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## PUBLIC UTILITIES COMMISSION

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April 5, 2013

Mr. Mark Cassady  
TRC, Inc.  
Senior Biologist  
405 Clyde Avenue  
Mountain View, CA 94043

Subject: Atascadero - San Luis Obispo 70kV Power Line Reconductoring Project Variance Request #13

Dear Mr. Cassady:

I have reviewed Pacific Gas and Electric Company's (PG&E) submission of Variance Request #13, which was submitted on March 21, 2013 for the Atascadero - San Luis Obispo 70kV Power Line Reconductoring Project (project).

The CPUC has determined replacing Pole 63/3, and the addition of a new overland access route and work space in Reservoir Canyon would not create greater environmental impacts or new significant impacts than those analyzed in the approved Final Initial Study/Mitigated Negative Declaration (IS/MND) for the project. A description of PG&E's proposed actions and an analysis and these findings is presented below.

### **Proposed Actions**

#### **Pole 63/3 Replacement**

PG&E proposes to replacement Pole 63/3 with an 85-foot light duty steel (LDS) pole. The IS/MND identifies that the pole would be removed and not replaced. The modification would result in one additional permanent pole, which would change the final pole count from 139 to 140 LDS poles.

The proposed pole replacement has been requested to address a design change based on negotiations with Eagle Ranch landowners regarding realignment of the power line segment in the southern portion of Eagle Ranch, which is located north of Highway 101 and south of Atascadero. PG&E anticipates submitting a Notice to Construct to the CPUC at a later date for authorization to realign the power line segment within Eagle Ranch.

#### **Addition of an access route and work space in Reservoir Canyon**

PG&E also proposes to access Towers 73/0 to 73/3 via a new overland access route (approximately 1,700 feet long) based on a landowner's (Eleanor Trucchio) request. The currently approved unpaved road passes directly by the landowner's house, which was built after preparation of the IS/MND. A fence has been installed across the currently approved unpaved road.

The overland access route would be accessed from a gate at Reservoir Canyon Road. Two steel plates would be temporarily installed over a roadside drainage depression to allow access from the road to the overland route and work space. The steel plates will span the depression, which may convey roadway water runoff during wet weather. The steel plates will span the entire depression, avoiding hydrophytic vegetation. The plates will not require supports within the depression and no vegetation will be removed. The plates will be removed once construction is completed and the area will be restored to its current condition.

PG&E also proposes to develop a 1.9-acre<sup>1</sup> temporary work space along the proposed overland route. Approximately 0.9 acre of the work space overlaps a pull and tension site (PTS) and a portion of a temporary work area south of Tower 73/3 (shown in Attachment C) that were reviewed in the IS/MND. The previous work space was relocated after preparation of the IS/MND to another area in Reservoir Canyon<sup>2</sup> because it was not available when construction began due to its proximity to the landowner's house (shown in Attachment C). PG&E proposes the use of a similar work space located farther away from the landowner's house within the project right-of-way. The work space would primarily be used to maneuver and temporarily store vehicles and equipment during construction. It would also be used as a wash station for cleaning naturally occurring asbestos (NOA) dust from vehicles and equipment, which is required by Applicant Proposed Measure (APM) AQ-2. PG&E may also use the work space for other construction activities, as needed, such as helicopter transport of materials and personnel. No grading would be required; however, mowing of the work space may be necessary.

A minor mapping error was discovered during review of the proposed overland road described in this variance<sup>3</sup>. The IS/MND shows an existing access road parallel to a fence, passing through a gate, and following the project power line north to Tower 73/3 (shown in Attachment C). The gate was incorrectly mapped under the project power line and is located approximately 120 feet west of the power line along the same fence. Construction crews would use the existing access road and gate located 120 feet west of the power line and travel northeast to Tower 73/3. Variance #13 also serves to correct this mapping error and extend the access road to utilize the existing gate. The correction would not change the findings of the IS/MND.

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<sup>1</sup> The Variance Request stated the work space area as 40,000 square feet (0.92 acre); however, a larger number was identified in the attached map and Applied Earthworks report, which both documented the work space as 1.9 acres.

<sup>2</sup> The temporary work space relocation was approved by the CPUC in a memo responding to PG&E's 2011 Work Plan.

<sup>3</sup> PG&E was presented with this observation and requested to include the correction in Variance #13 on April 2, 2012.

### **Analysis of Environmental Impacts**

The proposed actions were reviewed to determine whether they would result in new significant environmental effects or would substantially increase the severity of a previously identified environmental effect. Variance Request #13 is consistent with the analysis presented in the Final IS/MND and additional CEQA review is not anticipated. An analysis of these findings is presented below.

#### **Aesthetics**

*Less than Significant Impact.* Replacement of Wooden Pole 63/3 with a new 85-foot LDS pole would increase the total number of final LDS poles by one. The currently installed wooden pole is visible from Highway 101 and the new LDS pole would also be visible. The IS/MND reviewed visual impacts from pole replacement along Highway 101 and found that the impact would be less than significant. Approximately 16 other wooden poles have already been replaced with LDS poles that are located closer to Highway 101 than Pole 63/3 as described in the IS/MND project description. The additional visual impact from one new pole would be incremental, and would not significantly increase visual impacts assessed in the IS/MND.

The addition of the overland access route and work area would not increase visual impacts greater than those described in the IS/MND. Temporary use of approximately 0.89 acre of the proposed work area was originally analyzed in the IS/MND, but the original site was later relocated because it was not available when construction began due to its proximity to a house built after preparation not in the IS/MND. Use of the road and work space would be consistent with visual impacts assessed in the IS/MND and would remain less than significant.

#### **Agriculture and Forestry Resources**

*Less than Significant Impact.* The proposed changes would be consistent with the analysis of less than significant impacts to farmland designated by the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), as described in the IS/MND.

Replacement of Pole 63/3 would permanently impact less than 0.01 acre of Farmland classified as Farmland of Local Importance and Prime Agricultural Land in Non-renewal. A new LDS pole would replace an existing wooden pole within the power line right-of-way. Replacement of Pole 63/3 would increase the permanent impact to farmland assessed in the IS/MND by less than 0.01 acre, bringing the revised total less than 0.02 acre, which would remain less than significant and consistent with the IS/MND.

The proposed access route and work area in Reservoir Canyon would temporarily impact 2.14 acres of Grazing Land and 1.9 acres of Prime Agricultural Land. These areas would be restored to their current condition once construction is complete. Temporary impacts to Grazing Land were addressed in the IS/MND and impacts would remain less than significant. The area is not currently being used for agricultural operations. Impacts to agricultural resources would be similar to those assessed in the IS/MND.

The proposed modification would not impact forestry resources.

### **Air Quality and Greenhouse Gases**

*Less than Significant Impact.* Replacement of Pole 63/3 would require approximately 6 vehicle trips to transport and install the new LDS pole. Greenhouse gases and dust generated from the additional vehicles would not be significantly different than emissions calculated in the IS/MND.

Naturally occurring asbestos (NOA) is located in several work areas located in Reservoir Canyon. Dust generation from the proposed activities would not be significantly greater than analyzed in the IS/MND. Implementation of APM AQ-2, MM AQ-1, and MM AQ-3 would ensure impacts to air quality and greenhouse gases would remain less than significant. Part of the proposed work area would be used as a wash down station to remove dust from vehicles and equipment that may contain NOA, which is required by APM AQ-2.

### **Biological Resources**

*Less than Significant Impact.* The proposed work activities would have a less than significant impact to biological resources.

*California Red-Legged Frog (CRLF).* Pole 63/3, as well as the proposed work space and approximately 40 percent of the overland access route, is located within the project biological study area analyzed in the IS/MND. Pole 63/3 would be replaced within suitable CRLF habitat located adjacent to South Fork Paloma Creek. Replacement of the existing wood pole with a new LDS would have no net increase in permanent impacts to suitable CRLF habitat from its current condition.

The proposed overland access route and work space is located within CRLF Critical Habitat as identified by the United States Fish and Wildlife Service (USFWS). Overland access routes within Critical Habitat were addressed in the Final IS/MND.

PG&E has obtained a Biological Opinion (BO) through Section 7 consultation with the USFWS. Impacts to CRLF and CRLF habitat would be consistent with those analyzed in the IS/MND and effects would be mitigated with APM BO-9, APM BO-15, APM BO-17, APM BO-18, APM BO-19, MM BO-4, MM BO-5, MM BO-14, MM BO-21, and MM BO-39.

*Special Status Plants.* There were no special status plants identified at Pole 63/3 or the previously analyzed portions of the proposed overland access route and work space in Reservoir Canyon during preparation of the IS/MND and subsequent pre-construction surveys. Terra Verde conducted additional biological surveys for the proposed overland access route and work space in Reservoir Canyon. An unidentified lily population was observed adjacent to the proposed access road approximately 100 feet west of the proposed work area. The plants will be flagged for avoidance.

PG&E proposes to install two steel plates over a roadside drainage depression to connect the existing access road on Reservoir Canyon Road to the overland route. Terra Verde has identified hydrophytic vegetation and evidence of seasonal saturation in the drainage ditch

adjacent to the crossing point. Hydrophytic vegetation and wetlands would not be impacted by the proposed activities. The plates would entirely span the drainage and would avoid all hydrophytic vegetation. Installation and use of the plates would not require placement of any materials or fill in the drainage, and would not require the removal of any vegetation.

In the event that any special-status species cannot be avoided PG&E shall consult with USFWS and or CDFW, as required by MM BO-29.

*Raptors, nesting birds, burrowing owl.* Raptors, nesting birds, and burrowing owl could occur in the areas proposed in this variance. Impacts would be the same as those addressed in the IS/MND with implementation of applicable avian APMs and MMs.

### **Cultural and Paleontological Resources**

*Less than Significant Impact.* Applied Earthworks conducted a cultural resource surveys within the power line corridor in November and December 2008 in preparation of the IS/MND. They conducted an additional survey of the proposed overland access road, plus 15 meters on either side of the proposed overland access route, and the work space in Reservoir Canyon that had not previously been surveyed on March 11<sup>th</sup> and 20<sup>th</sup>, 2013. No cultural resources were identified; therefore, there would be no new or greater significant impacts to cultural resources than those analyzed in the IS/MND. Implementation of AMP CR-3 would ensure potential impacts to unanticipated cultural resource discoveries would be reduced to less than significant.

Pole 63/3 would be replaced adjacent to its current location which is located within a paleontological resource zone of "high sensitivity<sup>4</sup>." A new hole would be required to install a new LDS pole. Impacts to areas of high sensitivity were addressed in the IS/MND. Implementation of APM CR-3, MM CR-4, MM CR-5 and MM CR-6 would ensure no significant impacts to paleontological resources.

### **Geology, Soils, and Seismicity**

*No Additional Impact.* The proposed changes would not increase or create new significant impacts to geology, soils, or seismicity. Replacement of Pole 63/3 would require minor ground disturbance to auger a new pole hole adjacent to the current location. No grading would be necessary for installation of the steel plates, use of the overland access route, or use of the work space in Reservoir Canyon. Erosion control BMPs would be installed as needed in work areas to prevent the release of sedimentation, as described in the project Stormwater Pollution and Prevention Plan (SWPPP).

### **Hazards and Hazardous Materials**

*No Additional Impact.* The proposed changes would not create new or greater hazards, or require use of additional hazardous materials than those analyzed in the IS/MND. Implementation of

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<sup>4</sup> Brady and Associates 2010

applicable APMs and MMs would ensure potential impacts from hazards and hazardous materials remain the same as analyzed in the IS/MND.

### **Hydrology and Water Quality**

*Less than Significant Impact.* Pole 63/3 is currently located directly adjacent to South Fork Paloma Creek which has been classified as “non-relatively permanent water<sup>5</sup>.” The new LDS pole would be installed adjacent to its current location and away from the creek. No additional work space to install the new LDS pole would be needed. Replacement of the Pole 63/3 would not increase impacts to hydrology and water quality greater than analyzed in the IS/MND.

The proposed overland access route in Reservoir Canyon would be accessed over two steel plates placed over a roadside drainage depression. Two culverts, to the east and west of the proposed plate crossing location, connect the ditch to Reservoir Creek<sup>6</sup>, which is a tributary to San Luis Obispo Creek. Approximately half of the proposed access road and work area were surveyed by TRC in February 2010 during preparation of the IS/MND. Terra Verde surveyed the additional areas that fell outside of the initial survey for signs of potentially jurisdictional water features including wetlands and hydrophytic vegetation. No wetlands were identified within the survey area. Hydrophytic vegetation was identified in the ditch east and west of where the steel plates would be installed; however, these areas would be avoided and the steel plates would be installed over a segment of the ditch where no hydrophytic vegetation is located. The plates would completely span the drainage, would not require placement of any materials or fill in the drainage, and would not require vegetation removal. Impacts to hydrologic features are not anticipated.

A wash down area would be located within the proposed work space to wash dust off of vehicles and equipment with potential NOA, as described in APM AQ-2. Water used for washing would be transported by small tanks and runoff generated would be low. Erosion control BMPs would be installed as needed to prevent wash down runoff from leaving the work area.

The proposed project changes would not significantly increase impacts to hydrology and water quality greater than those analyzed in the IS/MND. Erosion control BMPs would be installed and maintained to minimize the chance of erosion and sediment release, as described in the project SWPPP (APM BO-12, APM GE-6, and APM WQ-1) and Erosion Control and Sedimentation Plan (APM GE-6 and APM WQ-3). Implementation of the plans as well as APM BO-12 would reduce potential impacts to hydrology and water quality to less than significant.

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<sup>5</sup> TRC 2010

<sup>6</sup> The 2010 TRC wetland report identified this water feature as an “...unnamed stream (a relatively permanent water)...,” Terra Verde identified the stream as Reservoir Creek in their biological report attached to Variance #13.

### **Land Use and Planning**

*No Additional Impact.* The proposed changes would have no impact on land use and planning, and project impacts would be consistent with the impacts analyzed in the IS/MND.

### **Mineral Resources**

*No Additional Impact.* The proposed changes would have no impact on mineral resources, and project impacts would be consistent with the impacts analyzed in the IS/MND.

### **Noise**

*No Additional Impact.* The proposed activities would not create new or additional noise impacts greater than those analyzed in the IS/MND. Implementation of APM NS-1 through APM NS-8 would ensure noise from the proposed work would be reduced to less than significant.

### **Population and Housing**

*No Additional Impact.* The proposed changes would have no impact on population and housing. The proposed changes would be consistent with the analysis in the IS/MND.

### **Public Services**

*No Additional Impact.* The proposed changes would have no impact on public services. The proposed changes would be consistent with the analysis in the IS/MND.

### **Recreation**

*No Additional Impact.* The proposed changes would not result in new or greater impacts to recreation than analyzed in the IS/MND. Reservoir Canyon Trail is located south of the proposed overland route and work area; however, the proposed overland access route and new temporary work space are on private land and access to public parking and trails would not be impacted.

### **Transportation and Traffic**

*Less than Significant Impact.* Replacement of Pole 63/3 would require approximately 6 additional vehicle trips. Use of the proposed overland route and work space in Reservoir Canyon would require few vehicle trips to install two steel plates over the roadside ditch along Reservoir Canyon Road. The additional vehicle trips would not significantly increase impacts to transportation and traffic. Implementation of APM TT-1 through TT-4 would ensure impacts to traffic remain less than significant and consistent with the IS/MND.

### **Utilities and Service Systems**

*No Additional Impact.* The proposed changes would have no impact on utilities and service systems. The proposed overland access route would cross the Central Coast Water Authority (CCWA) Coastal Branch Pipeline north of Reservoir Canyon Road. Similar overland crossings have been previously approved for access roads and work areas in Reservoir Canyon, as well as the Orcutt Road Staging Area. PG&E shall obtain any necessary encroachment permits from the California Department of Water Resources (DWR), which may be required to cross the CCWA pipeline.

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**Conclusion**

CPUC staff finds the changes proposed in PG&E's Variance Request #13 are not substantial, would not result in new or significantly greater impacts to the environment, and do not present new substantial information that would change the findings presented in the IS/MND. The Variance is consistent with the IS/MND and no additional CEQA analysis or decisions are required.

Please contact me or Tania Treis at Panorama Environmental, Inc., if you have any questions.

Sincerely,

*Jason Coontz*

Jason Coontz

CPUC Project Manager

Cc: Aaron Lui, Panorama Environmental, Inc.  
Tania Treis, Panorama Environmental, Inc.  
Judi Mosley, PG&E attorney

**Attached:**

Attachment A: Variance Request #13, including a Botanical Resources and Cultural Survey

Attachment B: Supplemental Botanical Resources Survey

Attachment C: Access and Work Space Map for Variance Approval #13



## References

- Brady and Associates Geologic Services, 2010. Paleontological Identification Report for the Pacific Gas and Electric Company Atascadero-San Luis Obispo 70 kV Power Line Upgrade San Luis Obispo County, California. August 13, 2010.
- RMT, 2011. Atascadero-San Luis Obispo 70 kV Power Line Reconductoring Project, Initial Study/Mitigated Negative Declaration, Final. February 2011.
- TRC, 2010. Delineation of Waters of the United States for Pacific Gas and Electric Company's Atascadero – San Luis Obispo 70 kV Power Line Reconductoring Project San Luis Obispo County, California. February 2010.