

July 27, 2000

**RECEIVED**  
JUL 31 2000

Ms. Judith Iklé  
Aspen Environmental Group  
235 Montgomery Street, Suite 800  
San Francisco, CA 94104

Dear Ms. Ikle:

Subject: Draft Environmental Impact Report for the Northeast San Jose Transmission Reinforcement Project (SCH #2000042073)

The Santa Clara Valley Water District (District) has reviewed the subject document, received on June 7, 2000. District staff has reviewed and commented on this proposed project on many occasions, but District comments do not seem to be addressed in the Draft Environmental Impact Report (DEIR). Attached are previous District letters to PG&E on this project, dated December 17, 1997, June 8, 1998, and November 1, 1999.

The District began construction of flood control improvements along Coyote Creek beginning at the San Francisco Bay (Cargill Salt Ponds) in 1985. Flood control improvements by the District and the U.S. Army Corps of Engineers (Corps) proceeded upstream until 1996 when improvements were complete from San Francisco Bay to Montague Expressway. The District was required to mitigate for the flood protection project impacts. Included in these mitigation features was the installation of a 16.5-acre shallow brackish water habitat for waterfowl and shorebirds. This pond includes an island on which black-necked stilts and avocets successfully nest. In the adjacent area east of this 16.5 acre waterbird pond is the Salt Marsh Harvest Mouse sensitive habitat area, where existing pickleweed habitat, essential habitat for the Salt Marsh Harvest Mouse, has been continually monitored for years by the District. In addition, the area along Coyote Creek from San Francisco Bay to Highway 237 has been monitored extensively for many years (Coyote Creek Riparian Station and others) for various local bird species, including documentation of migratory birds stopping at this location along Coyote Creek to rest and feed. Despite our previous letters (attached) outlining District staff concerns, these mitigation/habitat areas and documented information of local and migratory bird species along this reach of Coyote Creek are not identified in the subject DEIR, dated June 2000. Specific comments on the DEIR regarding potential impacts to birds and the salt marsh harvest mouse follow.

Early PG&E correspondence relating to the subject project identified PG&E's preferred alternative as the Westerly Route alignment which was also the District's preferred alternative, since this alignment was a greater distance from the various mitigation/habitat areas discussed above. However, the Easterly alternative has now been identified as PG&E's preferred alternative and identified as the "Environmentally Superior Project," according to PG&E DEIR. This claim as the "Environmentally Superior Project" should not be made until the potential impacts to the various mitigation/habitat areas known to exist along the proposed preferred Easterly alignment are properly evaluated and, if possible, impacts mitigated. PG&E's DEIR does not evaluate and address these concerns.



**SPECIFIC COMMENTS/CONCERNS—EXECUTIVE SUMMARY****Figure ES-1 Proposed Project and All Alternatives, Page ES-3**

The DEIR should evaluate and address impacts to the Districts/Corps flood control facilities. For example, the Preferred Alternative (Proposed Project) will need to cross the Coyote Creek bypass channel (16.5 acre Mitigation Pond) near Dixon Landing Road and the Coyote Creek overflow channel and natural section of the creek near Bellew Drive. In addition, the Trimble-Montague 115kV Upgrade will also cross the Coyote Creek at Montague Expressway. The Coyote Creek bypass channel is approximately 2,000-foot-wide near Dixon Landing Road, while the Coyote Creek overflow channel and natural section near Bellew Drive is nearly 1,000-foot-wide. The proposed placement of PG&E structures within these floodways or in the vicinity of existing flood control levees (structural integrity of the levee must be maintained) must be evaluated in the EIR.

**Article 4.3 Biological Resources; Significant Unavoidable Impacts, Page ES-11**

The potential for bird collisions could be avoided if the proposed overhead facilities were installed underground. However, installing facilities underground is very costly, but maybe the only viable option in the vicinity of the existing 16.5 acre waterbird pond, the existing salt harvest mouse habitat area, and the existing Coyote Creek Riparian corridor/mitigation plantings is to underground this portion of the alignment within or adjacent to these sensitive areas.

**Article 4.12 Visual Resources; Mitigation Measures, Page ES-21**

District staff is concerned that a reduction in structure heights across or immediately adjacent to District flood control levees may impact the District's ability to perform Operations and Maintenance (O&M) responsibilities on the existing flood control facilities as required by the Corps. District O&M responsibilities include, but are not limited to, sediment/fallen vegetation removal, work to restore structural integrity and design heights of existing levees, and existing drainage structures. Some of these responsibilities require the use of large construction equipment, such as cranes and large excavators. Structure heights in the vicinity of the flood control levees should take into consideration the District's use of such equipment and must be evaluated in the DEIR.

**Table ES-3 Characteristics of Proposed Project and Alternative Segments, Page ES-25**

The preferred Proposed Project lists the Mitigation Cost as \$0 dollars. This seems unrealistic when several sensitive habitat/mitigation areas exist within the Easterly alignment. The Westerly Route Alternative has \$10.4 million as the Mitigation costs, but we could not find a detailed explanation for this scope of work. The DEIR does not adequately explain why one alternative would include mitigation costs when other similar alternatives have \$0 for mitigation costs. The Proposed Project and Westerly Route Alternative are very close in estimated costs. The sensitive habitat/mitigation sites identified and discussed above along the Proposed (Easterly) Alternative, including more detail on the \$10.4 million, may have an effect on which Alternative is the most cost effective as well as the more Environmentally Superior Alternative.

**Table ES-6 Complete 230 kV Route Comparison, Page ES-31**

Table ES-6 indicates the Proposed 230kV Route has fewer environmental impacts relating to Biological Resources than the Westerly Route Alternative. This may be true, but the DEIR does not clearly evaluate how these lengths of impacts relate to and are evaluated based on existing PG&E facilities. For example, the proposed Westerly Route Alternative parallels the existing PG&E Newark-Scott 115kV and Newark-San Jose "B" 115kV Overhead Transmission lines. How are the potential for bird collisions evaluated for the Westerly Route Alternative versus the Proposed (Easterly) Alternative or others? Are the potential for bird collisions greater for an Alternative that has a completely new route (two separate impact locations) versus widening of an existing route (Westerly Alternative) that the local wildlife may have become somewhat familiar? The DEIR should evaluate these facts.

**SPECIFIC COMMENTS/CONCERNS—DEIR****Bird Strikes**

The DEIR recognizes the overall potential for bird strikes as a significant, unavoidable impact. However, the specific impact of bird strikes at the Coyote Creek waterbird pond on the District facility is not recognized. As discussed above, the District installed a 16.5-acre shallow brackish water habitat for waterfowl and shorebirds as mitigation for the Lower Coyote Creek flood control project. The pond includes an island on which black-necked stilts and avocets successfully nest. The proposed power line is located immediately west of this waterbird pond between mileposts 4.9 and 5.1. The DEIR needs to specifically identify this facility as a wildlife mitigation feature, and evaluate the potential for birds striking the lines when entering and exiting the Coyote waterbird pond. An associated impact which also should be evaluated is the effect of predators perching on the power lines and towers adjacent to the waterbird pond.

An alternative location has not been proposed for this section of the power line. An alternative location (such as east of the creek or east of Highway 880) would avoid impacts to the Coyote Creek waterbird pond. As required by CEQA, we recommend an alternative location be considered to avoid these impacts. If it is necessary for the power line to cross Coyote Creek north of Highway 237, we recommend a route which crosses the creek at the "crossover" sites be considered. Between Dixon Landing Road and Highway 237, there are 5 crossover areas. Crossover areas are locations where rock reinforcement along the streambank is necessary to provide flood protection and erosion control. The height of the vegetation at crossover areas is controlled in order to avoid blocking flood flows, thus there are no trees at these locations.

If the power line cannot be moved from its proposed proximity to the Coyote waterbird pond, then we believe the mitigation function of this pond will be severely compromised and PG&E will need to find an alternative location to recreate another waterbird pond to replace the existing one. If necessary, the District can discuss in further detail with PG&E staff the replacement of the pond at another location and conversion of the existing pond to reduce the potential for bird strikes.

### **Salt Marsh Harvest Mouse**

The proposed powerline is located immediately east of a Salt Marsh Harvest Mouse area which was present prior to and expanded by the Lower Coyote Creek flood control project. The EIR needs to specifically identify this area as a sensitive habitat and mitigation area, and evaluate the potential for construction of the towers to adversely affect this endangered species and its habitat. We are particularly concerned that the DEIR states that the normal work area for tower construction is a 200- by 200-foot area. This would disturb pickleweed areas which provide salt marsh harvest mouse habitat, and the levee slope which was specifically designed as Salt Marsh Harvest Mouse refuge during high water events.

**Will predators perching on the power lines and towers increase predation of the Salt Marsh Harvest Mouse?**

Will maintenance and inspection activities continue to affect the Salt Marsh Harvest Mouse habitat, particularly driving on the marsh plain below the levees between mile posts 4.9 and 5.1? It is our understanding that the towers and insulators are cleaned on a regular basis using high pressure water jets from a pumper truck. Impacts from these activities on the Salt Marsh Harvest Mouse and its habitat have not been addressed. Alternative locations, as discussed above, would avoid impacts to the Salt Marsh Harvest Mouse and its habitat.

More detailed comments with page references are provided below.

- Table 3-6 does not adequately address long-term consequences of the above comments
- C.3-13 there is no mention of the District's waterbird mitigation pond under "*Special Habitat Management Areas*" including the presence of Salt Marsh Harvest Mouse, Saltmarsh Common Yellowthroat, and Alameda Song Sparrow as known breeders at the facility.
- C.3-14: Table C.3-3. & pages C.3-30 to C.3-39
  - Roughly 20+ Great Egrets (CSC @ rookery) also occurred this year at the rookery at Coyote Creek, the second largest rookery in Santa Clara County for this species.
  - Snowy Egret and Black-crowned Night Heron forage at the pond.
  - Check records for Osprey foraging at the waterbird pond.
  - Peregrine Falcon are not rare, and are now sighted year-round at the bay edge. I would consider it as a potential bird strike species. Corrected on C.3-32, needs to be corrected in Tables C.3.3
  - California Gull is a winter resident and breeding species. I would consider it as a potential bird strike species.

- Caspian Tern, Forster's Tern, and Black Skimmer breed in the vicinity. Caspian Tern and Forster's Tern are known to roost & forage at the waterbird pond, high potential for bird strike.
  - Short-eared Owl, suitable breeding habitat in the vicinity of the waterbird pond as well.
  - All raptors, shorebirds, ducks, gulls and terns - potential bird strike species.
  - Vaux's Swift, Willow Flycatcher, Yellow Warbler, and Hermit Warbler use Coyote Creek as a migratory route
  - Yellow Warblers breed along Coyote Creek. Stated correctly on C.3-37, but not in Table C.3.3
- C.3-29 Does not address disturbance impacts or impacts from increased predation on salt marsh harvest mouse.
  - Table C.3-6 and C.3-51
    - Predation—Measures should be extended to include areas adjacent to the waterbird pond.
    - Bird Collisions—vague, what is specifically proposed to reduce these impacts. Would it be possible to go underground adjacent to the waterbird pond?

#### **Impacts to District Flood Protection Facility**

The DEIR does not discuss the District's facilities (levees, overflow channel, mitigation sites) and the operational requirements and maintenance of these facilities. Although several thousand feet (9 towers) of the proposed preferred route is shown on top of the levee and overflow channel, the entire DEIR does not show any detail, photo, or description of how the transmission line will coexist with the flood protection levee. Without understanding PG&E's proposed tower locations along our levee, we can not adequately comment on the impacts to the levee's structural integrity, the possible hydraulic impacts to flood flows, the possible erosion scour that could occur in the levee at the new towers, the potential impacts to maintenance activities along this section of levee, the potential impacts to our levee roads, or the potential impacts to any future levee raising project. Also, the report must acknowledge the commitment of funds to rebuilding and maintaining the levee roads. If transmission line towers are installed along the levees, PG&E field crews will use the levee roads as an access route to their facilities. Currently we experience this situation on our salt pond levee along the Coyote Bypass Channel. We have experienced use of our levee roads in bad weather conditions by PG&E crews which has resulted in degradation of the roads. Last year the District spent several thousands of dollars repairing and regrading damaged levee roads. Impacts of this joint use should be identified in the environmental documents.

Figure C.3-1 does not accurately portray the land use along Coyote Creek between mileposts 5.1 to 6.7. This land isn't "developed", but should be classified as riparian corridor or some other more accurate term as this area is a creek and flood protection facility.



Section C.5 doesn't discuss the impacts caused to the flood control levee by the installation and construction of the transmission line poles in or around the levee between milepost 5.1 and 6.7. The only mention of the levee is in section C.5.1.2.1 where it is stated, "and traverses elevated levee deposits...". The report should recognize the need to retain the structural integrity of the engineered levees and discuss the potential impacts from the tower installation.

Page C.6-2 mentions that the District's two reservoirs on Coyote Creek are "flood control" reservoirs and this statement should be changed to state that they are water supply reservoirs.

Figure C.6-1 indicates that the District's Lower Penitencia Creek facility is a "Milpitas Flood Control Channel".

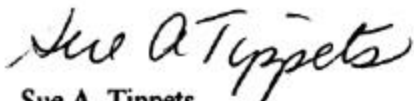
Section C.6.1.3 does not mention that the Proposed Project will require review, approval, and a permit from the District. In accordance with district Ordinance 83-2 a District permit is required for any construction crossing or within 50 feet of a flood protection facility.

Page C.6-18 states the many criteria required for review per CEQA guidelines. However, three of the criteria mentioned are not discussed in the text. The three criteria are 1) Place within a 100 year flood hazard...which would impede or redirect flood flows?, 2) Lateral erosion, stream bed scour, or long term channel....., and 3) Flooding or scour would result in significant damage to access roads..... As stated above, none of these criteria are discussed in the text. The report must address these criteria to see if the towers will impact flood flows, the levee, or access to the District's maintenance roads.

Section C.7 and Page C.7-27 doesn't mention the District's Ordinance which requires the proposed project to obtain a District Construction/Encroachment Permit.

Because of the potential impacts to the community's flood protection system on Coyote Creek including potential impacts to District operations and to the flood protection project's mitigation sites, we urge reconsideration of the Westerly route, an alternate route or an underground alternative. I may be reached at (408) 265-2600, extension 2253.

Sincerely,



Sue A. Tippetts  
Engineering Unit Manager  
Community Projects Review Unit

Enclosures

— Enclosure

November 1, 1999

File: 24742  
Coyote Creek

Re: Northeast San Jose  
Transmission Project

Mr. Robert Bonderud  
Pacific Gas and Electric Company  
Mail Code N10A  
P.O. Box 770000  
San Francisco, CA 94177

Dear Mr. Bonderud:

Subject: Northeast San Jose Transmission Reinforcement Project

The Santa Clara Valley Water District (District) has reviewed the Notice of an Application for a Certificate of Public Convenience and Necessity along with your letter dated July 30, 1999.

The proposed preferred alternative crosses Coyote Creek near Dixon Landing Road and follows the San Jose/Santa Clara Water Pollution Control Plant (WPCP) and Coyote Creek flood protection levees to the southerly boundary of the WPCP at McCarthy Lane.

As a part of the District's flood protection project, the District was required to provide habitat mitigation along Coyote Creek. The proposed towers at MP4.9 and MP5.1 appear to be located within or in close proximity to a water bird pond that mitigates for the loss of water surface area due to the District's construction of a levee across Cargill's Salt Pond A18. The towers are also close to a mitigation area for pickleweed which provides habitat for the salt harvest mouse. Mitigation areas are also located along Coyote Creek for the length of the proposed 230 kilovolt power line route. Part of the regulatory requirements to measure the success of these mitigation areas is the number and species of animals that return and/or stay in the area. The District has concerns with the alignment of the proposed towers and power lines and their impact on the wildlife in the area and, subsequently, on the success of our mitigation sites.

The plans do not show sufficient detail to determine whether the lines are proposed on the WPCP property or on the District's. There is very little space between the sludge ponds and the flood protection levees at and southerly of MP5.6. Detailed location maps would assist in determining the impacts of the proposed power lines. As we have stated in the past, our preferred alternative would be to locate the lines further to the west, away from the creek.

I can be reached at (408) 265-2607, extension 2253.

Sincerely,

*ORIGINAL SIGNED BY*

Sue A. Tippets, P.E.  
Engineering Unit Manager  
Community Projects Review Unit

cc: J. Christie, R. Anderson, S. Ferranti, J. Ferguson, S. Katric, C. Roessler, File (2)

ST:mc:1028f

File: 24742  
Coyote Creek, Downstream Highway 237

Re: PG&E Draft Environmental Assessment  
Alignments for New 230kv Transmission Line

June 8, 1998

Mr. E. Thomas Webb  
Manager, Transmission Projects  
Pacific Gas and Electric Company  
Mail Code B23C  
P.O. Box 770000  
San Francisco, CA 94177

Dear Mr. Webb

Subject: Draft Environmental Assessment for Northeast San Jose Transmission Reinforcement Project

The Santa Clara Valley Water District (District) has reviewed the Draft Environmental Assessment, received on April 9, 1998, for the Northeast San Jose Transmission Reinforcement Project.

Similar to the District's comments provided in our December 17, 1997 letter to PG&E, the District offers the following comments:

The Preferred Route shown on Figure 2-6 is the most acceptable alternative to the District.

In the discussion for the Easterly Route Alternative, the existence of and potential impacts to the Coyote Creek Riparian Station (CCRS) should be mentioned. The CCRS is located in the Coyote Creek Flood Bypass Channel near milepost 6.2 as measured on Figure 2-13 and appears to be directly beneath this route alternative. CCRS functions as the nonprofit group which nets and studies birds living or migrating along the Coyote Creek riparian corridor.

The new overhead facilities near milepost 4.1 of the Preferred Route must be designed to provide adequate vertical clearance for Cargill Salt Company's dredge equipment to safely pass beneath. The District has been working with PG&E's Mr. Dennis Mize at (415) 973-6757 to coordinate the raising of the two existing overhead transmission lines at this location. An agreement between PG&E and the District was executed on May 26, 1998 that will require the District to contribute approximately \$404,000 towards the construction of this modification.

In Table 2-6, include the District as an agency requiring a permit for construction. In accordance with District Ordinance 83-2, a District permit is required for any property improvements located within 50 feet of a District facility, in this case Coyote Creek. Prior to the start of construction, grading, fencing, topography, and transmission line alignment plans must be submitted for engineering review. When prepared, two sets of site improvement plans should be sent to us for our review and issuance of a permit.



We look forward to reviewing further documentation regarding this project. Please reference District File Number 24742 on any future correspondence. If you have any comments or questions, please call me at (408) 265-2607, extension 2301.

Sincerely,

*ORIGINAL SIGNED BY*

Scott D. Katric, P. E.  
Assistant Civil Engineer  
Community Projects Review Unit

cc: Robert C. Douglass  
Cargill Salt  
Manager, Real Property  
7220 Central Avenue  
Newark, CA 94560-4206

Mr. Dennis E. Mize  
Pacific Gas and Electric Company  
Transmission Line Engineer  
Mail Code N6E  
P.O. Box 770000  
San Francisco, CA 94177

S. Tippets, J. Ferguson, L. Squires, J. Chen, W. Springer, S. Ferranti, S. Katric, File (2)

SK:ghs:0608d

*File*

File: 24742  
Coyote Creek, Downstream  
Highway 237

Re: PG&E Request for Comments  
on Proposed Alignments for  
New 230 kv Transmission Line

December 17, 1997

Mr. Tom Marki  
Project Manager  
Pacific Gas and Electric Company  
Mail Code N10A  
P.O. Box 770000  
San Francisco, CA 94177

Dear: Mr. Marki

Subject: Alignment of Proposed Northeast San Jose Transmission Reinforcement Project

The Santa Clara Valley Water District (District) has reviewed your request, received on July 16, 1997, for comments regarding proposed alignments of the Northeast San Jose Transmission Reinforcement Project.

Based on information received during a phone conversation with PG&E staff in October 1997, the District has postponed sending this letter until we received a formal proposal of PG&E's intention to install the subject new transmission line. At this time, no formal announcement has been received regarding this subject; therefore, please consider the following comments.

The proposed project alignments are located adjacent to and in the vicinity of Coyote Creek. The District completed flood control improvements on Coyote Creek between the San Francisco Bay and Highway 237 in 1989. As a condition of these improvements, numerous mitigation areas were created to offset impacts to the creek environment. It appears that the proposed easterly route alignments would impact many of the mitigation environments. In order to avoid impacting these mitigation areas, the District will oppose the easterly alignments and support the westerly route proposals.

In regards to the westerly route, at the point of crossing the District's levee, a minimum vertical clearance meeting OSHA standards will be required for District maintenance vehicles. In addition to District maintenance clearance, the District is working with Cargill Salt and PG&E to provide safe clearance for Cargill's levee maintenance barge on the existing lines in this area. A minimum barge clearance should also be incorporated into the new transmission line design.

The proposal to replace the single circuit 115kv with a double circuit 115kv along Trimble Road must provide sufficient vertical clearance for District maintenance vehicles at the Coyote Creek crossing.

Mr. Tom Marki

2

December 17, 1997

In accordance with District Ordinance 83-2, a District permit is required if property improvements are to be located within 50 feet of Coyote Creek. Prior to the start of construction, grading, fencing, topography, and transmission line alignment plans must be submitted for engineering review. When prepared, two sets of site improvement plans should be sent to us for our review and issuance of a permit.

We look forward to reviewing further documentation regarding this project. Please reference District File Number 24742 on any future correspondence. If you have any comments or questions, please call me at (408) 265-2607, extension 2301.

Sincerely,

*ORIGINAL SIGNED BY*

Scott D. Katric, P.E.  
Assistant Civil Engineer  
Community Projects Review Unit

cc: S. Tippets, W. Springer, S. Ferranti, S. Katric, File (2)

SDK:nn:1217c