

**D. COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT MITIGATED
NEGATIVE DECLARATION (SCH#2000052105)
AND DRAFT INITIAL STUDY**

INTRODUCTION

Pursuant to the California Public Utilities Commission's (CPUC) General Order 131-D, Pacific Gas and Electric Company (PG&E) has filed an application with the CPUC for a Permit to Construct power lines and associated substation modifications known as the Paradise Area Reinforcement Project. The Application (A.00-01-026) was filed on January 28, 2000 and includes the Proponent's Environmental Assessment (PEA, 2000) prepared by PG&E pursuant to Rules 17.1 and 17.3 of CPUC's Rules of Practice and Procedure. PG&E requests authority to: 1) construct approximately 6.1 miles of 115-kilovolt (kV) double-circuit electric power line; and 2) modify the existing Paradise Substation to change it from a 60 kV to a 115 kV operating system.

On May 22, 2000, the CPUC released for public review a Draft Mitigated Negative Declaration and Draft Initial Study for the proposed construction of PG&E's Paradise Area Reinforcement Project in portions of the Town of Paradise and unincorporated Butte County, California, in compliance with the California Environmental Quality Act (CEQA) and Rule 17.1 of the CPUC's Rules of Practice and Procedure. A Notice of Intent to Adopt a Mitigated Negative Declaration (see Appendix) was published in the Chico Enterprise Record and the Paradise Post on May 23 and May 30, 2000. Notices were also mailed to affected property owners. The reports were filed with the State Clearinghouse on May 24, 2000. The Report was sent to Responsible Agencies and other interested parties on May 22, 2000 (see Appendix for the Draft Mitigated Negative Declaration and Initial Study mailing list). A 30-day review and comment period (CEQA Guidelines § 15105) began on May 24 and closed on June 22, 2000.

The CPUC is the Lead Agency for the application and is responsible for compliance with CEQA. The CPUC has prepared responses to all comments received during the public review period on the Draft Mitigated Negative Declaration and the Initial Study. This section presents responses to the comments and a compilation of all written comments received by the CPUC on the documents.

Responses to comments are organized by the assigned numerical order of the letter and keyed to the assigned comment number. Each comment letter was assigned a Roman numeral for tracking, indicated in the upper right corner of the letter. Each separate comment within each comment letter was assigned a number, indicated in the margin of the letter. All comment letters have been reproduced in their entirety in this document (at the end of this Section).

RESPONSES TO COMMENTS

**LETTER I
With Attachments**

Al McGreehan, Community Development Director, Town of Paradise
May 24, 2000

I-1 The text of the Final Initial Study Sections I and IX will acknowledge the fact that “Segment 4” is located within a Paradise General Plan designated “scenic highway corridor.”

The Draft Mitigated Negative Declaration and Initial Study (May 24, 2000) found that construction of the proposed power line configuration along existing transportation and utility corridors, including replacing an existing power line in its existing alignment over a large segment of the route, would be a less than significant aesthetic and land use impact. Since the release of the Draft Mitigated Negative Declaration and Initial Study, PG&E has modified its Project Description by changing the type of power pole structure originally proposed along Neal Road, Skyway, and the Paradise Memorial Trailway. The new proposed pole structure would be shorter in height and more compact horizontally than the originally proposed pole configuration (see Table I-1 below).

Table I-1 Pole Dimension Comparisons (in feet)

| Dimension | Original Pole Design | Now Pole Design | Existing 60 kV Poles |
|---------------------------|-----------------------------|------------------------|-----------------------------|
| Height | 85 - 115 | 65 - 95 | 50 - 65 |
| Radial Width ¹ | 8 | 7 | 3 - 5 ² |

Notes: ¹ Radial width is defined by the distance from the outer edge of the insulators to the pole

² Radial width of existing poles is estimated.

Sources: PG&E, Proponents Environmental Assessment, January, 2000.

Personal communication with Steve Stielstra of PG&E on June 29, 2000.

The change in the proposed pole design would reduce the height of each pole structure along the “scenic highway corridor” by approximately 20 feet, and would reduce the widest radius of the structure by approximately one foot. PG&E’s modified Project Description, which includes shorter, more compact pole design, results in impacts to the Skyway “scenic highway corridor” that continue to be considered less than significant.

I-2 See response I-1.

I-3 Text describing the Town of Paradise Public Works Department concerns associated with construction work on or adjacent to the Memorial Trailway will be added to the Public Services Section of the Final Initial Study. In addition, the following mitigation measure has been added to the Public Services Section of the Final Initial Study:

Measure XIII-1: PG&E shall submit a report to the Town of Paradise, which describes plans to accomplish the Town of Paradise’s objectives to preserve the integrity and strength of the surface of Memorial Trailway. The report shall be submitted to the Town of Paradise Public Works Department and the CPUC at least 30 days prior to the

planned construction start date. Construction will not be allowed to commence along Segment 5 until the CPUC is satisfied that PG&E has addressed the concerns of the Town of Paradise regarding the trailway surface. At conclusion of project construction, the CPUC mitigation monitor will verify that all construction damage to the surface has been professionally repaired.

LETTER II

Larry Myers, Executive Secretary, Native American Heritage Commission
May 26, 2000

II-1 It is anticipated that construction of the proposed power line along the existing natural gas pipeline corridor would avoid impacts to the 6 cultural resources sites because the sites are believed to be located outside of the proposed power line corridor. However, PG&E has recommended applicant proposed Mitigation Measure MM6-3 to protect undocumented cultural resources that could potentially be discovered during construction activities.

CPUC has recommended that applicant proposed Mitigation Measure MM6-3 be replaced in the Final Initial Study with a similar measure (Measure V-1) incorporating the following modifications to MM6-3:

- Replace the second sentence with the “In accordance with Article 5, Section 15064.5.f. of the CEQA Guidelines, the specialist shall prepare a site-specific mitigation plan if the materials and/or features are determined to be significant and cannot be avoided. The mitigation plan shall be subject to review and approval by local, State, and Federal agencies before any archaeological mitigation construction begins.”
- Delete reference to the Native American Graves Protection and Repatriation Act; and
- Replace “Section 16054.5.e” in the last sentence of the measure with “Section 15064.5.e.”

Explanation a) in Section V (Cultural Resources) of the Initial Study addresses each of the 6 cultural resources sites and explains why the project is not expected to affect the sites. The level of significance was determined by assuming implementation of the modified Mitigation Measure MM6-3, which assures that the potential impacts associated with the 6 cultural resources sites and other potentially unknown sites will be less than significant.

II-2 The following nine Members of the Butte Native American Community were consulted about the Paradise Area Reinforcement Project by letter on January 25, 2000, by PG&E (see letter on following page):

David Edwards, Chairperson
Berry Creek Rancheria of
Maidu Indians

Ms. Clara LeCompte
United Maidu Nation

Joe Marine
Marvin Marine
Beryle Cross

Art Angle, Chairperson
Enterprise Rancheria of
Maidu Indians

Jewell Pavalunas
Butte Tribal Council

Beverly Clark, Vice Chairperson
Mooretown Rancheria of
Maidu Indians

Pete Ramirez, Chairperson
Chico Band of Mechoopda Indians



**Pacific Gas and
Electric
Company**

ALISON MACDOUGALL
Cultural Resources Specialist
Building and Land Services

Mailing Address:
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Chico, CA 95928

Tel: (530) 894-4852
Fax: (530) 894-4857
Email: AJMC@PGE.com

January 25, 2000

David Edwards, Chairperson
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Ms. Clara LeCompte
United Maidu Nation
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Joe Marino
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Sacramento, CA 95820

Marvin Marino
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Mariposa, CA 95338

Beryl Cross
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Oroville, CA 95966

Jewell Pavalunas
Butte Tribal Council
1963 Mt. Ida Road
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Art Angle, Chairperson
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2950 Feather River Blvds.
Oroville, CA 95985

Beverly Clark, Vice-Chairperson
Mooretown Rancheria of
Maidu Indians
#1 Alverda Drive
Oroville, CA 95966

Pete Ramiroz, Chairperson
Chico Band of Mechoopda Indians
1907 F. Mangrove Ave.
Chico, CA 95926

**RE: PACIFIC GAS AND ELECTRIC COMPANY'S PROPOSED PARADISE AREA REINFORCEMENT
PROJECT, BUTTE COUNTY, CALIFORNIA**

Dear Members of the Butte Area Native American Community:

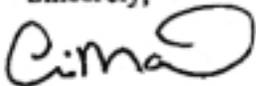
Pacific Gas and Electric Company is currently proposing to construct a new 115kV power line to satisfy the increased power needs of the Town of Paradise and the surrounding area in Butte County. The preferred route for this new line is depicted on the attached map and extends from PG&E's existing Paradise Substation in the Town of Paradise to the existing 115kV line located approximately two miles southwest of the Paradise Town limits. This route was selected for its minimal impacts to natural and cultural resources, its ease of access, and its minimal impact on the Paradise community.

As part of the planning process, PG&E conducted a cultural resources survey of the preferred route to determine if the construction of the new Paradise Area Reinforcement Project power line would impact any significant cultural resource sites. Based on this survey and on additional background research, it has been recommended that no sites will be impacted by construction activities. However, PG&E would like to know if you are aware of any significant cultural resources or culturally sensitive

areas within the project area. If you know of any such properties, it would be greatly appreciated if you would contact me by February 4, 2000 with their location so that we can consider them in the planning process.

Thank you so much for your assistance, and I hope that you will feel free to contact me at (530) 894-4652 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Macdougall". The signature is fluid and cursive, with a large loop at the end.

**Alison Macdougall
Pacific Gas and Electric Company
Cultural Resources Specialist**

There is no record of response from any of the community leaders listed above. PG&E also sent the nine members copies of the their Application for a Permit to Construct the Project (page 13, PEA, 2000).

- II-3 The CPUC has developed a Mitigation Implementation and Monitoring Plan to ensure that the required measures are adequately implemented. The plan includes specific actions to be taken to implement each mitigation measure, and information on monitoring requirements and the timing of implementation (see Section C of Mitigated Negative Declaration and Initial Study). With regard to applicant proposed measure MM6-2, PG&E will be required to provide documentation (with agenda and list of attendees) for CPUC review. Field monitoring of the implementation of these mitigation measures during construction activities will be carried out by a CPUC-designated environmental monitor.
- II-4 See response II-1 above. Measure V-1, which replaced applicant proposed measure MM6-3, is in accordance with Article 5, Section 15064.5.e of the CEQA Guidelines, which defines actions to be taken if human remains are discovered during construction.
- II-5 See response II-2, above.
- II-6 PG&E has indicated that it would utilize the Paradise Substation property for construction laydown and staging areas for the equipment and materials that will be used for the substation upgrade. With regard to power line construction, laydown areas for construction materials and to stage equipment will be primarily within the power line rights-of-way (ROW), as well as the Paradise Substation, and nearby PG&E construction and maintenance yards. Typically, a power line laydown area would be established near the beginning and end of a segment (see Initial Study Figure B-2 for segment locations), and as necessary between these points (PEA, 2000). If additional property is needed for access or laydown areas, PG&E would be required to obtain temporary easements from the property owners.

The following mitigation measure has been added to the Cultural Resources Section of the Final Initial Study to reduce potential impacts associated with establishing a laydown or staging area off the power line ROW (other than property owned by PG&E):

Measure V-2: In the event that PG&E needs to use land in undisturbed areas that it does not own for laydown or staging areas off the power line ROW, PG&E will be required to conduct all required surveys with appropriate mitigation consistent with the applicant proposed measures listed in Table B-1 of the Initial Study to reduce all impacts associated with development of the laydown or staging area to non-significant levels. Survey reports and proposed mitigation actions shall be submitted to the CPUC for review and approval. The site may not be used by PG&E until PG&E has demonstrated to the CPUC that its action will reduce all potential impacts to a level that would be less than significant.

LETTER III

Nancy Thompson, Resident
May 31, 2000

- III-1 Aspen Environmental Group staff accessed the Paradise Area Reinforcement Project website on May 31, 2000 (<http://www.cpuc.ca.gov/divisions/energy/environmental/info/aspen/paradise/paradise.htm>). At that time, all document links on the website were in working order. Ms. Thompson was provided a copy of the Draft Mitigated Negative Declaration and Initial Study on May 30, 2000.
- III-2 Numerous panels of expert scientists have convened to review the data relevant to the question of whether exposure to power-frequency EMF is associated with adverse health effects. These evaluations have been conducted in order to advise governmental agencies or professional standard-setting groups. These panels of scientists first evaluate the available studies individually, not only to determine what specific information they can offer, but also in terms of their experimental design, methods of data collection, analysis, and suitability of the authors' conclusions to the nature and quality of the data presented. Subsequently, the individual studies, with their previously identified strengths and weaknesses, are evaluated collectively in an effort to identify whether there is a consistent pattern or trend in the data that would lead to a determination of possible or probable hazards to human health resulting from exposure to these fields.

These reviews include those prepared by international agencies such as the World Health Organization (WHO, 1984 and WHO, 1987) and the International Non-Ionizing Radiation Committee of the International Radiation Protection Association (IRPA/INIRC, 1990) as well as governmental agencies of a number of countries, such as the U.S. EPA, the National Radiological Protection Board of the United Kingdom, and the French and Danish Ministries of Health. In May 1999 the National Institute of Environmental Health Sciences (NIEHS) submitted to Congress its report titled, *Health Effects from Exposure to Power-Line Frequency Electric and Magnetic Fields*, containing mixed conclusions regarding EMF and health effects.

To date, all of these panels have concluded that the body of data, as large as it is, does not provide evidence to conclude that exposure to EMF of the magnitude expected during the operation of electric transmission lines causes cancer or otherwise constitutes a health hazard.

In 1991, the California Public Utilities Commission (CPUC) initiated an investigation into electric and magnetic fields associated with electric power facilities. By this investigation, all interested parties were notified that the Commission would take appropriate action on EMFs in response to a conclusion, based on scientific evidence, which indicates that a health hazard actually exists, and that a clear cause and effect relationship between utility property or operations and public health is established.

At the issuance of this investigation, the scientific community had not yet isolated the impact, if any, of utility-related exposures on public health. In the absence of a final resolution of the question of such impact, other jurisdictions and agencies have concluded that the best response to EMFs is to avoid unnecessary new exposure to

EMFs if such avoidance can be achieved at a cost that is reasonable in light of the risk identified. Thus, if at a future time a health risk is determined to exist, government will have acted responsibly and rationally to avoid unnecessary exposure to that risk.

Interested parties were invited to comment on specific EMF issues identified in the investigation. In response to this invitation, comments were received from 23 independent organizations and individuals. Stemming from the investigation and subsequent meetings of the EMF working group, the Commission adopted Decision (D) 93-11-013, which takes seven interim steps to address EMFs related to electric utility facilities and power lines. The Decision also designates the California Department of Health Services (DHS) as a program manager for EMF research and education programs. The mitigation measures that are in place as a result of this decision include the use of “low-cost” or “no-cost” mitigation measures for electric utilities under the CPUC’s jurisdiction. The CPUC did not adopt any specific limits or regulation on EMF levels related to electric power facilities.

The EMF Decision and PG&E’s Guidelines require PG&E to prepare an EMF Field Management Plan (FMP) that specifically delineates the no-cost and low-cost EMF measures that would be installed as part of the final engineering design for the project. PG&E will submit the final FMP to the CPUC prior to any construction activity on the project, and will make it available to the public upon request. The FMP will include the following project information:

- Description of the project (cost, design, length, location, etc.)
- Description of the surrounding land uses, using priority criteria classifications
- No cost options to be implemented
- Priority areas where low cost measures are to be applied
- Measures considered for magnetic field reduction, percent reduction and cost
- Conclusion – which options were selected and how areas were treated equivalently or why low cost measures cannot be applied to this project due to cost, percent reduction, equivalence or some other reason.

III-3 Underground power lines have similar EMF issues to overhead lines. In most cases EMF exposure is stronger when a receptor is standing directly over an underground line because of the close proximity of the power line to potential receptors.

LETTER IV

Larry Vinzant, Chief, Sacramento Valley Office, U.S. Army Corps of Engineers
June 9, 2000

IV-1 The proposed project would not involve discharge of dredged or fill material into the waters of the United States.

IV-2 See response IV-2.

LETTER V

Gail Williams, Air Quality Planner, Butte County Air Quality Management District
June, 19, 2000

- V-1 The District notes that the Mitigated Negative Declaration and Initial Study adequately address potential air quality impacts.

LETTER VI

Joe Church, Resident
June 22, 2000

- VI-1 Aspen Environmental Group (Aspen) is an environmental consulting firm that was selected by CPUC under Aspen's current "Northern California On-Call Contract" to assist the CPUC's Energy Division in review of PG&E's Paradise Area Reinforcement Project Application and to prepare related environmental documents for compliance with the California Environmental Quality Act (CEQA).
- VI-2 No portions of the proposed project fall within an active fault zone. Standard substation and power line design requirements take into account ground shaking and other seismic activity.
- VI-3 PG&E has committed to a number of hydrology and water quality mitigation measures (see applicant proposed measures MM 9-1 through 9-3, page B-10) designed to protect streams and other water bodies from being affected by construction induced erosion or sedimentation, and/or by accidental releases of petroleum hydrocarbons from construction equipment or concrete associated with pole foundation construction.
- VI-4 In consultation with the Town of Paradise, PG&E is preparing a detailed Vegetation Management Survey Plan that accounts for every tree along the power line ROW to minimize the need for excessive vegetation clearing within the power line ROW (applicant measure MM 15-5, see page B-13). The plan illustrates the trees that would remain, trees that would require trimming, and trees that would be removed. Prior to clearing activities, PG&E will identify and tag in the field those trees and major shrubs (taller than 10 feet) to be removed, trees to be pruned, and trees to remain within the power line easement.
- VI-5 See response VI-4.
- VI-6 See response II-3.

LETTER VII

Mr. and Mrs. Langley, Residents
June 22, 2000

- VII-1 Underground power transmission lines are typically reserved for unique situations where it appears that significant visual impacts cannot be reduced to a level that is less than significant. For this Project, PG&E has proposed to change the majority of the poles to a structure design shorter and more compact than those originally proposed. Visual impacts associated with the project are considered less than significant.
- VII-2 See response VII-1.
- VII-3 Low-voltage distribution lines used for new housing are sometimes installed underground because they do not have the high cost and reliability issues associated with them that high-voltage power lines have. The costs of installing distribution lines underground are sometimes paid by the developer or PG&E. The costs of undergrounding a high-voltage power line such as the proposed project would generally be borne by a municipality under the California Public Utilities Commission's Rule 20, since such costs could not be justified as a burden on all utility rate-payers.
- VII-4 Audible power line noise is generated from corona discharge, which is usually experienced as a random crackling or hissing sound. The potential for noise from corona discharge is greater with high voltage lines during wet weather. However, corona noise that would be associated with the proposed 115kV line would be barely audible to noise receptors along the route due to its relatively low voltage and existing ambient noise levels (see Section XI of Initial Study).
- VII-5 PG&E has proposed eleven measures designed to reduce potential impacts to wildlife and vegetation associated with construction of the proposed project (see pages B-7 through B-9). The measures range from preconstruction surveys for special-status plants and aquatic species to limiting vegetation removal to between August and February to prevent disruption of active nests. CPUC also recommended an additional measure (Measure III-1, page B-13) to avoid vegetation removal from between March through July to prevent disruption of active nests during ongoing project maintenance, as well as during the construction phase of the project.
- VII-6 Moreover, the ability to locate line problems is more difficult when a system has been placed underground and repair and outage times can be longer than with overhead lines.
- VII-7 PG&E has indicated that it would meet with the town council and interested community members to answer questions regarding the Proposed Project.

COMMENT LETTERS

The following is a list of comment letters received on the Draft Negative Declaration:

- I. Al McGreehan, Community Development Director, Town of Paradise, May 24, 2000
- II. Larry Myers, Executive Secretary, Native American Heritage Commission, May 26, 2000
- III. Nancy Thompson, Resident, May 31, 2000
- IV. Larry Vinzant, Chief, Sacramento Valley Office, U.S. Army Corps of Engineers, June 9, 2000
- V. Gail Williams, Air Quality Planner, Butte County Air Quality Management District, June, 19, 2000.
- VI. Joe Church, Resident, June 22, 2000
- VII. Mr. and Mrs. Langley, Residents, June 22, 2000



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

May 30, 2000

Telephone (530) 872-6291

Beth Shipley, CPUC
c/o Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA. 94104

Subject: Paradise Area Reinforcement Project Initial Study & Proposed Mitigated
Negative Declaration

Dear Ms. Shipley:

Copies of the above-referenced proposed document have recently been provided to the Town of Paradise for review. On behalf of the Town of Paradise, the content of this letter and its related enclosure constitutes our comments regarding this matter.

COMMENTS/OBSERVATIONS:

1. The Initial Study fails to acknowledge the fact that "segment 4" of the proposed project is located within a Paradise General Plan designated "scenic highway corridor". The above-ground features of the proposed project to be located within "segment 4" appear to be in conflict with the Paradise General Plan goals, objectives, policies, and implementation measures assigned to the Skyway "scenic highway corridor". [Note: Enclosed for your use is excerpted copy of the Paradise General Plan text pertaining to scenic highway corridors and gateway areas].

2. The above-noted conflict should be determined as "potentially significant unless mitigation incorporated" and it needs to be properly analysed within your agency's Initial Study for the proposed project. Simply deferring to CPUC Decision 94-06-014 and General Order 131-D fails to provide your CPUC decision-makers as well as the public a good faith effort of project analysis and full public disclosure of the impact consequences associated with this proposed project.

3. Enclosed with this letter is a copy of a interoffice memorandum that was recently generated by Mr. Dennis Schmidt, Town of Paradise Public Works Director/Town Engineer. He aptly identifies concerns with environmental impacts associated with project construction that is proposed to occur within project "segment 5", particularly during the winter months and heavy local precipitation time of the year. It is hereby requested that you expand the analysis and mitigation of this project impact within the Initial Study accordingly.

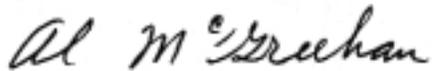
Beth Shipley, CPUC

-2-

May 30, 2000

Thank you for affording the Town of Paradise the opportunity to review and comment on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Al McGreehan".

Al McGreehan
Community Development Director

Encls.

cc: Town Council, w/encls.
Paradise Planning Commission, w/encls.
Chuck Rough, Jr., Town Manager, w/encls.
All Department Heads, w/encls.

Interoffice Memorandum

To: Al McGreehan, Community Development Director
From: Dennis J. Schmidt, PE *DJS*
Public Works Director/Town Engineer
Date: May 24, 2000
Re: Draft Mitigated Negative Declaration, Paradise Area Reinforcement Project

I have reviewed the draft mitigated declaration received today and offer the following comments:

Page B-12, MM 14-3 states that "*PG&E will repair and restore damage to public roads and nearby areas caused by construction project*".

The Memorial Trailway is a class one bicycle/pedestrian facility. It was never designed to withstand the type of loading likely to occur in conjunction with this project. The structural section of the trailway is two inches of asphalt concrete, over four inches of compacted base rock. The applicant states that the actual construction of the poles and lines is scheduled for February and March, 2001. This is our winter season, in which the Town of Paradise typically receives between 40 and 70 inches of rain. If this project is constructed during the winter, it is likely that the heavy equipment will **destroy** the existing bikeway. In my opinion, it is ludicrous to try to construct this project during the winter months.

Irregardless of the time of construction, I would propose the following mitigation measures be added:

- 1) Applicant shall comply with all provisions of the Paradise Municipal Code, Title 12, Article II, regarding the requirement to obtain an encroachment permit.
 - a) Due to the potential for severe damage to the Trailway, the surety bond required under Section 12.14.180 of the Paradise Municipal Code shall be increased to \$500,000.00
 - b) Applicant shall be required to hire an independent expert in asphalt pavement analysis to document the before and after condition of the trailway. This appraisal shall be performed using generally acceptable rating criteria, including a "before and after" video of the trailway, visual condition rating, and

documentation of any profile changes before and after construction through the use of a profilograph across all affected areas of the trailway.

- c) All damage shall be professionally repaired to the satisfaction of the Public Works Director. In the event that "patching" is required, the entire affected trail surface shall have either an asphalt overlay or slurry seal placed (due to the inherent tripping hazards and hazards to skateboarders/in-line skaters that patching creates).
- 2) Any fixed objects (poles placed within the Town right away along streets) shall meet the clear zone concept 7-02 of the Caltrans Traffic Manual (30 feet minimum clearance from the edge of traveled way on Skyway, 10 foot minimum on Neal Road).
- 3) Any fixed objects placed within the Town right of way shall not reduce the traffic sight distance currently available to the traveling public.
- 4) Final location of all poles shall be subject to approval by the Public Works Director/Town Engineer.
- 5) Pole placement shall be designed to accommodate the realignment of the Neal Road/Skyway intersection (currently out to bid).
- 6) Comply with Section 15.04.280 of the Paradise Municipal Code regarding Storm Damage Precautions and Erosion Control Measures.

I would also note that this project will likely require a Storm Water Pollution Prevention Plan SWPPP from the California Regional Water Quality Control Board. The applicant should contact them for further details.



OPEN SPACE AND GROWTH MANAGEMENT

Open space policies assist in influencing General Plan land use designations and future zoning classifications. Severely constrained lands are to be designated and zoned for open space, agriculture or low density rural residential use.

OCEG - OPEN SPACE/CONSERVATION/
ENERGY GOAL
OCEO - OPEN SPACE/CONSERVATION/
ENERGY OBJECTIVE
OCEP - OPEN SPACE/CONSERVATION/
ENERGY POLICY
OCEI - OPEN SPACE/CONSERVATION/
ENERGY IMPLEMENTATION MEASURE

Goals

- OCEG-1 Improve the aesthetic appearance of the open areas within the primary and secondary study areas, particularly the entrances to the town.
- OCEG-2 Create an open space system in the Paradise region adequate to serve the needs of the community.
- OCEG-3 Preserve open space as necessary to protect the public health, safety and welfare, and to maintain the rural character of the community.
- OCEG-4 Increase the amount of open space, recreational opportunities and services in the community over the next fifteen years.

Gateways and Scenic Highway Corridors

The form and character of the Town of Paradise is primarily distinguished by what one views from its streets. A sense of entry occurs at "gateways" along Paradise's main roads. Each gateway contributes importantly to the town's identity.

The intent of formally establishing and regulating development within the gateways is to preserve and enhance the visual setting along the entryways to the town. It is hoped that by establishing standards for land use and development in the gateway areas, the unique environmental setting will be preserved, and will contribute to the overall evolution of the identity and sense of place of the town. Gateway areas are identified and depicted on the *Land Use Diagram* as follows:

- An area approximately 2,000 feet in circumference along the lower Skyway in the vicinity of the southern Sphere of Influence boundary.
- An area approximately 2,000 feet in circumference along lower Clark Road (Highway 191) in the vicinity of the southern Sphere of Influence boundary.
- An area approximately 2,000 feet in circumference along lower Pentz Road in the vicinity of the southern Sphere of Influence boundary.
- An area approximately 2,000 feet in circumference along lower Neal Road in the vicinity of the southern sphere of influence boundary.

The intent of establishing scenic highway corridors is to preserve the important scenic and visual resources of those areas along major streets within the town and the Sphere of Influence. It is hoped that by designating scenic corridors and implementing land use and development standards for these areas, the visual experience of driving these stretches of road will be preserved and enhanced. Scenic corridors link and



branch off of the gateways, extending into, and in the case of Pentz Road, through the town. Scenic highway corridors are identified and depicted on the *Land Use Diagram* as follows:

- A corridor extending 150 feet from the centerline of the public road right-of-way, encompassing the Skyway between the current western Sphere of Influence line and Neal Road.
- A corridor extending 100 feet from the centerline of the public road right-of-way, encompassing Pentz Road between the current southern Sphere of Influence line and its intersection with the Skyway at the northern town limits.
- A corridor extending 150 feet from the centerline of the public road right-of-way, encompassing Clark Road between the current southern Sphere of Influence line to the southern town limits.
- A corridor extending 100 feet from the borders of the public road right-of-way, along Honey Run Road between the current western Sphere of Influence line and the southwestern town limits.
- A corridor extending sixty feet from the centerline of the public road right-of-way embodying Neal Road between the current southern sphere of influence line to its intersection with the Skyway.

Gateways and scenic highway corridors contribute to the local quality of life for residents, and to the town's tourism potential.

Objectives

- **OCEO-1** Protect and enhance the gateway and scenic corridors that escort people into Paradise.

- OCEO-2** Promote establishing protection and enhancement of gateway areas and designated scenic corridors by both Butte County and the State of California.

Policies

- OCEP-1** Pentz Road and State Highway 191 between the south town limits and the southern boundary of the secondary planning area shall be designated as scenic highways.

- OCEP-2** The Skyway between the southwest town limits and the westerly boundary of the secondary planning area shall be designated a scenic highway.

- OCEP-3** In making land use decisions concerning development within identified gateway and scenic highway corridors, the town shall recognize that the unique natural features such as the trees, dramatic canyons and varied topography are an integral part of Paradise's community character.

- OCEP-4** New billboards exceeding 100 square feet in size shall not be permitted within town limits. No new billboards shall be permitted within designated gateways or scenic highway corridors.

- OCEP-5** The town shall strive to locate new buildings and other structures, including utility lines, that would otherwise block vistas or degrade the natural landscape, outside of scenic view corridors.

- OCEP-6** Natural vegetation should be maintained within gateway and scenic highway corridor areas.



Implementation Measures

OCEI-1 Prepare and adopt land use regulations and development standards intended to maintain the integrity of the scenic highway designation for Pentz Road, lower Skyway and state Highway 191.

OCEI-2 Locate transmission and utility lines in designated gateways or scenic highway corridors where they may be concealed by vegetation or topographical features.

OCEI-3 Amend the zoning ordinance to prohibit new billboards exceeding 100 square feet in size within the town limits, and to provide that signs within designated gateways or scenic highway corridors shall not exceed nine square feet maximum for residential uses and thirty-six square feet maximum for commercial or community service uses. Signs will not extend above the roof line of any onsite building, nor shall they be placed on the roof of any building.

Land Acquisition and Local Park Enhancement

A primary goal of the *Open Space Element* is to add to the existing stock of open space and recreational land within the primary and secondary planning areas over the next fifteen years. The success in reaching this goal will depend upon a number of factors, which include, but are not limited to the following:

- A strong and committed relationship between the County of Butte, the Paradise Planning Commission, Town Council, and Paradise Recreation and Park District. The Paradise Unified School District and Paradise Irrigation District may also play key roles.

- The will of the citizenry, and their commitment toward helping to support and create more open space and recreational lands in and around Paradise.
- The plight of the current state financial situation, its impact upon the town and local special districts, and the resulting availability of grant monies and other funding opportunities.
- The creativity and commitment of land owners and developers in designing projects that will provide needed open space, and/or will seriously contribute to the goals of increasing open space and recreational lands in and around Paradise.
- The creativity and commitment of decision makers, staff, and the citizenry in exploring and implementing land acquisition strategies and techniques well before the town approaches build out levels, and viable opportunities are lost.

Criteria for designating areas as potential future parkland/open space on the General Plan land use map:

- *Geographic continuity and a balance with existing parkland facilities.*
- *Areas with "usable" lands: minimal constraints.*
- *Areas with vacant and available land.*

The following objectives, policies and implementation measures are intended to guide the community towards increasing the amount of open space in and around Paradise to adequately serve the needs of the citizenry.

**NATIVE AMERICAN HERITAGE
COMMISSION**

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6882
Fax (916) 657-5390

RECEIVED

MAY 26 2000



May 26, 2000

Beth Shipley, CPUC
C/o Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA 94104

Re: Draft Mitigated Negative Declaration for Paradise Area Reinforcement
Project (A.00-01-026)

Dear Ms. Beth Shipley:

The comments of the Native American Heritage Commission for the above project are related to the protection and preservation of Native American cultural resources. Page B-26 identifies six sites within or directly adjacent to the proposed power line route and adjacent corridor. I see nothing in the draft report that says the sites will be avoided and if that is not possible; how the sites will be mitigated. These sites are listed as having potential significance. How is this potential significance determined? Have local Native Americans been consulted regarding the impacts to these identified sites and other sites that may be deemed ceremonial or sacred to Native American people?

On page C-5, mitigation measure MM 6-2 discusses cultural resource training for construction staff. It is wrongful thinking to conclude that construction personnel will stop a project if cultural resources are found or suspected. They are paid to finish a job as quickly as possible. I believe that many construction firms have an unwritten rule not to report anything. For that very reason, a Native American monitor is needed to insure that the project does in fact get stopped and the site is evaluated by an independent archaeologist.

On page C-6, mitigation measure MM6-3 discusses CEQA Guidelines and the Native American Graves Protection and Repatriation Act (NAGPRA). NAGPRA only applies to inadvertent discoveries on federal land or tribal land. This section does not discuss Public Resource Code Section 5097.9 or Health and Safety Code Section 7050.5. If Native American human remains are uncovered, the cultural resource specialist has nothing to say about treatment or disposition.

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Beth Shipley

-2-

May 26, 2000

Furthermore, local Native Americans should be closely involved in any mitigation measures. Have local Native Americans been consulted?

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Finally, have mitigation measures been developed for any staging areas? Perhaps some of my concerns have been addressed in some appendices that have not been forwarded to this office.

6

Sincerely,



Larry Myers
Executive Secretary



Matt Fagundes

From: Nathomp1941@aol.com
Sent: Wednesday, May 31, 2000 7:19 AM
To: Paradise@aspeneq.com
Subject: Mitigated Negative Declaration and other project information

I am a resident of 259 Pacific dr. and have been for 30 years. I am very concerned by the installation of the 115 thousand volt lines you wish to put within 100 feet of my home. I wrote the CPUC's web site for the studies and project information and the files are missing. I noted that information to their web site. Because of the high voltage and the ELECTROMAGNATIC FIELD, cancer rates are very high from being exposed to high emfs', many buyers of homes are very aware of this(thus the value of your home declines).

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} 2

I do beleive these lines should be put under ground, so as to not to expose a mutitude of citizens to strong emfs' everyday, and lose the value on their property.

} 3

Nancy Thompson
nathomp1941@aol.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
June 5, 2000

Regulatory Branch (200000292)

Beth Shipley
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, California 94102

Dear Ms. Shipley:

I am responding to the Draft Mitigated Negative Declaration and Initial Study for the Paradise Area Reinforcement Project.

The Corps of Engineers jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, and wetlands such as vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

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The range of alternatives considered should include alternatives that avoid impacts to wetlands or other waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

2

If you have any questions, please write to Mr. William Ness, Room 1480, or telephone (916) 557-5268. We appreciate the opportunity to be included in your review process.

Sincerely,

ORIGINAL SIGNED

Larry Vinzant
Chief, Sacramento Valley Office

Copies Furnished

- ✓ Beth Shipley, CPUC, c/o Aspen Environmental Group, 235 Montgomery Street, Suite 800, San Francisco, California 94104
- Steve Stielstra, PG&E, 245 Market Street, San Francisco, California 94104

2525 Dominic Drive, Suite J
Chico, California 95928
(530) 891-2882
(530) 891-2878 Fax



Lawrence D. Odle
Air Pollution Control Officer

W. James Wagoner
Asst. Air Pollution Control Officer

June 19, 2000

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

Re: Paradise Area Reinforcement Project Mitigated Negative Declaration

Dear Ms. Shipley:

The District has reviewed the mitigated negative declaration (MND) for the above proposed project. The MND adequately addresses the potential air emissions associated with the proposed project. The potential air quality impacts can be mitigated to the extent feasible provided the mitigation measures proposed are implemented into the project.

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Thank you for the opportunity to comment on the proposed project. If you have any questions, please contact the District.

Sincerely,

A handwritten signature in cursive script that reads "Gail Williams".

Gail Williams
Air Quality Planner

File No 3460.1

JOE CHURCH (530-877-2581)
5619 SIERRA PARK DR.
PARADISE, CAL, 95769
JUNE 19, 2006

BETH SHIPLEY, CPUG, PARP, A.00-01-026
% ASPEN ENVIRONMENTAL GROUP
235 MONTGOMERY ST, SUITE 800
SAN FRANCISCO, CAL, 94104

DEAR BETH,

IF I MAY BE SO BOLD AS TO CALL BETH BY HER FIRST NAME, DESPITE NO INTRODUCTION, BUT FIRST WHO OR WHAT IS "ASPEN ENVIRONMENTAL GROUP?"

SECOND, MY WIFE AND I HAVE LIVED 26 YEARS IN THE HOUSE, WHICH WE OWN OUTRIGHT, ON OUR LOT WHICH IS LOCATED ON THE WEST SIDE OF SIERRA PARK DR ABOUT HALF WAY BETWEEN FOSTER AND PEARSON ROADS ABOUT 100 YARDS EAST OF THE PGE POWERLINE + I'M INVOLVED IN THIS PROJECT, WE CAN SEE THE PGE FROM OUR BACK PORCH, SO WE ARE INTERESTED IN THIS EX-PROPOSAL. THUS + SO I COMMENT AS FOLLOWS:

1. A MINOR POINT, PERHAPS, BUT THERE ARE TWO APPARENT FOUR FEET DEEP VISIBLE IN ROCK CUT BANKS ALONG CLARK ROAD, EAST SIDE, APPROXIMATELY 1/2 AND 1 MILE SOUTH OF THE PARADISE AIRPORT ROAD TURNOFF WOULD ALSO BE ABOUT 4-5 MILES SOUTH OF THE PGE PARADISE SUBSTATION.

2. SURVEY STAKING HAS BEEN DONE ALONG THE EXISTING POWER LINE RECENTLY AND BY ONE PLACE, AT LEAST, THAT I COULD SEE HAS BEEN DONE NEXT TO (WITHIN 5 FEET) OF THE LIVE STREAM BETWEEN THE SUBSTATION AND THE HIGH SCHOOL BASEBALL FIELD, IF CLEARLY AND/OR

P02 CHURCH RESPONSE: P.A.R.P, A00-01-026

2 (CONT.)

CONSTRUCTION TAKES PLACE AT THAT LOCATION, IT WILL SURELY AFFECT THAT STREAM. IT SHOULD BE PROTECTED.

3. THAT SOME SURVEY STAKES MOVE IN AND OUT OF BORDERLINE VEGETATION BUT ONE CAN NOT TELL WHAT THE STAKES MEANS AS FAR AS CLEARING IS CONCERNED. HOW DOES ONE DEDUCE ACTUAL CLEARING LIMITS AND IF SUCH CAN NOT BE DETERMINED NOW, WHEN WILL SUCH BE POSSIBLE AND TO WHAT EXTENT WILL THERE BE SUFFICIENT PUBLIC NOTICE?

4. THE COLOR PHOTOS BY THE ASPEY REVIEW (EXISTING - POST PROJECT PROJECTION) WOULD GO TO ME THAT A CONSIDERABLE AMOUNT OF ~~VEGETATION~~ REMOVAL, ESP. ESCALARY TREES, WILL BE INVOLVED. THIS TO ME, MY COMMENT IN #3 ABOVE IS IMPORTANT.

5. FINALLY BOTH REPORTS - THE ORIGINAL P.E. SUB-MISSION AND THE "ASPEY" REVIEW - CONTAIN A GREAT DEAL OF "WYRST, WE'LL DO THIS AND ALL WILL BE GOOD; GOOD FOR P.G.F., GOOD FOR PARADISE, GOOD FOR THE ENVIRONMENT AND ALL WILL BE RIGHT WITH THE WORLD." PROPER SO, BUT WHO OVERSEES THE JOB TO SEE THAT THE PROJECT REQUIREMENTS ARE MET? ARE PROJECT INSPECTORS ASSIGNED FULL TIME AND WORK WITH AUTHORITY & RESPONSIBILITY TO DO THE JOB RIGHT? WITHOUT SUCH CONTROL ~~ALL THOSE~~ REPORT WORDS ARE JUST WORDS. SO, WHO WILL RUN THE SHOP?

THIS WILL BE AN INTERESTING TIME.

Sincerely,
Joe Ruel

June 22, 2000

Beth Shipley, CPUC
C/O Aspen Environmental Group
235 Montgomery Street, Suite 800
San Francisco, CA 94104

RE: Paradise Area Reinforcement Project (A.00-01-026)

Dear Ms. Shipley,

Our property adjoins the right-of-way for the above project. Concern for the aesthetic impact as well as the environmental impact is the reason for this letter.

The Town of Paradise is primarily residential with very little industry. The majority of its residents are retired people. Quite a few have moved here from the Bay Area or southern California. One of the main reasons for moving to this area is its aesthetics that include lots of trees, quiet neighborhoods, small town atmosphere, and wildlife.

Our neighborhood utilities are underground and we propose the same be done for this project. A few years ago, PG&E did work which necessitated digging a ditch in the right-of-way behind our neighborhood. Why couldn't that same ditch be used for the current proposed project? One of our previous residences is served by underground utilities. When that house was being built we were told the reason for putting utilities underground was cost and reliability. That was thirty-five years ago and there have been no significant problems. We have observed towers carrying 115kV and the noise emitting from those towers is very unpleasant. In addition the proposal states "vegetation removal in the right-of-way" will take four weeks. That is a lot of wildlife habitat being disturbed.

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Some of the cost of putting the lines underground will be offset by presumably lower maintenance costs. Lower maintenance costs would result from lines being inaccessible to animals such as squirrels and environmental risks such as trees falling on the lines.

6

Please schedule a public hearing in this matter so we are able to have PG&E personnel answer our concerns.] 7

Sincerely,

William R. Langley

William R. Langley

Pat J. Langley

Pat J. Langley
5462 Filbert Street
Paradise, CA 95969
(530) 872-7594