. (Pub. Resources Code, § 21092.2.)

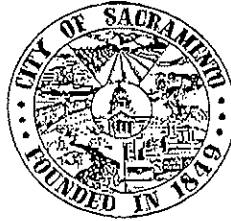
Michael Rosauer
December 17, 2007

Thank you again for the opportunity to comment on the proposed Project. I would be pleased to discuss these matters further at your convenience.

Very truly yours,


Tina Thomas

City

**CITY OF**

DEVELOPMENT SERVICES DEPARTMENT

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December 17, 2007

Michael Rosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024**SUBJECT:** Sacramento Natural Gas Storage Project Notice of Preparation
PUC Proceeding No. 07-04-013
City of Sacramento Project No. P07-111

Dear Mr. Rosauer:

The City of Sacramento (City), Environmental Planning Services, has received the Notice of Preparation (NOP) for the Sacramento Natural Gas Storage project (Project). This letter sets forth our response to the NOP, and provides information that relates to the processing the application by the City. Sacramento Natural Gas Storage LLC is identified here as the Applicant.

1. **Project Applicant References:** Our references to the Applicant and the Project include requirements relating to the planning, construction, operation and de-commissioning or abandonment of the Project. It is our understanding that, although the PUC has circulated a NOP for the project, you have not deemed the application complete, and are requesting more information from the project applicant. Our comments are based on what has been provided to the public and our agency to date. We reserve the right to submit additional comments on the scope of the EIR in the event the Applicant submits information that results in the identification of new significant effects, increase in the severity of effects, new mitigation measures or new alternatives.
2. **Responsible Agency:** The City of Sacramento Zoning Code requires approval of a Special Permit for the construction or operation of oil or gas wells. We have attached a copy of the zoning matrix and Chapter 17.212 of the City's Zoning Code. The Special Permit is heard by the City Planning Commission. Approval requires the following findings by the Planning Commission: (a) the Project is consistent with sound principles of land use; (b) the Project is consistent with the health, safety and general welfare of the community; and (c) the Project is consistent with the City's General Plan.

At this time the City has not received a description or footprint of the compressor station and wellhead facilities. We have requested this information from the applicant in order to determine project specifics. Additional entitlements may be required depending on facility details such as height.

The majority of the project, including the compressor station, the well field, the majority of the gas field, and much of the pipeline, falls within the City limits and will require City approval for construction. As such, all Environmental Issue Areas excluding "Agricultural Resources" are germane to the City's statutory responsibilities.

The Applicant has filed an application with the City for approval of the required Special Permit. The application is being processed by the Development Services Department. The Public Utilities Commission (PUC) will take the initial action on the project, and has determined that they are the Lead Agency under the California Environmental Quality Act (CEQA). The PUC had identified the City as a Responsible Agency as defined under CEQA Section 21069 and CEQA Guidelines Section 15096. The City has expressed concern with regard to this determination and requested, pursuant to CEQA Guidelines Section 15051(d), an agreement to provide for a cooperative effort as co-lead agencies. The City believes, as the public agency with the greatest responsibility for supervising, approving and monitoring the project as a whole, it is appropriate to have more involvement in the preparation and processing of the EIR than granted to responsible agencies.

At a minimum, it is the City's practice as a responsible agency to receive and review a copy of the Administrative Draft of the Draft Environmental Impact Report (ADEIR) and the Administrative Draft of the Final EIR (AFEIR), and to participate and communicate with the Lead Agency throughout the EIR process. If this procedure is not consistent with the procedures the PUC intends to follow in this project, please advise the undersigned immediately so we may begin discussions to resolve the issue.

3. Scoping Meeting Comments: Our comments at the Scoping Meeting confirmed that we would submit this written response to the NOP. Substantive comments on the scope of the EIR were submitted by others. Because no transcript was prepared for the meeting, we summarize those comments here to ensure they are included in the record:

Councilman Kevin McCarty, who represents the Sixth Council District, in which the project is located, requested discussion of the following issues in the EIR:

- A history of gas migration
- Evaluation of risk of explosion and fire and identification of any fracture zones
- Proposed monitoring procedure for gas leaks
- Health risk assessment for the project
- Alternative that includes non-residential sites
- Analysis of effect on property values
- Environmental justice analysis

Chris Butcher, an attorney with Remy, Thomas, Moose & Manley, indicated that the alternatives for the project should include an off-site alternative.

Constance Slider, representing the Avondale Glen Elder Neighborhood Association included the following in the list of issues that should be covered in the EIR:

- What is the capacity and role of the Fire Department, Building & Safety Department and PUC in safety and response to emergencies that could occur as part of the project?
- What are the other agencies that have a role in safety oversight and enforcement?
- There appears to be no enforcement of regulations concerning gas migration from well heads
- What is the worst-case scenario, and who would be liable?
- Explanation of what happened in other fields, such as the Bellmont and South Salt Lake Field, is needed
- The PUC should examine the chemicals in the gas and ground
- What is the chemical makeup of the injected gas
- What are the current testing standards

- An early-warning system for pipeline corrosion is needed

4. Project Description: In order to consider the project for approval, the City will be required to find that the CEQA document adequately identifies and evaluates the environmental effects of the project as described. We encourage your close cooperation with our agency to ensure that the project description adequately describes the project components and operations.

As noted above, the Project includes construction, operation and de-commissioning and abandonment, and these should be reflected in the Project Description. All staging areas should be identified.

The EIR should include, either as part of the Project Description or separate discussion, a clear explanation of the regulatory and enforcement responsibilities of the various agencies involved. These include, but are not limited to:

- Public Utilities Commission, including authority exercised pursuant to state authority and federal delegation;
- Department of Conservation, Division of Oil, Gas and Geothermal Regulation (DOGGR);
- City of Sacramento;
- City of West Sacramento;
- County of Sacramento; and
- County of Yolo.

The EIR should also include a discussion of the manner in which the responsibility of agencies may overlap, and the pre-emption of any authority by state statutes or decisions. These discussions will respond to concerns that have been identified in our public workshops relating to the enforcement of regulations and the monitoring of project activities.

5. Other Issues: The following should also be addressed:

- The EIR should include a detailed description of the reservoir, including the geology of the relevant area. The public discussion has included references to the risks of gas leakage and migration in areas where faults and fractures occur.
- Figure 1, Regional Map, should be revised to add a graphic showing the extent of the storage field area and the approximate locations of the pipelines and river crossings. This map should also show jurisdictional boundaries.
- The EIR should include a complete description of the pipelines, including location and depth, and the compressor station and wellhead facilities so that all impacts can be properly analyzed. The footprint of the compressor station and wellhead facilities should be depicted in a map.
- Table 1 is illustrative and assists in understanding the impacts. It should also include the gas storage field component and all pipelines, not just the connections to SMUD. Pipeline construction may cause temporary disruption to local services, but the pipelines should also be analyzed for permanent impacts in the areas of emergency response and public safety. Specific questions that could effect impact interpretation are: how deep will the pipeline be buried, how many wells will be constructed, how large is each well, what are the components of the compressor station, and how will each of these facilities be operated.
- The construction start date of June 2008, indicated in the "Project Construction" section, should be corrected. The schedule distributed by the PUC estimates that circulation of the Final EIR will occur in September 2008. We anticipate that the City Planning Commission hearing will be scheduled approximately 60 days following CUP approval of the project, if that in fact occurs. In addition, analysis should account for larger construction windows due to delays that may occur if cultural/paleontological

resources are discovered, or if sensitive species are encountered.

- The preferred alternative should be indicated in the EIR so that there is a basis for comparison to the alternatives. Each alternative should describe how the impacts will be changed. For example, would any of the pipeline crossing alternatives avoid crossing waterways?
- The Air Quality section should include an analysis of climate change, specifically as it relates to the methane gas associated with the project.
- Frac-out and sedimentation should be addressed in the Biological Resources section in addition to the Hydrology and Water Quality Section in order to analyze temporary impacts to special status species that may be discovered in creek and river crossings.
- Potential gas migration issues should be analyzed in the Hazards and Hazardous Materials, and the Hydrology and Water Quality sections.
- A Threat Assessment should be prepared in order to analyze the potential for increased terrorist threats associated with the project.
- The Land Use and Planning section should also address impacts to Sacramento County and Yolo County.
- Potential public health impacts and other impacts associated with potential utility conflicts should be analyzed.
- The need for additional emergency response services coordinated through the City and County should be addressed in the Public Services and Utilities section. This analysis should incorporate:
 - An effective Emergency Action Plan, similar in scope to what was prepared for the Wild Goose and Kirby Hills sites. The applicant has been in regular communication with the City Fire Department to prepare this document to ensure they have adequate input on the plan and that it covers the topics in the detail that the Fire Department deems appropriate. The City will also be coordinating with the County of Sacramento on the preparation of this document.
 - Equipment and training. The EIR should examine the additional risk of explosion and fire, and mitigation in the form of training and equipment to reduce the impact.
- Although impacts associated with the pipeline construction and staging areas may be temporary, they should be analyzed. As discussed in the above section, specific areas of concern included sedimentation near creek and river crossings, frac-out, encroachment of equipment into habitat areas, cultural and paleontological resource issues with river crossing, traffic and emergency response disruption during construction along Power Line Road, and aesthetic impacts to residents.
- The applicant has indicated that drilling for installation of wells could occur 24 hours per day, 7 days per week. This should be analyzed for additional impacts in areas such as noise and air quality. A description of monitoring requirements for the well construction and operation should be included.
- The Depot Park site has a history of various uses, and current project proposals.
 - The SNGS project EIR should reference the EIR that was previously prepared for the Army Depot Re-Use project, which analyzed the entire Depot Park site. This document identified special status species and habitat in the area. New surveys will be needed to determine suitability for special status species.
 - We have been advised that a water pipeline project and an ethanol plant have been proposed at

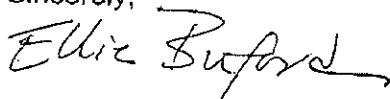
the Depot Park site. The EIR should incorporate information regarding these proposed projects in order to avoid infrastructure conflicts, and to analyze cumulative impacts. The water pipeline project consists of a 54-inch potable water transmission main, a portion of which crosses the western boundary of the Depot Park site. The SNGS project may overlap with the City water pipeline project.

- There is no confirmation of adequate water service for the project. A water study including existing water flows in the area should be completed in consultation with the City Department of Utilities.
- The project will be required to comply with all City and State construction and post construction water quality requirements
- The area is currently in shaded Zone X. The EIR should address any changes to the drainage patterns and base flood elevation in the area due to the construction of the proposed project.
- The EIR should include a discussion of ownership rights regarding the natural gas stored under a property.
- Potential impacts to park facilities should be addressed, including direct impacts if project associated construction occurs within park facilities, and indirect impacts if access to project components is required via park facilities. The document should address actions required for installation and repairs as well as timing of any necessary maintenance activities.

City staff has been actively involved in the project review, including substantial community outreach. We have worked with the applicant and community associations to organize public meetings to inform the community about the scope of the project and to allow the community to ask questions about safety and other concerns. We also have regular meetings with the applicant, City representatives, community groups, business groups, and local experts on different topics of concern. This outreach has been effective, and will continue. We would be pleased to cooperate with any effort on your part for continued public outreach or communication relating to the project.

Thank you for your consideration of our comments. Please let me know if we can provide any additional information.

Sincerely,



Ellie Buford, Principal Planner
Environmental Planning Services

Cc: Kevin McCarty, City Councilmember, District 6
Cassandra Jennings, Assistant City Manager
David Kwong, Planning Manager

Eb/tb

17.212.010

Chapter 17.212

SPECIAL PERMITS

Sections:

17.212.010	Definition, authority and findings.
17.212.020	General provisions.
17.212.030	Planning commission special permit.
17.212.040	Zoning administrator's special permit.
17.212.050	Planning director's special permit.
17.212.060	Special permit approved by city council.
17.212.070	Modification of a special permit.
17.212.080	Revocation of a special permit.
17.212.090	Modification or discontinuance of a use established prior to special permit requirements.
17.212.100	Terms and extensions.

17.212.010 Definition, authority and findings.

A special permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A special permit may be granted at the discretion of the zoning administrator, planning commission or city council and is not the automatic right of any applicant. In considering an application for a special permit, the following guidelines shall be observed:

A. Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use.

B. Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

C. Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located. (Ord. 99-015 § 7-5-A)

17.212.020 General provisions.

The following general provisions shall apply to any request for a zoning administrator's, planning director's or planning commission special permit or modification, revocation, or time extension of a special permit:

A. Application. The applicant shall submit an application and plans for the proposed use. Such plans shall be in sufficient detail to allow the zoning administrator, planning director, or planning commission to determine the exact nature and extent of the use. Such plans shall in all cases include a site plan clearly indicating the area of the subject property that will be utilized for the proposed use and the nature of the use in each portion of said area.

B. Permits May Not Be Issued. No building permit involving a special permit granted by the planning director, zoning administrator or planning commission may be issued until the ten (10) day appeal period has expired. No building permit, license, or other permit shall be issued while a special permit hearing or appeal therefrom is pending.

C. Fees. The applicant shall pay a filing and investigation fee as established in the fee and charge report at the time the application is filed.

D. Conditions May Be Imposed. In granting any special permit, the planning director, zoning administrator, planning commission, or city council, as applicable, may impose such conditions as deemed necessary to carry out the intent of this title and implement the guidelines set forth in Section 17.212.010 of this chapter.

E. Appeal of a Decision. An appeal of a decision made by the zoning administrator or planning commission related to a special permit, or modification, revocation, or extension of a special permit may be made in accordance with Chapter 17.200 of this title.

F. Withdrawal of Application. The planning director, zoning administrator, planning commission or city council may permit the withdrawal of an application for a special permit, provided such request is made in writing by the applicant. Further, any hearing for which public notice is given shall be held.

G. Resubmittal of Application. If an application for a special permit has been denied wholly or in part by the planning director, zoning administrator, planning commission, or city council, no new application for substantially the same special permit shall be resubmitted for a period of one year from the effective date of the final denial of the application, unless approval for filing has been granted by the zoning administrator or planning commission prior to expiration of the one year period. (Ord. 99-015 § 7-5-B)

17.212.030 Planning commission special permit.

The planning commission shall not grant a special permit unless the commission finds that the project complies with the guidelines set forth under Section 17.212.010 of this chapter. The general provisions set

17.212.030

forth in Section 17.212.020 of this chapter shall apply to a special permit request. An application for a special permit to be considered by the planning commission shall be subject to the following requirements:

A. Notice and Hearing. At least one public hearing shall be held on an application to the planning commission for a special permit. The procedural requirements for any hearing and the contents of the notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given in the following manner:

1. The planning director shall post notice of the hearing on the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.

2. Written notice of the hearing shall be mailed by the planning director at least ten (10) days prior to the hearing to the following property owners, using for notification purposes names and mailing addresses as shown on the latest equalized assessment roll in existence of the date application is filed:

a. All owners of property located within a radius of five hundred (500) feet from the property involved in the proceedings.

b. The owners of all property which adjoins the property in the same ownership as that involved in the proceedings or is separated only by a street, alley, right-of-way, or other easement.

B. Adult-Related Establishments. Notwithstanding the provisions of subsections (A)(2)(a) and (b) of this section, in the case of an application for a special permit for an adult-related establishment under the provisions of Section 17.24.050(24)(a) or (b) of this title, notice shall be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings.

C. Antennas and Telecommunications Facilities in Residential Zones. Notwithstanding the provisions of subsections (A)(2)(a) and (b) of this section, in the case of an application for a special permit for an antenna or telecommunications facility in residential zones under the provisions of Section 17.24.050(58)(d)(iii)(B) of this title, notice shall be given to all owners of property located within one thousand (1,000) feet from the property involved in the proceedings. (Ord. 99-015 § 7-5-C)

17.212.040 Zoning administrator's special permit.

Except as provided for below, a request for a zoning administrator's special permit required by this title shall be decided by the zoning administrator. The zoning administrator shall not grant a zoning administrator's

special permit unless he or she finds that the proposed project complies with the guidelines set forth under Section 17.212.010 of this chapter. The general provisions set forth in Section 17.212.020 of this chapter shall apply to a zoning administrator's special permit. An application for a zoning administrator's special permit to be considered by the zoning administrator shall be subject to the following requirements:

A. Planning Commission Shall Act If Any Entitlement Requires Commission or Council Approval. For a zoning administrator's special permit sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council, the planning commission shall act upon such permit. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Sections 17.212.020 and 17.212.030 of this chapter.

B. Discretion to Elevate to Planning Commission. At the discretion of the zoning administrator, a zoning administrator's special permit may be determined by the planning commission. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Sections 17.212.020 and 17.212.030 of this chapter.

C. Notice and Hearing. At least one public hearing shall be held on an application to the zoning administrator for a special permit. The procedural requirements for any hearing and the contents of the notice required by the provisions of this chapter shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given in the following manner:

1. The zoning administrator shall post notice of the hearing on the property involved in the proceedings in a conspicuous place for a period of seven days prior to the date of the hearing.

2. Written notice of the hearing shall be mailed by the zoning administrator at least ten (10) days prior to the hearing to all owners of property located within a radius of one hundred (100) feet from the exterior boundaries of the subject property, using for notification purposes the names and mailing addresses as shown on the latest equalized assessment roll in existence of the date application is filed. (Ord. 99-015 § 7-5-D)

17.212.050 Planning director's special permit.

The planning director shall not grant a planning director's special permit unless the director finds that the proposed project complies with the guidelines set forth under Section 17.212.010 of this chapter. The general provisions set forth in Section 17.212.020 of this chapter shall apply to a planning director's special permit request.

17.212.050

An application for a planning director's special permit to be considered by the planning director shall be subject to the following requirements:

A. **Application.** Applications for a planning director's special permit under this chapter shall be filed with the planning director and shall be subject to a filing and investigation fee. The application shall be accompanied by sufficient copies of the development plans and such other materials determined by the planning director to be necessary to consider the application, including but not limited to, necessary studies, transportation systems management plan, air quality mitigation plan, phasing plans, and executed agreements with other local agencies.

B. **Notice, Procedure and Appeal.** No public hearing shall be required. The application for a planning director's special permit shall be accompanied by proof that the applicant has given notice to the owners of all property within one hundred (100) feet of the subject property. The notice shall describe the scope and nature of the requested special permit. After the decision on the planning director's special permit, the planning director shall provide written notice by mail to all the property owners within one hundred (100) feet of the subject property and their right to appeal the decision to the planning commission within ten (10) days of the notice pursuant to Chapter 17.200 of this title. No fee shall be charged for the appeal to the planning commission by any aggrieved person other than the applicant.

C. **Planning Commission Shall Act If Any Entitlement Requires Commission or Council Approval.** For a planning director's special permit sought as part of a development project requiring approval of one or more entitlements by the planning commission or city council, the planning commission shall act upon such permit. Special permits to be approved by the planning commission shall be processed in the same manner as a planning commission special permit pursuant to Sections 17.212.020 and 17.212.030.

D. **Modification.** Upon application by the holder of a planning director's special permit, the planning director may approve modifications to the original planning director's special permit as provided in this section. The planning director shall not grant the proposed modification unless the planning director finds that the guidelines set forth under Section 17.212.010 of this chapter are satisfied. The general provisions set forth in Section 17.212.020 of this chapter shall apply to a planning director's special permit modification.

1. **Determination of Major or Minor Modification.** The planning director shall determine whether a proposed modification to an approved planning director's special permit is a major or minor modification, and the applica-

tion for the proposed modification shall be decided by the planning director under the provisions of this section. No hearing shall be required for the determination and the decision of the planning director on whether the proposed modification is major or minor shall be final and shall not be subject to appeal.

2. **Definition of Major Modification.** A major modification is one that will result in material change in the nature of the project when all circumstances surrounding the issuance of the special permit are considered. The planning director shall apply the criteria in subsection 17.212.070(B) in the same manner as would the zoning administrator in making the determination of whether a proposed modification is major or minor.

3. **Review and Approval of Proposed Modification.**

a. **Minor Modifications.** If the planning director determines that a proposed modification is a minor modification of an approved planning director special permit, then a planning director's special permit modification, with no required public hearing, is required for approval. In granting a minor modification to a planning director's special permit, the planning director may impose such additional conditions as may be required to mitigate any deleterious effects of the modification.

b. **Major Modifications.** If the planning director determines that a proposed modification is a major modification of an approved planning director's special permit, then the application shall be noticed, processed, and subject to appeal in the same manner as an application for a planning director's special permit. In granting a major modification to a planning director's special permit, the planning director may impose such additional conditions as may be required to mitigate any deleterious effects of the modification.

E. **Term.** Except as provided in this section, the term of the planning director's special permit shall be governed by the provisions of Section 17.212.100; provided that the special permit shall vest as to a particular building only when a building permit has been issued for construction of that building and construction pursuant to that permit has physically commenced. The planning director may approve the phasing of development of a project for which a planning director's special permit has been issued. The provisions of Section 17.212.100(E) shall govern the phasing of development by the planning director.

F. **Time Extension.** Applications for time extensions shall be noticed, processed, and subject to appeal in the same manner as applications of planning director's special permits. An application for a planning director's special permit time extension shall be submitted in writing at least thirty (30) days prior to the expiration of the special permit.

17.212.050

G. Issuance of Building Permit upon Recordation of Final Map. Except as specifically provided otherwise in this title, no building permit may be issued to construct a residential unit which is a part of a development project for which a planning director's special permit has been approved and for which a tentative map has been approved but no final map been recorded, unless and until the final map is recorded, either in its entirety or for a phase which includes the lot for which the building permit is sought. (Ord. 2005-050 § 14; Ord. 99-015 § 7-5-E)

17.212.060 Special permit approved by city council.

A. Notwithstanding the foregoing provisions, the city council may, as a condition of an ordinance rezoning property or of a resolution approving a PUD pursuant to Chapter 17.180, require approval by the city council of a special permit for specified uses on the affected property that would otherwise require planning commission approval.

B. Applications for special permits requiring city council approval under this section or any other section of this title shall be noticed and heard in the same manner as applications for special permits are noticed and heard by the planning commission. The planning commission shall make recommendations on applications for special permit requiring council approval. The planning commission shall make its recommendation following a hearing noticed in the manner specified in Sections 17.212.020 and 17.212.030. (Ord. 2004-060 § 16; Ord. 99-015 § 7-5-F)

17.212.070 Modification of a special permit.

No modification of a project for which a special permit is granted may be made unless prior approval for the modification is granted by the zoning administrator or planning commission as provided in this section. The zoning administrator or planning commission shall not grant a proposed modification unless the zoning administrator or commission finds that the guidelines set forth under Section 17.212.010 are satisfied. The general provisions set forth in Section 17.212.020 shall apply to a zoning administrator's special permit modification or special permit modification.

A. Determination of Major or Minor Modification. The zoning administrator shall determine whether a proposed modification to an approved special permit is a major or minor modification, and the application for proposed modification shall thereafter be decided by the zoning administrator or planning commission pursuant to the provisions of this section. No hearing shall be required for the determination and the decision of the zoning adminis-

trator on whether the proposed modification is major or minor shall be final and shall not be subject to appeal.

B. Definition of Major Modification. A major modification is one which will result in material change in the nature of the project when all circumstances surrounding the issuance of the special permit are considered. Set forth below is a list of changes which, by definition, shall be deemed to constitute major modifications for purposes of this provision. This list is not intended to be inclusive, and the fact that a particular change is not included does not limit discretion or authority of the zoning administrator to determine that a particular proposed change or set of changes to a special permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:

1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the special permit;
2. Any change in the nature of the use;
3. Any increase in height of a structure which exceeds ten (10) percent of the height of such structure as approved or which exceeds one story, whichever is less;
4. Any increase in gross floor area of a building which exceeds ten (10) percent of the approved gross floor area;
5. Any increase in the density of dwelling units per acre;
6. Any material changes in the orientation or location of structures on the parcel.

C. Review and Approval of Proposed Modifications—Zoning Administrator Authority. The zoning administrator shall have the authority to review and approve proposed modifications to special permits, pursuant to the following provisions.

1. Minor Modification(s) to a Special Permit. If the zoning administrator determines that a proposed modification is a minor modification of an approved zoning administrator's special permit or planning commission special permit, then a zoning administrator's special permit modification, with no required public hearing, is required for approval of the minor modification. In considering a modification to an existing special permit, the zoning administrator or planning commission shall apply the standards set forth in Section 17.212.010 for the issuance of a special permit. When granting a modification to a special permit, the zoning administrator or planning commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's special permit modification shall be subject to the general provisions and requirements set forth in Section 17.212.020.

17.212.070

2. Major Modification(s) to a Special Permit. If the zoning administrator determines that a proposed modification is a major modification of an approved zoning administrator's special permit or planning commission special permit, then a zoning administrator's special permit modification, with a required public hearing, is required for approval of the major modification. At the discretion of the zoning administrator, a major modification of a planning commission special permit may be determined by the planning commission. The public hearing shall be noticed and heard in the same manner described in Section 17.212.030 for planning commission hearing and Section 17.212.040 for zoning administrator's hearing. In considering a modification to an existing special permit, the zoning administrator or planning commission shall apply the standards set forth in Section 17.212.010 for the issuance of a special permit. When granting a modification to a special permit, the zoning administrator or planning commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification. An application for a zoning administrator's special permit modification shall be subject to the general provisions and requirements set forth in Sections 17.212.020 and 17.212.040. (Ord. 99-015 § 7-5-G)

17.212.080 Revocation of a special permit.

A zoning administrator's special permit or special permit may be revoked or modified in lieu of revocation only under the following circumstances:

A. Planning Director May Set Hearing on Revocation of Special Permit. When in the discretion of the planning director a use permitted by a zoning administrator's special permit or special permit is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the zoning administrator or planning commission on the use, or if conditions specified in the permit as limiting the duration of the permit have occurred (other than the passage of time as provided in Section 17.212.050 of this chapter), the planning director shall set a hearing before the zoning administrator or planning commission to consider revocation of the special permit. Notice of such hearing shall be given in the manner prescribed by Section 17.212.040(C)(1) and (2) of this chapter for a zoning administrator's special permit or Section 17.212.030(A)(1) and (2) of this chapter for a special permit. In addition, notice shall be given to the owner of the property upon which the use is conducted, and to the person in possession of said property if other than the owner, which shall include a specific statement of the conditions which are deemed to constitute a detriment to the public health,

safety or welfare, or which constitutes a public nuisance, or which are in violation of imposed conditions.

B. Zoning Administrator or Planning Commission May Revoke or Modify Special Permit. Upon a determination by the zoning administrator or planning commission that the use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute a public nuisance, or in violation of any imposed condition the zoning administrator or planning commission may revoke the special permit. If the zoning administrator or planning commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the special permit, it may make such modification in lieu of revocation, including, but not limited to, imposition of conditions which must be complied with if the use is to continue.

C. Appeal. In the case of a revocation or modification of a special permit or a zoning administrator's special permit, an appeal may be taken in accordance with Chapter 17.200 of this title within ten (10) days after the decision of the zoning administrator or planning commission to revoke or modify said permit. (Ord. 99-015 § 7-5-H)

17.212.090 Modification or discontinuance of a use established prior to special permit requirements.

A. Planning Commission May Order Modification or Discontinuance of Any Use Established Prior to Special Permit Requirements. An existing use which would require a special permit, but for the fact that it was lawfully established without a special permit before the special permit requirement became effective, or at the time of annexation or consolidation into the city, may be ordered modified or discontinued if it is determined:

1. That the use is being conducted in a manner detrimental to the public peace, health or safety; or
2. That the use is being conducted in a manner so as to constitute a public nuisance; or
3. That the use as operated or maintained has resulted in repeated nuisance activities, including, but not limited to, public inebriation, drinking in public, loitering, excessive littering, public urination, disturbances of the peace, harassment of passersby, excessive noise, illegal drug activity, gambling, prostitution, sale of stolen property, theft, assaults, batteries, vandalism, or police detentions and arrests.

B. Applies to Any Use. This section shall apply to any use in the city as provided in subsection A of this section, whether commercial or residential, and whether the use is presently conforming or nonconforming, including, but not limited to, the sale of alcoholic beverages for on-premises or off-premises sales.

17.212.090

C. **Conduct of the Proceedings.** The proceeding shall be conducted in the same manner as a proceeding to revoke or modify a special permit as set forth in Section 17.212.080 of this chapter.

D. **Zoning Administrator's or Planning Commission's Order.** Upon a determination by the zoning administrator or planning commission that the use is being conducted in a manner so as to constitute a public nuisance, the zoning administrator or planning commission may order that the use be discontinued, or if the use is to continue, that it only do so if the person or entity maintaining the use complies with conditions approved by the zoning administrator or planning commission. The zoning administrator's and planning commission's authority for imposition of conditions shall include, but not be limited to, imposition of any reasonable condition upon the continued operation of the use, for compliance, and the period of time the conditions will remain in effect.

E. **Failure to Comply with Order.** Where a continued use has been conditioned by the zoning administrator or planning commission and the person or entity maintaining or operating the use fails to fully comply with the conditions imposed, the city may take legal or administrative action. The city's legal or administrative remedies shall include, but not be limited to, seeking a further order of the zoning administrator or planning commission to order the use discontinued or further modified or conditioned, legal or equitable action, and imposition of administrative penalties in accordance with this title or this code.

F. **Appeal.** An appeal of an order of the zoning administrator or planning commission issued pursuant to this chapter may be taken in accordance with Chapter 17.200 of this title. The appeal must be requested within ten (10) days of the decision of the zoning administrator or planning commission or the decision of the zoning administrator or planning commission is final. (Ord. 99-015 § 7-5-1)

17.212.100 Terms and extensions.

The following regulations pertain to the initial term and time extensions of a special permit approved by the planning director, zoning administrator, planning commission or city council:

A. **No Time Limit Unless Stated in Permit.** Special permits, once utilized, are of indefinite duration unless an expiration date has been specifically stated as a condition of the permit as provided in subsections C or D of this section. Once established, such permits may only be modified or revoked as provided in Section 17.212.070 or 17.212.080 of this chapter.

B. **Expiration for Failure to Establish Use.** A use for which a special permit is granted must be established within three years from the date of final approval of the

special permit. If such use is not so established the special permit shall be deemed to have expired and shall be null and void. A special permit use which requires a building permit shall be deemed established when such building permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced. The planning director shall determine whether the use has been commenced as required in subsection A of this section. The owner may appeal the determination of the planning director in the manner provided in Chapter 17.212 of this title.

C. **Temporary Permits.** Where application is made for a use which is temporary in nature, the planning director, zoning administrator, planning commission, or city council, as applicable, may condition the special permit to expire automatically at a stated period of time after the issuance of the permit.

D. **Time Restricted Permits.** The planning director, zoning administrator, planning commission, or city council, as applicable, may condition approval of a special permit for a use which is not temporary in nature by imposing a time restriction of not less than one year. The special permit may be conditioned to either expire automatically or to be renewable after the stated time period has lapsed. In order to impose such time restrictions as a condition of permit approval, one or more of the following findings must be made:

1. The proposed use is compatible with existing developments but may become incompatible once anticipated development or redevelopment of the area occurs.

2. The proposed use has the potential to create adverse environmental impacts to surrounding land uses and it is necessary to evaluate whether such impacts have occurred once the use has been in operation.

3. It is necessary to evaluate whether the proposed use has complied with the conditions imposed upon permit approval because such conditions are essential for mitigating the impacts generated by the use.

E. **Exception for Phased Projects.** Notwithstanding the requirements of subsection B of this section, where the nature of the proposed use or plans for its development are such that the commencement of construction of facilities is expected, in whole or in part, to be delayed in excess of two years, the planning director, zoning administrator, planning commission, or city council, as applicable, may provide that the special permit shall remain in full force and effect beyond three years if specific steps in the completion of the phased project are completed within specific time limits. Such steps may be, but are not limited to, the securing of specific building permits or the construction or establishment of specific portions of the permitted use. A

17.212.100

project is not considered a phased project unless the special permit conditions of approval so indicate.

F. Extensions of Time Limits. Upon a show of good cause by the applicant, the zoning administrator may grant an extension of time for a zoning administrator's or planning commission special permit not to exceed two years in instances arising under subsection B, C, D or E of this section upon application in writing a minimum of thirty (30) days prior to expiration. An application for a time extension shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a zoning administrator's special permit. At the discretion of the zoning administrator, the application for time extension shall be subject to planning commission approval. An application for an extension of time referred by the zoning administrator to the planning commission shall be noticed and heard, and shall be subject to appeal, in the same manner as an application for a planning commission special permit. A request for an extension of time shall be subject to a filing and investigation fee.

G. Discontinuance. Any special permit, the exercise of which is voluntarily or involuntarily interrupted for a period in excess of two years, shall be deemed automatically revoked. (Ord. 2005-050 § 15; Ord. 99-015 § 7-5-J)



FIRE DEPARTMENT
"An All-Risk Organization"

Forrest Adams
FIRE CHIEF

CITY OF SACRAMENTO
CALIFORNIA

5770 FREEPORT BL
SUITE 200
SACRAMENTO, CA
95822-3516

PH 916-808-1300
FAX 916-808-1677

TRANSMITTAL

DATE: November 26, 2007

ATTN: Michael Rossuer

FROM: King Tunson, 808-1358
Fire Department

SUBJECT: NOP Sacramento Natural Gas Storage Project (Application No. 07-04-013)

I have no comments for the above-referenced project.



CITY OF SACRAMENTO
CALIFORNIA

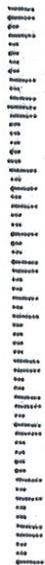
FIRE DEPARTMENT
"An All-Risk Organization"
5770 FREEMONT BLVD.
SUITE 200
SACRAMENTO, CA
95822

RETURN SERVICE REQUESTED

Armen

*Michael Kosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024*

920243313 0224



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CITY HALL

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West Sacramento, CA 95691

City Council
City Manager
City Clerk
Human Resources
(916) 617-4500
Fax (916) 372-8765

Building
(916) 617-4683
Fax (916) 371-0845

Community Development
Planning
Engineering
(916) 617-4645
Fax (916) 371-0845

Finance
(916) 617-4589
Fax (916) 373-9006

Fire Administration
(916) 617-4600
Fax (916) 371-5017

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Fax (916) 372-1584

Information Technology
(916) 617-4520
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Parks & Recreation
(916) 617-4620
Fax (916) 373-5329

Redevelopment
Economic Development
(916) 617-4535
Fax (916) 373-5848

Refuse & Recycling
(916) 617-4590
Fax (916) 373-9006

Utility Billing
(916) 617-4589
Fax (916) 373-9006

POLICE

550 Jefferson Boulevard
West Sacramento, CA 95605

Administration
(916) 617-4900
Fax (916) 373-2377

Code Enforcement
(916) 617-4925
Fax (916) 617-4340

PUBLIC WORKS

1951 South River Road
West Sacramento, CA 95691

(916) 617-4850
Fax (916) 371-1516

December 14, 2007

Michael Rosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Re: Comments to, Notice of Preparation Environmental Impact Report for the Sacramento Natural Gas Storage Project proposed by Sacramento Natural Gas Storage, LLC, Application No. 07-04-013

Dear Mr. Rosauer,


The City of West Sacramento Redevelopment Agency and Department of Parks & Recreation submit the following initial comments in response to the Notice of Preparation for the proposed Sacramento Natural Gas Storage Project referenced above.

First, the proposed project as sited will not fit within the boundaries of the city owned parcel. However, there may be alternative locations for the proposed facility on the parcel. Any site selection should be large enough and properly configured to accommodate the proposed facility and not interfere with other uses and activities on the parcel. The proposed project as sited may adversely impact access to the existing Kinder-Morgan and Wickland Oil facilities.

Second, the environmental impact report (EIR) should evaluate the effects of the proposed project's location, improvements, and activities on the class 1 bike path, as well as access to other uses of the city's property. Additionally, the EIR should detail site restoration and any potential improvements to the city's property that will mitigate the aesthetic or recreational impacts caused by the facility.

Lastly, the EIR should evaluate any potential effects upon levee maintenance or flood control activities that might be caused by the location or presence of the proposed facility.

Cordially,


Val Toppenberg
Director of Redevelopment

County of Sacramento



Municipal Services Agency

Department of Transportation

Tom Zlotkowski, Director

Terry Schutten, County Executive
Paul J. Hahn, Agency Administrator

County of Sacramento

November 27, 2007

Mr. Michael Rosauer

California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION (NOP) FOR AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE SACRAMENTO NATURAL GAS STORAGE PROJECT PROPOSED BY SACRAMENTO NATURAL GAS STORAGE, LLC (APPLICATION Number 07-04-013)

Dear Mr. Rosauer:

The Sacramento County Department of Transportation has reviewed the Notice of Preparation for the EIR for the EIR mentioned above. We appreciate the opportunity to review this NOP. We would request that the EIR address the potential impacts to any roadways in Sacramento County that are caused by this project and identify and necessary mitigation measures. These impacts should not be limited to the operation of the project but should also be identified in the construction phase. If you have any questions, please feel free to contact me at (916) 874-7052.

Sincerely,

Matthew G. Darrow
Senior Transportation Engineer
Department of Transportation

MGD:mgd

cc: Steve Hong, IFS
Rizaldy Mananquil, DOT



"Leading the Way to Greater Mobility"

Design & Planning: 906 G Street, Suite 510, Sacramento, CA 95814 . Phone: 916-874-6291 . Fax: 916-874-7831
Operations & Maintenance: 4100 Traffic Way, Sacramento, CA 95827 . Phone: 916-875-5123 . Fax: 916-875-5363
www.sacdot.com

PG&E

M-26, N-26
L-22-18, 19
2587-CB, E7, F7

PG&E File # 07-433 Plat # 67 2524 J27 TBM # _____

Date Customer Plans Received 11-19-07

NOTE: Please incorporate the gas and/or electric facilities from the attached plat maps into your plans. Check your plans for conflicts. It is the responsibility of the agency or developer to pothole existing facilities if needed to determine if there are any conflicts. An Application for Gas Service is required and you must allow 6 to 8 weeks to remedy any conflicts. If any pipe coating is damaged during excavation, please contact Gas Maintenance & Operations in your County and we will send someone to repair the damaged pipe wrap.

Sacramento County (916) 386-5153
Solano County (707) 440-5759
Yolo County (530) 661-5157

_____ NOTE: No gas facilities within your project site.

_____ NOTE: No PG&E electric facilities within your project site.

If you have any questions regarding conflicts with our existing facilities or regarding new service to your project, you can contact me at

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Larry Schlaht	5555 Florin-Perkins Rd. Sacramento 95826	916-386-5371

If you have any mapping questions you can contact

Pete Miskovich	5555 Florin-Perkins Rd. Sacramento 95826	916-386-5429
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It appears that highlighted gas facilities located within your project may require special construction equipment weight limits when working over or near these facilities. Please contact our office to review these equipment weight restrictions.

PG&E has overhead electric transmission facilities, which are covered by easements within the project boundaries. Land use is restricted within the easements. Please contact our Land Department at (530) 889-3162 and provide a complete set of plans so we may consider a consent agreement.



Pacific Gas and Electric Company

PETE MISROVICH
5555 FORD PETERS RD
SACRAMENTO, CA 95826

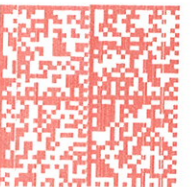
MICHAEL ROSAUEN

CALIFORNIA PUBLIC UTILITIES COMMISSION

C/O DUBERL

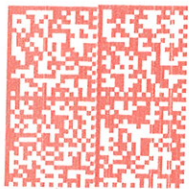
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DEPARTMENT OF TRANSPORTATION

DISTRICT 3 – SACRAMENTO AREA OFFICE

VENTURE OAKS, MS 15

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

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December 12, 2007

07SAC0215

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Sacramento Natural Gas Storage Project

Notice of Preparation

SCH#2007112089

Mr. Michael Rosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

Dear Mr. Rosauer:

Thank you for the opportunity to review and comment on the Sacramento Natural Gas Storage Project proposed by Sacramento Natural Gas Storage, LLC. These comments pertain to Application No. 07-04-013. Our comments are as follows:

- This project proposes to construct and operate natural gas storage and transport facilities in the City of Sacramento, the City of West Sacramento, Sacramento County, and Yolo County. Any project work to be performed within State highway right of way will require an encroachment permit. For encroachment permit assistance, please contact Julio Elvir at (530) 741-4204.
- Please clarify if it is proposed that any of the interconnecting pipelines or associated facilities will be buried within highway right of way. Pipeline construction near Interstate 80 may need a Transportation Management Plan, depending on the impacts to the highway. The TMP should be submitted to Paul Wilkinson, the Caltrans District 3 Traffic Manager, by contacting him at (916) 859-7978.
- The "Attachment 1, Summary of Potential Issues or Impacts, Sacramento Natural Gas Storage Project", addresses transportation and traffic. Among the issues are traffic flow and potential closure of bicycle lanes. The project component located adjacent to the juncture of West Capital Avenue/Enterprise and the westbound on-ramp to Interstate 80 could have significant impacts to this ramp. The adjacent bicycle trail, consisting of Caltrans and the City of West Sacramento facilities, could also be significantly impacted by this project. The bicycle trail is a relatively heavily used bicycle commute facility that must be kept open or a detour route provided during construction. Caltrans requests further detail about planned construction at this location and potential mitigation plans.

Mr. Michael Rosauer
December 12, 2007
Page 2

Please provide our office with any further project actions and detailed information. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce De Terra". The signature is fluid and cursive, with a prominent horizontal stroke at the top.

Bruce De Terra, Office Chief
Office of Transportation Planning – South

c: Scott Morgan, State Clearinghouse
Steve Patek, Director of Public Works, City of W. Sacto.
Raymond Santiago, City of West Sacramento

State of California
Department of Transportation

Transportation Management Plan Guidelines

Prepared By:
Division of Traffic Operations
Office of Systems Management Operations

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I. INTRODUCTION

A. BACKGROUND

With the construction of California's state highway system virtually complete, the California Department of Transportation (Department) major emphasis on transportation projects has largely shifted from new construction to reconstruction, operation, and maintenance of existing facilities. As traffic demand steadily increases, Department work activities can create significant additional traffic delay and safety concerns on already congested highways. Planning work activities and balancing traffic demand with highway capacity becomes more critical.

In order to prevent unreasonable traffic delays resulting from planned work, Transportation Management Plans (TMPs) must be carefully developed and implemented in order to maintain acceptable levels of service and safety during all work activities on the state highway system.

B. WHAT ARE TRANSPORTATION MANAGEMENT PLANS?

A TMP is a method for minimizing activity-related traffic delay and accidents by the effective application of traditional traffic handling practices and an innovative combination of public and motorist information, demand management, incident management, system management, construction strategies, alternate routes and other strategies.

All TMPs share the common goal of congestion relief during the project period by managing traffic flow and balancing traffic demand with highway capacity through the project area, or by using the entire corridor. Certain low-impact Maintenance and Encroachment Permit activities do not require the development of individual TMPs. "Blanket" TMPs are developed for those activities. A blanket TMP is a generic list of actions that would be taken to keep delay below the delay threshold when performing activities on highways. Each district Maintenance and Encroachment Permit office should have a list of activities to which blanket TMPs apply.

All Capital projects require individual TMPs. Blanket TMPs are suitable for minor projects. Major TMPs are required for high-impact projects. Generally, major TMPs are distinguished by being:

- Multi-jurisdictional in scope, encompassing the Department of California Highway Patrol (CHP), city, county and regional governments, state DOTs, employers, merchants, developers, transit operators, ridesharing agencies, neighborhood and special interest groups, emergency services, and Transportation Management Associations;
- Multi-faceted, comprised of an innovative mix of traffic operations, facility enhancement, demand-management and public relations strategies, as well as more traditional work zone actions, construction methods and contract incentives, customized to meet the unique needs of the impacted corridor;
- In place over a longer period of time, sometimes implemented up to a year or more prior to the start of actual construction, with specific elements often implemented incrementally to coincide with construction phasing.

C. POLICY

Department Deputy Directive 60 (DD-60) titled Transportation Management Plans (see APPENDIX) requires TMPs and contingency plans for all state highway activities.

Policy Statement:

The Department minimizes motorist delays when implementing projects or performing other activities on the state highway system. This is accomplished without compromising public or worker safety, or the quality of the work being performed.

TMPs, including contingency plans, are required for all construction, maintenance, encroachment permit, planned emergency restoration, locally or specially-funded, or other activities on the state highway system. Where several consecutive or linking projects or activities within a region or corridor create a cumulative need for a TMP, the Department coordinates individual TMPs or develops a single interregional TMP.

TMPs are considered early, during the project initiation or planning stage.

Major lane closures require District Lane Closure Review Committee (DLCRC) approval.

Definitions:

Major lane closures are those that are expected to result in significant traffic impacts despite the implementation of TMPs.

Significant traffic impact is 30 minutes above normal recurring traffic delay on the existing facility or the delay threshold set by the District Traffic Manager (DTM), whichever is less.

Contingency Plans address specific actions that will be taken to restore or minimize effects on traffic when congestion or delays exceed original estimates due to unforeseen events such as work-zone accidents, higher than predicted traffic demand, or delayed lane closures.

II. TMP DEVELOPMENT AND IMPLEMENTATION

A. OVERVIEW

Responsibilities:

The DTM:

- o Acts as the single focal point for all traffic impact decisions resulting from planned activities on the state highway system.
- o Determines the extent of a TMP.
- o Facilitates review and approval of TMP measures and planned lane closure requests.
- o Directs the termination or modification of active planned lane closure operations when traffic impact becomes significant, without compromising traveler or worker safety.

The TMP Manager:

- o Acts as the single focal point for development and implementation of TMPs.

The Construction Traffic Manager (CTM):

- o Serves as a liaison between Construction, the DTM and the TMP Manager.
- o Reviews the TMP and traffic contingency plan for constructability issues.
- o Act as a resource for the Resident Engineer, DTM and TMP Manager during TMP implementation and reviews the contractor's contingency plan.

The extent of a TMP is determined by the DTM during the preliminary studies of a capital project. For all TMPs, an itemized estimate of the proposed strategies and their respective costs are included in the Project Study Report (PSR) or Project Study Scoping Report (PSSR) for proper funding consideration. The workload required to develop and implement TMPs is estimated in advance and captured in the district work plan.

For major TMPs, a TMP team may need to be formed and led by the TMP Manager. The itemized strategies and costs are further refined in the project report stage as determined by the TMP team and appropriate functional units using the most current geometric information available. Those elements of the TMP not included as part of the main construction contract should be itemized under State Furnished Material and Expenses using the appropriate Basic Engineers Estimate System (BEES) codes in the plans, specifications and estimates. During construction, TMP activities are to be monitored and evaluated by the TMP team and those elements found not to be cost effective should be modified as deemed appropriate or eliminated. The TMP process is explained in detail in the following sections.

B. FUNDING AND PROGRAMMING

When identifying funding for various TMP elements, it is important to distinguish between capital outlay and capital outlay support.

Work done by district staff for the planning and designing of TMP activities for capital projects are a normal part of the project development process and should be captured as capital outlay support. The TMP Manager and each functional manager should work closely with the project manager to ensure that TMP activities are included in all project work plans. TMP support activities to consider include ridesharing programs, Freeway Service Patrol (FSP) contracts, public awareness campaigns, parallel route improvements and the Request for Proposal (RFP) process up to award of the contract. Note that some of these activities may also have a capital component in addition to the support component discussed here. Workload hours for TMP activities must be included in the Capital Outlay Support (COS) project's work plan in order to be resourced (funded) by COS. These activities should then be charged to each project's expenditure authorization (EA), using the appropriate Work Breakdown Structure (WBS) code for that stage of the project. TMP-related work should be charged only to the WBS codes reserved for those activities. These codes can be found on the Department's Division of Project Management's Intranet web page.

Work done by district staff for implementing TMP elements during construction of capital projects are also a normal part of the project development process. Again, workload (hours) for implementing TMP activities must be included in the COS project's work plan in order to be resourced (funded) by COS. These activities should then be charged to the appropriate project's phase three EA, and WBS code 270 (Perform Construction Engineering and Contract Administration).

Some funds necessary to implement TMP elements not done by the Department staff, including consultant contracts, can be sourced from capital outlay funds allocated by the California Transportation Commission (CTC) as itemized in the plans, specifications and estimates. Some TMP elements, such as parallel route improvements and highway advisory radios, could be a phase of the construction contract or separate construction contracts while others such as public awareness campaigns and transit subsidies must be separate contracts or cooperative agreements.

The TMP elements that need to be in place prior to start of construction are identified and funded as stage construction or first order of work under a single package presented to the CTC. If approved, the Division of Budgets may assign specific amounts for each TMP activity. All TMP activities may not necessarily be included under the main contract. Service contracts such as those for freeway service patrols, public service or consultant contracts, information campaigns, or establishing telephone hotlines must be arranged separately with consultants and other providers. For most projects, it takes four to six months to get a service contract in place. This means that all consultant contracts have been advertised, the consultant selected, and the contract ready for signature and award immediately following CTC allocation of funds. Other activities such as parallel route improvements are usually included in the main construction contract and as a first order of work under a cooperative agreement.

In some cases, the CTC can be petitioned to fund a portion of the TMP as an initial phase of the main project. This is usually for a high priority project where plans, specifications, and estimates for the main project are not yet finalized, but early funds are needed to initiate TMP activities such as making transit arrangements with local governments. The petition to fund an initial phase comes from the district, explaining why a portion of the project must proceed before funding for the main project is allocated. These early funds reduce the programmed funds for the main project accordingly.

The Federal Highway Administration (FHWA) supports the TMP concept and views major reconstruction projects as an excellent opportunity to initiate continuing traffic management strategies that provide improved traffic operations long beyond the completion of work. Examples include: installation of permanent Changeable Message Sign (CMS), full structural section shoulders, continuing auxiliary lanes, and wider shoulders for incident management during construction if cost-effective in the long term. All cost-effective transportation management activities that address the problem of delay or safety are eligible for 100 percent Federal Aid funding.

TMPs and contingency plans for Encroachment Permit projects are developed by the permittee or by Department staff. Staff time for development, review and implementation of TMPs for Encroachment Permits is charged to the permit. Maintenance normally develops TMPs for its projects; Maintenance and staff from other functional areas that expend time on Maintenance TMP charge to the designated Maintenance EA.

C. TMP IN PROJECT INITIATION DOCUMENT

The TMP is part of the normal project development process and must be considered in the Project Initiation Document (PID) or planning stage (project K phase). Since projects are generally programmed, budgeted, and given an Expenditure Authorization (EA) upon PID approval, it is important to allow for the proper cost, scope and scheduling of the TMP activities at this early stage of development. TMPs that are retrofitted to projects already programmed must be handled on a case by case basis and may require a contract change order.

Prior to PID approval, the initiating unit sends conceptual geometrics to the district Division of Operations for evaluation. The DTM estimates the extent of the TMP required and determines whether potential traffic delays are anticipated that cannot be mitigated by traditional traffic handling practices or well-planned construction staging. The TMP Manager must sign-off on the TMP DATA SHEET in the PID. A TMP cost estimate should be developed for each alternative being considered. An estimate should not be based only on the project cost. The cost of a TMP could range from a small percentage of project cost to 20 percent or more. Further guidance can be obtained from the following publications "Wilbur Smith & Associates TMP Effectiveness Study" and Frank Wilson & Associates "A Traffic Management Plan Study for State Route 91" located in Headquarters Traffic Operations, Office of System Management Operations.

TMP Elements

A list of potential TMP strategies with their respective elements is categorized in TABLE 1. As many different elements as are feasible should be considered for the proposed project's preliminary TMP.

When developing a preliminary TMP at this early stage, use the most current layout of the roadway (geometrics) information available and consider:

Contingency Plans	Expected vehicle delay (from data sheet)
Lane closure policies and procedures	Public/media exposure
TMC coordination	Political or environmental sensitivity
Multi-jurisdictional communication and buy-in	Business impacts and affected activity
CHP and local law enforcement involvement	Percent trucks
Emergency closures	Potential increase in accidents
Clearance of alternate routes for STAA and oversized	Permit issues
Special training or workforce development	Conflicting construction projects
Duration of construction (months)	Percent reduction in vehicle capacity
Length of project (miles)	Special factors (if any)
Number of major construction phases	Impact on Transit/Railroad services
Urbanization (urban, suburban, or rural)	Viability of alternative routes
Traffic volumes	

Wilbur Smith Associate's TMP Effectiveness Study and Frank Wilson & Associate's A Traffic Management Plan Study for State Route 91 During Construction of HOV Lanes (both available from Headquarters Division of Traffic Operations, Office of System Management Operations) are excellent sources for guidance on selecting the most cost-effective TMP elements. The district Public Information office is also an experienced source for estimating the effectiveness of public information campaign options, and can help the TMP Manager estimate their cost and effectiveness in reducing traffic demand through the project area.

Public information campaigns serve two main purposes in TMPs. They inform the public about the overall purpose of the project to generate and maintain public support; and they encourage changes in travel behavior during the project to minimize congestion. Because they give travelers the information they need to make their own travel choices, public information campaigns can be the single most effective of all TMP elements.

The FSP is a congestion relief program of roving tow trucks operating in most metropolitan and some rural areas. The FSP program is operated by Regional Transportation Planning Agencies (RTPAs) with funding from the Department. The Department also reimburses the CHP for training and supervisory services provided for the FSP. The RTPAs contract with tow companies

for commute time service and some weekend and mid-day service to assist motorists with simple repairs (i.e. flat tire, one gallon of gas) or tow the automobile from the highway.

FSP is available for incident management during construction. However, construction-related FSP service needs to be funded as part of the TMP. A cooperative agreement with the RTPA is required, outlining the services provided and the fund transfer. An interagency agreement with the CHP is required for any support services (field supervision and dispatch operator services). These agreements should be initiated with the RTPA and the CHP as soon as it is determined that FSP should be in the project TMP.

The Department's HQ Traffic Operations is currently working on Master Agreements with the RTPAs for future FSP services. This process will simplify the process for both the Department and the RTPAs by eliminating the need for a cooperative agreement for each project. Only a task order form will be needed for each project. A similar agreement is being created with the CHP. Please contact HQ Traffic Operations, Freeways Operations Branch for more information.

TABLE 1

TMP STRATEGIES AND THEIR ELEMENTS	
A. Public Information	Off peak/Night/Weekend Work
Brochures and Mailers	Planned Lane/Ramp Closures
Media Releases (including	Project Phasing
Minority Media Sources)	Temporary Traffic Screens
Paid Advertising	Total Facility Closure
Public Information Center	Truck Traffic/Permit Restrictions
Public Meetings/Speaker's Bureau	Variable Lanes
Telephone Hotline	Extended Weekend Closures
Visual Information (videos, slide shows, etc.)	Reduced Speed Zones
Local cable TV and News	Coordination with Adjacent Construction
Traveler Information Systems (Internet)	Traffic Control Improvements
Internet	Total Facility Closure
B. Motorist Information Strategies	E. Demand Management
Electronic Message Signs	HOV Lanes/Ramps
Changeable Message Signs	Park-and-Ride Lots
Extinguishable Signs	Parking Management/Pricing
Ground Mounted Signs	Rideshare Incentives
Commercial Traffic Radio	Rideshare Marketing
Highway Advisory Radio (fixed and mobile)	Transit Incentives

Planned Lane Closure Web Site	Transit Service Improvements
The Department's Highway Information Network (CHIN)	Train or Light-Rail Incentives
Radar Speed Message Sign	Variable Work Hours
	Telecommute
C. Incident Management	Shuttle Service Incentives
Call Boxes	
Construction or Maintenance Zone Enhanced	F. Alternate Route Strategies
Enforcement Program – COZEEP or MAZEEP	Ramp Closures
Freeway Service Patrol	Street Improvements
Traffic Surveillance Stations (loop detectors and CCTV) Closures	Reversible Lanes
911 Cellular Calls	Temporary Lanes or Shoulder Use
Transportation Management Centers	
Traffic Control Officers	G. Other Strategies
CHP Officer in TMC during construction	Application of new technology
Onsite Traffic Advisor	Innovative products
CHP Helicopter	Improved specifications
Traffic Management Team	Staff Training/Development
D. Construction Strategies	
Incentive/Disincentive Clauses	
Ramp Metering	
Lane Rental	

If the DTM determines that a major TMP is required, the TMP Manager forms a TMP development team. The team's membership will vary according to the TMP elements proposed and the project's impacts. At a minimum, it should include representatives from Construction, Public Affairs, Project Development, Traffic Operations (including Transportation Permits), the CHP and local agencies. Others to be considered as the plan gets refined are Rideshare, Transportation Planning, Public Transportation, Maintenance, Structures, CHP, local law enforcement, local transit agencies, emergency services, and FHWA. Local Maintenance field staff familiar with conditions in the project area should be team members or should be consulted as needed as the TMP develops.

D. TMP IN PROJECT REPORT

As more information becomes available during the project report phase the preliminary scope and cost of the overall TMP and the individual elements should continue to be refined. The TMP team will coordinate the TMP strategies with the project engineer and appropriate units, with

each team member handling their area of expertise. For major projects, subcommittees or task forces may be formed to handle the planning, implementation, monitoring, and evaluation details of some elements. The TMP Manager will keep the Project Manager and district Construction Coordinator updated and must sign-off on the TMP data sheet of the project report.

It is appropriate at this point to develop a timeline schedule for major TMPs keeping in mind that many elements of the TMP have to begin prior to the start of construction. Many TMP elements listed in Table 1 need to be developed separately but concurrently with the project plans. They may be bid and constructed or initiated separately from the project or be included in the project plans and be installed or implemented as the first order of work.

Some tasks may take a long time depending on the complexity of the major project and the type of transportation management necessary. For example, if building new park-and-ride lots are necessary for the Ridesharing element, the planning phase would have to be extended for several months and a design phase added.

An additional activity involves analyzing the existing traffic volume in the corridor, both on the freeway and surface streets. This will provide a basis for establishing the goal of the TMP, i.e., the number of vehicles that should be removed from the freeway, and in determining the capability of the surrounding surface streets to handle the additional traffic demand. It can also provide a database for evaluating the overall effectiveness of the TMP.

E. TMP IN PS&E

Those TMP elements that are not part of the main contract, but are identified as capital outlay costs tied to the main project, should be itemized as State Furnished Materials and Expenses using the appropriate BEES item cost (see TABLE 2). The Project Engineer should consult with the TMP Manager to ensure that the appropriate "Maintaining Traffic" Standard Special Provisions (SSP) are included in the PS&E. The SSPs should always require the contractor to submit a contingency plan.

The TMP and PS&E should address oversize and overweight vehicles traveling under a transportation permit. Additional construction area signs should be provided that restrict travel to overwidth vehicles whenever the lateral clearance drops to 15 feet or less.

The DTM must concur with the PS&E and with Encroachment Permit and Maintenance TMPs.

TABLE 2

TMP BEES ITEM CODES
066003 State Furnished Materials
066004 Miscellaneous State Furnished Materials
066005 Concurrent Work
066006 Miscellaneous Concurrent Work
066008 Incentive Payment
066009 Utility Expense

066010 Work by Others

066060 Additional Traffic Control

066061 CHP Enhanced Enforcement

066062 COZEEP Contract

066063 Traffic management plan – public Information

066064 Specter Radar Unit

066065 Freeway Service Patrol

066066 Public Transit Support

066069 Rideshare Promotion

066070 Maintain Traffic

066072 Maintain Detour

066074 Traffic Control

066076 Temporary Traffic Control

066077 Install Traffic Control Devices

066578 Portable Changeable Message Signs

066825 Temporary Striping

066872 Service Contract

128602 Traffic Control System (One Way)

128650 Portable Changeable Message Signs

129150 Temporary Traffic Screen

861793 Telephone Service (Location 1)

860811 Detector Loop

860925 Traffic Monitoring Station (Count)

860926 Traffic Monitoring Station (Speed)

860927 Traffic Monitoring Station (Incident)

860930 Traffic Monitoring Station

861088 Modify Ramp Metering System

861985 Travelers Information system

869070 Power and Telephone Service

991046 Public Address System

991047 Telephone Facility

994920 Bicycle Parking Rack

995000 Bus Shelter
995002 Bus Passenger Shelter (Type S-1)
995004 Bus Passenger Shelter (Type SM-1)
995005 Bus Passenger Shelter (Type LM-1)

F. TMP DURING CONSTRUCTION AND MAINTENANCE OPERATIONS

During construction, those TMP elements that are part of the main contract or Encroachment Permit are implemented under the general direction of district Construction or Encroachment Permits. Those separate contracts/agreements such as for rideshare and transit activities and public awareness campaigns will be under the direction of their respective contract managers.

Special effort should be given to assure that Changeable Message Sign (CMS), Highway Advisory Radio (HAR) and other media tools provide accurate and timely information to motorists regarding lane closure times and

TMP elements must be carefully monitored for cost effectiveness. The TMP team should determine whether the implemented measures are reaching the predetermined goals for cost effectiveness. If an element's predetermined goal is not immediately reached during implementation, but there is a general trend toward meeting that goal, the element can remain in effect and the FHWA will continue to participate. Elements that show no sign of approaching their predetermined goals as determined by the TMP Manager must be modified as deemed appropriate or dropped.

Contractor compliance with lane closure pickup deadlines can be enforced in two ways. A "maintaining traffic" SSP allows a penalty to be assessed to the contractor for value of traffic delay when the contractor exceeds the lane closure window. The minimum penalty is \$1,000 per 10 minutes, but it can greatly exceed the minimum, depending on traffic volumes and the highway facility. The DTM calculates the "delay penalty" during PS&E. The second method is for the state representative to suspend the contract work.

A contractor or the Department forces (such as Maintenance) can be ordered to pick up a lane closure early if traffic impacts become significant either due to a project incident or activities outside the project area. Early pickup should only be ordered when traveler and worker safety will not be compromised. The "maintaining traffic" SSPs for capital projects provide for compensating contractors for early pickup. Encroachment Permit provisions require the permittee to pick up a closure early without compensation.

DTM's are to ensure that lane closures will not be terminated early, or may be extended beyond the lane closure window when the activity needs to be completed for the safety of the public or workers. These activities may include structure inspections and repairs, guardrail repairs, culvert replacement.

In order to avoid significant traffic impacts, it is essential to monitor and respond immediately to delay, pick up closures on time, and have solid traffic and contractor contingency plans.

A Department staff member who can make informed decisions about implementing contingency plans and modifying, terminating or extending approved lane closures should be available to respond to significant delays and other unexpected events whenever lane closures are in place.

The designated employee(s) may be Traffic Operations, Construction, or TMC staff, depending on the district.

At the end of the project a post-TMP evaluation report must be completed by the TMP Manager for all major TMPs and for TMPs where the actual delay exceeded the threshold set by the DTM. Post-TMP meetings with the CHP and other partners can be held to identify what went well and what could have been done differently. Samples of past TMP reports can be obtained from headquarters' Traffic Operations, Office of System Management Operations and from the DTM.

Contingency Plan

Both traffic and contractor contingency plans are required for all planned work. Both blanket and individual TMPs must include contingency plans. The traffic contingency plan, prepared by the Department or a consultant, addresses specific actions that will be taken to restore or minimize affects on traffic when the congestion or delay exceeds original estimates due to unforeseen events such as work-zone accidents, higher than predicted traffic demand, or delayed lane closures. The contractor contingency plan addresses activities under the contractor's control in the work zone. After the contractor's contingency plan is submitted and approved, it becomes part of the TMP contingency plan.

The TMP contingency plan should include, but is not limited to the following:

- Information that clearly defines trigger points which require lane closure termination (i.e., inclement weather, length of traffic queue exceeds threshold);
- Decision tree with clearly defined lines of communication and authority;
- Specific duties of all participants during lane closure operations, such as, coordination with CHP or local police, etc.;
- Names, phone numbers and pager numbers for the DTM or their designee, the Resident Engineer (RE), the Maintenance Superintendent, the Permit Inspector, the on-site traffic advisor, the CHP Division or Area Commander, appropriate local agency representatives, and other applicable personnel;
- Coordination strategy (and special agreements if applicable) between DTM, RE, on-site traffic advisor, Maintenance, CHP and local agencies;
- Contractor's contingency plan;
- Standby equipment, State personnel, and availability of local agency personnel for callout (normally requires a Cooperative Agreement);
- Development of contingencies based on maintaining minimum service level.

G. RETROFITTING PROGRAMMED PROJECTS

Usually the extent of the TMP is to be determined prior to programming (PID approval). However, it may sometimes be necessary to retrofit a TMP to a project that is already programmed due to project changes, policy changes, emergencies or unforeseen conditions. These projects must be handled on a case by case basis since the course of action will depend on how far along the project development process is and how extensive the TMP needs to be. Retrofitted TMPs may require a TMP team and TMP Manager and involvement from all functional units as discussed earlier in these guidelines. The project manager is responsible for

initiating a TMP investigation since they are most knowledgeable of project status. Some suggestions for funding retrofitted TMP are:

Use of Minor Funds

Minor A and B money has been used to pay for TMP measures that total less than \$1,000,000. The districts will not usually be reimbursed for this even though the FHWA agrees to participate (it is not economically feasible for the Department to process minor funds for reimbursement). There have been exceptions however, and that decision is at the discretion of the Federal Resources Branch in headquarters Budgets Program.

Charge to Other Project Phase 4 (Construction) Funds

Funds from other construction contracts in the district may be used if those projects are in the vicinity of, or will be affected by, the project requiring TMP funds. At the discretion of the Deputy District Director for Construction a list of chargeable project EAs may be submitted to headquarters Accounting for prorated charging. Very few Accounting staff are aware of the process required and headquarters Traffic Operations, Office of System Management Operations should be contacted for assistance.

Project Cost or Scope Changes

The CTC has delegated to the Director of the Department the authority to increase a project's cost by up to 20 percent without prior commission approval. This authority has been delegated to other Department managers as described in Project Management Directive PMD6. This increase can be used for TMP implementation and will be 100 percent reimbursable by the FHWA. The increased costs must be absorbed by other projects in the district since the total capital outlay allocation remains the same.

H. LOCAL INVOLVEMENT

The TMP Deputy Directive 60 applies to all projects on state facilities, including those not funded by the state. District Directors are responsible for assuring local compliance. Since many measure projects are split funded, the Department and local entities must work cooperatively to develop an effective TMP. The Department is responsible for approving all PSRs and it is at this point that agreements should be reached concerning the costs and scope of TMP measures.

III. CORRIDOR, REGIONAL AND MULTI-FUNCTIONAL AREA TMPS

When multiple or consecutive projects are within the same general corridor, the cumulative impact can result in excessive traffic delays and detour conflicts. These may be multiple capital projects, the involvement of more than one district, or a combination of capital projects and Encroachment Permit and/or Maintenance activities. Corridor or regional coordination will minimize or eliminate these impacts and reduce inconvenience to the motoring public.

When multiple projects are in the same corridor or on corridors within the same traffic area, it may be possible to develop a single corridor or regional TMP. In other cases, individual TMPS are developed and funded from their own sources, and a bare-bones corridor or regional TMP addresses the cumulative impact. Each project covered by corridor and regional TMP contributes resources in proportion to its traffic impact. During TMP implementation, the TMC serves as an information clearinghouse and coordinates operations. The TMC helps identify conflicts and recommends appropriate action. When provided with accurate and up-to-date lane closure information the TMC provides real-time traffic information via electronic media, CMS, and HAR.

The TMP Manager coordinates the development and implementation of corridor and regional TMPs. The TMP Manager forms a TMP team including, as a minimum, representatives from Construction, Maintenance, Public Affairs and Traffic Operations for each of the affected districts. The initial meeting is held several months in advance of the construction season to set milestones, and allow time to gather project information and prepare and distribute information.

The corridor/regional TMP may need elements in addition to those provided by the individual TMP for each project. Those elements may include changeable message signs at key locations outside individual project limits, the establishment of an information hot line and web-sites for all projects involved. The use of the statewide Caltrans Highway Information Network (CHIN) number (1-800-427-ROAD), and particularly the use of TMCs as a central reporting hub. The Northern Valley TMC in District 3 has established reporting procedures specifically for interregional TMPs that are obtainable from headquarters Traffic Operations.

IV. MAJOR LANE CLOSURE APPROVAL PROCESS

This process applies to all major lane closures on the state highway system. Major lane closures are those lane closures that are expected to result in significant traffic impacts despite the implementation of TMPs. A "significant traffic impact" is defined in DD-60 as (a) 30 minutes above normal recurring traffic delay on the facility, or (b) the delay threshold set by the DTM, whichever is less. When a planned lane closure is expected to have a significant traffic impact, Headquarters District Lane Closure Review Committee (DLCRC) review and approval is required. The functional unit directly involved in the work must submit the major lane closure request to the DLCRC for approval as detailed below.

A traveler's trip should not be increased by more than 30 minutes due to planned Department activities. The DTM may set a lower maximum if the economic impact of a delay over 20 minutes would be high. The lesser of these delay limits is the maximum delay threshold allowed for any activity. Only the DLCRC can approve a higher delay threshold for a project.

Additionally, it should be noted that TMP activities are comprehensive, and involve actions in addition to traffic management through the work zone, as detailed in these TMP Guidelines. All lane closure operations and other planned activities should be evaluated at the earliest possible developmental stage for potential impacts and mitigation strategies. Pre-implementation meetings and contingency plans remain important aspects of all lane closure operations to minimize impacts of unforeseen events.

A. THRESHOLD CRITERIA FOR LANE CLOSURES REQUIRING APPROVAL OF THE DLCRC

DLCRC review and approval is required when planned activities are expected to result in a traffic delay that exceeds 30 minutes or the delay threshold set by the DTM, which ever is less.

DLCRC review and approval is not required for emergency closures due to natural events or incidents. However, the DTM must be notified, and every effort must be made to minimize traveler delay and reopen traffic lanes as soon as practical.

Applicability

The DLCRC, comprised of the CHP, District Public Information Officer, and Deputy District Directors of Construction, Design, Maintenance and Operations, approves all requests for major lane closures that meet the above threshold criteria. The criteria are applicable for moving or static lane closure operations. The DLCRC will decide when to submit lane closure requests that

are of an interregional, statewide, environmental, or otherwise sensitive nature to the Headquarters Lane Closure Review Committee (HQLCRC) for their approval.

The DLCRC is responsible for determining when HQLCRC approval is required. The HQLCRC is comprised of the Division Chiefs for Construction, Maintenance, Design and Local Programs, and Traffic Operations along with the Headquarters Public Information Officer, and a representative from the CHP. The HQLCRC may review the closure or leave the decision to the DLCRC. The HQLCRC should be advised of all planned lane closures that exceed the above threshold criteria. All planned lane closures that exceed the above threshold criteria and are of an interregional, statewide, environmental, or otherwise sensitive nature, as determined by the district LCRC, may also require approval of the HQLCRC.

Contents of Major Lane Closure Request Submittal

The functional unit requesting the lane closure and responsible for its performance prepares a proposed lane closure submittal. Sufficient information is provided to ensure complete understanding of the proposal. The submittal is sent through the DTM for review before sending it on to the LCRC. If additional TMP efforts can reduce the expected additional delay to less than 30 minutes, then the closure does not have to go to the LCRC. The DLCRC/HQLCRC may require additional information during its review. At a minimum, the following information is recommended initially:

1. Location and vicinity maps showing the state highway(s), local street network, and other adjacent lane closures or nearby work that may affect traffic during the same period, including special events;
2. Dates, times and locations of the lane closure(s);
3. Brief description of the work being performed during the lane closure(s);
4. Brief description of each lane closure and its anticipated affect on traffic;
5. Amount of expected delay and corresponding queue length for each lane closure;
6. Summary of TMP strategies that will be used to reduce delay and motorist inconvenience during the lane closure(s) (refer to Table 1). A copy of the approved TMP for the project, if available;
7. Contingency plan (see "Contingency Plan" below).

B. EVALUATION

The LCRC is responsible for approving major lane closures and will use the items below for evaluating lane closure operations. In its evaluation of the proposal, the LCRC will give consideration to the accuracy, reliability, and completeness of information provided as well as other reliable sources of information available to the LCRC.

Proposals will be evaluated on the basis of effectiveness in the following areas:

- Promoting motorist and worker safety;
- TMP strategies;
- Plans for coordination with adjacent construction, maintenance, encroachment permits, and special events;

- Plans for coordination with TMC and field personnel;
- Plans for coordination with public media;
- Plans for use of existing field elements such as traffic surveillance loops, changeable message signs, highway advisory radio, and Closed Circuit Television cameras;
- Lines of communication and authority (top to bottom);
- Plans for monitoring delay (or corresponding queue length) during lane closure operations;
- Alternatives to proposed closures;
- Viability of contingency plans;

C. Post-Closure Evaluation Statement

A Post-Closure Evaluation statement will be submitted to headquarters' Traffic Operations Program, Office of System Management Operations, on all projects that exceed expected delay or run outside of the closure window. No more than one page is suggested. The functional unit performing the lane closure will prepare the statement within five working days of the date the lane closure exceeded the threshold criteria. The statement should explain:

- The cause and impact of delays;
- Either actions taken or to be taken to avoid or mitigate an occurrence or recurrence;
- Why the expected delay was exceeded and/or why it was necessary to exceed the closure window;
- How the situation can be avoided in the future.

Post-closure evaluation statements are only for closures formally approved by the District LCRC under this process (i.e. exceed the lesser of 30 minutes or the DTM limit).



DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

801 K STREET • MS 20-22 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 322-1110 • FAX 916 / 322-1201 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

November 29, 2007

Mr. Michael Rosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

Subject: Notice of Preparation (NOP) for the Sacramento Natural Gas Storage Project
draft Environmental Impact Report, Sacramento County
Application No. 07-04-013

Dear Mr. Rosauer:

The Department of Conservation's (Department) Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced project. The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas. This authority also extends to the permitting and oversight of gas storage projects.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the PRC, and administrative regulations under Title 14, Chapter 4 of the California Code of Regulations. Written approval from the Supervisor is required prior to changing the physical condition of any well. The project applicant must consult with the Division of Oil, Gas, and Geothermal Resources district office in Sacramento to conduct any of the work mentioned above.

In addition, written approval from the Supervisor is required prior to changing the physical condition of any well. The operator's notice of intent to perform any well operation is reviewed on engineering and geological basis. For new wells, gas storage projects, and the altering of existing wells, approval of the proposal depends primarily on the following: protecting all subsurface hydrocarbons and fresh waters; protection of the environment; using adequate safety equipment; and utilizing approved drilling and cementing techniques. The Division must be notified to witness or inspect all operations specified in the approval of any notice. This includes tests and inspections of blowout-prevention equipment, reservoir and freshwater protection measures, well-plugging operations, and annual tests/surveys.

Operators must have a bond on file with the Division before certain well operations are allowed to begin. The purpose of the bond is to secure the State against any expenses that the State may incur in obtaining operator compliance with applicable laws, regulations, and orders of the Supervisor. The operator must also designate an agent, residing in the State, to receive and accept service of all orders, notices, and processes of the Supervisor or any court of law.

We would like to suggest that the Division be added to your Initial Study Summary - Environmental Checklist agency contacts for projects of this type.

If you have any questions, please contact me at (916) 322-1110.

Sincerely,



Robert S. Habel
Deputy Supervisor

THE RESOURCES AGENCY
OF CONSERVATION
DEPARTMENT OF OIL, GAS, AND GEOTHERMAL RESOURCES
DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES
801 K STREET, MS 20-22
SACRAMENTO, CALIFORNIA 95814-3530

Mr. Michael Rosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, California 92024

92024-15354



92024-15354



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

November 19, 2007

To: Reviewing Agencies
Re: Sacramento Natural Gas Storage Project
SCH# 2007112089

Attached for your review and comment is the Notice of Preparation (NOP) for the Sacramento Natural Gas Storage Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Michael Rosauer
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2007112089
Project Title Sacramento Natural Gas Storage Project
Lead Agency Public Utilities Commission

Type **NOP** Notice of Preparation

Description The proposed project consists of the construction and operation of a natural gas storage facility in the City of Sacramento. Proposed project components would be located within the City of Sacramento, the City of West Sacramento, the County of Sacramento, and Yolo County. The proposed project includes the underground natural gas storage reservoir; a wellhead site; a compressor station; a buried 16-inch interconnection pipeline between the wellhead and compressor site; a buried 16-inch interconnection pipeline between the compressor site and Sacramento Municipal Utilities District (SMUD) Line 700; and the Yolo County interconnection consisting of a buried 12-inch interconnection pipeline between SMUD Line 700 and PG&E Line 172 and associated metering facilities.

Lead Agency Contact

Name Michael Rosauer
Agency California Public Utilities Commission
Phone (415) 703-2641 **Fax**
email
Address c/o Dudek
605 Third Street
City Encinitas **State** CA **Zip** 92024

Project Location

County Sacramento
City
Region
Cross Streets
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Toxic/Hazardous; Water Quality; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Traffic/Circulation; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; California Energy Commission; Office of Historic Preservation; Department of Parks and Recreation; Department of Fish and Game, Region 2; Native American Heritage Commission; Public Utilities Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 3; Air Resources Board, Major Industrial Projects; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

NOP Distribution List

RA

County: Sacramento

SCH#

2007112089

Resources Agency

- Resources Agency
- Nadell Gayou

- Dept. of Boating & Waterways
- David Johnson

- California Coastal Commission
- Elizabeth A. Fuchs

- Colorado River Board
- Gerald R. Zimmerman

- Dept. of Conservation
- Sharon Howell

- California Energy Commission
- Paul Richlins

- Cal Fire
- Allen Robertson

- Office of Historic Preservation
- Wayne Donaldson

- Dept. of Parks & Recreation
- Environmental Stewardship Section

- Reclamation Board
- Deedee Jones

- S.F. Bay Conservation & Dev't. Comm.
- Steve McAdam

- Dept. of Water Resources
- Resources Agency
- Nadell Gayou

- Conservancy

Fish and Game

- Depart. of Fish & Game
- Scott Flint
- Environmental Services Division
- Fish & Game Region 1
- Donald Koch
- Fish & Game Region 1E
- Laurie Harnsberger

- Fish & Game Region 2
- Banky Curtis

- Fish & Game Region 3
- Robert Floerke

- Fish & Game Region 4
- Julie Vance

- Fish & Game Region 5
- Don Chackwick
- Habitat Conservation Program

- Fish & Game Region 6
- Gabriela Gatchel
- Habitat Conservation Program

- Fish & Game Region 6 I/M
- Gabriela Gatchel
- Inyo/Mono, Habitat Conservation Program

- Dept. of Fish & Game M
- George Isaac
- Marne Region

Other Departments

- Food & Agriculture
- Steve Shaffer
- Dept. of Food and Agriculture

- Dept. of General Services
- Public School Construction

- Dept. of General Services
- Robert Slepky
- Environmental Services Section

- Dept. of Health Services
- Veronica Malloy
- Dept. of Health/Drinking Water

Independent Commissions, Boards

- Delta Protection Commission
- Debby Eddy
- Office of Emergency Services
- Dennis Castriilo
- Governor's Office of Planning & Research
- State Clearinghouse
- Native American Heritage Comm.
- Debbie Treadway

- Public Utilities Commission
- Ken Lewis

- Santa Monica Bay Restoration
- Guangyu Wang

- State Lands Commission
- Jean Sarrino

- Tahoe Regional Planning Agency (TRPA)
- Cherry Jacques

Business, Trans. & Housing

- Caltrans - Division of Aeronautics
- Sandy Hesnard
- Caltrans - Planning
- Terri Pencovic
- California Highway Patrol
- Shirley Kelly
- Office of Special Projects
- Housing & Community Development
- Lisa Nichols
- Housing Policy Division

- Dept. of Transportation
- Caltrans, District 1
- Rex Jackman
- Caltrans, District 2
- Marcelino Gonzalez
- Caltrans, District 3
- Jeff Pulverman
- Caltrans, District 4
- Tim Sabie
- Caltrans, District 5
- David Murray
- Caltrans, District 6
- Marc Birnbaum
- Caltrans, District 7
- Cheryl J. Powell

- Air Resources Board
- Airpot Projects
- Jim Lerner
- Transportation Projects
- Ravi Ramalingam
- Industrial Projects
- Mike Tolstrup

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Regional Water Quality Control Board (RWQCB)

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- Cathleen Hudson
- North Coast Region (1)
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- North Coast Region (1)
- RWQCB 2
- Environmental Document Coordinator
- San Francisco Bay Region (2)
- RWQCB 3
- Central Coast Region (3)
- RWQCB 4
- Teresa Rodgers
- Los Angeles Region (4)
- RWQCB 5S
- Central Valley Region (5)
- RWQCB 5F
- Central Valley Region (5)
- Fresno Branch Office
- RWQCB 5R
- Central Valley Region (5)
- Redding Branch Office
- RWQCB 6
- Lahontan Region (6)
- RWQCB 6V
- Lahontan Region (6)
- Victorville Branch Office
- RWQCB 7
- Colorado River Basin Region (7)
- RWQCB 8
- Santa Ana Region (8)
- RWQCB 9
- San Diego Region (9)
- Other

- RWQCB 1
- Cathleen Hudson
- North Coast Region (1)
- RWQCB 2
- Environmental Document Coordinator
- San Francisco Bay Region (2)
- RWQCB 3
- Central Coast Region (3)
- RWQCB 4
- Teresa Rodgers
- Los Angeles Region (4)
- RWQCB 5S
- Central Valley Region (5)
- RWQCB 5F
- Central Valley Region (5

C-2

Kevin McCarty
Sacramento City Councilmember, District 6
PUC Scoping Meeting December 6, 2007

- Councilmember representing the residents of the Glen Elder neighborhood
- Spent the last year listening with an open mind to the project
- Focused, diligent effort researching the project and talking to industry experts
- Conclusion is that the neighborhood residents face risks that greatly exceed the benefits to the gas company
- While I understand that there are benefits to the city, it is not comprehensible to me to allow residents of this community to bear the burden of these risks
- According to both SMUD and PGE... this project would be helpful, good for business but is in no way necessary for the city, nor either utility
- Through our research we have spoken to experts in the field of gas migration. The following are a few of their safety concerns:
 1. Underground gas storage facilities have demonstrated a history of gas migration problems.
 2. Gas storage facilities pose a risk of explosion and fire, especially when located in an urban setting.
 3. Gas storage within natural geologic formations does not take into consideration fracture zones and imperfections in the earth's geologic layers that result in gas migration toward the surface.
 4. There is no way to assure that there will be no vertical gas migration to the surface.
 5. Noxious odors and emissions of carcinogenic chemicals from gas storage operations.
- The burden of proof regarding the safety concerns lies with the applicant, and they have not proven to me or the neighborhood that this project is in fact, safe. In addition, I have asked the applicants to move the project to one of their alternative non-residential sites.
- It seems to me that a questionable industrial use like this should be in a commercial or industrial area, not a residential neighborhood.
- Therefore, I am requesting the following from the PUC:
 1. Full blown Health Risk Assessment through the EIR process
 2. Comprehensive review of alternate non-residential sites — *& NO project*
 3. Review of the economic issues as they relate to property values
 4. Thorough exploration of the gas migration issues
 5. Review of the safety and security issues posed to residents of the community
 6. Follow CPUC policies and directives to take environmental justice issues into consideration, especially given the demographics of this neighborhood
- Thank you for your time



CALIFORNIA PUBLIC UTILITIES COMMISSION

Proposed Sacramento Natural Gas Storage Project

Thursday, December 6, 2007

Name*: Diana Portillo
Affiliation (if any)*: Colonial Manor Neighborhood Association
Address*: P.O. Box 245214
City, State, Zip Code*: Sacramento, CA 95820
Telephone Number*: 916-451-7404
Email*: cmnagetinfo@yahoo.com

The need for reserves seems sound but why locate the facilities close to residents when there is so much open space going east past Florin/Perkins.

** Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Please either deposit this sheet at the sign-in table before you leave today, or fold, stamp, and mail. Insert additional sheets if needed. Comments must be received by December 17, 2007. Mailing address: Michael Rosauer, California Public Utilities Commission, c/o Dudek, 605 Third Street, Encinitas, CA 92024.