

City of Fremont

Development and Environmental Services Department

July 27, 2000

Judith Ikle, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA 94104

RE: Pacific Gas & Electric Northeast San Jose Electrical Transmission Project (Location of new High Voltage Power Lines)

Dear Ms. Ikle

Thank you for the opportunity to provide comments on the Pacific Gas & Electric Northeast San Jose Electric Transmission Project Draft Environmental Impact Report (DEIR).

In summary, the City of Fremont has the following major concerns with the document:

Inadequate evaluation of visual impacts. The DEIR grossly underestimates and is completely insufficient in its evaluation of the visual and blighting impacts of the "I-880-A and I-880-B Alternatives," the so-called "Environmentally Superior Alternative." As is discussed later, this alternative would have a daily negative impact on 242,000 drivers, hotel visitors and workers who must traverse or view the affected portions of I-880.

Inadequate assessment of an underground alternative. The incomplete discussion in the DEIR seems to support that an underground alternative is the true environmentally superior alternative, and yet fails to identify this and lacks sufficient information to make a full assessment of this option.

Bias and lack of basis for the selection of an "environmentally preferred alternative". As will be discussed in some detail below, the City of Fremont is unable to determine the basis for the consultants conclusion that one alternative is clearly "environmentally superior" to another. Moreover, the DEIR presents a biased analysis of visual impacts on relatively few office workers and fails to discuss visual impacts to 242,000 drivers, hotel visitors and workers impacted in the "I-880-A and I-880-B Alternatives." This overstates the benefits of the "I-880-A and I-880-B Alternatives" over the "Proposed Project."

Incomplete and inadequate analysis of the socio-economic impacts of this project. The I-880 A and I-880 B alternatives would have a significant blighting impact on the City's economic development in an area critical to the City's economic future. This is inconsistent with the City's General Plan and has implications for the future environment in this area. This impact goes virtually undisclosed and undiscussed in this DEIR.

Lack of assessment of a reasonable range of alternatives. In addition to a lack of full evaluation of an underground alternative, the City of Fremont has identified other reasonable alternatives that the consultant has not identified as having been evaluated. The City of Fremont is aware that there is probably an infinite number of route alignments, but some options that seem to have merit were seemingly not examined or discarded without adequate justification. These potential alignments could effectively mitigate the visual impacts of the "Proposed Project" and the "I-880-A and I-880-B Alternatives."

Lack of assessment of Public Health, Safety and Nuisance issues. The EIR ignored the serious impact of transmission interference with computer monitors that would impact businesses in the Bayside Business Park.

Lack of assessment of the cumulative impact on the City of Fremont. The EIR consultants seem to take the attitude throughout the DEIR that, given the level of impact on the City of Fremont of existing high power lines, yet another one along I-880 is “no big deal”. We take strong exception with that bias and believe that it is precisely because of the existing cumulative impact of 38 miles and 9 corridors of power lines through this City that we must strongly protest the consideration of yet another one. An exhaustive evaluation of every other option should be considered, especially those related to including these lines in existing corridors or underground, prior to consideration of establishment of yet another powerline corridor in the City of Fremont. In regards to CEQA, this is clearly an issue of cumulative visual impacts on the City that an EIR must address.

Lack of public information and discussion of the “environmentally superior alternative”. The recommendation for this alternative was made late in the process and without public outreach to the potentially affected parties who had assumed that the “Preferred Project” was the option under serious consideration. It would be a serious abuse of the public trust to select an alternative that has not been fully aired and discussed in appropriate public forums with sufficient notice to potentially affected parties. City of Fremont staff was not consulted regarding the putative “superior” alternative and any concerns the City may have had regarding it.

In summary conclusion, the City of Fremont believes that the DEIR as currently being circulated is grossly insufficient, biased and inadequate and that the concerns we’ve identified must be addressed in a revised DEIR. The City of Fremont strongly recommends that once our comments are fully addressed, a new revised DEIR be recirculated for a full 30 day review period to ensure that the public and the City of Fremont are given the opportunity, required by CEQA, to review and comment on an adequate and complete environmental analysis, not a partial and biased one. In our view, such recirculation is required under section 25088.5(a) 4 of the California Environmental Quality Act.

To avoid confusion, this letter will refer to the “Proposed Project,” the “Underground Through Business Park Alternative,” the “I-880-A Alternative,” and the “I-880-B Alternative” as illustrated in Figure B.6-1 on page B-51.

Inadequate Evaluation of Visual Impacts

The DEIR is biased in its assessment of the visual impacts of the project and the alternatives. The EIR minimizes or does not discuss crucial visual impacts of the alternatives and makes light of those significant visual impacts it does identify.

The “I-880-A Alternative.” The visual impacts of the project are discussed in various portions of the Environmental Impact Report and are partially and inadequately assessed in a series of photo simulations. The biased viewpoint of the document is illustrated by the discussion of the “I-880-A Alternative” with respect to Key Viewpoint 8 (page C.12-19). Viewpoint 8 shows a photo simulation from the south terminus of Christy Street and concluded that “the introduction of the new structures would result in a moderate degree of visual contrast. The project is rated co-dominant in comparison to the existing development along the I-880 corridor and view impairment would be low though some skylining at the twin-legged angle structure would occur.”

From this particular and limited view point, it does seem as if the structures would have a somewhat limited affect due to the distance and angle of the photo simulation. While a photo simulation is a good tool used properly, it can also be misleading. For example, had the photo simulation considered the viewpoint of the

estimated 212,500 motorists who make 170,000 daily trips on this portion of I-880, and looked west or south, it would have illustrated the significant detrimental impacts of the project. For example, in regard to the western view, it would have shown the impacts to the open views to a new addition to the Don Edwards San Francisco Bay Wildlife Refuge. After four years of meetings between the City of Fremont and the Developer of Pacific Commons (Catellus Corp) with various State and Federal resource agencies (including the U.S. Fish and Wildlife, California Department of Fish and Game, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers), an agreement was reached to grant 390 acres of land – extending to I-880 – to the Refuge. This is the only point along I-880 which will have such view into the refuge and the Bay beyond.

A southern view along I-880 from near Viewpoint 8 would have further illustrated the significant detrimental impact of the “I-880-A Alternative.” Much of this portion of I-880 can be characterized as having open vistas of the bay to the west and of the hills to the east. In some places there are power lines that traverse the interstate, but at no point do they parallel the freeway in Fremont. I-880 is identified as a Scenic Corridor in the City’s General Plan and considerable effort has been put into ensuring a pleasant view from the freeway of the City. The “I-880-A Alternative” will add pylons and transmission lines to the views of this area (as is partially illustrated in other viewpoints discussed below).

Finally, the simulation of Viewpoint 8 fails to take into account the recently approved 8.3 million square foot Pacific Commons employment center, including a future hotel and conference center immediately adjacent to the location of Viewpoint 8. The City is seeking a first-class hotel for this prestigious location at the gateway to what the City expects to be the premier high-tech business park location in the Bay Area in five years. The site is already blighted by transmission lines, and the introduction of additional lines will further detract from the City’s ability to implement its General Plan in regard to this site.

On page C.12-20, the EIR does admit to a moderate to high visual impact along Cushing Parkway in the Bayside Business Park of the “I-880-A Alternative.” The document notes that “Structural visual contrast along this portion of the route would be moderate to high. The project would effectively result in a third transmission corridor between the two existing corridors. This proliferation of infrastructure would actually cause more impairment of views than if it was located adjacent to an existing corridor.” Any objective assessment of this corridor should have concluded that the impact of the proposed alternative is more than “moderate to high” but simply “high.”

The “I-880-B Alternative.” The text of the EIR on page C.12-21 as it relates to the visual impact of Key Viewpoint 9 along Westbound Cushing Parkway is inaccurate and misleading: “. the I-880-B Alternative would introduce prominent vertical forms along the south side of Cushing Parkway. With the exception of the removal of some trees that would be necessary in close proximity to the right of way, minimal changes would occur to existing landforms and vegetation.... The introduction of the new structures would result in a moderate degree of visual contrast.”

Once again, the degree of “understatement” is hard to justify and seems to indicate a bias in the analysis. In this location, Cushing Parkway traverses the substantially developed Northrop Business Loop Business Park, including Lam Research Corporation. This area has beautiful and relatively mature landscaped frontages and is free of any overhead transmission lines. It has, by any objective measure, a very high visual quality.

The photo simulation of Key Viewpoint 9 on Figure C.12-11 illustrates the overpowering and out-of-scale impact of the transmission lines on this high-quality business park. The verbal description in the text does not do justice to the visual illustration of the photosimulation. PG&E planners estimate that 321 trees will be removed as part of the “I-880-B Alternative,” many in this location. The EIR merely states “ some trees” would be removed. This continuing lack of objective assessment of impacts once again raises questions as to the biased approach of the EIR preparers. Even if the trees were replaced with lower growing trees, it would take a long period of time before this area would recover even a portion of its current character,

and would forever be blighted by the introduction of large powerlines and pylons. It is astounding and troubling that the DEIR did not conclude that the introduction of powerlines in this area constituted a significant and unmitigated visual impact.

Key Viewpoint 10 presents a photosimulation of the experience on I-880 with the introduction of the transmission lines in the "I-880-B Alternative." The text in this case continues to be disappointing and inaccurate. On page C.12-22, the EIR states that: "the I-880-B Alternative would introduce a series of prominent vertical forms along the west side of I-880. With the exception of the removal of some trees that would be necessary in close proximity to the right of way, minimal change would occur to existing landforms and vegetation.... Although the transmission tower structures would not be characteristic of the existing low, horizontal, geometric structures of the adjacent business/industrial parks of the low linear profile of I-880, the intensity of development along the I-880 corridor would help to absorb the moderately contrasting structural forms." This language and conclusion in the DEIR seem contrary to the simulation itself. Moreover, any visit to this location would clearly demonstrate the clear and significant potential visual impacts of the project in this location. This portion of I-880 is open and pleasant, with no sound walls and open views to the hills to the east and the Bay to the west. There are no transmission towers or lines on this portion of the interstate. The introduction of these transmission lines and towers will be significant and blighting.

Again, the "point of view" of a particular simulation can be further misleading. For example in regard to Viewpoint 10, the DEIR preparers failed to take into account the view looking west. Had they done so, they would have shown some of the City's newest hotels, the majority of which were completed within the past two years through extensive redevelopment and business recruitment efforts. There are seven (7) hotels and motels immediately adjacent to this portion of I-880 with 1,013 rooms and three (3) more hotels within a half mile of the interstate with an additional 287 rooms. The seven hotels and motel are the Courtyard by Marriott, Hampton Inn, Homestead Village, La Quinta Inns & Suites, Marriott Hotel, Good Nite Inn and the Ess Technology Motel. The Hotels within a half-mile are Crawford Suites, Fremont Econolodge and Fremont Quality Inn. The addition of the powerlines along I-880 will lead to blighted views from hotel rooms on second and third and fourth floors, and possible EMF disturbance of guests trying to complete work.

In addition to the hotel guests, the proposed I-880 B alternative will have a significant detrimental impact on the views of employees who work in the Bayside Business Park (620 businesses and an estimated 22,700 employees) west of I-880. There are 5,400 employees who work at NUMMI on the east side of I-880. There are motorists who make approximately 170,000 trips a day on this portion of I-880. An adequate photo simulation would show the visual blight that these hotel guests, employees, and passing motorists would observe. There would be an estimated 242,000 people subjected to these views on a daily basis and there is a lack of adequate analysis of these impacts in the environmental document.

In conclusion to this section, the City of Fremont cannot understand how the DEIR failed to conclude that the visual impacts of the "I-880-A and -B Alternatives" were significant and could not be mitigated. The inadequate assessment and lack of identification of this issue as a significant impact of the "environmentally preferred alternative" alone warrants a completely revised and more thorough assessment of this impact and recirculation of the DEIR.

Inadequate Assessment of an Underground Alternative.

As is discussed in more detail below, we can identify little difference in the environmental impacts of the over-ground alternatives, other than the visual impacts of the "I-880-A and -B Alternatives" which are significant and unmitigated. As presented in the following discussion, it is clear that an underground alternative would have few if any visual impacts and have equivalent or less environmental impact in relation to the other alternatives and preferred project. However, an underground alternative is only

partially assessed, and even that assessment seems at times to be biased and inadequate and understates its environmental benefits.

The “Underground Through Business Park Alternative” (UTBP) addresses only a portion of the route through Fremont. The City strongly recommends that a full underground alternative through Fremont be identified (with the assistance of the City) and that a more careful evaluation be conducted of this alternative. While the City recognizes that such an alternative may have a higher direct cost than overground options, economic costs should not preclude its consideration in an environmental document. If costs are to be considered, than the blighting and economic impacts on the City of Fremont of the overground alternatives should also be weighed in considering which alternatives to evaluate.

In regard to the assessment of the partial “Underground through Business Park Alternative” (hereafter referred to as the “UTBP Alternative,” although it is only a partial alternative) the largest impact identified in the DEIR is in respect to Hydrology and Water Quality. However, the DEIR concludes that those hydrologic and water quality impacts associated with the “UTBP” alternative can all be reduced to a less than significant level with appropriate mitigation measures. Moreover, page C.6-30 of the report acknowledges at least some benefit to the underground alternative in relation to the preferred alternative: “In terms of groundwater, one advantage of the UTBP Alternative over the proposed route is the avoidance of the deep foundation drilling for the nine towers between MP2.7 and 4.1.”

With respect to Air Quality impacts and the “UTBP” Alternative,” the EIR states that trenching operations would create more emissions because it would require excavating a trench 6 to 7 feet deep. This statement on page C.2-17 is the end of the analysis and provides no basis for comparing alternatives or determining the significance of the impact. The analysis of the “Proposed Project” (page C.2-13) identified potential PM₁₀ emissions from trenching activities associated with the project and found that with appropriate mitigation measures, the potential impacts would be reduced to a less than significant level.

In further evaluating the underground alternative, the EIR should consider other routes besides the “Underground Through Business Park Alternative,” and should consider the use of horizontal drilling as an alternative to trenching, both in terms of the cost incurrence and the environmental impacts. Depending on the route(s) analyzed, the EIR also should consider the efficacy of undergrounding existing transmission lines at the same time that the new lines are undergrounded.

One of the key impacts of the overground alternatives relates to potential bird impacts with wires and structures. In fact, bird collisions is the only impact of the overground alternatives the DEIR finds cannot be mitigated to a less than significant level with respect to Biological Resources. Page C.3-74 of the EIR finds that the UTBP Alternative would avoid this significant impact: “The underground alternative avoids Salt Pond A23 and therefore would eliminate bird collisions there and along the west side of the business park. The absence of towers in the business park area would reduce potential predation impacts. This alternative would also reduce construction impacts to nesting western snowy plovers in Salt Pond A23, breeding saltmarsh common yellowthroat and Alameda song sparrows between Mileposts 2.5 and 2.7, and burrowing owls near Milepost 4.1. Construction of the underground segment would be in developed areas and would not affect any sensitive biological resources.”

The EIR also should acknowledge that the avoidance of the bird strike issues associated with undergrounding is a benefit to the public at large, not solely to Fremont, and that the cost of undergrounding can be justified by that greater benefit. The undergrounding is not purely a matter of aesthetic benefits for Fremont, but a matter of general interest and concern.

Finally, in the Land Use and Public Recreation section the DEIR states that the “Underground Through Business Park Alternative” would have the same inconsistencies with local and regional planning documents as other alternatives. This is inaccurate. For example, on page C.7-42, the DEIR discusses the Bay Conservation and Development Commission’s San Francisco Bay Plan related to appearance. It is

difficult to understand how the visual impacts of an underground alternative would be the same as for overground alternatives.

An unbiased reading of the report, and especially of the critical biological section would seem to lead to the conclusion that an underground alternative is the true “Environmentally Superior Alternative.” When the significant and unmitigated visual impacts are added to the biological impacts, then an underground alternative clearly becomes the environmentally superior alternative. An underground alternative would address the only two significant and unmitigated environmental impacts of this project. As noted previously, the City of Fremont strongly recommends that an underground alternative be pursued through further definition and analysis.

Bias and lack of basis for the selection of a “environmentally preferred alternative

The Draft Environmental Impact Report presents an abundance of detail on the impacts of the “Proposed Project” and the “I-880-A and I-880-B Alternatives.” Our section by section review of that analysis fails to identify any significant differences between the environmental impacts of the supposedly “Environmentally Preferred Alternative” and the “Proposed Project”. For the most part, the impacts are nearly identical. In some cases, the impacts of the “I-880-A and I-880-B Alternatives” are worse. Yet, somehow, the consultants concluded that the “I-880-A and -B Alternatives” would be environmentally superior. We believe that assertion is unfounded, as discussed below.

Page ES-10 states that some of the alternative alignments would have the potential to generate more emissions than the “Proposed Project”. The alternatives would involve construction of more transmission structures and would generate more emissions than the proposed project (p. C.2-17).

Page ES-11 of the document states that potential impacts to biological resources of the four transmission line route alternatives are similar to those of the proposed project because they cross similar habitat types.

Page ES-14 states that the significant impacts related to hydrology and water quality caused by the I-880-A Alternative are nearly identical to the proposed project. Impacts from the I-880-B Alternative are also very similar to the proposed project with an added potential impact to the Fremont Flood Control Channel.

Page ES-16 states that 9 of the alternatives would result in the same inconsistency with Bay Plan policies identified in the project as a significant, unmitigable impact (these include the I-880-A and I-880-B Alternatives). These 2 alternatives would also result in the significant, unmitigable impact related to conversion of Prime Farmland.

Page ES-20 states that Alternative I-880-B would likely have greater adverse traffic impacts as it would increase the number of roadway crossings significantly. Furthermore, the proposed route would potentially conflict with plans for a partial cloverleaf interchange at West Warrant Avenue/Mission Boulevard.

In the body of the EIR, there is additional information on the similarities of impacts. For example, page C.6-30 of the report notes that significant impacts to Hydrology and Water Quality caused by the “I-880-A Alternative” are nearly identical to those described for the “Proposed Project.” However, the EIR is deficient as it states that the “Proposed Project” would pass through the SF Bay National Wildlife Refuge but it fails to state that the “I-880-A Alternative” would pass through what the report refers to as the Pacific Commons Preserve. As described elsewhere in this analysis, a portion of the Catellus project up to the freeway is now committed to being part of the Preserve and the lines would therefore be required to cross a portion of the preserve under any of the alternatives.

In fact, a close review of the Hydrology and Water Quality Impacts Section shows that impacts from the “Proposed Project” the “I-880-A and I-880-B Alternatives” and the “Underground Through Business Park Alternative” are quite similar and these impacts can all be mitigated to a less than significant level.

The only area in which the EIR admits to a distinction between the “Proposed Project” and the “I-880-A and I-880-B Alternatives” is with respect to Biological Resources. Page C.3-63 identifies potential bird collisions as a Class I “significant and unavoidable impact of the project.” The actual text does not support this conclusion. Page C.3-63 states: “It is impossible to predict the magnitude of bird mortality from the transmission line without extensive information about bird species and movements in the project vicinity. These data are not available for the proposed transmission line route.” The EIR also states that: “In general, several transmission lines within a single corridor are expected to be more visible to birds than single lines (APLIC, 1994). Additional bird mortality is expected to be lower when a line is constructed within an existing corridor than when it crosses new areas. In addition, the visibility of the new line will be enhanced by its bundled conductors, that is, two large conductors tied together. However, no studies have been done of the relative mortality rates of birds of bundled versus single conductors. Several studies have documented that most bird strikes are caused by the static wire, a smaller diameter wire that is placed above the conductors.” Page B-10 in the project description of the EIR notes that the “Proposed Project” is characterized by bundled conductors.

The applicant, Pacific Gas & Electric, has also disputed this point in the EIR. In documentation associated with the California Public Utility Commission testimony on this project, Pacific Gas & Electric asserted that there are various studies that have shown there are effective means of reducing the risk of bird collisions with transmission lines. The use of a device called a Bird Flight Diverter (“BFD”) enhances the visibility of the transmission line. Use of these devices in Europe has reduced the average mortality due to bird collisions by as much as 90 percent.

The Land Use and Public Recreation section of the DEIR further demonstrates what seems to be a pervasive bias in the analysis that has led to the incorrect conclusion regarding the comparative impacts of the alternatives and the “Proposed Project”. Page C.7-40 of the DEIR identifies the visual impacts of the “Proposed Project” on workers with offices facing the wetland mitigation pond in the Bayside Business Park. The implication of this DEIR section is that the impacts on the Bayside Business Park are an important (but not environmentally significant) impact of the Proposed Project. There are four points to make in regard to this implication:

First, a field visit to the Bayside Business Park shows there are few if any windows that face the wetland mitigation pond which would be affected by the addition of the towers and wires. While the view is beautiful, the vast majority of site development is oriented with parking and loading facilities immediately adjacent to the wetland mitigation pond. Also, the view of the pond is currently marred with power lines in the foreground and the Newby Island Landfill in the background. Transmission towers in this particular location would be above the view of the wetland mitigation pond. We would agree that a few office workers will be impacted by the “Proposed Project.” But in comparison, the number of people affected by the “I-880-A and I-880-B Alternatives” is significantly greater.

Second, the bias that seems to pervade the DEIR’s analysis is noticeable on pages C.7-52 and 53. This section analyzing the potential impacts of the “I-880-A Alternative” says nothing about the visual impacts to current business park workers in the existing Northport Loop. There is a one-sentence reference to Section C.7.1.3.3 for a discussion of “planning policies potentially applicable to this alternative.”

Third, Section C.7.3.2.3 overlooks the importance of the new wetlands to be added to the Don Edwards San Francisco Bay Wildlife Refuge immediately adjacent to I-880. This section states that the use of the “I-880-A Alternative” would avoid an impact related to inconsistency with the Fremont General Plan Open Space Policy OS 2.1.2. This is simply not true. Transmission towers and lines along this section of I-880 would be adjacent to the Wildlife Refuge and would be equally inconsistent with this Fremont General Plan policy which states that “Land uses and activities in areas adjacent to the Wildlife Refuge must be compatible with, and, if possible, should promote the goals of the Refuge.” In some respects lines along I-880 despoiling an existing pristine view into the refuge would be even more detrimental to the General Plan

policy because, as it currently exists, thousands of people each day have an opportunity to enjoy the visual open space presented by the refuge. That daily visual access helps to promote the importance of this critical but often under-appreciated natural resource.

Fourth and finally, while the analysis on page C.7-40 for the “Proposed Project” identifies a serious impact in regard to the impacts on the Bayside Business Park, discussed above, the DEIR (page C.7-53) fails to conduct a similar analysis of the “I-880-B Alternative.” Page C.7-53 appropriately notes that the “I-880-B Alternative” will be in front of a high technology office and light industrial development, a hotel and the Northport Center, commercial businesses, four more hotels, the New Motors automobile factory and the Bayside Business Park. But the DEIR then fails to mention the serious operational impacts to these businesses of that alternative. Unlike the parking and loading facility location noted at the rear of the Bayside Business Park, the transmission lines on Cushing Parkway would be located in a beautifully landscaped street along the frontages of major businesses in Fremont, including Lam Research Corporation. There is no mention of the visual impacts to the 242,000 current daily visitors to this portion of the “I-880-B Alternative” route. The EIR only notes temporary construction inconveniences to the office and industrial workers.

We believe that the DEIR fails to make a sufficient case that the “I-880-A and -B Alternatives” are environmentally superior. Had the DEIR done an adequate job of evaluating the visual and other impacts of the “I-880-A and -B Alternatives,” we believe that the only possible conclusion would be opposite to that reached by the DEIR: that the “I-880-A and -B Alternatives” clearly have greater unmitigated environmental impacts than the “Proposed Project.” This is a fundamental flaw in the DEIR and must be corrected to allow for adequate public and agency understanding of the alternatives.

Poor Evaluation of Socioeconomic Impacts

In the Socioeconomics and Public Services section of the EIR there is a discussion of potential economic impacts of the project. Page C.10-13 and C.10-14 states that: “Depending on visual impacts, each alternative will have slightly different impacts on specific parcels in terms of possible property value impacts.” This is an understatement.

Creation of a corridor of heavy industrial power infrastructure adjacent to land which will provide expansion space for businesses growing in Silicon Valley will reduce the competitiveness of the City of Fremont in attracting and retaining highly skilled and educated workers who value quality of life. Businesses are poised to invest billions of dollars in the City of Fremont relying on the scenic beauty and quality of life the City offers. The alternatives being proposed endanger the City of Fremont’s ability to realize the benefits of that investment.

The City of Fremont currently has 38 miles of transmission line corridors. There are nine corridor segments with multiple lines in most of the corridors. The visual blight is already significant. But no where in Fremont do transmission lines run parallel along an interstate freeway. They cross the interstate freeways creating a momentary impact then disappear for the driver. A transmission line along the interstate will block the views of the many new and attractive buildings Fremont has attracted at great expense and effort and the view of refuge lands for the 212,500 motorists who will see them from their automobiles. It will blight the view of the new Pacific Commons project and reduce its image and desirability.

The City has invested millions of dollars of its redevelopment agency’s funds on freeway interchanges and has worked with developers to assure that the citizens of Fremont receive the long awaited benefits of this growth. Developers will contribute half the cost of building freeway interchanges to facilitate this growth through payment of traffic impact fees.

The indelible mark of the overhead facilities and their associations with heavy industrial development will affect the future business mix in the City of Fremont. It could reasonably be expected to shift future development and business occupancies from high value, high-income software and e-business firms to manufacturing and warehouse businesses which pay lower wages and employ fewer people. These costs are not easy to analyze but are potentially significant with accompanying environmental effects in regard to the potential for long-term blight.

Given the growing need for the business parks in Fremont to house Silicon Valley businesses and the plan for over eight million square feet to house 25,000 employees of the Pacific Commons project, the addition of another overhead power line corridor in this area is a significant and unnecessary burden to the City.

Lack of assessment of a reasonable range of alternatives

Section B of the EIR provides information on the “Proposed Project” and the various alternatives, including the rationale for studying or eliminating various alternatives. At least two alternatives were either not fully evaluated or were given short shrift. As described earlier in this review, an underground alternative was only partially identified. The “Underground Through Business Park Alternative,” does not include an underground alternative for the first segment of the route that would correspond to the “I-880-A Alternative” portion of the route. The analysis and conclusions in relation to the one underground portion that was examined seems to lack sufficient objective and complete analysis. A more complete evaluation of this alternative is necessary as such an alternative would eliminate the significant biological and visual impacts of the alternatives and would seem to be the true “environmentally preferred” option.

Other Alternatives

The City of Fremont has consistently recommended alignments for this project that are generally to the west of the business park area as our preferred approach to overhead transmission lines. As we’ve noted in this report, the underground alternative may be a reasonable approach. If those alternatives prove infeasible, the City would like to be apprised of the parameters associated in identifying these alternatives so that we can better assist the generation of a reasonable range of alternatives that might meet the City’s interests, and those of PG&E and the other parties involved. For example there is an existing PG&E right of way with large power lines through the Bayside Business Park, one that is shielded from both I-880 and the wetland mitigation pond. This is the right of way identified as the “Underground Through Business Park Alternative.” However, there is no discussion of why this right of way is inadequate as an alternative overhead line alternative. Likewise, there is no discussion of intensifying the use of existing towers, or of reducing the existing separation between multiple towers so that another can be placed without expanding the existing affected area of the towers. The City would be interested in assisting this process of alternatives selection and analysis if given the opportunity and the information needed to do so.

Public Health, Safety, and Nuisance

There are a variety of potential impacts of the “I-880-A and I880-B Alternatives” in this category. Page C.9-15 of the EIR identifies of potential impact of transmission line operation causing interference with radio/television signals or computer monitors. The proposed mitigation measure, identified as PS-2, would merely require the Applicant to respond to and document all radio/television/equipment interference complaints received. All unresolved disputes shall be referred by PG&E to the California Public Utilities Commission for resolution. This is clearly not a mitigation under CEQA. Referral to the PUC for undisclosed and unidentified action does not mitigate a potential impact. The fact that this mitigation measure is identified indicates a lack of sufficient documentation of the problem. Both Lam Research Corporation and ProLogis have indicated their concern about electric and magnetic field impacts on their businesses. There are significant real estate impacts relating to renting space next to these transmission lines because of their effects on sophisticated electronic equipment. It would be short sighted to construct

these transmission lines next to these businesses hoping that unresolved disputes could be resolved by the CPUC. It would be far preferable not to construct them in these sensitive locations in the first place.

Lack of Identification of Cumulative Impacts

Section 15130 of the California Environmental Quality Act requires that “An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in section 15065.”

The City of Fremont currently has 38 miles of transmission line corridors. There are nine corridor segments with multiple lines in most of the corridors. At Auto Mall Parkway alone there are three sets of transmission lines that cross I-880 to go to the Newark Substation. The visual blight is overwhelming.

No where in Fremont do the transmission lines run parallel along either the 880 or 680 interstates. They cross the interstate freeways creating a brief impact. A transmission line along the I-880 will block the views of the many new and attractive buildings Fremont has attracted to this established and growing area.

There are reasons of history, geography and timing that have left Fremont with this abundance of visible, unsightly power facilities which benefit the entire region. The attitude of the DEIR seems to be one more transmission line will not impact Fremont. This is not the case. The impact of the so-called “Environmentally Superior Alternative” represented by the “I-880-A and I-880-B Alternatives” would not only add to this vast array of visual blight already existing in Fremont; it would also add a new aspect of this blight – transmission lines paralleling the interstate in an area poised for significant economic development for the Bay Area Region.

The DEIR does not mention nor analyze this significant and cumulative impact to the City of Fremont. In fact, the cumulative impacts section of the report includes one page of text and a summary of projects in other jurisdictions. The City of Fremont believes the cumulative impacts of additional transmission lines in the City of Fremont should be identified and analyzed.

Inadequate Notice

In terms of the “I-880-B Alternative,” there was new information that was not adequately described or analyzed that could have a significant adverse impact on the environment. At a July 6, 2000 informational meeting, City of Fremont staff was informed that an alternative alignment was being worked on as a result of the I-880/Mission Boulevard interchange currently in the planning stages. (The design of the interchange is scheduled to be completed next July with construction starting in late fall of 2001 or spring of 2002). The EIR document, in Figure B.6-3 on page B-55 shows an alignment on the I-880 frontage in the area to the southwest of the intersection of Mission Boulevard and I-880. To account for the I-880/Mission Boulevard plans, a preliminary plan, based on PG&E surveys and Caltrans maps, was prepared to change the route of the “I-880-B Alternative” along a portion of Lakeview Boulevard. Other than receiving verbal notice at the meeting and a document delivered “overnight” showing the changes, there was no mention of this change in the EIR. In our view, this constitutes new information under section 15088.5 of the California Environmental Quality Act (CEAQ). The City of Fremont is uncertain as to whether or not property owners of existing and proposed businesses directly affected by this change of Lakeview Boulevard were notified of the route change in the “I-880-B Alternative.” This should be done as part of a recirculated EIR.

Finally, as noted earlier in this report, most people associated with projects such as this recognize that an “alternatives analysis” is to look at alternatives for comparison purposes so that other alternatives may ultimately be considered. However, given the magnitude of this project and its potential impacts, it seems incumbent on decision makers to give property owners who may be affected by a decision an opportunity to comment on it. With the advent of the “environmentally superior alternative” as a strong candidate to become the “preferred project”, it is critical that those affected have an opportunity to evaluate that

alternative before it is approved. Prior to an alternative becoming “the project” we recommend that adequate notice be given to the businesses located along the alternative alignment and the DEIR circulated to them so that they can be apprised and have an opportunity to comment on it.

Conclusion

The City of Fremont believes the DEIR is fatally flawed in several respects:

- Inadequate evaluation of visual impacts. The visual impacts of the “I-880-A and-B Alternatives” should clearly have been identified as significant and unmitigated.
- Inadequate evaluation of an underground alternative and lack of identification of this alternative as the true environmentally preferred alternative.
- Incorrect determination of the “I-880-A and -B Alternatives” as the “environmentally superior alternative” despite significant evidence to the contrary.
- Lack of evaluation of a reasonable range of alternatives.
- Incomplete and inadequate socio-economic impact analysis
- Inadequate notice.

Any one of these failures of this DEIR should lead to significant revisions and a revised Draft EIR for a new round of public review and comment. Together the inadequate, incomplete and biased DEIR calls into question whether even significant revisions can lead to the objective and complete report required by CEQA. We strongly recommend that this process consider a revised approach that includes a more objective and thorough analysis of alternatives, involves affected parties in considering impacts, and establishes reasonable parameters and an adequate opportunity for public comment prior to the selection of any “preferred” or so-called environmentally superior alternative. Section 15088.5(a) 4 requires recirculation when there is a finding that “The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” We believe this is the case in this instance.

Sincerely,

Jan Perkins
City Manager

Cc: City Council