

6.0 Responses to Comments

On August 3, 2010, the California Public Utilities Commission (CPUC) circulated a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for Pacific Gas & Electric Company's (PG&E's or the applicant's) Palermo–East Nicolaus 115-kV Transmission Line Reconstruction Project (the project; Application A.09-02-023) to the public and public agencies pursuant to the California Environmental Quality Act (CEQA), Section 15072. The CPUC sent the NOI to 704 agencies, tribes, elected officials, organizations, residents, and other interested parties. The NOI announced a public meeting that was held on Thursday, August 19, 2010, at 7:00 p.m. at the Yuba County Library in Marysville, CA, where the public was invited to comment on the project and the Draft MND/IS. The public meeting and Draft MND/IS were also announced in the *Appeal-Democrat*, *Chico Enterprise-Record*, and *Oroville Mercury-Register* newspapers on August 14, 2010.

A Notice of Completion (NOC) of the Draft Mitigated Negative Declaration and Initial Study (MND/IS) was sent to the California State Clearinghouse. Submittal of the NOC to the State Clearinghouse opened a 30-day public review period, which ended on September 3, 2010. The CPUC posted the Draft MND/IS on its website and made electronic and hard copies of the document available at the Butte County, Sutter County (Main), Sutter County (Browns Branch), and Yuba County libraries. The MND/IS is available on the Internet at http://www.cpuc.ca.gov/Environment/info/ene/palermo/Palermo_East_Nicolaus.html.

During the public review period for the Draft MND/IS, the CPUC received comments from public agencies, individuals, and the applicant. Comments were submitted verbally at the public meeting and in writing via facsimile and email. The following sections present the comments received, and responses are provided immediately following each comment. Verbal comments received during the public meeting are summarized and responses are provided in Section 6.1. Written comments received from public agencies, individuals, and the applicant are provided in Sections 6.2, 6.3, and 6.4. They are presented in the order received and grouped into the following categories:

- A: Comments from public agencies
- B: Comments from individuals
- C: Comments from the Applicant

6.1 Public Meeting Comments Summary and Responses

This section provides responses to verbal comments received from individuals during the public meeting about the Draft MND/IS. Five people attended the public meeting and three of them made comments. Their comments are summarized and responses are provided in this section.

Structure Height

One of the commenters was contacted by a representative from PG&E who explained that the company was proposing to access the existing transmission line on his property to construct the proposed project. At the meeting, the commenter had several questions about the project and how it would be carried out. The commenter was referred to the applicant for specific questions about construction and operation of the project.

The commenter requested further information about the differences in height between the existing transmission structures and those to be installed. Chapter 1.0 of the MND/IS explains that the existing

structures range in height from 75- to 95-feet tall, with the typical height being 76 feet. These poles would be replaced with approximately 85- to 120-foot tall poles. Each new pole is described in Tables 1.8-2 and 1.8-3 and can be located in Figures 1.8-2a to 1.8-2f.

The commenter also requested discussion in the MND/IS about the impact of increased structure heights on aircraft and waterfowl. Aircraft and airstrips are further discussed in the following section and in Section 3.8, Hazards and Hazardous Materials. Waterfowl and other avian species are not likely to be impacted by the proposed increase in pole height. There are several reasons for this, including avian habituation to human-made objects and human activities (Slabbekoorn and Halfwerk 2009; Grubb, Delaney, Bowerman, and Wierda 2009), and flight patterns during migrations.

The transmission line is existing and construction of the proposed project would increase the height of some transmission line structures by approximately 25 feet. Birds in the area are habituated to the existing system. Although collisions with infrastructure and electrocutions to birds may occur, the risk of collisions would likely not be increased due to the proposed increase in pole height. During migrations, the vast majority of migrating birds, including waterfowl, fly between 300 and 2,500 feet above ground (Kerlinger 1995). This is well above the tallest proposed transmission poles (120 feet).

In addition, reconductoring of the system will be conducted in accordance with the applicant's *Avian Protection Plan and Raptor Safe Construction and Wildlife Protection Standard*. The standard is based on the Avian Power Line Interaction Committee guidelines (2006). The guidelines are the basis for industry standards that are engineered to reduce impacts on birds from collision with power lines and associated structures and electrocution. The California Energy Commission (2005) has documented several studies where incorporation of the guidelines reduced the frequency of collision and electrocution of birds.

Farmland Disturbance and Airstrips

The next commenter requested clarification about Table 3.2-3, Estimated Farmland Disturbed by Project, in the Draft MND/IS. Table 3.2-3 indicates that fewer than 220 acres of farmland would be temporarily disturbed during construction of the project and that there would be 0.0 acres of permanent disturbance. The source for these calculations was the Proponent's Environmental Assessment, which was submitted with the project application to the CPUC (PG&E 2009).

The data for total farmland in the project regional area provided in the PEA were verified by checking the values reported by the California Department of Conservation (CDC 2006a, CDC 2006b, CDC 2006c). In the Final MND/IS, Table 3.2-2, Farmland in Project Regional Area, was updated with the latest data from the CDC (2008a, 2008b, 2008c).

The same commenter also stated that some of the airstrips near the project route were not documented in the MND/IS. After the meeting, the commenter sent a message to the project email address with an attachment showing the location of four private agricultural airstrips north of Marysville, CA and east of State Route 70: Pacific Valley Farms Airstrip, Shintaffer Airstrip, NorthTree Ranch Airstrip, and Rancho Cenedella Airstrip (Section 6.2, Responses to Comments from Individuals Received During the Public Review Period, B1 James Hill).

Although each of the airstrips appear to be within 2 miles of the proposed project route, the impact determination for checklist item "f" in Section 3.8, Hazards and Hazardous Materials, would remain unchanged. The analysis for item "f" uses Siller Bros Inc. Aviation's private airstrip, which is also located within 2 miles of the project route, as a basis for analysis. Under checklist item "e," it is determined that

since the poles to be installed for the proposed project would not be greater than 120-feet tall, no obstruction to navigable airspace would occur. See also the analysis for checklist item “c” in Section 3.16, Transportation/Traffic.

The FAA requires notice about construction or alteration projects that exceed a height restriction of 200 feet above ground level per Federal Aviation Regulations (FAR) Part 77. Since the existing steel towers range in height from 75 to 95 feet and the replacement structures would range in height from 80 to 120 feet, the project would not constitute a new obstruction to navigable air space under FAR Part 77. Local ordinances and general plans, including the Yuba County Airport Comprehensive Land Use Plan (SACOG 1994), were reviewed for policies and ordinances associated with crop dusting, but none would apply to the proposed project. The owners or operators of each of the four private agricultural airstrips north of Marysville, California and east of State Route 70 that were listed in the email from Commenter B1, James Hill, have been added to the mailing list for the proposed project.

Dewatering and Rice Fields

Another commenter asked how much land would be dewatered to accommodate construction of the proposed project. The installation of temporary berms would be needed for some wetland and rice cropland areas to be dewatered for the installation of new structures and removal of existing structures. Approximately 17.35 acres of rice fields would be temporarily (one season) impacted by construction activities within temporary work areas and access roads. Additionally, approximately 298.40 acres of rice fields would be fallowed for one season due to other project related activities.

A total of 0.054 acres of permanent fill would occur where 56 new structure footings are proposed for placement in wetlands or other waters. These placements would include 41 footings in rice fields. The maximum impact acreage per tower footing is estimated by the applicant to be a 7.5 feet diameter circle of 0.001 acres per permanent tower footing. Approximately 0.041 acres would be permanently impacted in the rice fields (Section 3.4, Biological Resources).

Under Mitigation Measure BIO-1, the applicant will ensure the restoration of fallowed fields. In addition, as part of the applicant’s Project Damage Assessment and Resolution Program and per the applicant’s right-of-way joint use policy, farmers would be fully compensated for the temporary loss of the portion of their land affected by the project (Section 1.8.5.5, Cleanup and Post-Construction Restoration).

Clean Up, Restoration, Schedule, and Levee Impacts

The last person to comment at the meeting asked about the restoration process and how clean up would be ensured on private property. Cleanup and post-construction restoration is discussed in Section 1.8.5.5 and applies to both public and private property. Once cleanup has been completed, on a case by case basis, the work areas would be inspected on foot with the specific property owners to make sure that their concerns have been addressed. When all construction is completed, there would be a final walk down of the work areas with the crews and the biological monitor to ensure that proper cleanup and landscape restoration has been carried out.

Additionally, there are a number of APMs and mitigation measures to ensure cleanup and restoration. Each of the APMs and mitigation measures are include in the Mitigation Monitoring, Reporting, and Compliance Plan (Chapter 5) and are required to be implemented as part of the project. The Plan has a section on dispute resolution. The purpose of the Plan is to ensure effective implementation of the APMs and mitigation measures required by the CPUC and that the applicant has agreed to implement as part of the project.

The commenter then asked when the construction project would begin and how far the new lines would be spaced from existing structures. The construction schedule is provided in Section 1.8.5.7. Construction is expected to begin late 2010 or early 2011 and last approximately 12–18 months. Construction would be performed in approximately six geographic stages along the transmission line, with each stage ranging from one to three months in duration. The new transmission line would be constructed approximately 25 feet from the centerline of the existing line.

The commenter also asked if there had been coordination with the levy commission. It is assumed that the commenter was referring to the Three Rivers Levee Improvement Authority, based in Marysville, California. The Three Rivers Levee Improvement Authority is on the mailing list and has been notified about the proposed project. The Central Valley Flood Protection Board and United States Army Corps of Engineers were also notified about the project. In addition, the analysis in Section 3.9, Hydrology and Water Quality, was modified for item “i,” impacts from failure of a levee or dam, in the Final MND/IS based on a comment from the applicant received during the public review period on the Draft MND/IS (Section 6.4, Responses to Comments from the Applicant Received During the Public Review Period). The applicant stated that they have already consulted with the Central Valley Flood Protection Board and will further consult with the Board regarding potential impacts on floodways and levees.

6.2 Responses to Comments from Public Agencies Received During the Public Review Period

This section provides responses to comments about the Draft MND/IS received from public agencies and their representatives.

A1 Phyllis Smith

From: Phylesmith@aol.com [mailto:Phylesmith@aol.com]
Posted At: Thursday, August 12, 2010 2:09 PM
Posted To: PalermoMail
Conversation: Palermo-East Nicolaus Project
Subject: Palermo-East Nicolaus Project

The Sutter County Historical Society received a Notice of Intent to Adopt a Mitigated Negative Declaration for application A.09-02-023. I have a question about the project.

There are existing Milliken towers which currently support transmission lines. Specifically where are those towers located?

Thank you very much.

Phyllis Smith
Secretary/Treasurer
Sutter County Historical Society

Response to A1

The transmission line to be replaced is an existing double-circuit tower line that carries two individual 115-kV circuits between the applicant's Palermo and East Nicolaus Substations. Both circuits would be reconductored. In order to accommodate reconductoring, replacement of the existing Milliken towers would be required. The towers to be replaced are Milliken. Figures 1.8-2a through 1.8-2f and Appendix B1 in the Draft Mitigated Negative Declaration/Initial Study (MND/IS) show the locations of the existing towers. The project overview map in the Notice of Intent shows the location of the proposed route. The figures are located in Chapter 1.0, Background Information.

The Palermo–East Nicolaus Transmission Line¹ and Palermo–Rio Oso No. 2 Transmission Line and associated towers were evaluated in the cultural resources inventory and evaluation report prepared for the proposed project (ICF Jones & Stokes 2008). The towers were evaluated for their cultural significance, eligibility for listing in the National Register of Historic Places and California Register of Historic Resources, and historical significance under Section 106 of the National Historic Preservation Act and CEQA. It was determined that the lines and towers are not associated with events that have made a significant contribution to the history of the local area, region, state or nation; are not directly associated with a person who made significant contributions to local, state, or national history; are not the works of a master; and do not possess high engineering value. Although the lines and towers can provide information about historical methods of construction, the alignments do not stand to yield significant historical information, and therefore, do not serve as primary sources in this regard (ICF Jones & Stokes 2008). The

¹ The Palermo–Pease Transmission Line is adjacent to the Palermo–East Nicolaus Transmission Line. Five structures on the Palermo–Pease Transmission Line would be replaced and two removed during construction of the proposed project (Table 1.8-3).

entire cultural report, findings, and resource submittal forms (DPR [Department of Parks and Recreation] 523 Forms), including those for the transmission lines and associated structures, were submitted to the California State Historic Preservation Office to ensure that the findings were recorded.

A2 California Department of Transportation

From: Sukhi Johal [mailto:sukhi_johal@dot.ca.gov]
Posted At: Thursday, September 02, 2010 2:24 PM
Posted To: PalermoMail
Conversation: Caltrans Comments -Plermo-East Nicolaus Transmission Line
Reconstruction Project - SCH# 2010082014
Subject: Caltrans Comments -Plermo-East Nicolaus Transmission Line
Reconstruction Project - SCH# 2010082014

Mr. Fisher,

Thank you for incorporating our comments in the MND to work with Caltrans to obtain Encroachment Permits and to create a traffic control plan according to Caltrans requirements for the proposed PG&E Palermo-East Nicolaus 115-kV Transmission Line Reconstruction Project.

Thank You,

Sukhi Johal
Associate Transportation Planner
Caltrans District 3
Office of Transportation Planning - North
703 B St. Marysville, CA 95901
Office (530) 740-4843
Fax (530) 741-5346

Response to A2

Thank you for your comment.

A3 California Department of Fish and Game



State of California-The Natural Resources Agency
DEPARTMENT OF FISH AND GAME

North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor
John McCamman, Director



September 3, 2010

Nick Figone, Project Manager
Ecology and Environment, Inc.
130 Battery Street, 4th Floor
San Francisco, CA 94111
FAX (415) 981-0801
palermo@ene.com

Dear Mr. Figone:

The Department of Fish and Game (DFG) has reviewed the Mitigated Negative Declaration (MND) for the Pacific Gas & Electric (PG&E) proposed Palermo-East Nicolaus 115-kV Transmission Line Project (project). The project consists of the replacement of 45 miles of conductor and lattice steel towers along the Palermo-East Nicolaus 115kV Transmission line in Butte, Sutter and Yuba Counties and replacement of some towers on the parallel Palermo-Pease 115kV transmission line. About 265 new towers would be installed to replace about 280 of the existing 320 towers within the project area. Project construction would take 12 to 18 months. PG&E has applied for a Permit to Construct from the California Public Utilities Commission (CPUC) which is serving as lead agency for the purposes of the California Environmental Quality Act (CEQA).

Wildlife habitat resources include valley oak woodland, nonnative grassland and agricultural areas. Significant natural resources of the project include vernal pools and the riparian corridors of Wyandotte Creek, North Honcut Creek, South Honcut Creek, Jack Slough, Yuba River, Reeds Creek, Dry Creek and Bear River.

California Endangered Species Act (CESA) Consultation

PG&E has initiated informal consultation for an Incidental Take Permit (ITP) under Section 2081 of the California Fish and Game Code for this project because it has the potential to result in take of Swainson's hawk (*Buteo swainsonii*) and giant garter snake (*Thamnophis gigas*), both listed as threatened under CESA. The Department may authorize, by permit, the take of threatened species if: 1) the take is incidental to an otherwise lawful activity; 2) the impacts of the take are minimized, fully mitigated and roughly proportional in extent to the impact. In addition, the applicant shall ensure adequate funding to implement such measures, and for monitoring compliance with them (see California Fish and Game Code Section 2081 (a-d)).

Vegetation types for the project have been mapped as part of Appendix B-1. For the purposes of the ITP, these vegetation types should be cross-walked with habitat requirements for the State-listed species. Temporary habitat impacts should be disclosed and quantified. Permanent habitat impacts should be disclosed and quantified,

A3-1

Conserving California's Wildlife Since 1870

Mr. Figone

2

September 3, 2010

such as the total footprint of tower foundations, associated gravel or other treatments surrounding the foundations, improvements to permanent access roads, and any other permanent changes to the habitat.

A3-1
Cont.

The MND quantifies ground-disturbance as part of Table 1.3-4 on Page 1-33, but the table does not distinguish between temporary and permanent impacts, nor does it specify in what habitat types the disturbance will occur. The table does not appear to include impacts due to permanent road improvements referenced on page 1-9.

All other direct, indirect, permanent and temporary impacts to the State-listed species resulting in decreased reproductive success or other negative effects on the species should be clearly described, and the impacts assessed. Such impacts may include working during the night and in close proximity to Swainson's hawk nests during the breeding season. If it is not possible to avoid impacts to special status species and their habitats, mitigation should be provided which reduces project impacts to a level less than significant.

A3-2

Impacts to Riparian Habitat

Mitigation measure BIO-3 (page 3 and page 3.4-30) states that "No riparian trees or shrubs will be removed during construction outside of the existing ROW in PG&E maintained areas unless required by CPUC General Order 95 and applicable safety codes." In essence, this measure indicates that riparian trees or shrubs will be removed both within the right-of-way, as well as outside of the right-of-way. Does the project include riparian tree and shrub removal? What will be project impacts to riparian trees and shrubs in terms of location and acreage? What is the lead agencies assessment of the significance of this impact, and what mitigation is proposed to reduce this impact to a less-than-significant level?

A3-3

Species of Special Concern and Fully Protected Species

The document appears to state species of special concern (SSC) and full-protected species (FP) are protected under CESA (see page 3.4-3). To clarify, a SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: 1) is extirpated from the State or, in the case of birds, in its primary seasonal or breeding role; 2) is listed as federally, but not State, threatened or endangered; 3) meets the State definition of threatened or endangered but has not formally been listed; 4) is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; 5) has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

A3-4

Fully protected species are listed in Fish and Game Code Sections 3511, 4700, 5050 and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. Impacts to such species may be considered significant under CEQA.

Mr. Figone

3

September 3, 2010

Streambed Alteration Agreement

The document describes several stream crossings, and notes that a Streambed Alteration Agreement (LSAA) may be required for the project. Early notification to the DFG is recommended in order to determine the need for a LSAA. Specific conditions in the LSAA may include site-specific conditions for construction activities and timing. Any work subject to the LSAA may not be initiated until certification of the CEQA document and payment of the appropriate fees. Please contact Kelly Barker, the LSAA contact for the project area at (916) 358-4353 to discuss the project and to obtain a notification packet and fee schedule.

A3-5

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notification should be sent to this office.

A3-6

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Ms. Julie Newman, Staff Environmental Scientist, at (530) 283-6866, or me at (916) 358-2919.

Sincerely,



Jeff Drongesen
Acting Environmental Program Manager

ec: Jenny Marr
Kelley Barker
Bob Hosea
Henry Lomeli
Dale Whitmore
Department of Fish and Game
North Central Region

cc: Jesus Viscarra, Lands Planner
Pacific Gas and Electric Company
Environmental Services Department
350 Salem Street
Chico, CA 95928

Responses to A3

- A3-1 Both temporary and permanent impact acreages are evaluated throughout Section 3.2, Agriculture and Forestry Resources, and Section 3.4, Biological Resources. Permanent impacts are not listed in Table 1.8-4 on page 1-33 of the Draft MND/IS. Permanent impacts are evaluated in Section 3.2 and 3.4. The description of project facilities in Section 1.8.4 did not clearly indicate that the improvements to permanent access roads would be made to existing access roads. Additional impact acreages would not be associated with improvements to existing roads. The section was revised to more clearly indicate that limited improvements would be made to existing roads.
- A3-2 Impacts to the Swainson's hawk and other state-listed and protected species are evaluated in Section 3.4, Biological Resources. As stated in Section 3.4, "Construction activities such as tree and shrub removal and trimming, modification to or removal of existing towers, excavation and grading, and the use of helicopters within or directly adjacent to the project route could result in direct impacts to the nesting of this species. These activities have the potential to cause nesting birds to flush from their nests, possibly resulting in loss of eggs and fledglings. However, through the implementation of APM BIO-22, APM BIO-23, and APM BIO-24 the potential impacts to the Swainson's hawk would be less than significant." Impacts from night lighting are evaluated throughout Section 3.4. See also Mitigation Measure BIO-2, Reduce Construction Night Lighting Impacts on Sensitive Habitats.
- A3-3 It is acknowledged that Mitigation Measure BIO-3 would allow riparian trees or shrubs to be removed if required by CPUC General Order 95 and applicable safety codes; however, the measure also states that the applicant will contact the California Department of Fish and Game prior to construction to determine whether a 1600 Streambed Alteration Agreement is necessary for the project. If riparian trees or shrubs would be removed or otherwise impacted, the applicant would be required to comply with the conditions of the 1600 Streambed Alteration Agreement, if required by the California Department of Fish and Game. At this time, the applicant has not indicated that riparian habitat would be impacted by the proposed project.
- A3-4 The clarifications provided regarding the California Endangered Species Act and CEQA are acknowledged. It was not intended that the MND/IS imply otherwise.
- A3-5 The applicant has indicated that they are aware of the 1600 Streambed Alteration Agreement and need for consultation with the California Department of Fish and Game. In addition, consultation is required under Mitigation Measure BIO-3. All comments received during the public review period for the Draft MND/IS are included in the public record and will be taken into account by decision-makers when they consider the proposed project.
- A3-6 The California Department of Fish and Game is on the project mailing list and will continue to receive notification about proposed actions and pending decisions regarding the proposed project. In addition, the North Central Region Office located at 1701 Nimbus Road, Suite A, in Rancho Cordova, California was added to the mailing list.

A4 Three Rivers Levee Improvement Authority



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218
Marysville, CA 95901
Office (530) 749-7841 Fax (530) 749-6990

September 10, 2010

Palermo–East Nicolaus Project
c/o Ecology and Environment, Inc.
Attn: Nick Figone, Project Manager
130 Battery Street, 4th Floor
San Francisco, CA 94111

Dear Mr. Figone,

The Three Rivers Levee Improvement Authority (TRLIA) was very recently made aware of the Palermo–East Nicolaus Project. Unfortunately, notices were sent to an old address for TRLIA and not forwarded to the proper address. A significant length of this project occurs next to the WPIC West Levee in Yuba County. TRLIA recently completed levee repairs for this reach of levee and any modifications in the vicinity of the levee which could impact levee reliability are a great concern to TRLIA.

A4-1

TRLIA understands and supports PG&E's goal of increasing the reliability of the electrical transmission system in California. However, TRLIA has a goal of providing 200-year flood protection for Reclamation District 784 and any actions which could jeopardize this goal elicit our close scrutiny. Our understanding of the project, is that existing steel truss towers will be replaced with single pole structures. The Initial Study/Mitigated Negative Declaration (IS/MND) gave some information for the project but did not provide enough engineering detail for TRLIA to be comfortable that the actions will not impact local flood protection. Our concerns center on three key areas:

A4-2

1. TRLIA requests that the poles be at least 15 feet from the existing levee landside toe. Corps of Engineers regulations call for a clear access width of 15 feet at the landside toe of levees for maintenance, inspection, and flood fighting purposes.
2. The new deep foundations for the new pole towers, if not constructed properly, could offer a seepage path from pervious sand and gravel layers in the foundation of the levee. Underseepage for Central Valley levees has been shown to be a serious problem. Many of the TRLIA levee repairs have been to control this underseepage.
3. Removal of existing tower foundations, if not conducted properly, could offer a seepage path from pervious sand and gravel layers in the foundation of the levee.

It is unknown how much design has been accomplished on this project. TRLIA would like to coordinate with the design firm for this project and review design drawings and details as soon as they are available. TRLIA is most interested in the structures where the transmission line crosses the Yuba South Levee (Structure Numbers 185 & 186) and where it parallels the WPIC West Levee and crosses the Bear North Levee (Structure Numbers 230 thru 277).

A4-3

A4-4

Mr. Figone
Ecology & Environment, Inc.
September 10, 2010
Page 2

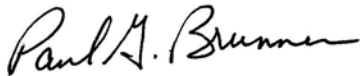
TRLIA recommends that PG&E coordinate with the California Central Valley Flood Protection Board (CVFPB) on this project. The CVFPB is responsible for reviewing all projects which could impact flood project levees. A levee encroachment permit may be necessary for this project. TRLIA is providing a copy of this letter to the CVFPB.

A4-4
Cont.

TRLIA looks forward to working with PG&E's engineers to ensure a successful project that accomplishes both of our goals. For the requested additional coordination, please contact me at (530) 749-5679 or pbrunner@co.yuba.ca.us or the TRLIA Design Manager, Larry Dacus, at (916) 437-7515 or dacus@mbkengineers.com.

A4-5

Sincerely,



Paul G. Brunner, P.E.
Executive Director
Three Rivers Levee Improvement Authority

Cc:

Ric Reinhardt – TRLIA Program Manager
Steve Fordice – Reclamation District 784 General Manager
Len Marino – CVFPB Chief Engineer
Dan Fua – CVFPB Senior Engineer
Ryan Larson – Corps of Engineers Levee Operation and Maintenance
Mary Perlea – Corps of Engineers Levee Safety Section
Kevin Mallen – Yuba County Director Community Development

Responses to A4

- A4-1 The CPUC is aware of the location of the Western Pacific Intercept Canal Levee in relationship to the proposed project and is aware of the recent work completed on the levee. The analysis in Section 3.9, Hydrology and Water Quality, was modified for item “i,” impacts from failure of a levee or dam, in the Final MND/IS to address potential impacts on the Western Pacific Intercept Canal Levee and all other levees in the vicinity of the proposed project route.
- A4-2 Each of the concerns listed are addressed in the revised Section 3.9, Hydrology and Water Quality, in the Final MND/IS.
- A4-3 Please contact the applicant to make arrangements to review design drawings. The applicant has stated that they have already consulted with the Central Valley Flood Protection Board and will further consult with the Board regarding potential impacts on floodways and levees (Section 6.4, Responses to Comments from the Applicant Received During the Public Review Period).
- A4-4 The CPUC is aware of the locations of the Yuba South Levee, Western Pacific Intercept Canal Levee, and Bear North Levee in relationship to the proposed project.
- A4-5 Refer to the response to Comment A4-3 and the revisions to the analysis in Section 3.9, Hydrology and Water Quality, for item “i,” impacts from failure of a levee or dam, in the Final MND/IS.

6.3 Responses to Comments from Individuals Received During the Public Review Period

This section provides responses to comments about the Draft MND/IS received from individuals.

B1 James Hill

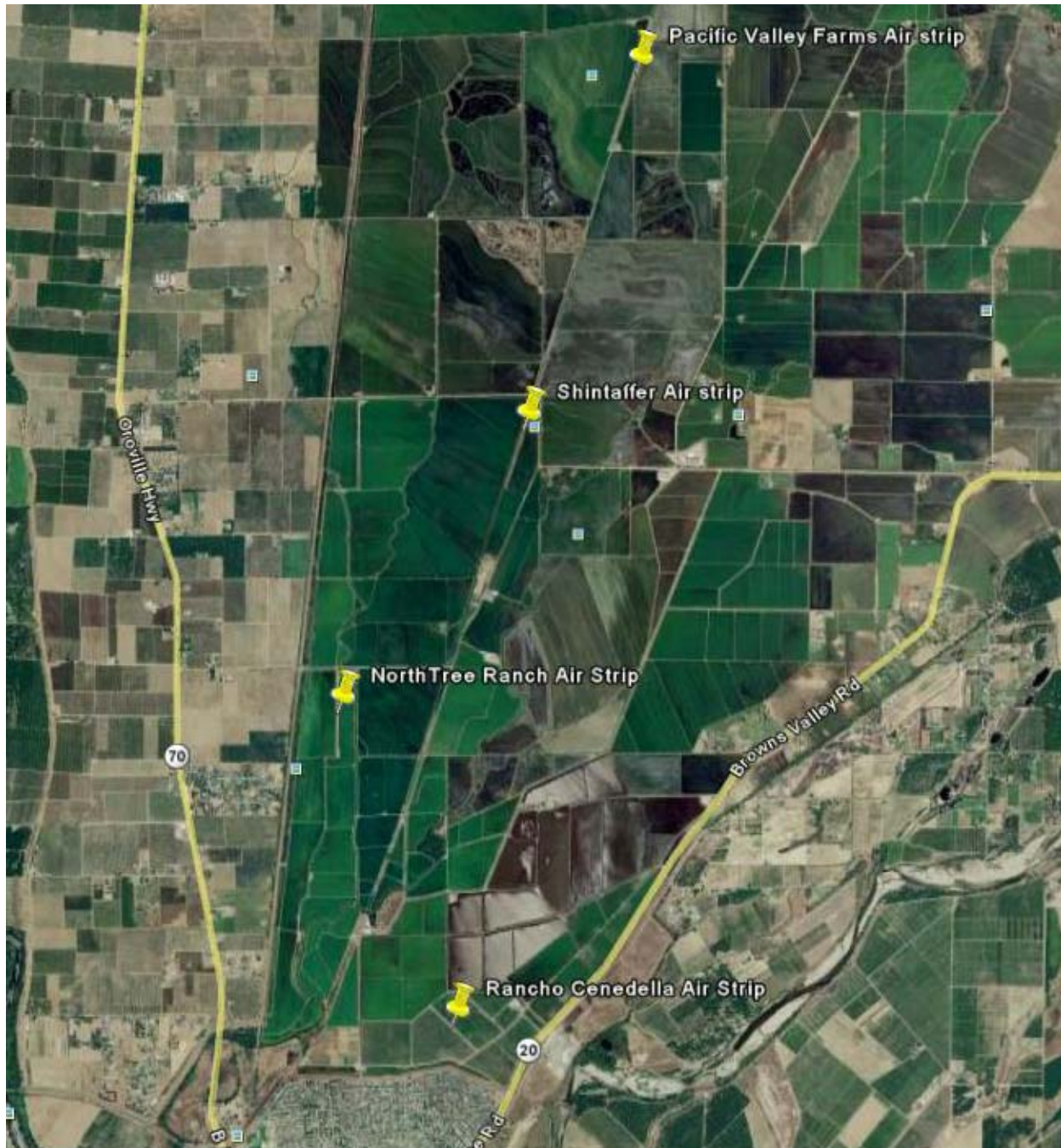
From: James Hill, III [mailto:JH3@elsurranch.com]
Posted At: Sunday, August 22, 2010 10:13 AM
Posted To:
Conversation: Google Earth Image
Subject: Google Earth Image

Dear Iain Fisher,

As promised here are the air strips located on Google Earth and that image provide you with lat and long for all 4 of the airstrips in your project area. Please confirm with a return e mail that you have received this map and the information you requested.

James Hill
NorthTree Ranch

James J. Hill, III
El Sur Ranch
Preserving the Traditions & Conserving the Land
Since 1834



Response to B1

All comments received during the public review period for the Draft MND/IS are included in the public record and will be taken into account by decision-makers when they consider the proposed project. In addition, refer to the discussion about airstrips in Section 6.1, Public Meeting Comments Summary and Responses.

B2 Richard Nelson

Fri 9/3/2010 10:23 PM

Palermo-East Nicolaus 115-KV Transmission Line

Comments regarding the Draft Mitigated Negative Declaration and Initial Study

Richard Nelson-Landowner Sutter County Parcel 28-190-02

The Palermo-East Nicolaus 115-KV Transmission Line crosses our property north of Cornelius Avenue in south Sutter County for approximately one half mile. As an impacted landowner I attended the public meeting held in Marysville and have read with interest the environmental impact statement prepared for the California Public Utilities Commission. From the perspective of an impacted landowner and community member I find the DMND deficient in several respects.

First, speaking generally, the document:

1. Focuses almost entirely on the construction project which will last a few months while dedicating minimal comment or thought to the ongoing impacts and safety of the reconstructed line itself which PG&E hopes will endure 100 years and will apparently increase the height of the line by 25 feet or more and increase the capacity of the line significantly.
2. Addresses in detail the possible impacts on the giant garter snake, and many other creatures while mentioning only briefly the impact of the project on the landowners or the communities through which this huge line will pass (largely to the benefit of PG&E and distant urban areas).
3. Has been developed through a process which has largely ignored landowners, the people most familiar with the special features of their properties, both from an environmental point of view and for purposes of mitigating the impacts on their on-going operations during construction and afterward.

B2-1
B2-2

B2-3

I will attempt to deal with these issues more specifically:

First, while impacts during the construction period are important, the major impact will be the long term existence of the transmission line itself. I was hoping to find in the impact statement specific assurance that the engineering of the line was sufficient to insure the safety of people working and living near the lines both from a perspective of the towers and from any electromagnetic "halo" that may be created by the increased transmission capacity. If the PUC is to approve the project it should require specific

B2-4

assurances that the line will be built to ensure public safety during its long term existence as much as the safety of nature's creatures during construction. | B2-4
| Cont.

Secondly, the report declares that there is no impact or less than significant impact on the aesthetics of the area. This seems to be based on the belief that the "aesthetics" are already so degraded by the current transmission line that constructing an even larger and more imposing structure is of no concern. Carefully selected pictures are provided to validate this conclusion. For example, picture 19 is taken from directly in front of Fairview Community Church on Pacific Avenue in Sutter County. The photograph captures the stop sign and the current line in the distance but does not show the Church nor the current line looming directly behind it which will no doubt be over towered by the reconstructed line. | B2-5

There is no exhibit showing the new taller lines vs. the existing lines, though I would think with current technology this would be a fairly simple thing to do. There is no comment about efforts to minimize the visual impact of the tall metal towers. Will they be gleaming structures reflecting a glare to the country side or will they be buffed or painted in ways to mitigate the visual impact? |

Thirdly, landowners and the community have been largely ignored in this process. While the reconstruction will cover 47 miles, by my count only 4 landowners attended the public meeting on the EIR. While the public notices may have been placed in the local newspaper, it seems only appropriate that landowners be notified of the meeting by mail or direct contact. The reconstruction clearly goes well beyond anything which could have been expected when the easements across our property were granted in 1917, but PG&E seems to assume they have the right to do whatever they choose, as long as it does not harm the creatures or destroy archeological features. | B2-6
| B2-7

The report says that our fields will be fallowed, berms created, but not to worry because any damage created will be compensated. From a land owner and farmer perspective, I would like to see some assurances that a concerned and knowledgeable PG&E representative will first consult with landowners to minimize impacts. But the opposite has been the case so far. I was called a few weeks ago by someone claiming to represent PG&E stating that line reconstruction would start in February 2011 and be completed within one year. When I asked which of the two existing lines would be reconstructed, the person seemed puzzled. So I asked if it was the one nearer the railroad tracks or the one farther out in our field. The person said there are no railroad tracks adjacent to the line on our property (which is incorrect). I then asked if the reconstructed line was on the east or on the west. After some hesitation I was told the line on the west, which it turns out is also incorrect. I then explained that the timing of the construction on our property was critical to minimize the impact on our rice farming operation. The person then said that there was no rice farming on our property, only open land. The property has been continuously farmed to rice for at least the past 10 years. My confidence in this process was seriously eroded. | B2-8
| B2-9

There are also inaccuracies in the plan as I read it. For example it seems to say that existing tower #300 will be removed and not replaced. Well, PG&E removed this tower several years ago and it no longer exists as far as I can tell. The report also states that some towers on the adjacent line will be replaced | B2-10
| B2-11

for consistency with the reconstructed line, but I can find no information on which towers these are, which may be important information for our farming operation.

B2-11
Cont.

There is no indication of what impacts the taller towers will have on our farming operation. There is mention of one private airstrip within the 47 mile target area, but no doubt several exist including one for our operation just over 1 mile from the transmission line. Also there is no consideration of the significant use of "crop dusters", airplanes that apply seed, fertilizer, insecticides, and herbicides to the rice fields through which the line passes. The taller towers will increase the hazard to the pilots of these aircraft and degrade our ability to efficiently farm our property well beyond the easement area. There seems to be no concern by either the PUC or PG&E in this regard.

B2-12

I have attempted to outline some of my concerns about the EIR and with the project. I ask that the Public Utilities Commission delay approval of this project until these concerns are addressed, and to direct PG&E to work with landowners to minimize the impact of construction on their operation rather than simply assuring us that we will be compensated for whatever damages or offenses PG&E chooses to commit on our property.

B2-13

Responses to B2

B2-1 Under CEQA, a Negative Declaration is defined as a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and does not require the preparation of an environmental impact report. A Mitigated Negative Declaration (MND) is defined as a negative declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

For the proposed project, an analysis of both construction and operations impacts was conducted for each resource area included in Chapter 3.0. For operation of the transmission line following construction activities, no additional operational or maintenance activities would be required beyond those already necessary for the existing transmission line. Therefore, there would be no increase in impacts associated with operation of the proposed project. The determination drawn for each of the CEQA checklist items evaluated in Chapter 3.0 state either that construction and operation of the proposed project would result in a less than significant impact, that all impacts would be less than significant under the criterion being evaluated, or that there would be no impact.

B2-2 Refer to the response to Comment B2-4 regarding safety and electromagnetic fields.

B2-3 While economic or social information may be included in an environmental document, Section 15131 of the CEQA Guidelines states that economic or social effects of a project shall not be treated as significant effects on the environment. Where a physical change is caused by economic or social effects of a project, however, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. The project's effects on aesthetics, hazards, traffic and transportation, noise, air quality, and other resource areas are discussed in the MND/IS; however, potential effects from economic or social effects from the proposed project are not expected to result in significant physical changes with resultant significant effects on the environment.

- B2-4 Safety is addressed in the MND/IS in several Chapter 3.0 sections. In Section 3.3, Air Quality, potential impacts on air quality standards and sensitive receptors along the proposed project route are evaluated. In Section 3.6, Geology and Soils, potential impacts from earthquakes and landslides that could result in injury or death are evaluated. In Section 3.8, Hazards and Hazardous Materials, potential impacts from the use and disposal of hazardous materials, proximity to airfields, and wildfire are evaluated. In Section 3.9, Hydrology and Water Quality, potential impacts from flooding, including flooding as a result of levee or dam failure, are evaluated. In Section 3.14, Public Services, potential impacts on emergency service ratios are evaluated. In Section 3.16, Transportation/Traffic, hazards related to roadways and air traffic are evaluated. Also refer to the discussion about airstrips in Section 6.1, Public Meeting Comments Summary and Responses.

Potential effects from electric and magnetic fields (EMFs) are not evaluated in the MND/IS, but information about EMFs and CPUC policy regarding EMFs is provided here. EMFs occur both naturally and as a result of human activity across a broad electrical spectrum. Naturally occurring electric and magnetic fields are caused by the weather and the earth's geomagnetic field. The fields caused by human activity result from technological applications of the electromagnetic spectrum for uses such as communications, appliances, and the generation, transmission, and local distribution of electricity.

After several decades of research regarding potential public health and safety risks associated with EMFs from power lines, results are inconclusive. In 1993, the CPUC implemented decision D.93 11-013, which requires utilities to use "low-cost or no-cost" mitigation measures for facilities requiring certification under CPUC General Order 131-D. The decision directed utilities to use a 4 percent benchmark for low-cost mitigation. This decision also implemented a number of EMF measurement, research, and education programs. The CPUC did not adopt any specific numerical limits or regulation on EMF levels related to electric power facilities.

The CPUC's January 27, 2006, decision affirmed the 1993 decision on the low-cost/no-cost policy to mitigate EMF exposure for utility transmission and substation projects. For further information about EMFs and CPUC guidelines, including the low-cost/no-cost policy, refer to <http://www.cpuc.ca.gov/PUC/energy/Environment/ElectroMagnetic+Fields>.

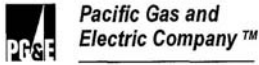
- B2-5 Although the new poles would be taller, they would also be considerably less wide at the base and up to where the conductors are connected. Refer to the simulations provided in Figures 3.1-3 to 3.1-6. The simulations also show the height differences between the proposed and existing structures. Potential impacts from glare are evaluated under the analysis for checklist item "d" in Section 3.1, Aesthetics. The analysis states, "Construction and operation of the project would not create new sources of substantial glare, which would adversely affect day or nighttime views along the project route. Replacement poles would have dull grey surfaces. After their installation, the new conductors may initially appear brighter or shinier than the existing conductors; however, it is expected that they would weather to a dull finish within a few years."
- B2-6 Public notification for the project was completed in accordance with CEQA and CPUC General Order 131-D requirements. The public was notified by direct mail and newspaper bulletins as described in the introduction to this chapter. The CPUC maintains a telephone hotline and email address for the project through which the public can contact the CEQA team and submit comments. The CPUC also maintains a website with contact information and project documents including the complete MND/IS:
http://www.cpuc.ca.gov/Environment/info/ene/palermo/Palermo_East_Nicolaus.html.

- B2-7 The comment does not raise concerns regarding the analysis or conclusions presented in the MND/IS pursuant to CEQA. Easement and right-of-way concerns should be presented to the applicant or one of the applicant's representatives.
- B2-8 All comments received during the public review period for the Draft MND/IS are included in the public record and will be taken into account by decision-makers when they consider the proposed project. In addition, as stated in Section, 1.8.5.5, Cleanup and Post-Construction Restoration, crews would be required to maintain clean work areas as they proceed along the line and would be instructed that no debris may be left behind at any stage of the project. Once the cleanup has been completed, on a case-by-case basis, the work areas would be inspected on foot with the specific property owners to make sure that their concerns have been addressed.
- B2-9 This comment was addressed at the public meeting on August 19, 2010 by one of the applicant's representatives. The inaccurate information that may have been provided to the commenter by telephone was corrected at the meeting. For further questions about the proposed project, access the public website at http://www.cpuc.ca.gov/Environment/info/ene/palermo/Palermo_East_Nicolaus.html, contact the applicant directly, or contact the CPUC's project manager at:
- Iain Fisher
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 355-5580
Fax: (415) 703-2200
Email: aei@cpuc.ca.gov
- B2-10 It is acknowledged that tower number 300 is no longer located in the position indicated in Figures 1.8-2a to 1.8-2f and the appendices. Table 1.8-2 has been updated to state that tower number 300 no longer exists at that location rather than that the tower would be eliminated during construction of the proposed project.
- B2-11 The towers on the adjacent line to be replaced, left in place, or removed are shown in the maps provided in Appendix B-1 and in Figures 1.8-2a to 1.8-2f. In the figures, the towers are identified as Palermo–Pease Line Structures and labeled with blue numbers. The towers are numbered according to Table 1.8-3 in Chapter 1.0.
- B2-12 Refer to the discussion about airstrips in Section 6.1, Public Meeting Comments Summary and Responses.
- B2-13 All comments received during the public review period for the Draft MND/IS are included in the public record and will be taken into account by decision-makers when they consider the proposed project.

6.4 Responses to Comments from the Applicant Received During the Public Review Period

This section provides responses to comments about the Draft MND/IS received from the applicant.

C1 Applicant



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September 3, 2010

**BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Palermo-East Nicolaus Project
c/o Ecology and Environment, Inc.
Attn: Nick Figone, Project Manager
130 Battery Street, 4th Floor
San Francisco, CA 94111

Re: Draft Mitigated Negative Declaration and Initial Study for the Palermo-East Nicolaus
115-kV Transmission Line

Dear Mr. Figone:

PG&E appreciates the opportunity to review and comment on the draft Mitigated Negative Declaration (MND) proposed for this project. PG&E agrees that an MND is appropriate for this project and appreciates the effort expended by Commission staff and consultants on this application. PG&E respectfully submits the minor corrections and comments in the attached chart.

As I have previously indicated, PG&E needs to begin this project in Spring 2011 in order to meet the project reliability goals while complying with all seasonal construction limitations. PG&E appreciates the California Public Utilities Commission's recognition that time is of the essence in completing this permitting process.

Sincerely,

M. Grady Mathai-Jackson

Attachment

cc: Mr. Iain Fisher, California Public Utilities Commission
Mr. Tom Marki, PG&E Project Manager
Mr. Jesus Viscarra, PG&E Land Planner

PALERMO - EAST NICOLAUS 115-KV TRANSMISSION LINE
PG&E COMMENTS ON THE DRAFT MITIGATED NEGATIVE DECLARATION
AND INITIAL STUDY

Mitigated Negative Declaration	
<p>Page 2, Project Location, Description and Purpose. Consistent with the application and project description at page 1-10 of the Initial Study, the third sentence should read: "To accommodate reductoring, replacement of <u>some of</u> the existing lattice steel towers would be required."</p>	C1-1
<p>Page 3, Biological Resources MM BIO-1, Rice field fallowing activities, berm construction and removal, and habitat restoration. PG&E recommends that this mitigation measure be clarified to reflect PG&E's inability to require third-party property owners to make any particular use of their properties. PG&E will compensate landowners whose fields are fallowed for purposes of the project and has the intent that such compensation will enable the landowners to restore those fields to their previous uses. However, PG&E cannot require any landowner to undertake such restoration. Accordingly, the first sentence of the mitigation measure should read: "The applicant will implement measures, <u>including</u> payment of reasonable compensation where appropriate, <u>designed</u> to insure the restoration of fallowed fields."</p>	C1-2
<p>Page 4, MM BIO-4, Policy 117-OSCP and Policy 118-OSCP. The brackets in each of these sections should be removed.</p>	C1-3
<p>Page 4, Greenhouse Gases. The headings of Greenhouse Gases and Greenhouse Gas Emissions appear to be redundant.</p>	C1-4
1.0 Background Information	
<p>Page 1-43, 1.8.5.8 Nighttime Construction. PG&E recommends that the second paragraph in this section be clarified to note that the process of raising new towers may include demolition of an existing structure and excavation for placement of the new tower, as follows: "The applicant has stated that the only construction activities that would occur at night would be those required to raise towers (<u>potentially including the demolition of existing structures and excavation to prepare for placement of the new towers</u>)."</p>	C1-5
<p>Page 1-46, Table 1.8-15 Applicant Proposed Measures (APMs). The acronyms of "SMMs" and "BAMMs" in APM Air-4 and APM Air-5 should be defined in the Acronyms and Abbreviations list on pages xiii-xv.</p>	C1-6
<p>Page 1-57, Table 1.8-15 Applicant Proposed Measures (APMs). The word "recommendations" in the first line of this page contains an extra space that should be deleted.</p>	C1-7
3.1 Aesthetics	
<p>Page 3.1-3, Landscape Units. In the fourth full paragraph on this page, the following change should be made in the fourth sentence: "The Sutter buttes provide a distinctive landscape backdrop feature in eastern<u>western</u>-facing views from some locations within this landscape unit."</p>	C1-8
3.4 Biological Resources	
<p>Page 3.4-23, MM BIO-1: Rice Field Fallowing Activities, Berm Construction and Removal, and Habitat Restoration. See comment above regarding the same language found on page 3 of the MND.</p>	C1-9
<p>Page 3.4-33, MM BIO-4, Policy 117-OSCP and Policy 118-OSCP. See comment above regarding the same language found on page 4 of the MND.</p>	C1-10
3.6 Geology and Soils	

PALERMO – EAST NICOLAUS 115-KV TRANSMISSION LINE
PG&E COMMENTS ON THE DRAFT MITIGATED NEGATIVE DECLARATION
AND INITIAL STUDY

<p>Page 3.6-10, Subsidence. The second-to-last sentence in the fourth full paragraph on this page should read: “According to investigations by the U.S. Geological Survey, the areas of heaviest groundwater withdrawal extend about two miles north and south of Chico and in a one-mile radius around Gridley – areas <u>where outside of the project route would traverse.</u>”</p>	<p>C1-11</p>
<p>3.8 Hazards and Hazardous Materials</p>	
<p>Page 3.8-1, Checklist. The reference to electric and magnetic fields (“EMF”) in the last paragraph of this page in the context of describing health and safety hazards should be deleted. Commission decisions regarding EMF have recognized that studies have found insufficient evidence to conclude that EMF causes adverse health effects. See Opinion on Commission Policies Addressing EMFs, D. 06-01-042, January 26, 2006. Similarly, the Commission has repeatedly recognized that EMF is not an environmental impact to be analyzed in the context of CEQA because: (1) there is no agreement among scientists that EMF creates a potential health risk; and (2) there are no defined or adopted CEQA standards for defining health risk from EMF. See, e.g., CPUC Decision No. 04-07-027 (Jul. 16, 2004); Delta DPA Capacity Increase Substation Project Final MND and Supporting Initial Study (Nov. 2006), A. 05-06-022, section B.1.14.1, page B031, adopted in D.07-03-009 (March 1, 2007).</p>	<p>C1-12</p>
<p>Page 3.8-7, Environmental Impacts and Mitigation Measures. The first full paragraph of this page should read: “Due to the fact that most of the listed contaminated sites located within a 1-mile radius of the project ROW had affected soil groundwater with hydrocarbons, and other chemicals of concern are likely in use in the area, unexpected soil or groundwater contamination <u>would could</u> be encountered during the proposed surface and subsurface construction activities.”</p>	<p>C1-13</p>
<p>3.9 Hydrology and Water Quality</p>	
<p>Page 3.9-10 Environmental Impacts and Mitigation Measures. The IS should be revised to reference consultation that PG&E has had and is continuing to undertake with the Central Valley Flood Protection Board (CVFPB) that reduces the potential for impacts related to levee disturbance to less than significant levels. In particular, PG&E recommends that the language in subsection (i) on this page be revised to read as follows:</p> <p><i>LESS THAN SIGNIFICANT. A large part of the project area is within a 100-year flood hazard zone and could expose structures to flooding, including flooding as a result of the failure of a levee or dam. The Thermalito Diversion Dam is located in Oroville, California, five miles upstream from the northern end of the project route. With the implementation of APM HYDRO-3, the new structures constructed within the 100-year flood hazard zone would be engineered to withstand stresses associated with flooding. County standards for construction in the 100-year floodplains would be incorporated into design engineering.</i></p> <p><i>Additionally, the existing transmission line crosses several federally authorized flood control projects—namely the Yuba and Bear River levees, Western Powers Intercept Canal Levee (“WPIC”), Jack Slough levees, and the designated floodway for the Bear River. Approval by the Central Valley Flood Protection Board (“CVFPB”) is required for construction within the levee section, which is defined as the waterside slope and crown of the levee, the landside slope, plus 10 feet landward from the toe. PG&E will be required to obtain an encroachment permit from CVFPB to determine if project features would pose any risk to levee integrity, flood fight ability, or increase the hydraulic profile of a floodway.</i></p> <p><i>Existing project towers in designated floodways will be replaced by poles which will reduce the profile and increase flood way capacity. Existing towers and all replacements poles are outside the levee prism for the Yuba, Bear and Jack Slouch levees. The existing tower footings situated in or adjacent to the toe of the WPIC Levee will be either abandoned in place or removed and backfilled with a concrete slurry pursuant to applicable CVFPB and U.S. Army Corps of Engineers permit conditions.</i></p>	<p>C1-14</p>

PALERMO - EAST NICOLAUS 115-KV TRANSMISSION LINE
PG&E COMMENTS ON THE DRAFT MITIGATED NEGATIVE DECLARATION
AND INITIAL STUDY

The replacement poles along the WPIC levee will be located ten to 15 feet to the west of the existing line to avoid encroachment in the levee prism. The line location adjustment will continue to be situated within the existing ROW. Therefore, construction and operation of the project would result in a less than significant impact under this criterion.

C1-14
Cont.

3.10 Land Use and Planning

Page 3.10-3 Environmental Impacts and Mitigation Measures. In its Land Use and Planning chapter, the Initial Study correctly notes that the project is exempt from local land use and zoning regulation. (IS at 3.10-3). Nonetheless, the IS implies that the project would conflict with an "applicable land use plan, policy, or regulation of an agency with jurisdiction over the project" if PG&E did not acquire certain discretionary local use permits. (MND at 3.10-2, 3.10-3). Since the General Plan designations are not applicable to PG&E, and the Counties of Yuba and Sutter have no discretionary permitting jurisdiction over the project, this chapter of the MND should be corrected. Specifically, discussions of these general plan and zoning requirements should be corrected to indicate that "[l]ocal land use plans and zoning are considered in order to assist the CPUC in determining the Proposed Project's consistency with local policies. However, local discretionary permits (e.g., conditional use permits) and an evaluation of local plan consistency are not required for the Proposed Project because the CPUC has preemptive jurisdiction over the construction, maintenance, and operation of public utilities." See Final Mitigated Negative Declaration for PG&E's Seventh Standard Substation Project, at B.1-5 (Gen Plan Designation).

C1-15

Responses to C1

- C1-1 The changes were made as requested.
- C1-2 The changes were made as requested.
- C1-3 The brackets indicate that the text is not a direct quote. No change was made.
- C1-4 The comment does not raise concerns regarding the analysis or conclusions presented in the MND/IS. No change was made.
- C1-5 The changes were made as requested.
- C1-6 The changes were made as requested.
- C1-7 The changes were made as requested.
- C1-8 The changes were made as requested.
- C1-9 The changes were made as requested.
- C1-10 The brackets indicate that the text is not a direct quote. No change was made.
- C1-11 The changes were made as requested.
- C1-12 The changes were made as requested.
- C1-13 The changes were made as requested.
- C1-14 The analysis for CEQA checklist item “i” in Section 3.9, Hydrology and Water Quality, was revised as requested. In addition, information was added about the Upper Yuba Levee Improvement Project for work proposed on the Yuba River South Levee in Linda, California (TRLIA 2010).
- C1-15 Regardless of the CPUC’s jurisdiction over the construction, maintenance, and operation of public utilities, the Commission still considers general plans and local land use and zoning regulations pursuant to CEQA. Nevertheless, changes were made to Section 3.10, Land Use and Planning, in response to the comment.

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