

Outline of comments for City of Visalia at EIR Hearing 7/23/09

Alex Peltzer, City Attorney for the City of Visalia, offering comments on behalf of the City of Visalia, together with Michael Olmos, Assistant City Manager

- The City does not oppose the need for the project, or assert that the project is not feasible. Nor has the City opposed one route or supported another route.
- However, the proposed project, or any of the alternatives, would have clear impacts on the City, and our primary objective is to have the Commission acknowledge these impacts and identify the appropriate mitigation measures that should be implemented to offset these impacts.
- The bottom line is that the City of Visalia believes the Draft EIR is deficient on both of these fronts. City is fully reviewing the EIR, and will be submitting extensive written comments.
- The proposed project includes modifying the current facilities (adding 6 new lines and doubling the existing pole height) in one mile of existing right of way within the City, and adding new poles and lines in new right of way a distance of 2 miles within the City's ultimate planning boundary; the alternative routes all would affect a total of four miles of existing right of way within the City, most of it abutting current development on one side and planned development on both sides.
- Based on the above, whichever project is selected, the City of Visalia experiences the most impacts of any incorporated city or unincorporated community.
- Although the Rector Substation, which will be served by this project, is located in the City of Visalia, power from the Rector Substation, which will be supplied by the new lines, will serve the entire county; the need for the project is being generated county wide, not just from Visalia
- As a broad comment, the City takes issue with the bare assertion contained in the EIR that there is no difference in the nature of the urban-related impacts as between the proposed project and each of the alternative projects (See Section 5 of the DEIR). This is clearly an error, as the urban areas affected by the proposed project are significantly different from any of the alternatives.
- This obvious shortcoming is caused by the failure to adequately identify urban-related impacts in the first place. Little to no analysis was provided to support the DEIR's conclusions regarding impacts to urban areas of Visalia on the following CEQA topics: visual impacts, impacts to land use planning; noise impacts; transportation and traffic impacts, and population and housing.
- The City made initial written comments in advance of the DEIR on all of these topics; these comments do not appear to have been considered by the drafters of the DEIR. We are obviously disappointed that the City's comments have been ignored to date.
- Michael Olmos, Assistant City Manager for the City of Visalia, will follow me tonight with more details on the types of impacts the City anticipates. Further, each of these areas will be expanded upon in written comments.

- At the same time, the City believes there are appropriate mitigation measures that are available to offset the impacts that should be addressed by the EIR. These mitigation measures focus on making the power pole right of way more visually acceptable, reducing interferences with other public facilities and future private development, and providing opportunities for public use of the right of way, all of which will ameliorate a number of impacts: Mr. Olmos will be making comments to elaborate on these mitigation measures, and they will also be the subject of formal written comments.
- Finally, the City will be making written comments regarding a failure of the EIR to adequately describe the project, or its alternatives, as it relates to the nature of property rights that will be acquired under each project or alternative project. There has been discussion, not reflected in the DEIR, that in areas of existing right of way, modifications called for by the project will trigger the need for SCE to acquire additional right of way rights. Currently, SCE owns an easement right, which leaves significant rights to use the property by the underlying property owner. The additional rights that have been described as potentially being required for this project are not necessarily additional land, but rather more complete property rights in the form of either fee ownership of what is now a right held by easement, or expanded easement rights to decrease the amount of use that the underlying property owner can make of the land within the right of way. If either of these is triggered by the project or the alternatives, this action would have foreseeable impacts, including the disuse or non-maintenance of the underlying land, ultimately leading to blight. In order to assess these impacts, and determine appropriate mitigation, the actual actions contemplated need to be described in the document in greater detail.