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Decision 96-01-013 January 10, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Sierra Pacific Power Company for a Certificate of Public Convenience and Necessity to Construct and Operate the Alturas Transmission Line Project.

ORIGINAL

INTERIM OPINION

Summary

We certify the final environmental impact report/statement dated November 1995, (FEIR/S) related to the application of Sierra Pacific Power Company, (Applicant) for a certificate of public convenience and necessity (CPCN) to construct a high-voltage electric transmission line from Alturas, California to the California-Nevada border near Reno, Nevada (Project). We will decide the Applicant's request for a CPCN in a separate decision.

Procedural Background

Applicant filed its CPCN application on November 9, 1993 to construct a 345,000 volt (345 kV) overhead transmission line. The route of the Project is approximately 164 miles and extends through portions of Modoc, Lassen, and Sierra Counties in California. Applicant also proposes to construct a new 345/230 kV substation near Alturas, California and a new 345 kV switching station in California near the Nevada state line at Border Town. Applicant would connect the Project with new substation additions to be constructed at its North Valley Road Substation in Reno.

Following requests by this Commission for supplementation, and the responses of Applicant, the Commission accepted the application as complete on February 14, 1994.

Applicant further amended the application on October 4, 1994.

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Applicants also applying to the United States Bureau of Land Management (BLM), the United States Forest Service, the Department of the Army, the State of California, and the State of Nevada for portions of the required right-of-way. Applicant will acquire the remainder of the right-of-way from private owners.

For purposes of the California Environmental Quality Act (CEQA), this Commission is the lead agency responsible for preparing the environmental impact report for electric transmission lines under General Order (G.O.) 131-D over which the Energy Resources Conservation and Development Commission does not have primary jurisdiction. (Rule of Practice and Procedure (Rule) 17.1(1)(A).) The Project is an electric transmission line under G.O. 131-D over which the Energy Resources Conservation and Development Commission does not have primary jurisdiction.

The Commission Advisory and Compliance Division (CACD) determined that the Project required an environmental impact report pursuant to CEQA based upon a review of the facts contained in the Proponent's Environmental Assessment prepared by the Applicant, BLM, in consultation with the affected federal agencies, determined that the project required an environmental impact statement pursuant to the National Environment Policy Act.

The Commission entered into a memorandum of understanding with BLM, Applicant, the Toiyabe National Forest, and the Modoc National Forest for the preparation of a joint environmental impact report/statement. The Commission retained an independent environmental consultant, Aspen Environmental Group, to assist in the preparation of the joint environmental

impact report/statement under the direction of the CACD in consultation with BLM Applicant, and the responses of Applicant.

Applicant further amended the application on October 4, 1994. The application as complete on February 14, 1994.

The Commission and BLM published a Notice of Preparation of a Draft Environmental Impact Report/Statement for the Proposed Alturas Transmission Line Project on March 17, 1994. Copies of the notice were sent to responsible agencies and public agencies having jurisdiction by law over natural resources affected by the Project which are held in trust for the people of the State of California as required by Public Resources (PR) Code § 21080.4.

Public meetings were held in Susanville, California on May 17, 1994, in Alturas, California on May 18, 1994, and in Sparks, Nevada on May 19, 1994 to provide information to the public concerning the proposed Project, the potential environmental impacts to be expected as a result of its construction, operation, and maintenance, and to solicit the oral and written views of the public on the environmental issues of concern. The comments received, with those of responsible agencies, were taken into account in determining the scope and contents of the draft environment impact report/statement (DEIR/S).

The assigned administrative law judge (ALJ) ruled that the date on which Applicant amended its application, October 4, 1994, would commence the one-year period for the completion of the FEIR/S provided by PR Code § 21100.2.

On February 22, 1995, Applicant moved for waiver of the one-year requirement for completion and certification of the FEIR/S pursuant to PR Code § 21083.6 and Rule 1781(e).

The DEIR/S was published on March 3, 1995, and a notice of completion was filed with the Office of Planning and Research, as required by the regulations implementing CEQA (14 Cal Code Reg. (CEQA Guidelines) § 15085). The State Clearinghouse

identification number was included on the title pages of the DEIR/S and FEIR/S, as required by the CEQA Guidelines § 15082(e). CACD and BLM provided public notice of the availability of the DEIR/S on date by publication. (CEQA Guidelines § 15087 (a); Rule 17.1(f)(2)(B).)

(18) Public hearings on the draft DEIR/S were held before the assigned ALJ on April 17, 1995 in Alturas, April 18, 1995 in Susanville, April 19, 1995 in Loyalton, and April 20, 1995 in Reno, Nevada to receive oral comments. Written comments were received until June 3, 1995.

CACD and BLM consulted with and requested comments on the DEIR/S from responsible agencies, trustee agencies with resources affected by the Project, and other state, federal, and local agencies which exercise authority over resources which may be affected by the Project.

The written response to comments on environmental issues received from persons who reviewed the DEIR/S is included in the FEIR/S dated November 1995. That response describes the disposition of significant environmental issues raised. On December 12, 1995, an Addendum for Mitigation of Impacts on Special Status Plants (Addendum) was made to the FEIR/S. For purposes of this decision, all references to the FEIR/S shall be deemed to include the Addendum.

Discussion

The FEIR/S contains a table of contents. (CEQA Guidelines § 15122.)

The FEIR/S includes a summary of the proposed action and its consequences identifying each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect, areas of controversy known to the lead

agency, including issues raised by agencies and the public, and the issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. (Id. § 15123.)

The FEIR/S includes a Project description, including the precise location and boundaries on a detailed map and a regional map, statement of objectives sought by the Project, a general description of the Project's technical, economic, and environmental characteristics, the principal engineering proposals, and a statement describing the intended uses of the EIR (with a list of agencies and approvals). (Id. § 15124.)

The FEIR/S includes a description of the environment in the vicinity of the Project. (Id. § 15125.)

The FEIR/S includes a discussion of the significant environmental effects of the Project, mitigation measures proposed to minimize the significant effects, alternatives to the proposed action, relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, any significant irreversible environmental changes which would be involved in the Project, and the growth-inducing impact of the Project. (Id. § 15126.)

The FEIR/S includes identification of nonsignificant effects. (Id. § 15128.)

The FEIR/S includes identification of persons and organizations consulted and those preparing the FEIR/S. (Id. § 15129.)

The FEIR/S includes cumulative impacts if significant. (Id. § 15130.)

The FEIR/S includes a revision to the DEIR/S, comments and recommendations received on the DEIR/S, a list of persons,

organizations, and public agencies commenting on the DEIR/S, and responses to significant environmental points raised in the review process. (Id. at 15132.)

The FEIR/S identifies a number of significant environmental effects, as follows:

1. Disturbance to context, setting, feeling, or association of cultural resource sites.

2. Degradation of quality of residential land uses resulting from permanent change in character of residential environment.

3. Degradation of quality of recreational land uses resulting from permanent change in character of recreational environment.

4. An accident or structural failure could potentially result in blockages of highways and/or rail facilities.

5. Significant degradation of scenic quality and creation of moderate-to-strong visual contrast and landscape change.

6. Diminished scenic quality of views from Tule Patch Spring Rest Stop and from Highway 395.

Findings of Fact

1. The FEIR/S reflects the independent judgment of this Commission.

2. The contents of the FEIR/S conform to the requirements of the CEQA Guidelines §§ 15120-15132.

3. The FEIR/S identified significant environmental effects of the project. The FEIR/S includes a revision to the DEIR/S, and recommendations received on the DEIR/S, a list of persons,

4. The Commission will consider the FEIR/S, including, without limitation, the significant environmental effects identified therein, at such time as it decides whether to grant Applicant the requested CPCN.

Conclusions of Law

1. The FEIR/S has been processed in compliance with the requirements of CEQA.

2. The FEIR/S has been completed in compliance with the requirements of CEQA.

I N T E R I M O R D E R

IT IS ORDERED that:

1. The final environmental impact report/statement (FEIR/S) related to the application in this proceeding is certified pursuant to the requirements of the California Environmental Quality Act.

2. The FEIR/S is certified for use by responsible agencies in considering subsequent approvals with respect to the project related to the application in this proceeding.

3. The FEIR/S shall be filed as part of the record in this proceeding.

4. Applicant's motion for waiver of the one-year period for completion and certification of the FEIR/S is granted.

This order is effective today

Dated January 10, 1996, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, Jr.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners