

CHAPTER 2

Comments and Responses

A. Introduction

This chapter includes copies of the comment letters received during the public review period on the DEIR and responses to those comments. Both the comments and responses are part of this Final EIR. Each comment is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter. A summary of comments heard at the August 28, 2007 public meeting is also provided along with responses to those comments.

Where responses have resulted in changes to the text of the DEIR, these changes are shown within quoted portions of the DEIR text using the following conventions:

- 1) Text added to the wording in the DEIR is shown in underline,
- 2) Text deleted from the wording in the DEIR is shown in ~~strikeout~~, and
- 3) Text changes are shown in indented paragraphs.

These text changes also appear in Chapter 3, *Revisions to the DEIR*, of this document.

B. List of Comment Letters on the DEIR

The comment letters received on the DEIR are listed below in Table 2-1 organized by comments received from the applicant, organizations, and individuals, and further organized by order of their arrival. Each comment letter has been assigned a corresponding alphabet letter designation.

C. Responses to Comments

This section contains responses to all of the substantive comments received on the DEIR during the public review period from July 31, 2007 through September 14, 2007, including one comment clarification letter received on September 17, 2007. Each comment letter was assigned a letter according to the system identified previously (i.e., A, B, etc.). Each comment addressed within each letter was assigned a comment number (i.e., A-1, A-2, etc.). On the following pages of this section, each comment letter is reproduced in its entirety followed by the responses to each comment within the letter. Where a response to a similar comment has been provided in another response, the reader is referred to the other response.

**TABLE 2-1
LIST OF COMMENTERS**

Letter	Commenter	Date
Applicant		
A	Goodin, MacBride, Squeri, Ritchie & Day, LLP (on behalf of PacifiCorp)	September 14, 2007
Organizations		
B	Weed Berean Church	September 11, 2007
C	Volcanic Legacy Community Partnership	September 14, 2007
Individuals		
D	Dave and Marlene Lovenguth	September 10, 2007
E	Judy Mackintosh	September 13, 2007
F	Carrick Ranch (Carl E. Goltz)	September 14, 2007
G	Meyers Nave Riback Silver & Wilson, PLC (on behalf of Don and Judy Mackintosh)	September 14, 2007, September 17, 2007
H	Linda Green	September 18, 2007
Public Meeting		
PM	Public Meeting Comments	August 28, 2007

As previously noted, all changes to the DEIR for clarification or amplification are described in the response and referred by the page number on which the original text appears in the DEIR. Added text is underlined; deleted text is ~~stricken~~.

D. Public Meeting Comments and Responses

A public meeting was held on August 28, 2007 at 6:30 pm at the College of the Siskiyous, Theater Building, 800 College Avenue, Weed, California. Attendees were: Mike Rosauer (CPUC), Doug Cover, Jennifer Johnson, and Rachel Baudler (ESA), several representatives of PacifiCorp, and several members of the public. Verbal comments made at the public meeting were documented by a court reporter. Commenters were also encouraged to submit follow-up written comments so that the full text and intent of their comments could be documented and addressed. Written comments, if submitted, were assigned separate letter designations as shown in the table above. A transcript of the verbal comments by the court reporter, denoted as Letter PM, and responses to those comments are presented following the last comment letter in this section.

September 14, 2007

Via Federal Express and E-Mail

Mr. Mike Rosauer
Yreka-Weed Transmission Line Upgrade Project, Southern Portion
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94014-4207

Re: Comments on the Draft Environmental Impact Report for the Yreka-Weed Transmission Line Upgrade Project, Southern Portion

Dear Mr. Rosauer:

In accord with the July 31, 2007, Notice of Availability of Draft Environmental Impact Report (“DEIR”) on PacifiCorp’s Yreka-Weed Transmission Line Upgrade Project, Southern Portion (“Project”), PacifiCorp submits the following comments. Through these comments, PacifiCorp will illustrate that the alternative chosen by the DEIR as the Environmentally Superior Alternative – Mackintosh/ALJ Variation B - presents harms to the environment and the safety of the community that were not adequately considered in the draft document. Rather, as demonstrated by PacifiCorp, with a slight refinement, one of the other alternatives considered by the DEIR – Mackintosh/ALJ Variation A – provides a means to complete the Project in a manner which (a) is more environmentally friendly, (b) is safer for the surrounding community and PacifiCorp workers, and (c) will allow for Project completion in the shortest time possible given the available alternatives. In short, it would be the Environmentally Superior Alternative.

In addition, as an Appendix to these comments, PacifiCorp is submitting suggested modifications/clarifications to the Mitigation Monitoring, Reporting and Compliance Program set forth in Chapter 8 of the DEIR.

A-1

I. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Upon completion of its analysis of the environmental impacts of the four varying alternatives for the completion of the Project, the DEIR’s comparison methodology narrowed the alternatives what have been designated as “Mackintosh/ALJ Variation A” (“Alternative A”) and

A-2

Mr. Mike Rosauer
 September 14, 2007
 Page 2

Mackintosh/ALJ Variation B” (“Alternative B”).¹ The DEIR then chooses the latter over the former as the Environmentally Superior Alternative based upon system reliability concerns given the projected time to complete Alternative A vis-à-vis Alternative B. As stated in the DEIR (at p. 5-4) “the additional lead time to procure the [115/69 kV] temporary transformer [necessary for Alternative A] may push the construction schedule into summer 2009, past the time when PacifiCorp estimates that Line 14 would exceed its thermal limit and possibly result in local electricity curtailments.” PacifiCorp agrees with this assessment, but submits that a slight refinement to Alternative A renders it a viable, and indeed, a superior alternative.

A. Refinement to “Alternative A” Eliminates Reliability Concerns

Alternative A is defined in the DEIR (p. ES-9) as:

Upgrade the existing 69 kV line from Pole 15/44 to south to Pole 8/45. At this point the 115 kV single circuit line would continue south with a pole for pole replacement to Pole 19/45, where the alignment would veer east within an existing 69 kV line ROW, following Highway 97, for approximately 1.7 miles until reaching the Weed Junction Substation. *For this alternative a temporary 115/69 kV transformer of approximately 20 MVA capacity would be required at the Weed Substation to serve existing load to Weed and the International Paper Substation.* Once the temporary transformer is operational, the 69 kV line between Weed and Weed Junction could be de-energized, allowing construction of the new double circuit line in the center of the existing ROW.

As stated above, the ultimate concern over this alternative was that the lead time for the procurement of a 115/69 kV transformer would push the construction schedule out far past the time when the line upgrade is needed for reliability purposes. PacifiCorp agrees with that assessment, however it submits that a temporary 115/69 kV transformer would not be needed at the Weed Substation to serve existing load to International Paper and Weed while the new double circuit line between structure 19/45 and Weed Junction is constructed. Rather, PacifiCorp proposes that, subsequent to the rebuild of Weed Substation to 115 kV, the temporary 12.5/69 kV substation which will be installed to serve load during the rebuild of Weed substation can be reconfigured and used as a step-up transformer to temporarily serve the International Paper Substation. The remainder of the load in the Weed area can be served by the 115 kV line from the Lucerne Substation via the newly rebuilt Weed Substation. This will allow PacifiCorp to de-energize the 69 kV line between the Weed and Weed Junction Substations, without

¹ The other two options considered were Option 3 which would require 1.2 mile of new right of way between Poles 8/45 and 14/48 and Option 4 which would parallel but be 15 feet north of the existing 69 kV line between Poles 19/45 and the Weed Junction Substation.



Mr. Mike Rosauer
September 14, 2007
Page 3

jeopardizing the safety of construction personnel and the reliability to its customers, and construct the new double circuit line between structure 19/45 and Weed Junction in the centerline of the existing ROW, eliminating the need for the temporary line and additional environmental impacts.

With this slight refinement to Alternative A, PacifiCorp will be able to have the Project on line in a shorter time frame than Alternative B, while avoiding certain environmental and safety issues raised by Alternative B, as explained below.² Moreover, this refinement does not engender the need for additional environmental analysis as it is, in essence, merely removing a component of Alternative A, the need for the installation of a temporary 115/69 kV transformer (i.e., it is not adding an element which may precipitate additional environmental review).

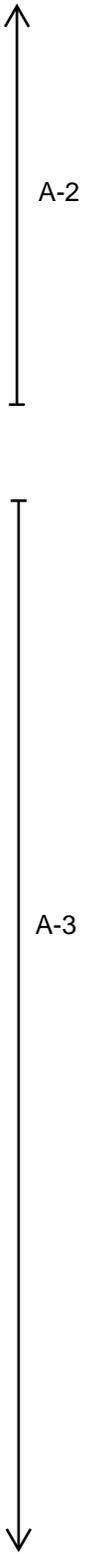
B. Alternative B Raises Safety and Environmental Concerns not Adequately Addressed in the DEIR

The DEIR (pp. ES-9 – ES-10) describes Alternative B as follows:

Upgrade the existing 69 kV line from Pole 15/44 south to Pole 8/45. At this point, the 115 kV single circuit line would continue south with a pole for pole replacement to Pole 19/45, where the alignment would veer east within an existing 69 kV line ROW, following Highway 97, for approximately 1.7 miles until reaching the Weed Junction Substation. *For this alternative, a temporary pole line would be constructed in the existing ROW approximately 15 feet south of the existing line. The existing 69 kV transmission line and distribution underbuild would be moved over “hot” (energized) to the temporary poles.* The existing poles in the centerline of the ROW could then be removed and the new double circuit lines with a 115 kV conductor could be installed in their place. *When construction of the new poles with the new 115kV conductor is completed, the 69 kV line and distribution underbuild would be moved over hot and the temporary poles removed.*

While the above stated alternative for construction of the Project is technically feasible, PacifiCorp does not believe it to be practicable given the inordinate risk it poses to the

² Also, with this refinement to Alternative A, it eliminates the need to temporarily disturb 2500 square feet outside the Weed Substation footprint which would have been necessary in order to prepare a pad area for the installation of the temporary 115/69 kV transformer. See DEIR at p. 4.4-36. The additional temporary disturbance at the Weed Substation, which would have been necessary under Alternative A as proposed, was also cited as a reason to favor Alternative B as the environmentally superior. See DEIR at p. 5-4.



Mr. Mike Rosauer
 September 14, 2007
 Page 4

safety of PacifiCorp employees as well as local residents. Moreover, the alternative presents a number of environmental impacts which can be readily avoided by using PacifiCorp's refined Alternative A to construct the project.

Moving the 69 kV line "hot" to the temporary poles and then back again to the rebuilt line raises significant safety concerns. Much of the existing 69 kV line at issue is constructed using a special high strength and high tension conductor which is then pulled taut to minimize galloping on the line due to the extreme ice and wind loading which exists in the area. As a result, the sag in the line, which is critical to an efficient transfer of the energized line, is not available. Specifically, the poles along the existing 69 kV line are spaced approximately 265 feet apart. To move one end of such a span to a 15 foot offset would require almost a foot of elongation of the conductor in each given span. Given the high tension in the lines, they cannot be stretched in such fashion. The result is an extremely tenuous situation for the line crew undertaking the hot transfer of this line. Given the tautness of the line, the room for error in the transfer is high. Not only does one slip result in extreme bodily harm to the worker(s), it will likely ignite a fire as the energized line hits the ground. Moreover, it will create a power surge if the 69 kV line comes in contact with 12.5 kV line serving local businesses and residences resulting in potential damage to electronic appliances/equipment which are not protected by surge protectors.

Second, the construction of the temporary line precipitates a number of unnecessary environmental impacts. The construction and removal of the temporary line enhances the scope of work thereby exacerbating any impacts to air quality, biological resources, noise, and traffic resulting from increased construction activity.³ In addition, the installation of the temporary line will not only necessitate the clearing and/or trimming of trees and other mature vegetation in the existing right of way but also outside the south edge of the existing right of way to ensure that windy conditions do not endanger system reliability during the time the temporary line is in place.⁴ The DEIR does not consider the need to clear trees/vegetation *outside* the existing right of way, and with respect to clearance within the right of way merely states that Alternative B would "require trimming and the possible removal of a few trees along the southern edge of the existing ROW."

Finally, Alternative B prolongs the schedule for the completion of the Project. PacifiCorp will need to obtain a temporary easement in order to construct and operate the temporary line -- a process which cannot begin until PacifiCorp receives final authorization from the Commission to build the line. Moreover, the movement of the energized 69 kV line to the temporary poles and then back to the new poles is a time consuming process. Specifically, when working with an energized line, PacifiCorp will be restricted to the use of one crew, as the use of

³ The temporary pole line would consist of approximately 33 poles.

⁴ With the exception of the removal of 12 trees leading into Weed Junction Substation which is common to all alternatives, there is no additional tree removal needed for Alternative A.



A-3

Mr. Mike Rosauer
September 14, 2007
Page 5

additional crews increases the risks outlined above. Specifically, if two crews are working on the line one crew could potentially alter the tension on one part of the line when the other crew is in the middle of a transfer. This could cause the lines to come together, sag in the distribution underbuild or contact the ground, thereby causing a fire or harming the workers. In contrast to the restriction on crews which would be used for Alternative B, use of Alternative A will allow PacifiCorp to have multiple crews working on the project at all times. PacifiCorp estimates that construction of Alternative B will take thirty to fifty percent more construction time that Alternative A.

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A-3

II. CONCLUSION

For all the reasons state above, PacifiCorp submits that with the noted refinement, Alternative A provides a means to complete the Project in a manner which (a) is more environmentally friendly, (b) is safer for the surrounding community and PacifiCorp’s contract workers, and (c) will allow for Project to be completed in the shortest time possible given the available alternatives. Accordingly, PacifiCorp requests that it be deemed the Environmentally Superior Alternative.

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A-4

Very truly yours,

GOODIN, MACBRIDE,
SQUERI, DAY & LAMPREY, LLP

By /s/ *Jeanne B. Armstrong*

Jeanne B. Armstrong

APPENDIX A

**COMMENTS ON
MITIGATION AND MONITORING, REPORTING AND COMPLIANCE PROGRAM**

PacifiCorp has reviewed the Mitigation Monitoring, Reporting and Compliance Program set forth in Chapter 8 of the DEIR and offers the following comments and/or requests for clarification:¹

Mitigation Measure AES-PPWS-3a: Landscaping shall be installed outside the perimeter fences at the Weed Junction Substation to partially screen views from Highway 97 and to integrate the Weed Junction Substation’s appearance with the surrounding landscape. Additional landscaping shall also be installed along the roadside south of the substation to partially enclose roadway views and to partially screen views toward the transmission poles seen in the foreground.

Plant Material shall be appropriate to the local/natural landscape setting and shall be consistent with Public Resources Code Section 4292 for vegetation located in proximity to transmission facilities. A landscape plan prepared by a licensed landscape architect or certified arborist shall be submitted to the CPUC. The landscape plan will show the location, suggested species and size at planting for all proposed plant material. The plan shall show proposed landscaping in relation to the final placement of the route alignment replacement poles, and substation perimeter fence. The plan shall be submitted to, reviewed and approved by the CPUC prior to construction.

Mitigation Measure AES-PPWS-3b: Perimeter fencing at the Weed Junction Substation shall incorporate aesthetic treatment through the use of an appropriate non reflective material, such as a chain link fence with light brown vinyl slats

Comment: The above two mitigation measures are beyond the scope of PacifiCorp’s proposed project. The project does not alter the Weed Junction Substation in any way which would create a new visual impact which requires mitigation. Accordingly, mitigation measures AES- PPWS-3a and AS- PPWS-3b should be removed from the plan.

Mitigation Measure AES-PPWS-4a: During final design, Pole 3/46 shall be sited to minimize potential effects on close range unobstructed residential views in the Lincoln Heights area. To the extent feasible, the replacement pole shall be located to take advantage of available opportunities for screening provided by existing vegetation.

Comment: PacifiCorp notes that this mitigation measure is not feasible and recommends its removal from the plan. The mitigation measure does not account for the fact that PacifiCorp is

¹ PacifiCorp would note that there are certain mitigation measures included in the Mitigation Monitoring Reporting and Compliance Program that apply solely to the Proposed Project (i.e., Option 3). Such measures include AES-PPWS-1a and AES-PPWS-1b. As the Proposed Project is not considered to be the Environmentally Superior Alternative nor is it the Alternative being advanced by PacifiCorp in its comments, PacifiCorp requests that these mitigation measures be removed from the Plan.

A-5

A-6

constrained in its placement of Pole 3/46. Pole 3/46 is an angle structure – i.e., it is placed at a point where there is an angle in the alignment of the transmission line. This structure has been designed and engineered to support this angle and keep the line within the existing right of way. If Pole 3/46 is moved, the alignment of the entire line must be changed, placing portions of the line outside of existing rights-of-way.

Mitigation Measure AES-PPWS-4b: Pole 3/46 shall be redesigned to utilize a self-supporting steel pole TF285 structure which has similar horizontal arm configuration and is lower in height compared to the proposed pole at that location. Final design and siting of Pole 3/46 shall be submitted, reviewed and approved by the CPUC prior to commencement of construction.

Comment: While PacifiCorp can design the pole to be lower in height as specified in the mitigation measure, PacifiCorp submits that such design may make the pole more visible. The TF285 structure puts the conductors on the ends of six horizontal arms (aka davit arms) that are approximately 7' long mounted to the face of the pole. While this allows for the pole to be shorter in height as compared to the guyed, all wood, all vertical design, it is wider due to the length of the davit arms for a total width of approximately 16' (including the width of the pole). The all vertical design has a total width of approximately 7' (width of the pole plus the length of the side insulator that jumpers the conductor from one side of the pole to the other). It is the opinion of PacifiCorp's transmission engineer that because of the added width to the structure, the TF285 structure makes more of a visible impact than the all vertical design.

Mitigation Measure BIO-PPWS-1 (second bullet): Vehicles shall be restricted to established roadways and identified overland access routs and to speed less than 10 mph when traveling overland.

Comment: PacifiCorp requests that the 10 mph speed limit be raised to 15 mph consistent with other measures contained in the mitigation and monitoring plan (e.g. mitigation measure AIR-PPWS-1, seventh bullet)

Mitigation Measure BIO-PPWS-1 (fourth bullet): The biological monitor shall delineate and mark for avoidance in the field all known sensitive resource locations. In addition, areas considered suitable habitat for special status plant species shall also be marked for avoidance during the spring construction. The marker coordinates shall be obtained from a Global Position System (GPS) with sub-meter accuracy, presuming the special status plant species may be present but not visible at the time installation occurs. If special status species are located immediately prior to or during work activities, construction personnel shall contact the biological monitor. If the monitor determines that the project activities may adversely affect a species, a 50 foot buffer shall be established around any sensitive resources unless it can be shown that no individual plants or animals are at risk.

Comment: During the preparation of the DEIR, surveys were conducted and maps prepared that identified areas containing sensitive resources. Accordingly, PacifiCorp requests that the mitigation measure be modified such that these maps are the ones utilized to mark the suitable habitat areas for avoidance. In addition, while construction personnel will be informed as to the existence and type of special status species, they are unlikely to be able to identify them to the



extent required by this mitigation measure. Finally, PacifiCorp requests that the requirement that no individual plant or animal be put at risk be eliminated. Based on the studies conducted in preparation of the DEIR regarding project impact on special status plant and animal species, no project “take” limit was imposed. In other words, the impact was not deemed significant enough such that it was necessary to restrict the number of such plants or animals which might be affected by the project. Accordingly, this mitigation measure should be revised to eliminate the 50 foot buffer.

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A-8

Mitigation Measure BIO-PPWS-2b: To reduce potential impacts to less than significant, for any project related activity that disturbs soil below the root zone, PacifiCorp shall salvage the topsoil, store topsoil separately from subsoil, and spread the topsoil either at the disturbance site or during restoration.

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A-9

Comment: PacifiCorp states that this mitigation measure is too broad given that, as drafted, it would require such activity be performed with respect to each pole installation irrespective of whether it is in a mapped area for sensitive plant species or an identified wetland. PacifiCorp requests that the mitigation measure be revised such that it is confined to such areas.

Mitigation Measure BIO-PPWS-4: PacifiCorp shall implement the project during the non-nesting season, which for the purpose of this project shall be deemed to be September 15 through February 15. In the event that construction cannot be completed during this period, the work shall stop until such time as pre-construction nest surveys are conducted by a qualified biologist. Pre-construction nest surveys must occur within 1000 feet of the project areas with all nests identified during these surveys to be located by GPS. No construction activities shall occur within 500 feet of active nests from February 15 through July 15. Any nest site disturbance between July 15 and August 15 must be approved by CDFG.

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A-10

Comment: Based on regional climatic conditions and recorded data, PacifiCorp notes that the regional non-nesting season is September 15 through March 15. PacifiCorp requests that the mitigation measure be revised to facilitate ongoing construction activities regardless of nesting to meet summer peak loads. In the event nesting activities are discovered, PacifiCorp anticipates notifying CDFG. Also, PacifiCorp requests that the survey area should be made consistent with the construction limitation area (e.g., 500 feet).

Mitigation Measure BIO-PPWS-5: Construction crews shall halt activities when a bald eagle is observed within 100 yards of the construction area. Construction activities shall not be permitted to resume until the bald eagle leaves the area.

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A-11

Comment: PacifiCorp requests that this mitigation measure be deleted. Given that the bald eagle is no longer on the endangered species list, adoption of such measure is not justified. Construction activities will not significantly adversely affect a bald eagle moving through the area. Stopping construction activity for an incidental sighting is impractical.

Mitigation Measure BIO-PPWS-6: Construction activities within mule deer winter range (Pole 15/44 to Pole 1/45 and the Weed Segment) shall not be permitted between November 15

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A-12

and March 15 to minimize potential for mule deer disturbance or displacement. This seasonal restriction may be modified or removed with approval from DFG.

Comment: The mitigation measure as written in combination with the nest avoidance restriction would create a work window of September 15 to November 15 for the southern portion by first preventing construction from being initiated prior to the start of nesting season, and then not allowing for construction within 500 feet from an active nest until September 15 (see mitigation measure BIO-PPWS-4). The Weed Segment is located adjacent to Hoy Road, which is residential and commercial and should not be considered deer mule range in which construction of the project would create an adverse impact. Accordingly, PacifiCorp requests that the effects to mule deer winter range be specified as times when snow is deeper than 2-inches in the oak woodlands that are greater than 1000 feet from a residence or active paved road. Alternatively, PacifiCorp requests that feed may be placed in specific areas to compensate for temporary disturbance.

A-12

Mitigation Measure HAZ-PPWS-1d: Worker Environmental Awareness Program (WEAP). PacifiCorp shall ensure that an environmental training program is established and implemented to communicate environmental concerns and appropriate work practices to all construction field personnel. The training program shall emphasize site specific physical conditions to improve hazard prevention, and shall include a review of the Health and Safety Plan and the Hazardous Substance Control and Emergency Response Plan. PacifiCorp shall submit documentation to the CPUC mitigation monitor prior to the commencement of construction activities documenting that each worker on the project has undergone this training program.

A-13

Comment: To facilitate implementation and ensure that the project is constructed on a timely basis, PacifiCorp requests that this mitigation measure be revised such that PacifiCorp is required to provide documentation that each foreman or field supervisor has completed the training program prior to the commencement of construction. PacifiCorp requests that field crews be allowed to be trained within 48 hours of starting work on the project.

Mitigation Measure HYD-PPWS-1: The applicant, in preparing the SWPPP for the project, shall include the following measures:

Measures applicable to all sites:

Silt fencing, straw wattles, and /or hay bales shall be placed at all construction site boundaries (work areas, the staging areas, pull and tension sites, and areas for the substation modification work).

A-14

Comment: PacifiCorp notes that while it is appropriate for the Mitigation Monitoring, Reporting and Compliance Plan to state the goal of sediment control, it is beyond the scope to require a particular method to achieve that goal. PacifiCorp requests that the measure be revised to state that with respect to sediment control, PacifiCorp will comply with applicable state and federal permits.

Permanent access roads shall be sloped to provide effective overland flow pathways (i.e., convex in cross sections) and avoid formation of erosive gullies caused by concentrated runoff.

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A-14

Comment: PacifiCorp requests that this mitigation measure be clarified such that it applies solely to *new* access roads (permanent or temporary).

Mitigation Measure HYD-PPWS-4a: Steel pole installation at Pole 19/45 shall adhere to the following measures:

- If ground water is encountered during the auger or excavation process, then 1) the depth to first water shall be recorded and 2) completion of the hole to final depth shall proceed by means of auger only (or other such means that results in a cylindrical hole). The depth to water shall then be recorded at the end of a 24 hour period.
- If the water level drops by less than five feet over the 24 hour period, the pole installation can proceed as described in Section 2, Project Description.
- If the water level has fallen by more than five feet before or at the end of the 24 hour period, or is continuing to drop after the 24 hour period, then, upon pole installation, the auger hole shall be backfilled with an appropriate sealant material (e.g., a bentonite /cement mixture) to a depth of six inches below ground surface or completely to ground surface if the boring was started by means of excavation. This would seal any potential conduit created by installation of the pole. The bentonite / cement mixture shall be formulated and placed by a water well driller with a California license; the bentonite / cement mixture shall be formulated to avoid shrinkage and cracking. The process of backfilling and sealing the auger hole shall be supervised by Professional Geologist who is a Certified Hydrologist, or other similarly qualified individual.

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A-15

Comment: Since water may be disturbed during the rest of the drilling of the hole (ie. the possible removal of water due to the auger plunging in and pulling out during the drilling process), PacifiCorp requests that the water level in the hole be noted after the augering is completed as well as at first encounter of water. PacifiCorp requests that the 24 hour period begin at this time. Please note, this requirement will be for one 24 hour period only for the determination of the second bullet of the mitigation measure stated above.

Mitigation Measure PS-PPWS-1b: Water tanks shall be sited in project areas and be available for fire protection. All construction vehicles shall carry fire suppression equipment.

Comment: PacifiCorp states that the siting of water tanks in various project areas is not a suitable means for fire protection. The likelihood of a tank being located at a site where a fire actually occurs is small. Moreover, alignment in rural area is not easily accessible to water trucks and required accessibility to stationary tanks. Trucks would be required to fill water tanks that would need to be continuously moved to be potentially functional. Firefighting control using water tanks to fill water trucks has very limited use and function for the project because of

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A-16
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the terrain, off-road access limitations, and limitation of water trucks. Rather, PacifiCorp requests that the mitigation be limited to requiring construction vehicles to carry fire suppression equipment (e.g. fires extinguishers, shovels) and for PacifiCorp to incorporate fire prevention practices into its construction plan.

Accordingly, PacifiCorp requests the following language for Mitigation Measure PS-PPWS-1b:

All construction vehicles shall carry fires suppression equipment. PacifiCorp shall contact and coordinate with the CDF and Weed City volunteer Fire Department to determine reasonable and prudent fire prevention and control equipment to be carried on project vehicles. PacifiCorp will restrict parking of vehicles and driving in tall, dry vegetation, restrict smoking to cleared areas and vehicles, and require spark shields to be used during welding or other spark producing activity. PacifiCorp shall submit verification of consultation with emergency service providers to the CPUC.



A-16

Letter A – Goodin, MacBride, Squeri, Ritchie & Day, LLP

Response A-1 This is an introductory paragraph which introduces the general nature of the detailed comments which follow in the letter. The Applicant claims that the Environmentally Superior Alternative identified in the DEIR (i.e., Mackintosh/ALJ Variation B) would present harm to the environment and the safety of the community that were not adequately considered in the DEIR. The Applicant then suggests that a slight refinement to Mackintosh/ALJ Variation A would avoid these potential impacts and would be a better choice as the Environmentally Superior Alternative. Finally, the Applicant notes that it is submitting suggested modifications/clarifications to the Mitigation Monitoring, Reporting and Compliance Program. Responses to each of these issues are provided with the specific comments contained in the comment letter, below.

Response A-2 The Applicant notes that the DEIR narrowed the choice for the Environmentally Superior Alternative down to either the Mackintosh/ALJ Variation A or the Mackintosh/ALJ Variation B. The DEIR identified Variation B as the Environmentally Superior Alternative primarily because Variation A (as it was defined in the DEIR) would require a temporary 115/69 kV transformer which would (1) delay completion of the project past the time when Line 14 was projected to exceed its thermal limit, and (2) require an additional 2500 square foot disturbance at the Weed Substation.

In its comment, the Applicant identifies a “slight refinement” to Mackintosh/ALJ Variation A which it believes eliminates these negative aspects and renders Variation A preferred over Variation B, both environmentally and from a safety standpoint. The proposed refinement would completely eliminate the need for a temporary 115/69 kV transformer at the Weed Substation. Instead, the Applicant proposes that the temporary 12.5/69 kV substation, which would be constructed as part of the Weed Segment, could be left onsite at the conclusion of the Weed Segment upgrade and used as a temporary “step up” transformer to serve load to the International Paper Substation. This would allow the 69 kV line between the Weed and Weed Junction Substations to be de-energized, thus allowing for construction of the double circuit 115/69 kV line in the centerline of the existing ROW. At the conclusion of the transmission line construction, the temporary 12.5/69 kV substation would be removed.

The EIR team has reviewed the Applicant-proposed refinement to Mackintosh/ALJ Variation A and has determined that it is feasible and would in fact eliminate the aspects of Variation A that the DEIR identified as the

reasons for finding it less favorable than Variation B. Further, because the refinement simply eliminates a feature of Variation A, no new impacts would result that are not already identified and analyzed in the DEIR. The refinement would result in the temporary 12.5/69 kV substation remaining at the Weed Substation for a longer period (approximately 2 to 3 months) than was considered as part of the Weed Segment, but the extended presence of the temporary substation would not result in any new or different impacts than were already considered in the DEIR evaluation of the Weed Segment (i.e., no additional construction impacts would occur, there would be no operational impacts (e.g., air emissions) from the temporary substation, and its removal and site restoration would occur as described for the Weed Segment).

In the FEIR, the description of Mackintosh/ALJ Variation A has been revised to reflect the refinement proposed by the Applicant. With this refinement, Mackintosh/ALJ Variation A is now identified as the Environmentally Superior Alternative.

Response A-3

In this comment, the Applicant raises safety and environmental concerns for Mackintosh/ALJ Variation B which they assert were not adequately addressed in the DEIR. The Applicant describes worker safety issues stemming from the high tension in the existing lines and the difficulty that may be encountered when trying to position the existing line while “hot” onto the 15-foot offset for the temporary pole line. The Applicant further notes that an error during the line re-positioning may cause the 69 kV line to contact the existing distribution lines thereby causing a power surge to customers in the area.

It is acknowledged that stretching the existing line and moving it over “hot” to the temporary pole line, while technically feasible, would carry some degree of risk to workers and could result in a power surge if inadvertent contact was made with the distribution circuits. However, DEIR page 3-20, footnote 2, describes a variation for this alternative as follows:

“A variation of this alternative would be to construct a new 69 kV transmission line on the temporary poles, then move that new line over to the new double circuit poles when construction is complete. Aside from how the new line would be terminated, this variation would not change the physical description of this alternative. Either variation may require an outage of from two to four hours when the conductor is transferred.”

This variation was included to specifically address the issues noted above. Rather than trying to stretch the existing conductor, new conductor would be constructed on the temporary pole line. Thus the applicant would have the

flexibility to construct the Mackintosh/ALJ Variation B alternative in either manner, whichever was preferred based on safety or other construction considerations. The DEIR footnote also states that a line outage of from two to four hours may be required when the line was transferred. Having the 69 kV line de-energized during the actual transfer would avoid the possibility of a power surge from inadvertent contact of the conductors. So the full description of Mackintosh/ALJ Variation B in the DEIR, including the variation described in the footnote, provides adequate flexibility to avoid the worker safety and power surge concerns asserted in this comment.

The Applicant further asserts in this comment that construction of the temporary line would precipitate a number of unnecessary environmental impacts, specifically impacts to air quality, biological resources, noise, and traffic. With regard to impacts to air quality, noise, and traffic, it is presumed that the Applicant's characterization of these impacts as "unnecessary" refers to the fact that construction of the temporary line would take approximately one to two months longer than if no temporary line were required (see Table 3-11 in the DEIR). This lengthening of the construction schedule would result in a longer duration of the air emissions, noise, and traffic impacts related to construction activities. However, the duration and extent of construction activities for the Mackintosh/ALJ Variation B alternative were considered, disclosed, and evaluated in the respective air quality, noise, and traffic impact sections of the DEIR. The construction air quality impact assessment on page 4.3-20 of the DEIR clearly states that ". . . the Mackintosh/ALJ Variation B alternative would likely require an additional month to complete, resulting in greater overall total construction emissions compared to the Proposed Project." The longer construction period, however, would not result in greater maximum daily emissions and would not exceed the significance thresholds recommended by the Siskiyou County Air Pollution Control District. Similar discussion is provided in the DEIR for noise (DEIR page 4.9-17) and traffic (DEIR page 4.11-19) regarding the longer construction period. In each instance, the DEIR analysis concluded that the longer construction would result in impacts that would be less than significant with mitigation, and would not be substantially greater than for the Proposed Project. That these impacts are "unnecessary" as the Applicant asserts is merely a comparative evaluation against a refinement they have proposed to the Mackintosh/ALJ Variation A alternative.

With respect to the biological impacts of Mackintosh/ALJ Variation B alternative, the Applicant asserts that in addition to these impacts being "unnecessary", the DEIR does not consider the need to clear trees and vegetation *outside* the existing right of way. As the basis for this assertion, the Applicant quotes an excerpt from DEIR page 5-4 which says that Alternative B would "require trimming and the possible removal of a few

trees along the southern edge of the existing ROW.” However, the full description of Mackintosh/ALJ Variation B on DEIR page 3-22, and which is the basis for the environmental impact assessments for all resource areas including biology, clearly discloses that tree trimming and removal of some trees would be required for line clearance and safety considerations, and that “some of this tree trimming/removal and vegetation clearance may need to *occur just outside the south edge of the ROW* (emphasis added) to ensure that windy conditions would not compromise system reliability while the temporary line is in place.” Table 3-2 on DEIR page 3-8 also notes that Mackintosh/ALJ Variation B “would require some tree trimming/removal outside [the] ROW.” To avoid any confusion, the section of text on DEIR page 5-4 quoted by the Applicant has been clarified to state that tree trimming and removal would occur outside the ROW.

Finally, the last part of the Applicant’s comment asserts that Mackintosh/ALJ Variation B would prolong the schedule for completion of the project. It would appear from this comment that the Applicant is merely making a comparison of the Variation B construction schedule (Table 3-11 on page 3-23 of the DEIR) to that of the newly proposed refinement to Variation A. It is acknowledged that construction of the Mackintosh/ALJ Variation B alternative would take longer than the refined Variation A alternative described in the Applicant’s letter.

Response A-4 The Applicant summarizes by requesting that the Mackintosh/ALJ Variation A alternative, as refined in their comment letter, be deemed the Environmentally Superior Alternative. For the reasons detailed in response to Comment A-2, the EIR team agrees that the refined Mackintosh/ALJ Variation A alternative is the Environmentally Superior Alternative for this project. Appropriate text changes have been made and are included in Section 3 of this FEIR.

Response A-5 The Applicant states that Mitigation Measure AES-PPWS-3a which requires perimeter landscaping and AES-PPWS-3b, and incorporation of an appropriate non reflective material, such as chain link fence with light brown vinyl slats at the Weed Junction Substation, go beyond the scope of the Proposed Project and should be removed from the Mitigation Monitoring, Reporting and Compliance Program (MMRCP).

As discussed on page 4.1-2 of Section 4.1, *Aesthetics*, at the Weed Junction Substation four new wood poles would be installed and an additional pole, Pole 1/49, would be replaced in a location closer to Highway 97, a designated National Scenic Byway, designated County Scenic Highway and an Eligible State Scenic Highway. The removal of mature trees and the introduction of larger poles would represent noticeable changes as seen from

these Highway 97 viewing locations and would be more prominent in the foreground. Given their proximity to the existing substation, the replacement poles would appear as an incremental change when seen from the highway. The overall effect would make the transmission facilities at the substation appear more prominent.

Because the installation of new and replacement poles at the Weed Junction Substation would make the transmission facilities *at the substation* appear more prominent, there is a sufficient nexus between the impact and the proposed mitigation measures. The use of vegetative screening and appropriate non reflective material, such as chain link fence with light brown vinyl slats to reduce the overall effect at the Weed Junction Substation from the Proposed Project, is proportional to the assessed impacts.

In this comment, the Applicant (in footnote 1) also requests that mitigation measures not applicable to the Environmentally Superior Alternative be removed from the MMRCP. Appendix A of the FEIR includes a revised MMRCP which lists only the mitigation measures applicable to the Environmentally Superior Alternative. It should also be noted that the CPUC may choose to approve an alternative other than the Environmentally Superior Alternative. In that event, a final MMRCP would be prepared that lists the mitigation measures applicable to the approved alternative.

Response A-6 The Applicant requests that Mitigation Measure AES-PPWS-4a be removed because it is not feasible to change the placement of Pole 3/46.

The words “to the extent feasible” in the mitigation measure specifically acknowledge that there may be limited flexibility to make large changes in the location of Pole 3/46. However, it is a fact that some flexibility (on the order of a few feet) is inherent in the construction of the transmission line. This mitigation measure is intended to take advantage of whatever flexibility there is, no matter how small, to reduce the visual effect of Pole 3/46.

The Applicant also suggests that Mitigation Measure AES-PPWS-4b would result in a greater visual impact, rather than less, if the structure for Pole 3/46 were to be changed from the vertical design depicted in Figure 4.1-13b to a TF285 horizontal design. The basis for this assertion is that while a TF285 structure would be approximately 10 to 15 feet lower in height than the vertical design, it would be larger in diameter at ground level (approximately 44 inches versus 24 inches) and would have a wider profile at the cross-arms (a total width of approximately 16 feet versus approximately 7 feet). In response to this comment, a version of Figure 4.1-13b from the DEIR has been created to illustrate the effect that using a TF285 structure would have at this location. That figure, Figure 4.1-13c on the following page, shows that the reduction in height is a visual improvement for the TF285 structure



Visual Simulation of Proposed Project from Kennedy Road (VP 15) with a TF285 Structure at Pole 3/46

SOURCE: Environmental Vision (2007)

PacifiCorp's Yreka-Weed Transmission Line Upgrade Project- Southern Portion. 205439

Figure 4.1-13c

Visual Simulation of Proposed Project from Kennedy Road (VP 15) with a TF285 Structure at Pole 3/46

compared to the vertically stacked structure shown in Figure 4.1-13b in the DEIR. Accordingly, it was the conclusion of the DEIR that the lower height of the TF285 would provide an important reduction in the degree of visual impact in the neighborhood setting because partial screening of the lower portion of Pole 3/46 could be accomplished whereas it would be infeasible to screen the entire height of the structure. Partial screening of the lower portion of the structure would reduce the close range unobstructed residential view. Therefore, to clarify and improve the effectiveness of Mitigation Measure AES-PPWS-4b, Mitigation Measure AES-PPWS-4b is revised as follows:

Mitigation Measure AES-PPWS-4b: Pole 3/46 shall be redesigned to utilize a self-supporting steel TF285 structure which has a horizontal rather than vertical arm configuration and is lower in height compared to the proposed pole at that location. ~~Final design and siting of Pole 3/46 shall be submitted, reviewed and approved by the CPUC prior to the commencement of construction.~~ To lessen the degree of visual impact of Pole 3/46 in the Lincoln Heights neighborhood, PacifiCorp shall develop a landscape plan prepared by a licensed landscape architect or certified arborist and in consultation with property owners with unobstructed views of Pole 3/46. The plan shall include planting of trees and/or shrubs either individually or in informal groupings to partially screen close range unobstructed views of the new pole. Plant material shall be appropriate to the local/natural landscape setting and shall be consistent with Public Resources Code Section 4292 for vegetation located in proximity to transmission facilities. The landscape plan shall show the location, suggested species and size at planting for all proposed plant material, and shall show proposed landscaping in relation to the final placement of the pole. The plan shall be submitted to, reviewed and approved by the CPUC prior to commencement of construction.

Response A-7 The intent of 10 mph speed restriction in Mitigation Measure BIO-PPWS-1 is to avoid and minimize impacts to habitat and habitat elements when traveling overland, whereas the 15 mph speed restriction in Mitigation Measure AIR-PPWS-1 applies to travel on unpaved roads to reduce emissions of fugitive dust. The lower speed restriction for overland access is warranted given the conditions where no road is present.

To be consistent, page 4.4-21 has been modified to the following:

For overland access ~~existing and new roads~~, incidental impacts to wildlife are reduced by requiring speeds less than 10 mph and other measures noted below.

Response A-8 The Applicant requests that Mitigation Measure BIO-PPWS-1, fourth bullet, be modified to require only the use of maps prepared from survey information performed for the DEIR to mark suitable habitat areas for

avoidance. The Applicant further notes that although construction workers would be informed as to the existence and type of special status species, they are unlikely to be able to identify them. Finally, the Applicant requests that the 50 foot buffer be eliminated since no project ‘take’ limit was imposed.

The surveys carried out during the DEIR phase were for the purpose of determining the existence of sensitive resources and their level of exposure to impacts. The maps prepared from those prior surveys can be used to find and re-mark those resources. The requirement in the mitigation measure for recording of GPS coordinates applies to new areas of suitable habitat for special status plant species that may be observed prior to the spring construction period. This requirement provides protection for special status plant populations that were not recorded previously, recognizing that plant distribution can vary from year to year. Furthermore, in our experience, construction workers, when trained, are an excellent source of these observations. Indeed, that is one of the main purposes of the *Worker Environmental Awareness Program* training required for this project (see first bullet of Mitigation Measure BIO-PPWS-1). As the goal of this mitigation measure is to minimize impacts to a less than significant level, not avoid them entirely, it is agreed that the 50-foot buffer is overly restrictive and should be revised to be consistent with the 10-foot buffer required by Mitigation Measure BIO-PPWS-2a. Accordingly, the fourth bullet of Mitigation Measure BIO-PPWS-1 is clarified to read as follows:

The biological monitor shall delineate and mark for avoidance in the field all known sensitive resource locations. In addition, any newly-observed areas considered suitable habitat for special-status plant species shall also be marked for avoidance during the spring preceding construction. The marker shall be coordinates obtained from a Global Position System (GPS) with sub-meter accuracy, presuming the special-status plant species may be present but not visible at the time installation occurs. If special-status species are located immediately prior to or during work activities, construction personnel shall contact the biological monitor. If the monitor determines that the project activities may adversely affect a species, a ~~50~~ 10-foot buffer shall be established around ~~any those~~ sensitive resources ~~unless it can be shown that no individual plants or animals are at risk (e.g., in the case of a burrow, probing with an endoscope to ensure the burrow is unoccupied, then closing with a sandbag until project work is complete in the area).~~

Response A-9 The Applicant asserts that Mitigation Measure BIO-PPWS-2b is too broad and should be narrowed to areas that have known populations of special-status plant species or are in an identified wetland. As written, Mitigation Measure BIO-PPWS-2b requires that for any project-related activity that disturbs soil below the root zone, the top soil shall be salvaged, stored separately from subsoil, and spread either at the disturbance site or during restoration.

The intent of this mitigation measure is to reduce the potential of direct impacts to *unknown* populations of special-status plant species by salvaging the top soil and spreading at either the disturbance site or during restoration so that *unknown* populations of special-status plant species would not be adversely affected; therefore, this measure is appropriate and will not be revised.

Response A-10

The Applicant states that the non-nesting season is September 15 through March 15 and that Mitigation Measure BIO-PPWS-4 be revised to allow ongoing construction activities regardless of nesting to meet summer peak loads. The Applicant further states that they would anticipate notifying CDFG in the event that nesting activity was discovered, and requests that the mitigation measure be revised so that the survey radius is consistent with the physical construction limitation distance of 500 feet.

Based on the biological assessment of the study area and the biological resources that are present, the nesting season of February 15 through August 15 is appropriate. Notably, bald eagles, which, as discussed on page 4.4-12, are known to occur within the project area, nest earlier in the season. Furthermore, concern was expressed by the CDFG regarding impacts to species that nest later in the season (Bob Smite, CDFG, personal communication with Tom Roberts, ESA). In order to address this concern, approval for nest disturbance between July 15 and August 15 from CDFG was included in the mitigation measure. It is noted here, however, that CDFG consultation may also be appropriate for other circumstances that may warrant modifying no-disturbance buffer distances based on species type, existing noise or other disturbance conditions, and the type of construction activity in a specific area. Finally, regarding the need for a 1000-foot survey radius but only a 500-foot construction activity restriction, it is agreed that extending the survey beyond the maximum potential restriction distance would not afford any greater protection for nesting birds. Accordingly, to clarify and ensure compliance with the intent of Mitigation Measure BIO-PPWS-4, the text on page 4.4-24 (and in the MMRC) is clarified to read:

Mitigation Measure BIO-PPWS-4: ~~PacifiCorp shall implement the project during the non-nesting season, which for purposes of this project shall be deemed to be September 15 through February 15. In the event that construction cannot be completed during this period, the work shall stop until such time as pre-construction nest surveys are conducted by a qualified biologist. Pre-construction nest surveys must occur within 1000 feet of the project areas (i.e., transmission line corridors, pole sites, access roads and work areas) with all nests identified during these surveys to be located by GPS. No construction activities shall occur within 500 feet of active nests from February 15 through July 15. Any nest site disturbance between July 15 and August 15 must be approved by CDFG.~~

PacifiCorp shall avoid disturbing active nests of raptors and other nesting birds by performing preconstruction surveys and creating no-disturbance buffers.

If construction activities are scheduled to occur during the non-breeding season (defined for this project as August 16 through February 14), no mitigation is required.

If construction activities are scheduled to occur during the breeding season (February 15 through August 15), PacifiCorp shall implement the following measures to avoid potential adverse effects on nesting raptors and other nesting birds:

- During the breeding season, and no more than two weeks prior to construction, PacifiCorp shall use a qualified wildlife biologist to conduct preconstruction surveys of all potential nesting habitat within 500 feet of project areas where active construction is scheduled to occur (i.e., transmission line corridors, pole sites, access roads and work areas).
- If active nests are found during preconstruction surveys, PacifiCorp shall record nest location coordinates using GPS and shall create a no-disturbance buffer (acceptable in size to the CDFG) around active raptor nests and other nesting birds for the duration of the breeding season, or until it is determined by a qualified wildlife biologist that all young have fledged. Typical buffers include 500 feet for raptors and 250 feet for other nesting birds. The size of these buffer zones and types of construction activities restricted in these areas may be further modified through consultation with the CDFG and will be based on existing noise and human disturbance levels in the project area site.
- If preconstruction surveys indicate that nests are inactive during the construction period, no further mitigation is required.

Response A-11 The Applicant states that since the bald eagle is no longer on the Endangered Species List that required halt of construction when a bald eagle is observed within 100 yards of the construction area is impractical and not justified.

Although the bald eagle was recently delisted from the Endangered Species List, it still retains protection under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act. The USFWS in the National Bald Eagle Management Guidelines (May 2007) has developed a list of management practices that landowners and planners can implement to avoid impacts to the Bald Eagle. Pertinent to the Proposed Project is the management practice of “Avoid[ing] potentially disruptive activities and development in the eagles’ direct flight path between their nest and roost sites and important foraging areas.” As discussed on page 4.4-12, “local residents report adult and

juvenile bald eagles in the vicinity of Pole 8/45 of the Proposed Project”; therefore, this mitigation measure is appropriate and will not be modified.

Response A-12

The Applicant states that due to the restrictions of the nest avoidance restriction in combination with the restrictions required to minimize impacts to the mule deer range would create a very narrow work window in which it would be difficult to construct a portion of the Proposed Project and the entire Weed Segment.

Mitigation Measure BIO-PPWS-6 specifically states that “this seasonal restriction may be modified or removed with approval from CDFG.” It is acknowledged that snow conditions and herd movement patterns can vary substantially from year to year in the study area. That is why flexibility was included in the mitigation measure, so that approval to modify or remove the seasonal restriction could be sought from CDFG based on the actual conditions present. While the Applicant raises potentially valid points regarding how snow depth and proximity of the work to roads and/or residences may affect mule deer use of the winter range, these extenuating circumstances must be approved by the CDFG. Similarly, placement of feeding stations as an alternative to limiting construction activities would also have to be approved by the CDFG. Accordingly, this mitigation measure will not be modified.

Response A-13

To facilitate implementation and ensure that the project is constructed on a timely basis, the Applicant requests that Mitigation Measure HAZ-PPWS-1d be revised such that the Applicant is required to provide documentation that each foreman or field supervisor has completed the Worker Environmental Awareness Program (WEAP) training prior to the commencement of construction. The Applicant requests that field crews be allowed to be trained within 48 hours of starting work on the project.

The intent of Mitigation Measure HAZ-PPWS-1d is to ensure that all construction personnel that would be working on the project have undergone environmental training. It is understood that due to the nature of construction activities, there may be some workers brought onto the project mid-week before another WEAP training can be scheduled. However, it is those workers who create the greatest potential for engaging in activities not in compliance with the project environmental permits or the mitigation measures required by this FEIR. Following an approach that proved to be both effective and flexible during construction of the Northern Portion, all new workers would have to have an abbreviated “tail gate” environmental training session on their first day reporting to the project site, followed by the full WEAP training within 48 hours of starting work on the project.

Accordingly, to clarify and ensure compliance with the intent of Mitigation Measure HAZ-PPWS-1d, the text on page 4.6-13 has been clarified to read:

Mitigation Measure HAZ-PPWS-1d: *Worker Environmental Awareness Program (WEAP).* PacifiCorp shall ensure that an environmental training program is established and implemented to communicate environmental concerns and appropriate work practices to all construction field personnel. The training program shall emphasize site-specific physical conditions to improve hazard prevention, and shall include a review of the Health and Safety Plan and the Hazardous Substance Control and Emergency Response Plan. PacifiCorp shall submit documentation to the CPUC mitigation monitor prior to the commencement of construction activities that each foreman and field supervisor ~~worker~~ on the project has undergone this training program. Each field crew member shall also participate in the WEAP training, either prior to or within 48 hours of starting work on the project, and such documentation shall be submitted to the CPUC mitigation monitor. An abbreviated (approximately 20-minute) safety and environmental awareness “tail gate” training shall be required on their first day for any field crew member who does not participate in a pre-construction WEAP training, followed by the full WEAP training within 48 hours of starting work on the project.

Additionally, in Chapter 8, *Mitigation, Monitoring, Reporting and Compliance Plan*, page 8-24, the text of the corresponding mitigation “Timing” has been modified as follows:

Sign-in sheets to be submitted prior to start and during ~~of~~ construction.

Response A-14

The Applicant states that it is beyond the scope of the MMRCP to require a specific method to achieve a specific goal, in this case sediment control, and requests that Mitigation Measure HYD-PPWS-1, bullet 1, be modified to reflect that sentiment. Additionally, the Applicant has asked for clarification regarding bullet 2 and is correct in the assumption that the intent was for bullet 2 to only apply to new permanent or temporary access roads.

Accordingly, to clarify and ensure compliance with the intent of Mitigation Measure HYD-PPWS-1, bullet 1 and bullet 2, the text on page 4.7-18 (and in the MMRCP) has been clarified to read as follows:

Silt fencing, straw wattles, and/or hay bales or other appropriate sediment control shall be placed at all construction site boundaries (work areas, the staging area, pull and tension sites, and areas for the substation modification work).

New Ppermanent and temporary access roads shall be sloped to provide effective overland flow pathways (i.e., convex in cross section) and avoid formation of erosive gullies caused by concentrated runoff.

Where necessary, all-weather roads shall be covered with gravel base material.

Response A-15 The Applicant requests a minor modification to Mitigation Measure HYD-PPWS-4a to take into consideration water level drop that may result from the removal of saturated soil during the augering process. The Applicant proposes that the “initial” water level measurement be recorded, and the start of the 24-hour observation period begin, at the conclusion of the augering process rather than at the time water is first encountered in the hole. This proposed change is acceptable, as it is consistent with the intent of the mitigation measure and would reduce the possibility of a false result from the water level measurements. Accordingly, the first bullet under Mitigation Measure HYD-PPWS-4a on page 4.7-23 of the DEIR (and in the MMRCP) is clarified to read as follows:

If groundwater is encountered during the auger or excavation process, then 1) the depth to first water shall be recorded, and 2) completion of the hole to final depth shall proceed by means of auger only (or other such means that results in a cylindrical hole). The depth to water shall then be recorded at (a) the end of the augering process, and (b) the end of a 24-hour period.

Response A-16 The Applicant requests a modification to Mitigation Measure PS-PPWS-1b, claiming that the requirement for stationary water tanks in the project area is not practical and would not provide any effective aid for fire response. Instead, the Applicant proposes to coordinate with CDF (now CalFire) and the City of Weed regarding the types of fire suppression equipment to be carried on project vehicles. However, rather than completely eliminate the requirement for stationary water tanks, the need for and location of any such tanks should be coordinated with the responsible fire agencies. Accordingly, Mitigation Measure PS-PPWS-1b is clarified as follows:

Mitigation Measure PS-PPWS-1b: ~~Water tanks shall be sited in project areas and be available for fire protection.~~ All construction vehicles shall carry fire suppression equipment. PacifiCorp shall contact and coordinate with the CDF and Weed City Volunteer Fire Department to determine reasonable and prudent minimum amounts of fire prevention and control equipment to be carried on the project vehicles, and to determine the need for and, if needed, appropriate locations for the of stationary water tanks to be installed and maintained by PacifiCorp. PacifiCorp shall restrict driving in tall, dry vegetation, restrict smoking to cleared areas and vehicles, and require spark shields to be used during welding or other spark-producing activity. PacifiCorp shall submit verification of its consultation with the CDF and Weed City Volunteer Fire Department ~~local fire departments~~ to the CPUC.

Comment Letter B

Heidi Vonblum

From: Patricia Hunter [kcscjgrandma@yahoo.com]
Sent: Tuesday, September 11, 2007 10:47 AM
To: Yreka-Weed
Subject: Yreka-Weed Transmission Line

Weed Berean Church would like to express our concern over any expansion of the transmission line that runs by our proposed facility. When we began improving our church property we knew where the current transmission line was located and we situated our proposed sanctuary accordingly. We had no idea that there could someday be a 70 foot pole with 10 wires on it within 80 feet of our proposed building. We are in favor of Option 3 because our church facility would not be impacted by this Option.] B-1

Patricia Hunter
Secretary
Weed Berean Church

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Letter B – Weed Berean Church

Response B-1 The commenter states its concern regarding the potential expansion of the transmission line within the vicinity of the proposed church facility. The commenter is in favor of Option 3 (the Proposed Project). Comment noted.



Comment Letter C

Volcanic Legacy Community Partnership

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Mr. Mike Rosauer
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September 14, 2007

Dear Mr. Rosauer:

Thank you for speaking with me earlier and insuring that I received a copy of the Draft EIR for the above named project.

As you are aware, viewshed is a major concern of the designated national Scenic Byways and All American Roads. As such, my main area of concern in the Draft EIR is with the 1.7 mile segment of the project along Highway 97. Several considerations were mentioned, but the "Undergrounding Alternative" was only briefly discussed. In that section, it is unfortunate that the three potential routes were not adequately addressed individually as the criteria that were applied for "Rationale for Elimination" do not apply to each one of the routes.

C-1

It should be noted that the potential route "c" was not researched as a viable option. In my investigation of this option, it should be noted that the CalTrans ROW from the Weed Junction Substation to the Weed Substation along Highway 97 varies from 100-200 feet in width and is considered, environmentally, to be "disturbed ground". Therefore, environmental issues are substantially minimized. In most areas, utility companies often are routinely granted authority to utilize CalTrans ROW as in the case of cable companies, fiber optic lines, etc.

C-2

An additional area of concern was the load on the existing transmission line (line 14). In speaking with experts in this field, it was discovered that the amount of time until line 14 exceeds its thermal limit can be possibly extended by adding another line immediately adjacent to the existing line on the same pole and the same insulator thus spreading the load between two lines as construction continues. This procedure has been successful in other locations with as many as six additional lines being added.

C-3

Comment Letter C

September 14, 2007

Page Two

While a great deal of effort has gone into this EIR, this is an area that has not received adequate attention. All the plans and alternative routes, except undergrounding, have a significant impact on the viewshed. But issues such as traffic control and other inconveniences that were stated in opposition to undergrounding, are transitory and temporary when compared with permanent damage to the viewshed of the Volcanic Legacy Scenic Byway All American Road.

C-4

Governmental agencies and the private sector have previously addressed the undergrounding of utilities within the view of designated scenic byways. Proactive stewardship of the environment is the trend of the future and is routinely being practiced by utility companies. Projects such as the recent P.G. & E. expansion, in cooperation with Black and Veatch, covering the Jefferson-Martin 230 Kv underground transmission line over 24 miles in length, are being regarded as the future of the industry. It is hoped that Pacific Power in the construction of this project will be in the forefront of helping to conserve and protect the assets of the Volcanic Legacy Scenic Byway All American Road.

C-5

If I may be of assistance to you in assessing and evaluating potential solutions, please contact me.

Best regards,



Michael Rorke
President

Letter C – Volcanic Legacy Community Partnership

- Response C-1 The commenter asserts that the Undergrounding Alternative was only briefly discussed, and that the criteria and rationale for elimination do not apply to each of the three potential underground routes. Extensive analysis of alternatives that are rejected in the alternative screening process is not required under CEQA. CEQA Guidelines Section 15126.6(c) says, in part, “The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and *briefly explain* (emphasis added) the reasons underlying the lead agency’s determination.” The DEIR thoroughly describes the alternatives screening process and criteria that were applied to all potential alternatives. The Rationale for Elimination of the undergrounding alternative discusses the substantial project delay and environmental impacts of undergrounding in general (i.e., applicable to all routes), and also identifies constraints particular to individual routes. With regard to the route through the Caltrans ROW, potential long term impacts include impacts to biological resources, groundwater, and damage to previously unknown subsurface cultural resources. This route (as with all routes) would also fail to meet the primary project objective of meeting electrical system demand and improving system reliability prior to Line 14 exceeding its thermal limit.
- Response C-2 The commenter asserts that the Caltrans ROW was not researched as a viable option, and that because it is considered to be “disturbed ground” the environmental issues would be substantially minimized. Please see response C-1. Also, while the Caltrans ROW is reported by the commenter to be “disturbed ground,” this does not mean that there would be no environmental impacts associated with constructing a 1.7-mile 5 to 10 foot deep trench with 10-foot wide by 24-foot long splice vaults every 1800 feet (again, see Response C-1). As noted in the DEIR, the construction corridor would be up to 40 feet wide. Because of the need to maintain a minimum of one lane of safe traffic flow during construction, it is likely that the construction corridor would require construction easements outside the Caltrans ROW to accommodate equipment movement and staging.
- Response C-3 The commenter suggests that a thermal overload situation on Line 14 could be averted or delayed by simply adding multiple conductors on the same poles and insulators. While the commenter asserts that “experts in this field” have reported that this approach has been used successfully in other locations, no details are provided that could be investigated to substantiate that claim. In response to this comment, the EIR team investigated the feasibility of the suggested approach for Line 14 and found that bundling of conductors is usually reserved for very high voltage major transmission lines of 500 kV and greater and is used less frequently for voltages down to about

220 kV where the electrical load would exceed the capacity of the largest practical conductors. The EIR team was unable to locate any examples of installations of bundled conductors for 69 kV lines.

Theoretically, the transmission capacity of Line 14 could indeed be increased and potential overloading averted by the addition of an additional conductor for each phase of the transmission line, in effect making a “two-conductor bundle” for each of the three phases of the line. However, such an addition of conductors would involve a number of electrical and structural engineering considerations that would make such an installation on an operating transmission line much more difficult and time consuming than envisioned by the commenter. The engineering knowledge regarding the behavior of bundled conductors for various wind loads and icing conditions is in ongoing development. Factors affecting such physical behavior include conductor size and material, line tension, line span, number of conductors in a bundle, spacing and arrangement of conductors within a bundle, the positioning of spacers, line dampers, etc., as well as icing and snow conditions.

In the case of Line 14, bundling conductors would require an extended outage of the line for construction. There would be a number of engineering factors to consider in designing a double conductor installation including:

- The type of conductors in a bundle should be matched in both their physical and electrical properties. For example it would be inappropriate to pair a new ACSR cable with an existing copper cable as they would have different sag characteristics with temperature changes and would have different responses to wind and very different vibration characteristics. Given the age of the existing conductors on Line 14, matching their characteristics would be very difficult.
- Double conductors would increase the wind loading and dead loads as well as snow and ice loading on the lines. Snow and ice loading could more than double as snow might bridge across the two close-spaced conductors and then retain much more snow than the sum of two single conductors.
- Attachment hardware for single conductors would have to be replaced with new two-conductor attachment hardware, and line spacers would need to be added.

After review of the engineering design of the existing Line 14 structures (poles, cross-arms, insulators, etc.), the EIR team determined that adding another conductor immediately adjacent to the each of the three existing conductors on the same pole and the same insulators would exceed the design load limit for each structure, and would result in a high potential for failure. Such failure could result in one or more conductors falling and

coming into contact with the ground, thereby creating a risk of fire, property damage, or injury to the public. The proposed method of construction described in Comment C-3 is therefore technically infeasible for Line 14.

Response C-4 The commenter notes that all alternatives routes with the exception of undergrounding would have a significant impact on the viewshed, and asserts that only temporary impacts were listed as the rationale for eliminating undergrounding as a viable alternative. The discussion of the undergrounding alternative on page 3-29 to 3-30 of the DEIR notes not only temporary impacts but also long term impacts as well. See Response C-1 for a further discussion of that topic. Also, see Response G-2 regarding additional mitigation of the visual impact of the alternative alignments along the Highway 97 corridor. And finally, it should be noted that the landscape screening required as mitigation at the Weed and Weed Junction Substations would also reduce the existing visual impact of those facilities from Highway 97.

Response C-5 The commenter notes that undergrounding is routinely being practiced by other utility companies, and lists the Jefferson-Martin 230 kV transmission line as an example. The DEIR does not dispute that undergrounding a transmission line is technically feasible. Page 3-30 of the DEIR specifically states that the undergrounding alternative is technically feasible and that it would avoid the significant aesthetic impact associated with the Proposed Project. However, for the specific conditions of this project, undergrounding was eliminated as a viable alternative because of both environmental considerations and not meeting a critical project objective (see Response C-1). The conditions associated with the Jefferson-Martin project do not apply here, as each project needs to be evaluated in regards to its project objectives and the physical environment in which the project would occur.

Comment Letter D

From: Dave and Marlene Lovenguth [mailto:damar@charter.net]
Sent: Monday, September 10, 2007 4:40 PM
To: Yreka-Weed
Subject: Re:

Mr. Cover,

We did receive the draft but when I perused, it appeared that the first choice was through Hoy Rd. We of course prefer an underground line through our property because it mars the beauty of the mountain views. We can live with removing the existing poles and replacing in the same easement that you now have, taller poles. However we would not want any extension of that existing easement or any more trees cut down etc. Our soil is so sandy that any work that you do in the easement will leave it's mark for a long time. I hope that you will honor our requests.

Thank you.

Dave and Marlene Lovenguth



D-1

Letter D – Dave and Marlene Lovenguth

Response D-1 The commenter believes that the Proposed Project (Option 3) was designated as the DEIR's environmentally superior option. However, the DEIR concluded that the Mackintosh/ALJ Variation B alternative was the environmentally superior alternative (page ES-40). Regarding further information on why Mackintosh/ALJ Variation B was selected as the environmentally superior alternative, the commenter is referred to the DEIR, *Executive Summary*, page ES-40.

The commenter prefers that the portion of the project traversing their property be undergrounded. The commenter further states that if an alternative is selected, then they would prefer that the project stay within the existing ROW because fewer trees would have to be cut down. The commenter is also concerned that construction will potentially damage their property because their soil is very sandy. Regarding the potential to underground the project, please see page 3-29 to 3-30 of the DEIR and Response C-1. Regarding opposition to extending the existing ROW, the comment is noted. Regarding the potential damage to soil on the commenter's property, the commenter is referred to the DEIR, Chapter 2, *Project Description*, which describes the cleanup and post-construction restoration practices on page 2-30 and 2-31.

The commenter is also referred to Response A-2, which describes a refinement proposed by the Applicant to the Mackintosh/ALJ Variation A alternative. For reasons documents in Response A-2, this FEIR concludes that the Mackintosh/ALJ Variation A alternative is the Environmentally Superior Alternative. This alternative would keep the new transmission line in the centerline of the existing ROW.

Mr. Mike Rosauer
Yreka-Weed Transmission Line Upgrade Project, Southern Portion
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104-4207

RE: Comments on the DEIR made at the public participation hearing on 8/28/07

Dear Mr. Rosauer:

I have been told by a couple people that it is stated somewhere in the DEIR that the Mackintoshes are the only ones fighting the Proposed Project. That is not true....the Luiz's as well as the Pappas' have protested PacifiCorp's project through the CPUC. Other residents of Hoy Road, as well as people who know the area and who know that the Proposed Project is wrong, have also participated in the proceeding.

We "The Mackintoshes" have been accused of a lot of things....for those of you who want to make us the bad guys, that's alright, but this is not about us, this is about the choices PacifiCorp has made. And for those concerned about expediting the project....if PacifiCorp had chosen to do this upgrade the right way in the first place, with pole for pole replacement within the existing ROW, this project would be complete....they own the ROW. If the MND had evaluated the alternate routes as the ALJ ordered, the EIR would not have been necessary. The decision makers had nothing to compare.

Why anyone would choose to build a **new transmission line** in a beautiful valley or anywhere else in this country, unless it is absolutely necessary, is just plain wrong. And for this project it is not necessary....the transmission corridor is already in place. Yes, the transmission corridor traverses a Volcanic Legacy Scenic Byway, but the line is already there obstructing the view, **just as it is already on our property** obstructing our view. The .5 mile section of line (all of which is in the Weed City limits) is already highly visible as it is at both substations and in the section going over the hill to Lincoln Heights. It is already in the view from California Street and it is already seen by motorists who travel Hwy 97. It is already 80 or 100 feet from the proposed Berean Church, and it is already on the homeowners properties along the Hwy 97 corridor. The Volcanic Legacy Scenic Byway has many utility lines all along the route.... transmission, distribution and communication. Line 14 actually crosses Hwy 97.

I have listened to and read how the project will impact others. I'm sorry if the existing transmission line is crossing your property as it is ours. Mr. Goltz stated at the NOP meeting that the line will cross his property no matter which way it goes. That is true in our case as well....no matter which route is chosen, we will have 10 taller poles. Four of those poles, 3/45 through 6/45, are in a surveyed wetland and they will require concrete and steel foundations. New temporary access roads will be necessary as well as geo-mats to prevent the heavy equipment from sinking. The replacement of those 4 poles will be very damaging to the wetland. That will happen no matter which way the project goes. But there is one major difference here....the proposed project would cross our property

E-1

E-2

E-3

three times!!! First from north to south with 10 poles 22 to 36 feet taller than the existing poles, second from west to east (perpendicular to the existing line) with 5 new 56 to 70 foot poles (one of those poles, 8/45, will be 75 feet ags) and third, with the Weed Segment, a new line (three more wires) will go from Weed Substation back to pole 8/45. The self supporting steel pole at 8/45 would be 95'(75'ags) and 4' in diameter at the base. It would require a concrete foundation 6 feet in diameter by 20 feet deep and would be located 60 feet from our spring house, which is our only drinking and domestic water supply (we have no wells). At its base, this massive pole will be embedded 13 feet below the water level of our spring house.... or possibly more if the pole location has been moved again. The Proposed Project would have a major impact to the views from our property, would damage our wetland, destroy our property value and worst of all, the installation of the massive steel pole at 8/45 would put our water supply at risk. The EIR did not bother to classify the cumulative impacts the proposed project would have on our property, stating that intervening vegetation would generally screen the view of the new line from the Hillside residence. The new line would be visible from our new home, just as the taller poles for the existing line will be highly visible from the home that we reside in now, as well as from our new home.

E-3

E-4

Now I would like to point out a couple inaccuracies in the DEIR and make a couple suggestions. Our comments on this were not accepted in the DMND stating that our attorney had covered everything we said. Please do not disregard this again! The description of what the Pappas' will see from there home is inaccurate. From the Pappas residence, 5 poles, 12 through 15 and 8/45 would be in their view, **not 2 poles** as shown in simulation Figure 4.1-12b and the majority of the line would be in the skyline. The low trees to the left in the backdrop are at a spring that puts out 375 gallons a minute and there are numerous other springs that are located along the proposed route. In other words, it is very wet and boggy and trees will not grow there. As you can see in Figure 4.1-11b, there are cattle grazing there as well. So even if trees could survive the wet soil, they would not survive the cattle. Unless the EIR plans to change our ranching practices, the mitigation measures are infeasible. As you can see from the photo there is nothing in the meadow to screen 56 to 70 foot poles and the connecting wires. Perhaps a certified arborist or landscape architect should have been consulted to find out if this mitigation measure is possible before the impact was mitigated to less than significant. You cannot plant trees and also preserve the landscape features seen in the backdrop. Their house was situated for the view. From their residence they have awesome views and sunsets. That view will be forever altered!

E-5

I think the second thing I would like to point out is the degree that the simulations have been exaggerated for the existing corridor along Hwy 97 and minimized for the Proposed Project. Much of the EIR relies heavily on the visual simulations, many of which are misleading or inaccurate. For example visual simulation Figure 4.1-11b does not show the 75 foot pole that will replace pole 8/45 and it does not show the 10 wires that will connect to that pole. In fact it does not show our spring house below nor does it show the view of Mt. Shasta from that location. Pole 8/45 is not shown accurately anywhere in the DEIR. If you look at any of the simulations and the photos of the existing views for Variations A and B Alternatives, the poles and conductors are highly visible in the

E-6

simulations. Yet in the photos of the existing views the conductors are very faint even in the skyline. See Figures 4.1-24a and b for example. The simulations are exaggerated.

Now if you look at all the simulations for the proposed project you can see that the poles and wires are faint to invisible even when in the skyline. 4.1-7b is a good example. In reality, from that location on Hoy Road you would see 5 poles with connecting wires in the skyline, **not 2**. Also in Figure 4.1-6b the wires are just barely visible even though a portion of the view is in the skyline. If the photo had been taken a little to the left the Pappas residence would be included and you could easily see that **all 5 new poles and conductors would be highly visible from their home**. My point again is...all the simulated poles and wires for the Proposed Project are faint to invisible, whereas all the simulations of poles and wires for the variations are quite prevalent, in fact they stick out like a sore thumb, misleading the viewer into thinking that taller poles on the existing line would somehow be more intrusive than poles and wires where none currently exist.

E-6

I have a couple questions...if Figure 4.1-14b (which is a view of the existing line going over the hill from Weed Substation to Lincoln Heights) if that view can be mitigated to less than significant, then why can't the .5 mile portion where the line is visible along Hwy 97? They both have the same mountain vista, the same taller poles and the same Volcanic Legacy Scenic Byway. If it is an incremental change for one, then the same is true for the other.

E-7

If pole 3/46 in Lincoln Heights can be redesigned, why can't poles 17/47 and 5/48 be changed to use the same type of redesigned pole as 3/46 (a pole that is self supporting steel, horizontal rather than vertical arm configuration and lower in height)? A self supporting steel pole would eliminate the guy wires crossing Hwy 97 as seen in Figure 4.1-24b. If a self supporting steel pole could be used at 8/45 then why not at 5/48 and/or 17/47.

I believe Mr. Messer commented at the NOP meeting, something to the effect that we should leave the land better when we finish than it was when we started. If trees and shrubs were planted to screen the poles that are visible in the project area along the Hwy 97 corridor, it would look better upon completion of the project than it does now. PacifiCorp has the ability to make that happen.

E-8

All we have wanted from the beginning is for this project to be done right. It affects our valley, our community and people's lives!!!! Thank you.

Judy Mackintosh
5322 Hoy Road
Weed, CA 96094
530 938-9648

Letter E – Judy Mackintosh

Response E-1 The commenter states that she has been informed that the DEIR falsely claims that the Mackintoshes were the only members of the public contesting the Proposed Project. The commenter was misled, as the DEIR does not contain any allegations that the Mackintoshes were the only objecting party to the Proposed Project. Therefore, comment noted.

The commenter also states that if PacifiCorp had chosen to upgrade the transmission line “the right way” with pole-for-pole replacement within the existing ROW, an EIR would not have been necessary. This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact. Responses to more specific comments by the commenter are provided below, in responses E-2 through E-8.

Response E-2 The commenter states a general concern of constructing a new transmission line across Hoy Valley. The commenter states that the Proposed Project route is not necessary, as there is an existing transmission corridor along Highway 97. This comment is a general statement and does not state a specific question regarding a significant environmental impact. The comment is noted as a contrary opinion to the Proposed Project.

Response E-3 The commenter provides a description of the poles that would be installed on her property as part of the Proposed Project and alternatives. The commenter states her concerns regarding the impacts of the poles to the wetlands, water supply, views on her property, as well as her property value. Regarding impacts to jurisdictional wetlands, the commenter is referred to the DEIR, Section 4.4, *Biological Resources*, page 4.4-2. Regarding impacts related to water supply, the commenter is referred to Section 4.7, *Hydrology and Water Quality*, pages 4.7-16 through 4.7-25. Regarding visual quality impacts, the commenter is referred to the DEIR, Section 4.1, *Aesthetics*, page 4.1-1 through 4.1-35. Responses to more specific visual quality comments by the commenter are provided below, in responses E-4 through E-8.

Regarding potential impacts to property value, according to CEQA Guidelines section 15131, economic and social effects of a project, even if demonstrated, shall not be treated as significant environmental effects. Economic or social effects may be considered only if demonstrated physical changes could result. Beyond speculation, the comment demonstrates no such physical changes.

Response E-4 The commenter states that the DEIR failed to analyze the cumulative visual impacts of the Proposed Project to their property. Regarding visual quality cumulative impacts the reader is referred to the DEIR, Section 4.1,

Aesthetics, Section 4.1.3, *Cumulative Impacts*, pages 4.1-16 to 4.1-17 where it states that “the Proposed Project’s incremental contribution to the cumulative adverse visual impact is cumulatively considerable and thus significant (Class I).”

Response E-5

The commenter believes that the DEIR understates the visual impact of the Proposed Project to the Pappas residence. The commenter states that only two poles are visible in the visual simulation of the view from the Pappas residence (Figure 4.1-12b). The commenter asserts that five poles will be visible from this view, including Poles 12 through 15 and Pole 8/45. The commenter also states that the mitigation measures, particularly AES-PPWS-2b, proposed in the DEIR to plant screening vegetation to minimize the visual impacts of the Proposed Project are infeasible because (1) there are numerous springs in the project vicinity that would make the ground too wet and (2) screening vegetation would interfere with the area’s current use as a pasture for cows.

The commenter is correct that only two poles are visible in Figure 4.1-12b. The view of Pole 12 from this view is obstructed by trees in the foreground. The viewpoint shown in Figure 4.1-12b was selected because it was the clearest demonstration of the potential impact to the viewshed from the Pappas residence. The DEIR states that the Proposed Project would have a potentially significant impact on the views from the Pappas residence. The DEIR cites three poles, Poles 12 through 14, that would be potentially significant. The DEIR proposed two mitigation measures that would reduce the potential visual impact to the Pappas residence to less than significant (page 4.1-11).

The intent of Mitigation Measure AES-PPWS-2b was to, in consultation with the 5026 Hoy Road property owner, plant vegetation on the 5026 Hoy Road property to screen views of the Proposed Project. Accordingly, to clarify and ensure compliance with the intent of Mitigation Measure AES-PPWS-2b, the text on page 4.1-10 has been clarified to read as follows:

Mitigation Measure AES-PPWS-2b: In consultation with the 5026 Hoy Road property owner, and a certified arborist or landscape architect, PacifiCorp shall plant trees/shrubs either individually or in informal groupings on the 5026 Hoy Road property to partially screen unobstructed views of the new poles. Planting shall be designed to substantially preserve views of the landscape features seen in the backdrop. Plant material shall be appropriate to the local/natural landscape setting and shall be consistent with Public Resources Code Section 4292 for vegetation located in proximity to transmission facilities.

- Response E-6 The commenter raises a general concern about the quality and accuracy of the visual simulations in the DEIR. The commenter believes that the visual simulations minimize the potential impacts associated with the Proposed Project and exaggerate the visual impacts associated with the alternatives.
- The DEIR photos and simulations are reasonable and accurate. The photos used in the figures of the DEIR were taken using a Canon EOS digital Single Lens Reflex (SLR) camera. Site location data for the photographs were collected using global positioning system (GPS) equipment, aerial photo annotation and photo log recording.
- Computer modeling and rendering techniques were employed to produce the visual simulation images. The computer-generated visual simulations are the result of an objective analytical and computer modeling process including three dimensional modeling based on topographic and engineering design data. GPS viewer location data was added to the 3-D digital model using five feet as the assumed eye level. Computer “wireframe” perspective plots were overlaid on photographs to verify scale and viewpoint location. Digital visual simulation images were then produced based on computer renderings of the 3-D model combine with digital versions of the photographs. The final “hardcopy” visual simulation images produced for the DEIR were printed from the digital image files. The visual simulations are presented in a manner that clearly and reasonable depict the location, scale and general appearance of the project as seen within its landscape context. For purposes of CEQA visual impact assessment, the visual simulations provide technically sound and reasonable support for the conclusions presented in the DEIR. The comment is noted as a contrary opinion.
- Response E-7 The commenter states that the analysis in the DEIR is inconsistent as to how it addresses visual impacts from Highway 97 for the alternative routes and for the Weed Segment. The commenter states that the same standards should be applied to evaluating the visual impacts of the alternative routes as applied to the Weed Segment. The commenter states that if the view depicted in Figure 4.1-14b can mitigated to less than significant, than the 0.5-mile portion of the alternatives visible from Highway 97 should also be able to be mitigated to less than significant. The commenter states that both views have the same mountain vista, the same taller poles, and the same Volcanic Legacy Byway designation.
- The commenter is referred to the Draft EIR, Section 4.1, *Aesthetics*, page 4.1-1 to 4.1-35. Figure 4.1-14a and Figure 4.1-14b portrays an existing view and visual simulation of the Weed Segment, specifically, the Weed Substation, as seen from northbound Highway 97 near Alamo Avenue. As can be seen from the “before” views, the area is already dominated by the

Weed Substation and a number of transmission line entering and existing the substation. As shown in the visual simulation, the placement of the new poles would be similar and would follow the centerline of the existing transmission line. From that perspective, the replacement poles would extend just slightly further into the skyline than the existing poles. In these respects, the Weed Segment would represent an incremental change which would not substantially affect roadway views. Therefore, Mitigation Measures AES-PPWS-3a to 3d proposed in the DEIR would reduce potential impacts to less than significant.

In contrast, “before” and “after” views of the alternatives (Figures 4.1-21, 4.1-23 and 4.1-24) show the effect on motorists’ views of the scenic corridor along Highway 97. These three sets of figures illustrate the visual change associated with installing the taller replacement poles within the existing ROW. The simulations demonstrate that the replacement poles would extend further into the skyline and would include twice as many transmission line conductors, causing them to appear more visually prominent than the existing poles which are currently seen from the highway. The largest number of affected viewers would be motorists traveling along Highway 97, a heavily-traveled roadway. This increased visual prominence would represent a noticeable intrusion with respect to motorists’ views of the scenic corridor. Although implementation of Mitigation Measure AES-OPT4-1, AES-VAR/A-1, and AES-VAR/B-1, for each alternative alignment, respectively, would reduce this impact, in consideration of the roadway’s status as a designated national Scenic Byway, designated County Scenic Highway, and an Eligible State Scenic Highway, these impacts would remain significant.

In summary, the replacement poles along the 0.5-mile segment of the alternatives that are visible from Highway 97 would appear more visually prominent than the replacement poles associated with the Weed Segment. As shown in Figure 4.1-14a and Figure 4.1-14b, because the alternatives’ replacement poles would extend further into the skyline and have twice as many transmission line conductors, it would result in a significant change from existing views; whereas, the replacement of poles associated with the Weed Segment would result only in an incremental change to the existing landscape.

The commenter also believes that the double-circuit vertical poles proposed as part of Variations A and B (Poles 5/48 and 17/47) could be replaced with double-circuit horizontal arm, self-supporting steel poles, which would achieve the same objectives as a vertical double-circuit pole, but would be substantially shorter and eliminate the need for guy wires, thus eliminating significant visual impacts. Please see Response G-2.

Response E-8 The commenter believes that planting trees and/or shrubs as part of the alternatives would screen the replacement poles visible from the approximately 1/2-mile portion of Highway 97, visually improving the area beyond existing conditions. The DEIR's visual simulations demonstrate that the replacement poles would extend further into the skyline and would include twice as many transmission line conductors, causing them to appear more visually prominent than the existing poles which are currently seen from the highway (page 4.1-31). To minimize this impact the DEIR proposed a mitigation measure that would require PacifiCorp to have a landscape plan prepared by a licensed landscape architect or certified arborist. The plan shall include planting of trees and/or shrubs individually or in informal groupings to partially screen close range unobstructed views of the lower portion of the replacement poles that would be visible from Highway 97 (page 4.1-31). Although implementation of the mitigation measure would reduce the visual impact of the alternatives, the entire height of the replacement poles could not be screened out using landscaping. Therefore, in consideration of the roadway's status as a designated national Scenic Byway, designated County Scenic Highway, and an Eligible State Scenic Highway, these impacts would remain significant and unavoidable.

Comment Letter F

CARRICK RANCH From: WHS library [dgoltz@sisnet.ssku.k12.ca.us]
Sent: Friday, September 14, 2007 9:11 AM
To: Yreka-Weed
Subject: Yreka-Weed transmission line upgrade

CARRICK RANCH
19030 Rainbow Way
Weed, CA 96094
(530) 938-3800

September 13, 2007

Mike Rosauer, EPM
225 Bush Street, Suite 1700
San Francisco, CA 94104-4207
Yreka-week@esassoc.com

Dear Mr. Rosauer:

In reviewing the draft EIR for the Yreka-Weed Transmission Line Upgrade, I have noticed some issues I think need to be addressed.

First, in ES 4.3 Environmentally Superior Alternative, the EIR states that the Mackintosh/ALJ Variation B is identified as environmentally superior because there is less visual impact. This is visual impact is relative to whom you ask. The Abbots, Seawells, or the people who will attend the Berean Church are all less than 500 feet from the Mackintosh/ALJ B project. Of note, no one lives in that close of a range to the proposed project (Option 3).

F-1

I also see no comparison of visual impact between poles that are 10 to 30 feet taller with 10 wires, compared to the shorter 3-wire poles.

F-2

Secondly, I do not understand how the Mackintosh/ALJ B that constructs two lines over four months is environmentally superior to the proposed project, which is one line constructed in four months. There are twice as many holes and twice as many trips over the ground, some of which is very steep and erodible, especially between pole 11/48 and 12/48.

F-3

I think the decision will ultimately come down to whose view is more important. I'm glad I don't have to make that decision.

Sincerely,

Carl E. Goltz

Letter F – Carrick Ranch (Carl E. Goltz)

Response F-1 The commenter states that the Mackintosh/ALJ Variation B alternative would have a greater visual impact than the Proposed Project as more residences, as well as the proposed Weed Berean Church, are located within close proximity to the alternative route. Visual impacts from the Mackintosh/ALJ Variation B alternative and the Proposed Project are addressed in the DEIR, Section 4.1, *Aesthetics*, page 4.1-1 to 4.1-35. The DEIR states that the Mackintosh/ALJ Variation B alternative would affect views from a limited rural residential area which is situated in proximity to Highway 97. Figure 4.2-22a and Figure 4.2-22b illustrate “before” and “after” visual conditions as seen from a vantage point on California Street at Center Street. A comparison of the existing view and visual simulation indicate that several of the replacement poles would be slightly more visually prominent against the skyline. However, given the presence of existing transmission line structures, this effect associated with the Mackintosh/ALJ Variation B alternative would represent an incremental change that would not substantially alter the existing visual character seen from the near California Street at Center Street.

Further, the DEIR, *Executive Summary, Section ES.4.3- Environmentally Superior Alternative*, page ES-40, states that although the Proposed Project and the three alternative routes would each have significant unmitigable visual impacts, the degraded visual character of the Proposed Project is afforded more weight in the analysis than the visual impact of the alternative along approximately 0.5 miles of Highway 97. The principal basis for this determination is that the degraded views along Highway 97 would be visible to passing motorists for less than a minute. Although fewer people would be affected by the cumulative visual impact created by constructing the new 1.2-mile ROW, the degraded visual character would be of longer duration and, in the case of local residents, a constant experience.

Response F-2 The commenter states that there was no comparison between poles that would be 10 to 30 feet taller than existing poles with 10 wires, compared to the shorter three-wire poles. It is assumed that the commenter is referring to the Mackintosh/ALJ Variation B alternative route compared to the existing conditions. This alternative proposes upgrading the existing single-circuit 69 kV transmission line (three conductors with distribution at the bottom) to a double-circuit 115 kV transmission line (six conductors with distribution at the bottom). Visual impacts from the Mackintosh/ALJ Variation B alternative route are addressed in the DEIR, Section 4.1, *Aesthetics*, page 4.1-29 to 4.1-35. Additionally, Figure 4.1-21, Figure 4.1-23, and Figure 4.1-24 present “before” and “after” views of the Mackintosh/ALJ Variation B alternative. These three sets of figures illustrate the visual

change associated with the pole for pole replacement of the existing poles with taller replacement poles. The simulations demonstrate that the replacement poles would extend further into the skyline and would include twice as many transmission line conductors, causing them to appear more visually prominent than existing poles which are currently seen.

Response F-3

The commenter questions how the Mackintosh/ALJ Variation B could be more environmentally superior to the proposed project, as the Mackintosh/ALJ Variation B would construct *two* transmission lines over four months and the proposed project would construct *one* transmission line in the same time period. As described in the DEIR, *Executive Summary, Section ES.4. 3- Environmentally Superior Alternative*, page ES-40, the Mackintosh/ALJ Variation B alternative was deemed the environmentally superior option because (1) it would keep the new transmission line within the existing ROW, (2) would avoid most of the mature tree removal associated with the PacifiCorp Option 4 alternative, and (3) would reduce the risk of electricity curtailments that would be possible with the Mackintosh/ALJ Variation A alternative. Regarding further description of the alternatives the commenter is referred to the DEIR, Chapter 3, *Alternatives and Cumulative Projects*. Regarding further description of tree removal impacts the commenter is referred to the DEIR, Section 4.4, *Biological Resources*, page 4.4-1 to 4.4-48. The reader is also referred to the DEIR, *Introduction, Section 1.2 – Project Objectives, Purpose and Need*, page 1-3, which details PacifiCorp's project objectives, which include reducing the risk of electricity curtailments. Specifically, PacifiCorp identified the following objectives for the Yreka-Weed Transmission Line Upgrade in its PEA: (1) Meet electric system demand, (2) Ensure transmission system reliability, and (3) Meet summer 2008 peak loads. Compatibility with project objectives is one the criteria for selecting a reasonable range of project alternatives.

The commenter is also referred to Response A-2, which describes a refinement proposed by the Applicant to the Mackintosh/ALJ Variation A alternative. For reasons documents in Response A-2, this FEIR concludes that the Mackintosh/ALJ Variation A alternative is the Environmentally Superior Alternative. This alternative would keep the new transmission line in the centerline of the existing ROW and would not involve constructing a temporary pole line.

September 14, 2007

VIA E-MAIL

Mr. Mike Rosauer
Yreka-Weed Transmission Line Upgrade Project, Southern Portion
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104-4207

RE: Comments on DEIR for Yreka-Weed Transmission Line Upgrade Project, Southern Portion

Dear Mr. Rosauer:

Thank you for continuing to include our clients, Don and Judy Mackintosh in the environmental review process for PacifiCorp's Yreka-Weed Transmission Line Upgrade Project, Southern Portion (A.05-12-001) and the Weed Segment Project (A.07-01-046). We appreciate the opportunity to review the draft Environmental Impact Report (DEIR) for the project, and offer the following comments on behalf of the Mackintoshes.

First and foremost, we are pleased to see that the DEIR acknowledges there exist several route and design alternatives, each of which "is preferable to the Proposed Project." (DEIR at 5-4.) For two years now the Mackintoshes have implored the Public Utilities Commission to take a hard look at this project, and argued that any number of environmentally and electrically superior alternatives should be approved in lieu of PacifiCorp's proposal. As you know, this project—regardless of which alternative is ultimately approved—will result in an upgraded power line across the Mackintoshes' ranch. As indicated in Table 4.8-2 of the DEIR, the Mackintoshes' ranch is affected by every option under consideration for the upgrade. The Mackintoshes continue to support, as they always have, the proposal to upgrade the lines transmitting power to Weed, but they believe there is a right way and a wrong way to implement this upgrade. The right way is to provide more power, with minimal environmental risk. PacifiCorp's proposed project (Option 3) does not do this.

The Mackintoshes would support Commission approval of either Mackintosh/ALJ Variation B (Variation B) or Mackintosh/ALJ Variation A (Variation A). We believe, however, that both options could be improved with slight modifications, as described in these comments. Specifically, the Mackintoshes believe that the double-circuit vertical poles proposed as part of Variations A and B (poles 16/47 and 17/47) could be replaced with double-circuit horizontal arm poles. A double-circuit horizontal arm configuration would achieve the same objectives as a vertical double-circuit pole, but would be substantially shorter, and would eliminate the only significant and unavoidable impacts of Variations A and B.

Similarly, pole 5/48 could be replaced with a self-supporting steel pole with a horizontal, rather than a vertical configuration. A self-supporting steel pole would reduce the height of the pole and eliminate the need for guy wires. Installing a steel pole in this location, rather than the proposed double-circuit vertically configured pole, would mitigate the impacts of Variations A and B in the same manner as the DEIR proposes to mitigate the impacts in Lincoln Heights. (DEIR at 4.1-

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G-2

15.) As the DEIR has concluded installation of the TF285 steel pole proposed in mitigation measure AES-PPWS-4b sufficiently reduces the visual impacts of the structure, there is no reason that Variations A and B cannot similarly reduce the visual impacts of poles along the alternative route. (See *id.*)

These slight modifications to the Variation A or B projects would allow the Commission to approve a project that accomplishes all of PacifiCorp's objectives without any environmental impacts that cannot be mitigated to a less than significant level. If double-circuit horizontal arm and self-supporting steel poles were included as alternatives for Variations A and B in the Final EIR, then the Commission could approve either Variation A or Variation B with the horizontal arm configuration and steel poles in lieu of vertical double-circuit poles, including by making the double-circuit horizontal arm and steel poles a condition of approval for the project.

While the Mackintoshes were pleased with the acknowledgement that preferable alternatives exist to PacifiCorp's proposed project, and would support approval of either Variation A or B, they were disappointed to see that Option 5 was excluded from the DEIR's analysis—and improperly so, in the Mackintoshes' opinion. Option 5 was an alternative that the Mackintoshes developed based on Don Mackintosh's professional experience upgrading transmission lines in Silicon Valley for PG&E. It utilizes the same standard methodology that PG&E used to upgrade the power system in Silicon Valley, and mirrors the method used for the northern 17 miles of this project (known as the "Northern Portion"). Because Option 5 has been found to be "technically feasible" (Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge (July 12, 2006) at 5 [Scoping Memo]) and could be constructed within the existing right-of-way (ROW) consistent with state and federal energy policies, this alternative has gained increasing favor with the PUC throughout these proceedings. (See, e.g., *id.*; Interim Opinion Requiring Environmental Impact Report (March 15, 2007), at 2, 7–8, 18 [D.07-03-043].) Moreover, Option 5 could operate with three fewer conductors, three fewer insulators, and shorter poles, than PacifiCorp's proposed project or any of the alternatives.

Despite the Mackintoshes' best efforts to clearly and concisely describe their proposal for Option 5 (see Mackintosh Option 5 Proposal (June 23, 2006); Reply to Pacific Power's Response to "Mackintosh Option 5" (August 3, 2006)), and the PUC's endorsement of the alternative, the DEIR mischaracterized the Option 5 proposal, and improperly excluded it from analysis based on this mischaracterization. (DEIR at 3-27 to 3-28.) The DEIR describes Option 5 as being built on the Line 1 existing poles. (DEIR at 3-27.) This is wrong. As the Mackintoshes stated in their pleading proposing the alternative, Option 5 would be constructed the same way the Northern Portion of the project was to be constructed: using new, taller poles. (Mackintosh Option 5 Proposal at 3.) To the extent that the Northern Portion was able to utilize any existing poles, Option 5 would be able to as well; but use of the existing poles was not a required or integral element of the Option 5 proposal. (*Id.*)

Based on this mischaracterization of the alternative, the DEIR excluded analysis of Option 5, concluding that it would not (i) provide minimum required ground clearance; (ii) provide minimum required clearance between circuits; or (iii) satisfy GO95 criteria for wind and ice loading. (DEIR at 3-27 to 3-28.) In actuality, Option 5 would provide for and satisfy each of these elements to the same extent as the approved Northern Portion of the project. We find it difficult to understand how methods that have been found to be acceptable (and in fact implemented) for 90 percent of the line, are somehow unacceptable for the remaining 10 percent. The DEIR also purports to exclude analysis of Option 5 based on the contention that it would require expansion of the Weed Substation footprint, and acquisition of private land from adjacent owners. (DEIR 3-28.) Again, this



G-2

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is not true. Moreover, this conclusion directly contradicts Dennis Desmarais's statements at the site visit and during the prehearing conference in this matter. (Mackintosh Option 5 Proposal at 2.) Weed Substation is designed to accommodate two distribution transformers. Currently there is just one, which means that the transformer required under Option 5 (or for that matter, Variation A) could be installed in the empty bay at Weed Substation. Finally, the justification that removal of the 69 kV line between Weed Junction and Weed Substation would eliminate PacifiCorp's ability to provide support at 69 kV to Line 2 at Weed Junction, is electrically inaccurate. (See DEIR at 3-28.) Line 2 already has the support that it needs, as it has two sources of power to the north (Copco 2 and Weed Junction Substation), and two sources of power to the south (Weed Junction and Mt. Shasta), without the 69 kV line.

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While the Mackintoshes are pleased that the DEIR has identified alternatives that could potentially resolve the Mackintoshes' environmental and electrical concerns with the proposed project, and that it recommends approval of an alternative to PacifiCorp's proposed Option 3, we believe that environmental analysis continues to understate Option 3's impacts. Clearly, Variations A and B are preferable to the proposed project. (DEIR at 5-4.) The margin by which they are preferable, however, is even greater than the DEIR indicates.

In the remainder of our comments, we address potential impacts of PacifiCorp's proposed Option 3 that the DEIR has omitted, or that the Mackintoshes believe are more significant than disclosed in the DEIR. Our comments also identify areas where we believe the DEIR has overstated, or misstated, an alternative's impacts. Given the Mackintoshes' extensive involvement in this project, including correspondence with PUC staff and the environmental consultants, throughout all stages of the proceedings, they have had an opportunity to comment on the project and the various environmental evaluations of the project in the past. The Mackintoshes submitted comments on the previously prepared Mitigated Negative Declaration (MND) for the project on October 2, 2006. They also submitted comments on the Notice of Preparation for this DEIR on May 15, 2007. Through the briefs submitted to the PUC, additional correspondence with staff, and attendance at various public meetings, the Mackintoshes have commented extensively on the environmental aspects of PacifiCorp's proposed project, as well as feasible alternatives. While many of those comments are repeated below, the Mackintoshes also incorporate by reference those comments into this correspondence .

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Environmental analysis of this project has historically been plagued by incomplete and inaccurate project descriptions. While the project proponents may have been able to complete their PEA, or even the MND without a thorough project description, courts have determined that a complete, consistent, and accurate project description is the sine qua non of an informative, legally adequate EIR. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192.) Recent cases have overturned approval decision based on EIRs that failed to satisfy CEQA's standards for project descriptions. (See, e.g., *San Joaquin Raptor Rescue v. County of Merced* (2007) 149 Cal.App.4th 645.) Many of our comments stem from what we perceive to inaccuracies or inconsistencies in how the project is described, or analyzed in conjunction with the DEIR's project description.

Additionally, given that this project has been developed over the course of two years, was subject to evidentiary hearings and numerous public meetings, and has been through one CEQA review already, there exists a substantial record upon which the DEIR can, and indeed, must, rely. To the extent that evidence on the record indicates that PacifiCorp's proposed project may have potentially significant impacts, CEQA requires those impacts to be disclosed and evaluated in the final EIR. Generally, we feel that where the DEIR has omitted or understated an impact created by

the Option 3 route, the DEIR has ignored substantial evidence on the record of a potentially significant impact. This threatens the legal credibility of the document. Therefore, we have tried to identify areas where we think the DEIR has not satisfied CEQA's standards for environmental review.

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Executive Summary

The DEIR needs to be clear from the very beginning that PacifiCorp's proposed project will result in significant and unavoidable impacts. It should also clarify that each of the proposed alternatives is environmentally superior to the proposed project. This information should be included in the Executive Summary. Currently, a reader needs to make his way through nearly the entire document before discovering that the alternatives are preferable to the project. (DEIR at 5-4.) Similarly, the Executive Summary should clarify that by describing Option 3 as "cumulatively considerable and thus significant," it means certain impacts of Option 3 are significant and unavoidable. The DEIR's tendency to understate or disguise the environmental impacts of PacifiCorp's proposed project is a problem throughout the document. Given the importance of the Executive Summary in providing a concise, accurate portrayal of the project and alternatives, the severity of impacts of the project should be clearly stated.

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Aesthetics Analysis

The aesthetics analysis correctly concludes that Option 3 will have significant and unavoidable impacts. We understand this conclusion to be based on cumulative impacts of the project. In this respect, the DEIR has ignored several individually significant visual impacts of the Option 3 proposal.

The DEIR undervalues impacts to views from Hoy Road

The Mackintoshes continue to object to the differential treatment afforded views from Highway 97 and those from Hoy Road. We first note that views from Hoy Road are substantially more affected than views from Highway 97. The difference is partly based on the incremental change that would occur in upgrading the existing line along Highway 97, versus constructing an entirely new line in an undisturbed area across Hoy Road. Additionally, however, the proposed line would be sited between Hoy Road and Mt. Shasta, while Highway 97 lies between Mt. Shasta and the upgraded line. Therefore, views from Hoy Road towards the mountain would include the line; views from Highway 97 towards Mt. Shasta would not. Furthermore, the DEIR has neglected to consider the difference in how the two roads are used. As the evidentiary hearing testimony indicated, unlike Highway 97, Hoy Road is often used by pedestrians and bicyclists who take advantage of Hoy Road's rural setting and expansive views of Mt. Shasta. (Evidentiary Hearing Exhibit [Ex.] 105, Written Testimony of Don Mackintosh, as Revised October 2, 2006, on Behalf of Don and Judy Mackintosh ("Mackintosh Testimony") at 10:22.) It is a favorite site for photographers and was recently featured in the 2007 film, "Babysitter Wanted." If there was any doubt as to the value of the views from Hoy Road to the community of Weed, it was surely resolved by the "Help Save Hoy Road" petitions submitted for the evidentiary hearings, which contained approximately 375 signatures from residents of the area. (Ex. 107.)

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The DEIR defines "scenic vista" as "an open and expansive public view encompassing valued landscape features including ridgelines and mountains." (DEIR at 4.1-9.) Notably, the definition does not include any requirement that a scenic vista be a designated scenic highway. Under this definition, Hoy Road must be considered a scenic vista. The failure to classify it as such is not well supported in the DEIR, particularly in light of the substantial evidence on the record supporting the contention that Hoy Road unequivocally meets the DEIR's definition.

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The DEIR inconsistently evaluates impacts to views from Highway 97

The DEIR is inconsistent with how it address visual impacts from Highway 97 for the alternative routes and for the Weed Segment. The DEIR indicates the "scenic highway" portion of Highway 97 extends from the Oregon border to the intersection with I-5. (DEIR at 4.1-3.) Therefore, standards applied to evaluating the visual impacts of the alternative routes, should be the same as those applied to evaluating the Weed Segment. Furthermore, since the both the alternative routes parallel short portions of the Highway, would similarly increase the height of transmission poles, and utilize heavier conductor, conclusions regarding the significance of the visual impacts for the Weed Segment and the alternative routes should be the same, too. The DEIR, however, inexplicably draws different conclusions. (*Compare* DEIR at 4.1-12, *with* DEIR at 4.1-26, 4.1-30.) The DEIR concludes that the impacts of the Weed Segment would represent a less than significant "incremental change which would not substantially obstruct or affect scenic vistas toward the mountains," while the alternative routes would create a significant and unavoidable impact. (*Id.*) The DEIR offers no basis for this inconsistency. Application of the DEIR's standard of review for visual impacts of the Weed Segment suggests that the alternatives should also be found to not create any significant visual impacts. To the extent the DEIR arrives at a different conclusion, it needs to better explain the discrepancy.

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The DEIR incorrectly suggests that the Option 3 line would only be visible from one residence

Statements in the DEIR, particularly those on page 4.1-9, should be revised in indicate that the proposed Option 3 would be visible from as many as five residential properties. The line would be visible from the Mackintosh property (which includes two residences, both of which would be affected by the line), the Pappas residence, the Goltz residence, the Luiz residence and the Gregory residence. (See DEIR at fig. 4.8-1.)

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The DEIR contains incomplete, inaccurate, and misleading visual simulations

Like in the MND, the visual simulations contained in the DEIR fail to capture or accurately describe the impacts of the Option 3 project. CEQA requires that EIRs provide the public with "detailed information about the effect which [the] proposed project is likely to have on the environment." *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 391. This requires EIRs to provide decisionmakers and the public with consistent, accurate information regarding the proposed project. See, e.g., *San Joaquin Raptor Rescue, supra*, 149 Cal.App.4th 645. As explained below, the visual simulations contained in the DEIR are neither consistent nor accurate. Furthermore, these visual simulations provided a basis for many of the DEIR's conclusions regarding the significance of impacts of the proposed project and route

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alternatives. (See DEIR at 4.1-7, 4.1-17.) While CEQA does not specifically require visual simulations, to the extent an EIR relies on visual simulations as the basis for its significance conclusions, as this DEIR does, those simulations must meet CEQA standards for completeness, consistency, and accuracy. (See Pub. Resources Code, § 21080, subd. (e); Cal. Code Regs., tit. 14, § 15140.)

The visual simulations provided in the DEIR do not satisfy CEQA's standards. Some of the most important simulations have been completely omitted. Poles 1 and 15/48 on the Option 3 route will be 4-foot wide and 70-foot tall self-supporting steel structures. (DEIR at 2.8, appen. C, p. 1.) Apparently, the visual impacts of these poles will be less than significant, but the DEIR does not provide any evidence on which to base that conclusion. Simulations of these poles need to be included in the DEIR.

While photographs from Hoy Road generally lack the exposure problems of the MND simulations, they are taken from such a distance that they do not provide a meaningful opportunity to evaluate the effects of the project. The line in Figures 4.1-4(b) and 4.1-5(b) is so far away, for example, that it is barely discernable. Close inspection of Figure 4.1-5(b) reveals that pole 12 will be sited just a few feet from the road, but the DEIR does not include a simulation of the view approaching this pole. Rather, the Hoy Road simulations use photographs taken from around the bend in the road. Even Figure 4.1-7(b) is taken around the corner from the pole 12, such that it does not clearly depict how close the pole is to the road. (DEIR at fig. 4.1-7(b).)

Most troubling, is the simulation of pole 8/45. (DEIR at fig. 4.11(b).) Here, the simulation omits the additional conductors at the top of the pole (notably, the DEIR does show the full height and conductors for the 70-foot poles along the alternative routes). Additionally, the simulation blatantly contradicts the DEIR's descriptions of the new steel pole 8/45. The DEIR indicates that the self-supporting steel pole would be four feet in diameter. (DEIR at 2-7; see also attached photograph of four-foot diameter steel pole.) The current wood pole 8/45, shown in Figure 4.1-11(a) is less than 12 inches in diameter. Therefore, the simulation should reflect a steel pole that is at least four times as wide as the existing pole. That is not what the simulation shows, however. The 12-inch wooden pole is approximately one-half inch wide in the photograph in Figure 4.1-11(a). An accurate simulation would depict the 48 inch steel pole as being four times as wide as the 12 inch wood pole. Therefore, Figure 4.1-11(b), which uses the same photograph, *should* show a pole that is two inches wide. The pole in the simulation however, is less than one inch wide. In other words, the pole in the simulation needs to be over twice as large as it is to accurately depict the size of the pole that will be installed next to the Mackintoshes' driveway. After so many discussions regarding the inadequacies of the past simulations, it is disappointing to see the same type of mistakes repeated in this DEIR. Simulations such as these fail to satisfy CEQA's standards.

Mitigation Measures do not satisfy CEQA standards

The DEIR includes specific mitigation measures that were challenged in the MND and objected to at the public scoping meeting. The DEIR proposes planting screening vegetation in the wetlands and wet meadow area along the Option 3 line. (DEIR at 4.1-10 to 4.1-11.) However, as Chris Pappas pointed out at the scoping meeting, this measure is impractical for several reasons. (DEIR at appen. A-6, p. 8.) First, screening vegetation could interfere with the area's current use as a pasture for cows. Second, tall vegetation could not be sustained in the pasture, where the ground is wet and the winds can reach up to 80 or 90 miles per hour. (*Id.*) The reason no such vegetation exists there now, is the same reason that installing such vegetation is an impractical solution. The



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visual impacts of the line through the Hoy Road area meadows cannot be screened or otherwise mitigated. The DEIR should reflect that given the unavailability for feasible mitigation, these visual impacts remain significant and unavoidable.

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Discussion and visual simulations of Variations A and B should be revised to reflect that double-circuit vertical poles can be mitigated, and therefore, the significant visual impacts of the Variations are not "unavoidable"

As recommended in these comments, significant impacts of Variations A and B could be mitigated in the same manner that the DEIR proposes to mitigate impacts of pole 3/46 in Lincoln Heights. The DEIR mitigates the visual impacts of pole 3/46 by replacing a double-circuit vertical pole with a shorter, horizontally configured pole. (DEIR at 4.1-15, fig. 4.1-13(b).) CEQA requires lead agencies to adopt feasible mitigation measures or alternatives that will avoid or reduce significant effects of the project. (Pub. Resources Code, § 21081.) In the attached "Recommendations for Replacement of Double-Circuit Vertical Poles Along Variation A and B Routes," we have identified the problematic poles and a feasible replacement solution that would avoid the significant visual impacts of each pole. We propose that the final EIR incorporate these recommendations as an alternative that the Commission could approve instead of Option 3. In light of the ability to avoid the significant visual impacts of Variations A and B, conclusions in the Aesthetics Analysis and discussion of these alternatives throughout the DEIR should reflect that significant impacts of Variations A and B are not in fact "unavoidable."

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Likewise, simulations for Variations A and B should indicate that shorter poles can be installed along the line. Failure to include simulations of the shorter poles, or at least clarify that the 70-foot poles are not required for the alternative routes, misleads the public as to the significant impacts of the alternatives.

Biological Resources

The difference between the Option 3 project and the proposed alternatives with respect to biological impacts, is a vital distinction that is not given proper attention in the DEIR. The Option 3 project requires new ROW, across private, undisturbed pasture land, wetlands, and wet meadow. The alternative routes site the line in an existing ROW over drier, more stable terrain. One need not consult an environmental analysis to understand that the Option 3 proposal will have much more severe biological impacts. A quick review of Figures 4.4-1 and 4.4-2 confirms this fact. The maps of the various routes show the Option 3 route crossing extensive wet meadows and wetlands in the homeowners' pastures, while the alternative routes are nowhere near any wet meadows, wetlands, or pasture lands. (DEIR at figs. 4.4-1, 4.4-2.) Similarly, the maps indicate that while extensive new overland access roads would be needed for the Option 3 project, the alternative routes could be completed using almost entirely existing roads. (*Id.*) The disparity is so great that it is difficult to look at these maps and understand why Option 3 was ever considered a viable route for this project. And yet the DEIR implies that any difference between the Option 3 route and the alternative routes is negligible.

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In short, the Mackintoshes disagree that the Option 3 biological impacts can all be mitigated to a less than significant level. At the very least, the DEIR must clarify that the alternative routes' impacts are not only less than significant, but the routes themselves eliminate the need for much of the mitigation proposed for Option 3.

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The DEIR does not properly address the impacts of access road construction for the Option 3 route and alternatives

Perhaps the most significant impact that could be avoided by approval of an alternative route, is the construction of the numerous overland access roads necessitated by the Option 3 project. Because the Option 3 proposal will cross undisturbed pasture land, wetlands, and wet meadows, the project will require construction of significantly more access roads than alternatives that could be built in existing ROWs. Discussion of access roads in the Biological Resources chapter is surprisingly sparse. The DEIR acknowledges that the Option 3 project would require new overland access, but states that these roads "would not result in significant impacts because their use would be limited by the time needed to install the new poles and conductor." (DEIR at 4.4-21.) The statement counter-intuitively implies that access would never be needed for maintenance or repair to the poles or conductor. The chapter also omits discussion of the length of new access roads—overland, or otherwise—that would be needed. This information is provided in the Project Description, though not in a particularly useful manner. Chapter two states that the Option 3 project would require "3.30 acres" of overland access road, compared to just 1.76 acres for Variations A and B. (DEIR at 2-25, 3-17, 3-22.) Presumably, this 1.76 acres reflects the access roads located between pole 14/48 and Weed Junction Substation, common to all options. In any case, the amount of access roads expressed in terms of acres is not very helpful. Total length of access road, in terms of feet, would allow for a better comparison.

The larger problem, however, is that the Biological Resources chapter ignores the impacts that all of these overland access roads will have. The DEIR assumes that construction crews will be able to transport heavy machinery through wetlands without any preparation or restoration required. (DEIR at 2-25.) Testimony delivered at the evidentiary hearings, however, indicates that substantial preparation and restoration would be required, even for temporary access roads in the pasture. (Reporters Transcript [RT] at 119:14-18 (Loeffler/PacifiCorp).) Moreover, the DEIR continues to insist that any impacts can be mitigated through the use of polyethylene mats, or "geo mats." (DEIR at 4.4-28.) The use of these mats was also addressed in the evidentiary hearings. PacifiCorp admitted that heavy machinery on these mats could cause the mats to sink into the ground. (RT at 124:16 ((Loeffler/PacifiCorp).) Furthermore, there was some question as to whether the mats could be used at all over a stream that flows year-round. (*Id.* at 124:25-28 (Loeffler/PacifiCorp); see also RT at 246:22-28 (Renouf/Mackintosh).) This testimony constitutes substantial evidence of potentially significant impacts. The DEIR's omission of discussion of potentially significant impacts, for which there exists substantial evidence on the record, fails to satisfy basic CEQA standards. If Option 3 is to be approved, the Biological Resources chapter must undergo extensive revisions to better describe the project and identify potentially significant impacts. Mitigation measures that have been shown to be infeasible must be replaced, or their corresponding impacts identified as significant and unavoidable.

Cultural Resources

The Cultural Resources chapter should acknowledge that the likelihood of discovering cultural artifacts is greater for the Option 3 route, which would be built in a new, undisturbed ROW, than for the alternatives, which would be built in the existing ROW along the highway. Where

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construction activities have already occurred in a particular location, it is less likely that subsequent activity will uncover sites or artifacts that were not previously discovered in that location.

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Hydrology and Water Quality

The impacts of the project on the region's hydrology and water quality remain a chief concern for the Mackintoshes. While PacifiCorp has argued the risks are slim, the severity of potential damage is catastrophic, such that no level of risk is an acceptable level of risk; not when better options, which could avoid the risk altogether, are available.

As the Mackintoshes have indicated in prior correspondence, they rely on the natural streams and springs that flow through their property for both their drinking water, and to sustain ranching activities in their pasture—an important source of income in their retirement. Damage to these streams and springs, which substantial evidence on the record indicates could be severe, would eliminate their ability to pump potable water, prevent them from being able to continue to lease their land for cattle grazing, and have significant adverse impacts on the value of their property. Damage to these springs is especially concerning given that the springs in the area appear to be supported by a common groundwater source. (DEIR at 4.7-8 (this has also been confirmed by well drilling in the area).) Therefore, damage to one, could adversely affect streams and springs on neighboring property. Given the mountain of evidence that the Mackintoshes have presented regarding potentially significant hydrological impacts, the DEIR must do a better job of analyzing the potential threats to the project area's streams and springs, should transmission poles be sited along the Option 3 route.

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DEIR does not accurately identify the springs that could be adversely affected by the Option 3 project

The DEIR has not done a good job of alleviating the Mackintoshes' fears regarding hydrological impacts, largely because it has not done a good job of identifying hydrological activity on their property. Figure 4.7-2 (mis-referenced as Figure 4.8-2 on page 4.7-8) identifies the springs and wells in the project area. The modified aerial photograph fails to identify at least two major riparian streams on the Mackintosh property that could be affected by the project, as well as a large stream on the Luiz property. We have included a corrected copy of Figure 4.7-2 with these comments. By ignoring the presence of these streams and springs, the DEIR has inadequately disclosed the environmental setting. By failing to discuss the impact to these streams and springs, the DEIR has inadequately analyzed the project.

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We understand that the hydrological data in the DEIR is largely derived from U.S. Geological Survey maps, and we are sympathetic to the fact that these maps may not always be 100% accurate or reflect every environmental element of particular parcel. That, however, does not excuse the EIR preparers from conducting a thorough investigation of the project area's environmental setting, or ignoring the substantial evidence that has been provided time and time again regarding the important hydrological aspects of the property. The Mackintoshes have identified the location of streams and springs that have been omitted from environmental analyses of this project. Preparers of the MND, if not the EIR, have visited the Mackintoshes' property and seen the springs with their own eyes. And yet, they continue to be conspicuously absent from this environmental analysis. Regardless of whether they show up on USGS maps, regardless of whether their presence is convenient to the analysis of the project, their existence must be

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acknowledged and accounted for. Substantial evidence in these proceedings has documented the existence of additional springs and streams in the project area. Continuing to ignore the environmental impacts that Option 3 will have on these springs and streams jeopardizes the legal adequacy of this EIR.

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The DEIR ignores substantial evidence of a shallow water table in the Hoy Road area, that could be damaged by wood and steel pole installation

The DEIR acknowledges that the springs in the Hoy Road area, which are located at similar elevations, are likely supported by the same groundwater body. (DEIR at 4.7-8.) Therefore, damage to one spring, or damage to the common groundwater body, could irreparably damage other springs and streams in the Hoy Road area. The DEIR, however, underestimates the potential for this type of harm. The DEIR states that Well Completion Reports (WCRs) "indicate that domestic and irrigation supply wells in the study area are obtaining water from depths of greater than 30 feet." (DEIR at 4.7-21.) While that may be true, it ignores the fact, supported by substantial evidence on the record, that the Mackintoshes' water is drawn from a separate, shallower spring-fed water source. (See RT at 248:11-12 (Renouf/Mackintosh); Ex. 108, Written Testimony of Richard Renouf on Behalf of Don and Judy Mackintosh ("Renouf Testimony") at 1:13-14.) Furthermore, the conclusion that the WCRs "show no evidence of confining strata within the upper 12 feet of the subsurface" (DEIR at 4.7-22) is directly contradicted by one of the WCRs that we provided to the EIR preparer. A 2001 report for a well built on the Pappas property, indicates that a static water level was encountered at eight feet below ground. The Pappas property is of course, adjacent to the Mackintoshes' ranch and located near their springhouse. Similar reports from the Luiz and Hoy properties also indicate a shallow water table, as well as a second, deeper water table.¹

G-16

These reports are consistent with Richard Renouf's expert testimony delivered at the evidentiary hearing. Mr. Renouf testified that in light of a shallow water table, installation of poles along the Option 3 route could irreparably damage the springs, streams, and water supply in the area (*Id.* at 248:13-20, 249:23-250:3 (Renouf/ Mackintosh); see also Renouf Testimony at 1:14-19.)

With a static water level just eight feet below ground, even the wood poles, which must be embedded nine to twelve feet deep, have a potential to damage the springs. Therefore, the DEIR's conclusion that the poles "would not be expected to penetrate an impermeable layer and/or form a conduit between two water bearing layers such that the level of the overlying groundwater body would be lowered," is not well-founded. (DEIR at 4.7-22.) Classification of the impact on domestic and irrigation water supply as a Class III, less than significant impact, is not supported by substantial evidence on the record.

The DEIR has not adequately disclosed or mitigated potential catastrophic harm caused by installing pole 8/45 below the water table

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G-17

¹ It is unclear why discussion of these particular WCRs was omitted. The Pappas report was provided with our July 19, 2007 correspondence. Additional well information for the Luiz and Hoy properties, indicating a similarly shallow water table, was also provided to Justin Gragg, the EIR preparer responsible for hydrology and water quality. (DEIR at 7-1.) None of this information appears or is addressed in the DEIR. In any case, we have attached to these comments another copy of the Pappas report.

Given the proximity of pole 8/45 to the Mackintoshes' springhouse, installation of a self-supporting steel pole in this area is of particular concern to the Mackintoshes. The DEIR states that pole 8/45 would need to be embedded 20 feet below ground surface. (DEIR at 2-28, appen. C, p. 1.) The Mackintoshes' fear that this pole may need to be installed at an even deeper depth. When the Mackintoshes driveway was constructed, several vertical feet of "fill," made up of loose rock and dirt, was deposited between the road and the "native" ground sloping towards the Mackintoshes' spring. Ed Stone, who built the driveway, recently visited the site. He estimates that at the proposed 8/45 location, there is about 10 feet of fill above native ground. He reports that the fill that was deposited in this area was never intended to hold a larger, steel transmission pole. Mr. Stone reports that this slope lacks the compaction necessary to stabilize such a pole. Therefore, PacifiCorp's proposed 8/45 steel pole would likely need to be installed 10 feet deeper than estimated in the DEIR.

Even assuming that the pole could be installed at only a 20-foot depth, the DEIR acknowledges that the "excavation depth for Pole 8/45 would extend below the elevation of the spring and local water table." (DEIR at 4.7-23.) Furthermore, "installation of the steel pole at 8/45 could alter the permeability of the subsurface and impact the local water table." (*Id.*) This finding is consistent with Mr. Renouf's testimony regarding the potential for irreparable damage near the Mackintoshes' springhouse. (Renouf Testimony at 1:14-19.) The DEIR's proposed mitigation for impacts at pole 8/45 is inadequate, as it fails to reduce or avoid the potential impacts to the Mackintoshes' springs and streams. (See Cal. Code Regs., tit. 14, § 15370.) As Mr. Renouf testified, the damage occurs at the time the aquifer is punctured. (RT at 247:18-21, 248:16-17 (Renouf/Mackintosh).) After that point, the hole in the aquifer cannot be "sealed" or repaired. (See *id.*) The DEIR's mitigation is not a preventative measure, rather it is reactionary. In other words, it does not reduce or avoid the risk of puncture, it tries to treat the effects of a puncture. Once the need for the mitigation is identified, however, the damage has already been done. To the extent that it is even possible to mitigate the effects of installing a pole below the water table, the DEIR must identify measures that avoid the risk, rather than address the effects.

The California Regional Water Quality Control Board has expressed concern regarding the effects of Option 3 on the domestic water supply

Finally, we would like to remind the Commission and the EIR preparers of the letter submitted by Andrew Baker of the California Regional Water Quality Control Board on May 17, 2007, a copy of which has been attached to these comments. Mr. Baker expressed concerns regarding PacifiCorp's proposed Option 3 route, particularly with respect to the impact it would have on "the domestic water supply, springs and wetland habitat located on a ranch owned by Don and Judy Mackintosh." Mr. Baker further requested that the EIR "adequately address[] the protection and avoidance of these important water resources." In light of Mr. Baker's concerns, as well as the overwhelming evidence on the record documenting the potential harm Option 3 could cause, we do not believe that the DEIR has complied with Mr. Baker's request.

Land Use, Planning, and Policies

The description of the alternatives on page 4.8-1 should clarify the described route is within an existing ROW that has already been cleared for the existing Line 1. As it is, the



G-17

G-18

G-19

description implies that the "Jeffery Pine habitat" and "area of dense conifer trees" would need to be cleared to make way for construction of an alternative route. In actuality, very little, if any tree clearing would be needed for most of the alternatives. Variation A, for example, would not require any tree removal. (DEIR at 4.8-20). The same cannot be said for the Option 3 route. (DEIR at 4.4-21.)

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G-19

We understand that the DEIR has taken the position that as a public utility facility, the project need not comply with local land use and zoning requirements. That, however, does not exempt the DEIR from CEQA's requirement that an "EIR shall discuss any inconsistencies between the proposed project and applicable general plans." (Cal. Code Regs., tit. 14, § 15125, subd. (d).) The DEIR correctly identifies relevant policies from the Siskiyou County General Plan, including policies that "energy facilities should not be sited in sensitive natural resource areas, including . . . wetlands," and that when new capacity is necessary, "priority shall be given to upgrading or reconstruction of existing facilities, followed by new construction along existing facilities, followed by new construction along existing transmission or other utility corridors." (DEIR at 4.8-3 to 4.8-4 (quoting Siskiyou County General Plan, Energy Element, Policies 32 and 33).) The DEIR, however, omits discussion of consistency with the first policy (that transmission lines should not be sited in wetlands). As demonstrated in Figure 4.4-2, Option 3 would be sited through several jurisdictional wetlands. While the project may not need to comply with the General Plan policies, CEQA does require a discussion of the project's inconsistency with those policies. (Cal. Code Regs., tit. 14, § 15125, subd. (d).) Here, the inconsistency is evident on the face of the DEIR, but in violation of CEQA, a discussion of the inconsistency is not included.

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G-20

The DEIR does discuss the project's consistency with the second policy (prioritizing upgrades to existing facilities), however, the DEIR reaches a confounding and unsupportable conclusion. The DEIR states that "[t]he Project, as originally proposed, consisted of over 18.6 miles of transmission line corridor" and that "[o]nly an approximately 1.2 mile portion of the 18.6 transmission line would consist of new construction in a new ROW." (DEIR at 4.8-14.) The DEIR concludes, therefore, that the "Proposed Project would not conflict with the Siskiyou County General Plan." (*Id.*)

We remind the preparers that, as indicated in the title of the document, this EIR is for the Southern Portion of the project only—not the already completed Northern Portion. Therefore, suggesting that Option 3 is consistent with County policies, on the basis that a previously approved and completed project complied with the policies is, frankly, illogical. Courts have applied a "reasonable person" standard in evaluating plan consistency determinations. (See, e.g., *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223.) Here, no reasonable person could find that PacifiCorp's proposed Southern Portion is consistent with the goal of upgrading existing facilities in existing utility corridors. Evaluation of this project was bifurcated at PacifiCorp's request. PacifiCorp cannot now rely on an approved portion of the project to compensate for deficiencies in the poorly designed remainder. Approval of Option 3 necessitates revision of this analysis to satisfy CEQA's standards.

Noise

Ambient noise measurements for the proposed project (i.e., Option 3 route) were taken near Highway 97, 1000 feet east-southeast of pole 14/48. Ambient noise measurements taken from this location do not adequately distinguish noise impacts of the Option 3 project, from those of the alternatives, since this area will be affected by all available options. Measuring from this

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G-21
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location also contributes to an artificially high ambient noise level, since the majority of the Option 3 route will be through much quieter meadow and pasture land. Ambient noise levels should be taken in the Hoy Road area for a more accurate measurement. Additionally, there is no explanation for why only one location was used for the proposed project, but several locations were used for the alternatives.

G-21

We also note that page 4.9-16 incorrectly indicates that Variation A would have a Class II impact with respect to permanent increases in ambient noise levels during operation. This should be a Class III impact.

G-22

Public Services and Recreation

Discussion of the Option 3 route's impacts on public services ignores a concern that was expressed in our July 19, 2007 correspondence, specifically, the impact that the steel pole 8/45 will have on the ability for emergency and fire protection vehicles to access the Mackintosh residence. As we indicated in our previous correspondence, State law requires that roads in designated hazardous fire areas (such as the Mackintosh ranch) maintain at least a 50-foot radius with a four-foot "curve widening." (Pub. Resources Code, § 4290(a)(1); see also, implementing guidelines at Cal. Code Regs., tit. 14, § 1273.00, et seq.) The switchback at pole 8/45, obviously does not satisfy these standards; however, at the time of construction, the California Department of Forestry and Fire Protection approved an exception for this portion of the Mackintoshes' driveway. Installation of the steel pole 8/45, however, would violate both State law, and the Mackintoshes' approved exception. PacifiCorp has indicated that they intend to install the steel pole slightly up hill (and thus, closer to the road) from the existing pole 8/45. Given that this new steel pole will be over four times larger than the existing wood pole, and require an even wider concrete footprint, installation of the new pole will encroach on the curve-widening created for the switchback, if not the road itself. The Mackintoshes' driveway would not only not be in compliance with the minimum requirements under State law, it would no longer comply with the special exception received from the Department of Forestry and Fire Protection. This obviously poses a life-threatening issue, should an emergency vehicle ever need to access the Mackintoshes' house. If a steel pole structure is to be installed at 8/45, the DEIR needs to included analysis of this significant impact.

G-23

As we pointed out in our earlier correspondence, the only way to avoid restricting emergency vehicle access to the Mackintoshes' residence is to move the steel pole farther down the slope, which of course, puts the Mackintoshes' water supply at greater risk. The bottom line is that the area around pole 8/45 is a poor location for the type of structure that Option 3 necessitates. Alternatives that avoid the need for this type of structure, and the impacts it creates, are preferable.

Transportation and Traffic

This chapter indicates that the "alternatives would cross one local public roadway, Rainbow Way, near the location of Pole 13/48." (DEIR at 4.11-2.) This is false. Rainbow Way is a small residential road. Despite what the DEIR states and maps included in the document indicate, Rainbow Way does not extend to the existing Line 1. The idea that the alternative routing would cross Rainbow Way seems to be perpetuated by incorrect maps, most of which rely on other incorrect maps. A site visit to the area reveals, however, that Rainbow Way is a short (a few hundred feet at the most) paved, residential road. At the end of the paved road, a dirt road extends

G-24

through a gated fence to the Goltz residence. Notably, the existing transmission line is barely, if at all visible from the end of the paved public roadway. To the extent that the alternatives would cross a road near pole 13/48 at all, they would be crossing the Goltzs' private driveway, just as the existing Line 1 crosses the private driveway.

Statements suggesting that the alternative routes would cross Rainbow Way, and maps indicating the same, must be corrected throughout the DEIR. They misleadingly imply that the alternatives would have a greater impact on the public than they actually would. This is particularly important since, as discussed at the scoping meeting, a church is proposed for construction on Rainbow Way. As comments at the scoping meeting revealed, church members have been misled to believe that they will be affected by this project. In actuality, if Variation A or B is approved, the line will be built in the same place as the existing line, and will not cross any public portion of Rainbow Way. Therefore, the church site will not be any closer to the transmission line than it is today (or the day that the site was selected for construction of the church).

G-24

Comparison of Alternatives

Our comments have identified a number of significant and potentially significant impacts for the proposed Option 3 route that have not been addressed in the DEIR. Prior to approval of Option 3, these impacts will need to be evaluated and incorporated into the final EIR. They should also be reflected in the document's comparison of alternatives. To the extent that any of the impacts prove to be significant and unavoidable, as we suggest several of them are, Table 5-1 should be updated to reflect all of Option 3's significant and unavoidable impacts.

Likewise, we do not believe that the alternatives necessarily have any significant and unavoidable impacts. By replacing the vertical double-circuit poles proposed in Variations A and B with a horizontal double-circuit configuration or steel pole, as we have suggested in our comments, the significant and unavoidable impacts for these Variations would be eliminated. We recommend that the final EIR include this alternative to Variations A and B among the alternatives reviewed in this chapter.

G-25

With regard to the environmentally superior alternative, we note that ability to accomplish project objectives is generally not a factor in identifying the environmentally superior alternative. (Cal. Code Regs., tit. 14, § 15126.6, subd. (e)(2).) Rather, it is simply the alternative that will have the fewest environmental impacts. (See *id.*) Therefore, Variation A's ability to meet PacifiCorp's stated schedule should not affect whether it is designated as the environmental alternative. Incidentally, we note that the Commission has already determined that contrary to PacifiCorp's claims, failure to meet its construction schedule will not result in local electricity curtailments. (D.07-03-043.) Therefore, if Variation A would have the fewest environmental impacts, it should be designated the environmentally superior alternative.

Cumulative Impacts

The cumulative impacts chapter must evaluate the project in conjunction with past, current, and probable future projects. (Cal. Code Regs., tit. 14, § 15064, subd. (b)(1).) The DEIR purports to evaluate the project in conjunction with other projects listed in Table 3-12 (incorrectly referenced as 3-11 on page 6-3). We note, however, that Table 3-12 does not include past or completed projects, only pending and approved projects. This chapter should indicate that it has considered

G-26

both past projects, and any probable future projects of which the city or county is aware, that may not have submitted an application yet (and thus, would not be included in Table 3-12).

Section 6.3.1 concludes that "the effects of the Proposed Project and Weed Segment on visual resources, in connection with other past, present and reasonably foreseeable projects, would not be cumulatively considerable." (DEIR at 6-3.) This conclusion contradicts the analysis and conclusions expressed elsewhere in the DEIR. (See, e.g., DEIR at ES-17, 4.1-16 to 4.1-17, 5.4, 5.5.) Section 6.3.1 should be revised to reflect that the proposed project's (i.e., Option 3's) visual impacts would be cumulatively significant, and that the impacts cannot be mitigated to a less than significant level.

G-26

Appendices

Appendix C should include pole data for the Variation A and B proposals.

G-27

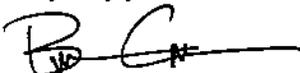
Conclusion

The DEIR correctly determines that several alternatives can meet all of the project objectives and result in fewer environmental impacts than PacifiCorp's proposed project. While the Mackintoshes believe that Option 5 was improperly excluded from analysis in this DEIR, they do support Commission approval of Variations A and B. With the slight modifications proposed in these comments, Variation A or B could be approved without any significant and unavoidable impacts on the environment. Approval of PacifiCorp's Option 3, however, will require substantial revision to the DEIR. As demonstrated in these comments, the DEIR has omitted discussion of several significant impacts of Option 3, and understated the severity of others.

G-28

The final EIR for this project should better reflect the scope of significant environmental impacts that could result from approval of Option 3, and more clearly indicate the extent to which Variations A and B would not only avoid these impacts, but would also avoid the need for mitigation of several other impacts.

Very truly yours,



Brian F. Crossman

BFC:agr

Enclosures:

1. Recommendations for replacement of double-circuit vertical poles along Variation A and B routes
2. Photograph of Judy Mackintosh in front of self-supporting steel transmission pole of the type proposed for pole 8/45.
3. Corrected copy of Figure 4.7-2
4. Well Completion Report for 5026 Hoy Road (Pappas property), October 24, 2001.

5. Letter to Mike Rosauer from Andrew Baker, California Regional Water Quality Control Board (May 17, 2007)

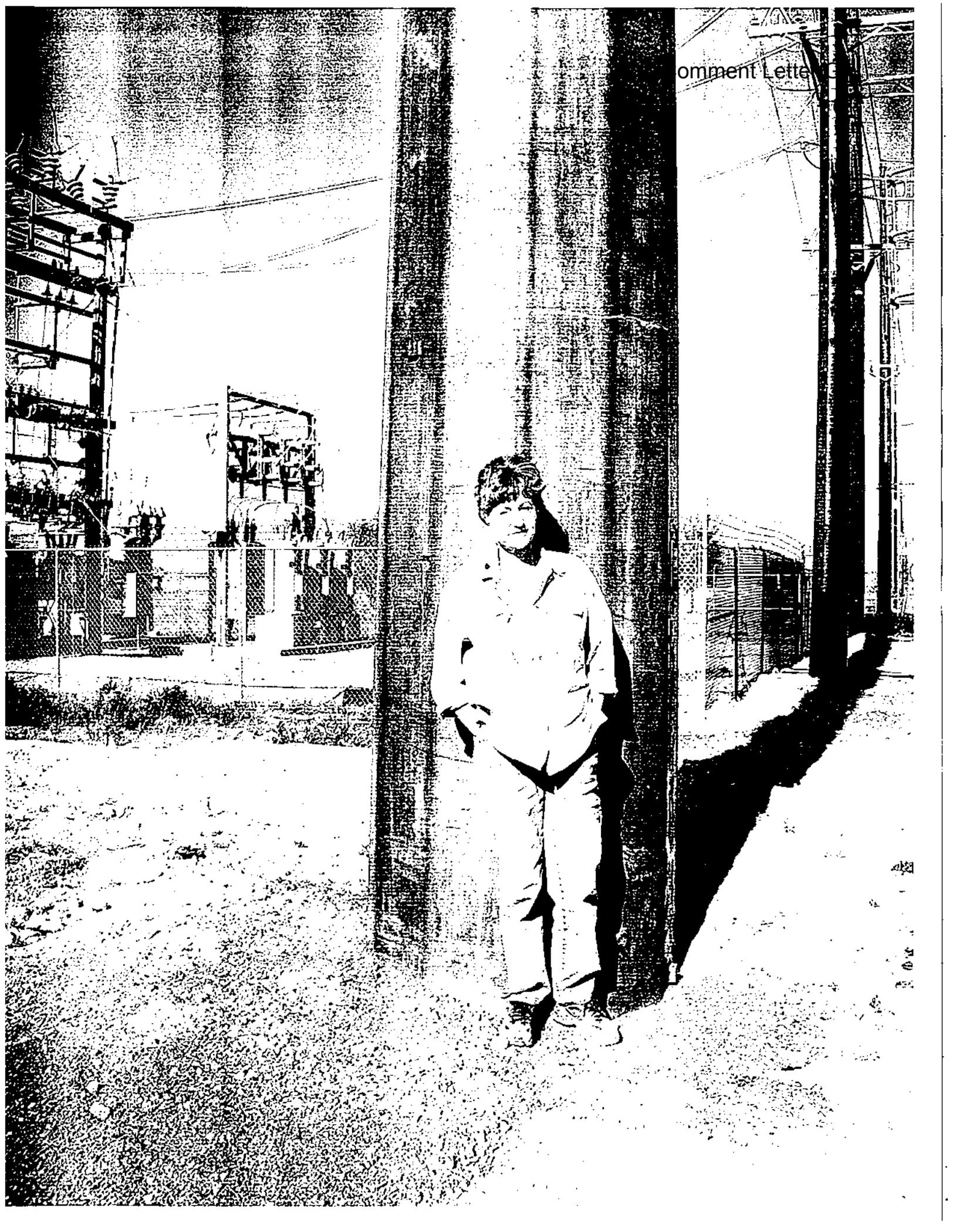
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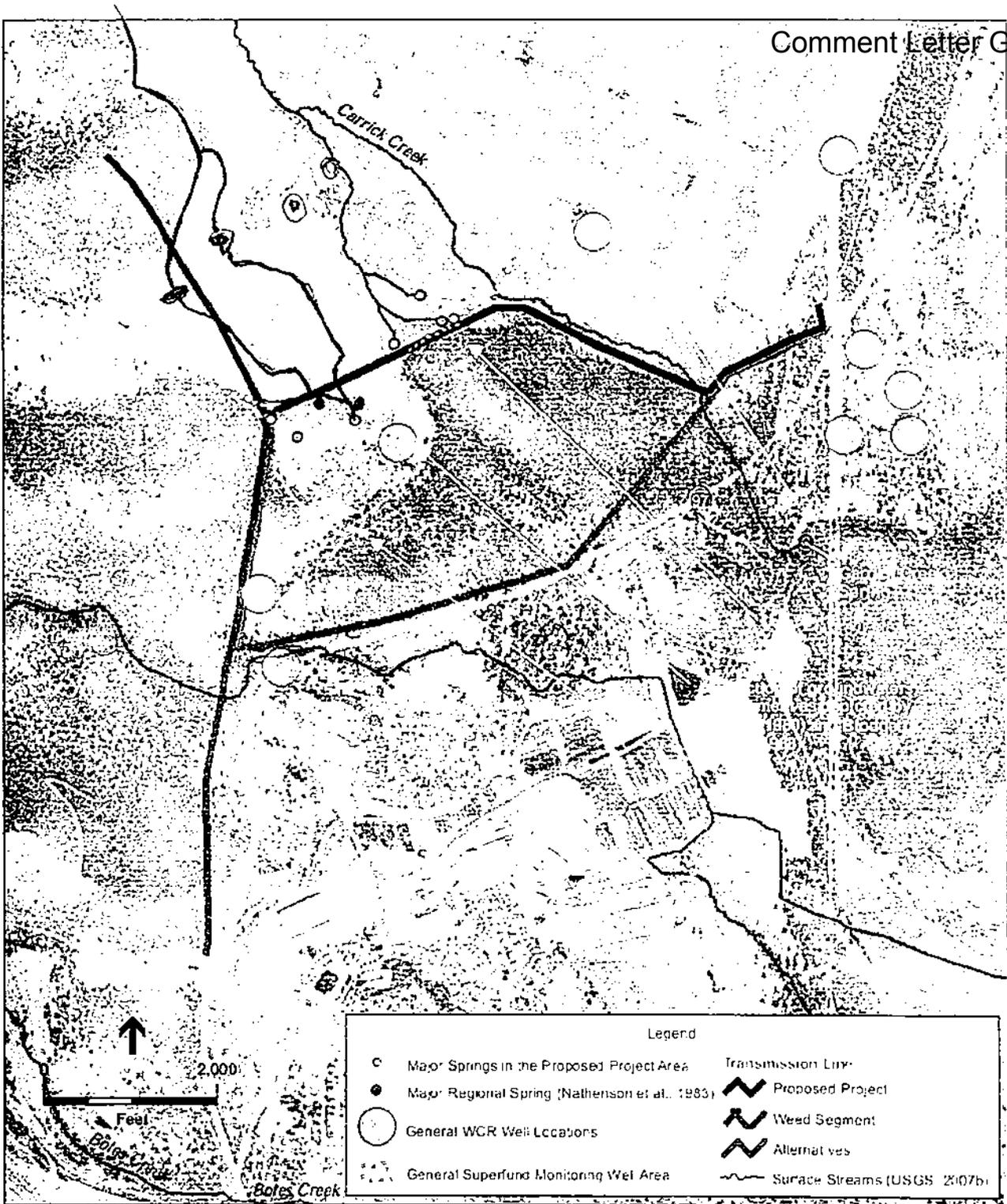
**Recommendations For Replacement Of Double-Circuit Vertical Poles
Along Variation A and B Routes**

Variations A and B in the DEIR propose using several double-circuit vertical poles along the route. These poles, which are generally 70 feet tall, create significant visual impacts. While the DEIR concludes that these significant visual impacts are unavoidable, the DEIR mitigates a similar significant impact for PacifiCorp's proposed project. Pole 3/46 in Lincoln Heights also call for the use of a double-circuit vertical pole. The DEIR recognizes that this would create a significant visual impact, and proposes a mitigation measure that would replace the double-circuit vertical pole with a self-supporting steel TF285 pole. (DEIR at 4.1-15, Mitigation Measure AES-PPWS-4b.) Installing a steel pole at 3/46 results in a impact that is less than significant after mitigation.

Similar measures can be taken along the Variation A and B routes to mitigate the visual impacts of the tall double-circuit vertical poles. Below we have identified potentially problematic poles, and recommended a replacement structure that under the DEIR's own analysis would, result in a less than significance impact. Adoption of these recommendations in the final EIR would result in alternatives that would not have any significant and unavoidable impact.

Variation A/B Pole Number	Recommended Replacement Pole	Resulting Visual Impact
Pole 16/47	Double-circuit horizontal configured pole	Pole would no longer be substantially taller than existing pole; would be an "incremental change" under the DEIR's standards
Pole 17/47	Double-circuit horizontal configured pole	Pole would no longer be substantially taller than existing pole; would be an "incremental change" under the DEIR's standards
Pole 5/48	Self-supported steel pole with horizontal configuration (TF285)	Pole would no longer be substantially taller than existing pole; need for guy wires would be eliminated; would be a less than significant impact under DEIR's analysis (See DEIR at 4.1-15)





SOURCES: ESA (2007), USGS (2007b),
 Nathenson et al. (1983), DWR (2007), NAIP for
 Siskiyou County, California (2006)

PacificCorp's Yreka-Weed Transmission Line Upgrade Project - Southern Portion - 205439

Figure 4.7-2

Groundwater Movement, Springs, and Wells in the Study Area

QUADRUPPLICATE
For Local Requirements

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet

0028 USE THIS SPACE FOR LOCAL REQUIREMENTS

STATE WELL REGISTRATION NO. _____

LATITUDE _____ LONGITUDE _____

APURBROTHER _____

Comment Letter G

Page _____ of _____

Owner's Well No. _____

Date Work Began _____ Ended **10/24/01**

Local Permit Agency **SISKIYOU COUNTY HEALTH DEPARTMENT**

Permit No. **3898** Permit Date **10/22/01**

ORIENTATION (±)		X	VERTICAL DRILLING METHOD	HORIZONTAL AIR ROTARY	ANGLE	(OPTION)
DEPTH FROM SURFACE						
FL	TO FL					
0	30					
30	35					
35	40					
40	80					

Describe material, grain size, color, etc.

DEPTH FROM SURFACE	DESCRIPTION
0 - 30	BROWN SILTY CLAY & BROWN GRAVEL
30 - 35	BROWN, BLACK & RED GRAVEL WITH BLACK SAND
35 - 40	BLACK SAND
40 - 80	BLACK, GRAY & RED GRAVEL

WELL OWNER
MARK & TRACY HILSENBERG

Name
MARK & TRACY HILSENBERG

Mailing Address
PO BOX 481

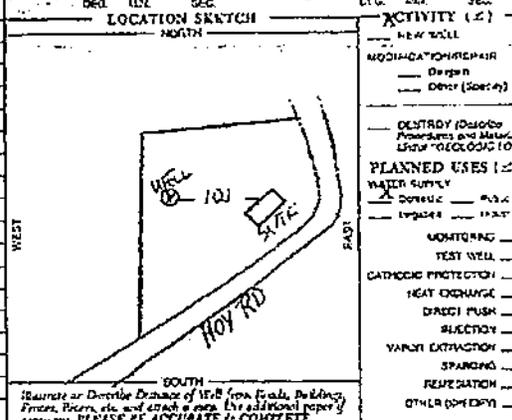
City
WEED

County
SISKIYOU

APN Book **20** Page **380** Parcel **116**

Township **24N** Range **5W** Section **36**

Latitude _____ Longitude _____



WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FRESH WATER _____ (FL) BELOW SURFACE

DEPTH OF STATIC _____ **8** _____ **10/23/01**

WATER LEVEL _____ (FL) & DATE MEASURED

ESTIMATED YIELD _____ (GPM) & TEST TYPE **AIRLIFT**

TEST LENGTH _____ (FL) TOTAL DRAMING _____ (FL)

* May not be representative of a well's long-term yield

DEPTH FROM SURFACE	HOLE DIA. (INCHES)	CASING (S)				INTERNAL DIAMETER (INCH)	GAUGE OR WALL THICKNESS	SLOT SIZE IF AIRT (INCH)
		TYPE (±)	MATERIAL / GRADE	THICKNESS	SLIP			
0 - 40	10							
40 - 80	6							
0 - 74		X	STEEL	6	.188			
74 - 79		X	STEEL	6	.188		3 X 1/8	

DEPTH FROM SURFACE	ANNULAR MATERIAL			
	CEMENT (±)	BEULFONITE (±)	FILL (±)	FILTER PACK (TYPE/SIZE)
0 - 22		X		

ATTACHMENTS (±)

--- Geologic Log

--- Well Construction Diagram

--- Geophysical Log(s)

--- Soil/Water Chemical Analysis

--- Other _____

ATTACH ADDITIONAL INFORMATION IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

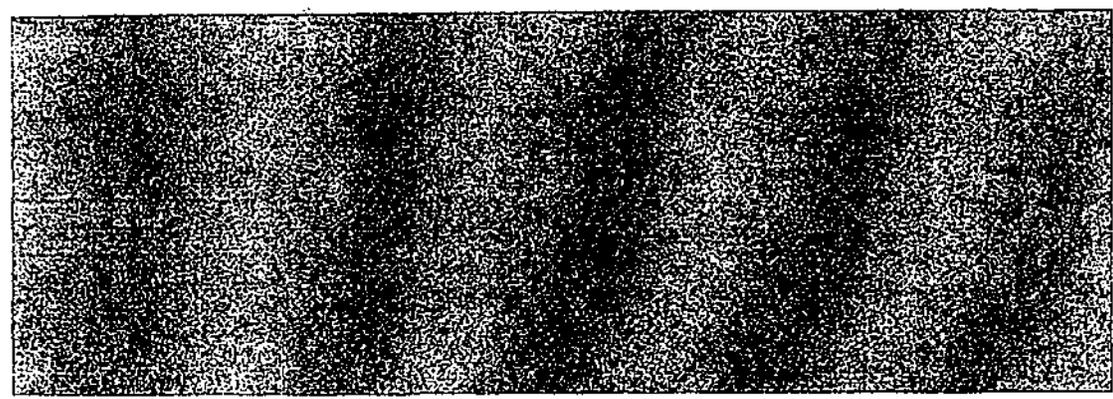
AQUARIUS WELL DRILLING, INC.

NAME _____ (PRINT OR TYPE)

ADDRESS **PO BOX 6** CITY **MT SHASTA** STATE **CA** ZIP **96057**

PHONE _____ FAX _____

DATE _____





**California Regional Water Quality Control Board
North Coast Region**

William R. Massey, Chairman

Linda S. Adams
Secretary for
Environmental Protection

WQCB Waterboards.ca.gov/northcoast
5550 Skyline Boulevard, Suite A, San Jose, California 95103
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

May 17, 2007

Mr. Mike Rosauer
225 Bush Street, Suite 1700
San Francisco CA 94101-4207

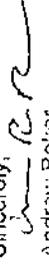
Sent by Fax and Email

Dear Mr. Rosauer:

Subject: Yreka-Weed Transmission Line Upgrade Project, Southern Portion

This letter is to inform you of my concerns regarding the proposed project and the potential impacts it may pose to waters of the State and United States, including the domestic water supply, springs and wetland habitat located on a ranch owned by Don and Judy Mackintosh at 533 Hoy Road in Weed. Please ensure that the Environmental Impact Report (EIR) adequately addresses the protection and avoidance of these important water resources. Additionally, the North Coast Regional Water Quality Control Board will require permit(s) if the project has a potential to impact any water of the State or of the United States, including springs, wetlands, or other surface and groundwaters. Such permits may include a Clean Water Act 401 Certification and/or Waste Discharge Requirements. Thank you for the opportunity to comment on this proposal. Please call me at (707) 576-2690 if you have questions or comments.

Sincerely,



Andrew Baker
Associate Engineering Geologist

Comment Letter G

Heidi Vonblum

From: Crossman, Brian [bcrossman@meyersnave.com]
Sent: Monday, September 17, 2007 10:16 AM
To: fly@cpuc.ca.gov; Yreka-Weed
Cc: Woodruff, Sky; Don Mackintosh; Gallardo-Reyes, Alicia
Subject: DEIR Comments Correction - Yreka-Weed Transmission Line Upgrade Project

Dear Mr. Rosauer:

On Friday our office submitted comments on the DEIR for the Yreka-Weed Transmission Line Upgrade Project, on behalf of Don and Judy Mackintosh. In our comments, we referred to poles along the Variations A and B routes as being 70 feet tall, and suggested replacing the poles with a feasible, shorter configuration. The references to the 70-foot poles occurred on page 7 of our letter and in the first enclosure ("Recommendations for Replacement of Double-Circuit Vertical Poles Along Variations A and B"). In fact, I believe that only one of the poles that we were referring to (pole 16/47) is to be 70 feet tall; the other two poles (17/47 and 5/48) are to be 83.5 feet tall. In any case, all three poles can be replaced with the shorter horizontal configuration recommended in our letter. Please excuse our mistake.

G-29

If you have any questions, please don't hesitate to contact me directly.

Very truly yours,
Brian Crossman

F:1125.002

Brian F. Crossman
Attorney at Law
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575 Market Street, Suite 2600
San Francisco, CA 94105
Phone: 415.421.3711
Fax: 415.421.3767
bcrossman@meyersnave.com
www.meyersnave.com

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9/18/2007

Letter G – Meyers Nave Riback Silver & Wilson, PLC (on behalf of Don and Judy Mackintosh)

Response G-1 The commenter states that its client supports the proposal to upgrade the transmission line to supply power to Weed but that they prefer to provide more power, with minimal environmental impact; the commenter asserts that the proposed project does not meet these objectives. DEIR Chapter 5, *Comparison of Alternatives*, in fact identifies that the three studied alternative routes are considered to be environmentally superior to the Proposed Project. As the lead agency, the CPUC is required to consider the information in the EIR before making a decision on a project. Before the CPUC approves a project, it must certify that the Final EIR was prepared in compliance with CEQA and was presented to its decision-making body, which reviewed and considered the Final EIR before approving the project (CEQA Guidelines Section 15090). In addition, the CPUC must certify that the EIR reflects the independent judgment of the lead agency.

Once an EIR is certified, the agency must then decide whether or not to approve the Proposed Project. In the project approval process, in light of a certified EIR, the CPUC, as the lead agency, may:

- 1) Disapprove the proposed project because it would result in significant environmental effects;
- 2) Approve an environmentally preferable alternative to the proposed project, as identified in the EIR;
- 3) Approve the project on the condition that identified mitigation measures are adopted to lessen environmental effects; or
- 4) Approve the project in spite of environmental effects and adopt a statement of overriding considerations.¹

It is outside the scope of the Final EIR to speculate on what action the CPUC will take with respect to certification of the EIR and approval of the project. However, as the commenter points out, the EIR has provided an analysis of environmentally superior alternatives to be considered in the project approval process.

¹ If a lead agency chooses to adopt a statement of overriding considerations, it must state, in writing, the specific reasons to support its actions based on the Final EIR and/or other information in the record. The statement of overriding considerations must be supported by substantial evidence in the record (CEQA Guidelines Section 15093). The statement of overriding considerations must include findings, which “expose the agency’s mode of analysis” and “bridge the analytical gap between raw data and ultimate decision.” (*Topanga Association for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506 (1974)).

Response G-2

The commenter supports the approval of either Variation A or B if slightly modified. The commenter believes that the double-circuit vertical poles proposed as part of Variations A and B (Poles 16/47 and 17/47) could be replaced with double-circuit horizontal arm poles, which would achieve the same objectives as a vertical double-circuit pole, but would be substantially shorter, thus eliminating significant visual impacts. The commenter also states that Pole 5/48 could be replaced with a self-supporting steel pole, which would also result in a reduction in the height of the pole and eliminate the need for guy wires, thereby eliminating significant visual impacts.

Regarding Pole 16/47, for all three alternative alignments this pole is already identified as a horizontal arm structure and not a vertical structure as claimed by the commenter (see DEIR Appendix C page 4 of 4).

Regarding Poles 17/47 and 5/48, recent refinements to the engineering design by the Applicant confirms that these two structures could each be replaced with a self-supporting steel TF285 design with horizontal davit arms rather than the vertically stacked conductor design identified in the DEIR. This change would result in about a 10 to 15 foot reduction in height for Poles 17/47 and 5/48 compared to what was simulated in Figures 4.1-21b and 4.1-23b for Pole 17/47, and Figures 4.1-24b for Pole 5/48. Also, for Pole 5/48, the guy wires that would cross Highway 97 and the stub pole on the south side of Highway 97 would no longer be needed if a TF285 structure is used. However, the TF285 design has wider horizontal cross-arms than the TF171 horizontal arm structures depicted in the alternative alignments along Highway 97 (approximately 7 feet versus 4 feet) and is larger in diameter (approximately 48 inches at the base versus 24 inches). Nonetheless, in this setting, the height of the structures would be the most distinguishable change from existing conditions because the lower portions of the structures would be partially screened by both existing vegetation and additional landscaping required under Mitigation Measures AES-VAR/A-1 and AES-VAR/B-1. So reducing the height of Poles 17/47 and 5/48 would lessen the degree of impact that these two structures would have in the Highway 97 viewshed.

While this substitution would reduce the contribution of Poles 17/47 and 5/48 to the identified significant impact, the impact would nonetheless remain significant because the increased height of the new poles compared to the existing poles and the additional conductors would still result in a more visually prominent transmission line that would affect views from Highway 97. Nevertheless, in order to mitigate this significant impact to the extent feasible, and in response to this comment, the following mitigation measure is added to DEIR page 4.1-27:

Mitigation Measure AES-VAR/A-3b: PacifiCorp shall redesign and construct Poles 17/47 and 5/48 as double-circuit horizontal arm TF285 structures to reduce the visual impact of those structures from Highway 97.

In addition, the following mitigation measure is added to DEIR page 4.1-33:

Mitigation Measure AES-VAR/B-3b: PacifiCorp shall redesign and construct Poles 17/47 and 5/48 as double-circuit horizontal arm TF285 structures to reduce the visual impact of those structures from Highway 97.

- Response G-3 The commenter states that the DEIR needs to more clearly delineate that the proposed alternatives are environmentally superior to the Proposed Project and that the DEIR generally understates the significance of impacts under the Proposed Project. The DEIR Executive Summary (see Section ES.4.2 Summary of Significant (Class I) Unmitigable Impacts on page ES-40 and Table ES-2 on page ES-41) as well as DEIR Chapter 5, *Comparison of Alternatives*, clearly document and compare the impacts associated with the alternatives versus the Proposed Project. The commenter's assertion that the impacts of the Proposed Project are understated is addressed in specific responses below.
- Response G-4 The commenter states that the DEIR understated the significance of the Proposed Project's impacts, understated the degree to which Variations A and B are preferable to the Proposed Project, overstated the alternatives' impacts, and contains an inaccurate and inconsistent description. This comment is a general statement and does not state a specific concern or question regarding a significant environmental impact. Responses to more specific comments are provided below, in responses G-5 through G-26.
- Response G-5 The commenter states that the Executive Summary of the DEIR needs to state more clearly that there are significant unavoidable impacts associated with the Proposed Project and that all the alternatives evaluated in the DEIR are environmentally superior when compared to the Proposed Project.
- The DEIR Executive Summary (see Section ES.4.2 Summary of Significant (Class I) Unmitigable Impacts and ES.4.3 Environmentally Superior Alternative on page ES-40 and Table ES-2 on page ES-41) clearly documents that the Proposed Project as well as all the alternatives would result in significant and unavoidable impacts as well as the fact that each of the alternatives is environmentally superior to the Proposed Project.
- To add further clarity, the text on page ES-17, last sentence of the first paragraph has been modified to the following:

The Proposed Project's incremental contribution to the cumulative adverse visual impact is cumulatively considerable and thus significant and unavoidable.

Additionally, the text in Section ES.4.3 Environmentally Superior Alternatives on page ES-40 has been modified to the following:

Although the Proposed Project and the three route alternatives would each have significant unmitigable visual impacts, the degraded visual character of the Proposed Project is afforded more weight in this analysis than the visual impacts of the alternatives along approximately 0.5 miles of Highway 97; thus, all three route alternatives are environmentally superior to the Proposed Project.

Response G-6 The commenter states that the DEIR understates the scenic value of Hoy Road and asserts that the Proposed Project's effects on views from Hoy Road are substantially greater than views from Highway 97 because (1) a new line would be constructed in the area across Hoy Road whereas an existing line would be upgraded along Highway 97; (2) views of Mt. Shasta from Hoy Road would be affected whereas views of Mt. Shasta from Highway 97 would not; and (3) Hoy Road is a "scenic vista."

The commenter is referred to Significance Criterion a) in Section 4.1, *Aesthetics*, page 4.1-9 which analyzes effects on a scenic vista. The DEIR defines a scenic vista and then discusses the impacts to scenic vistas associated with the Proposed Project and Weed Segment. Specifically, views from Hoy Road were described and analyzed in this section. Impacts were assessed and mitigation measures proposed that result in the DEIR conclusion that impacts to the scenic views from Hoy Road would be less than significant with mitigation.

Response G-7 The comment is the same as Comment E-7 above; therefore, please refer to Response E-7.

Response G-8 The commenter states that the DEIR incorrectly suggests that Option 3 (i.e., the Proposed Project) would be visible from only one residence. The commenter is referred to the first paragraph under the subheading Proposed Project on page 4.1-9 which specifically states "The introduction of approximately 1.2 miles of new transmission line would noticeably affect views from a limited portion of Hoy Road. This portion of the Proposed Project would also affect views from a private residential property *located within 1,000 feet of the new line* (emphasis added)." The DEIR defines the parameters of this statement and therefore does not suggest that the new transmission line would be visible from only one residence.

Response G-9

The commenter states that the visual simulations in the DEIR fail to capture or accurately describe the impacts of the Proposed Project nor do they meet the CEQA standards for completeness, consistency, and accuracy. The commenter notes that (1) “some of the most important simulations have been completely omitted” including simulations of Pole 1 and Pole 15/48; (2) simulations from Hoy Road are taken from such a distance that they do not clearly depict the Proposed Project; and (3) the simulation from Pole 8/45 which does not show the top of Pole 8/45, blatantly contradicts the description of the pole (i.e., steel pole that is 48 inches at the base) and should show a new pole that is at least four times as wide as the existing pole (i.e., assumed to be 12 inches in diameter) by the commenter.

The commenter is referred to Response E-6 in regards to the methodology of preparing the visual simulations for the DEIR. Furthermore, as the commenter notes, CEQA does not specifically require visual simulations. The more than 20 visual simulations included in the DEIR provide the public and the decision makers with a balanced suite of representative simulations of the potential impacts associated with the Proposed Project, and they accurately depict what the majority of viewers would see. Therefore, the comments that “some of the most important simulations have been completely omitted” and that the visual simulations of Hoy Road are inadequate are noted as a contrary opinion.

Regarding the visual simulation of Pole 8/45, the simulation is a representative view of the alignment across the meadow from a private driveway. From this vantage point, as accurately represented in the simulation, one would not see the top of Pole 8/45, but would be able to see the tops of the poles traversing across the meadow as depicted in the visual simulation. The commenter’s further assertion that Pole 8/45 would be more than four times larger than the existing pole is incorrect. The existing pole is approximately 18 inches in diameter, not 12 inches, at ground level. As the commenter noted, the simulated pole in Figure 4.1-11b is shown as being roughly twice the diameter of the existing pole, which would make the steel pole in the simulation approximately 36 inches at ground level. We note here that the photograph submitted by the commenter of Mrs. Mackintosh standing in front of a steel pole at the Lucerne Substation would suggest that the diameter of the steel pole at ground level is about 36 inches (assuming Mrs. Macintosh is approximately 5 feet 6 inches tall, the width of the steel pole is slightly greater than one-half her height in the photo, or approximately 36 inches). So the diameter of the steel pole as simulated in Figure 4.1-11b is correct. However, the DEIR describes the diameter of the steel poles as being approximately 48 inches at ground level. While this is greater than the photo submitted by the commenter would suggest, to illustrate that larger size a revised version of Figure 4.1-11b has been



Visual Simulation of Proposed Project from Private Access Road (VP 7)

SOURCE: Environmental Vision (2007)

PacifiCorp's Yreka-Weed Transmission Line Upgrade Project- Southern Portion, 205439

Figure 4.1-11b

Visual Simulation of Proposed Project from Private Access Road (VP 7)

prepared and is shown on the following page. Even with the larger pole diameter (48 inches) in the revised simulation, the conclusions of this DEIR remain valid.

- Response G-10 Please refer to Response E-5.
- Response G-11 The commenter states that the double-circuit vertical poles proposed as part of Variations A and B (Poles 16/47 and 17/47) could be replaced with double-circuit horizontal arm poles, which would achieve the same objectives as a vertical double-circuit pole, but would be substantially shorter, thus eliminating significant visual impacts. The commenter also states that Pole 5/48 could be replaced with a self-supporting steel pole, which would also result in a reduction in the height of the pole and eliminate the need for guy wires, thereby eliminating significant visual impacts. See Response G-2 which fully addresses this topic.
- Response G-12 The commenter states that the differences between the Proposed Project and alternative alignments are not given proper attention and that the Macintoshes disagree that the Proposed Project's biological impacts can be mitigated to a less than significant level. As no evidence is submitted as substantiation, these comments are noted as a contrary opinion.
- The commenter further states that (1) the DEIR inaccurately states the impacts associated with the construction of overland access roads; (2) the DEIR implies that access would never be needed for maintenance; (3) the DEIR omits road lengths which would allow for better comparison; and (4) the DEIR ignores impacts associated with the of overland access roads in the vicinity of wetland features.
- Regarding construction of overland access roads, the commenter is referred to the Project Description, *Section 2.7.1.4, Access Roads*, page 2-25, Table 2-2 which specifically states that no preparation (i.e., no grading) is required for overland access roads.
- Regarding maintenance, the commenter is referred to *Section 2.8.2, Facility Inspection and Maintenance Procedures*. Like the use of overland access roads during construction, use of overland access roads for maintenance would not result in significant impacts because their use would be limited to the time needed to maintain the existing pole and/or conductor.
- Regarding the statement that inclusion of road lengths in the DEIR would allow for better comparisons, this is noted as a contrary opinion. The DEIR provides detailed information as to the area of potential impact for the Proposed Project and alternative alignment (see pages 2-5, 3-13, 3-17 and 3-22).

Regarding impacts to wetland features from use of overland access roads, the commenter is directed to Figure 4.4-2 as well as Section 4.4.3, *Biological Resources Impacts and Mitigation Measures*, specifically Criterion c) Effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. A wetland delineation and jurisdictional determination was prepared for the Proposed Project and potential impacts to said features were accurately assessed using this jurisdictional determination. Mitigation Measure BIO-PPWS-7 specifically calls for use of said wetland delineation as a tool to modify the Proposed Project to avoid wetland features where feasible. The use of “geo mats” is an industry accepted method to avoid *temporary* impacts associated with overland access. What is important to note is that even if the geo mats did sink into a jurisdictional feature, this would still be considered a temporary impact, it would not rise to the level of significance and therefore, this comment is noted as a contrary opinion to the biological resources analysis of wetland features.

Response G-13 The commenter states that it should be noted in the DEIR that it is more likely that cultural artifacts would be discovered during construction within the new ROW associated with the Proposed Project than for the alternatives which would be built within an existing ROW where construction activities have already occurred.

This is purely speculation. The nature of the prior construction activities in the existing ROW some decades ago cannot be presumed to have encountered and destroyed or removed all cultural artifacts along that route. If that were the case, then it would be equally likely that the history of grazing cattle and digging irrigation ditches in the meadow through which the new ROW would pass would also have been denuded of cultural artifacts. There is no evidence either in the record or submitted by the commenter that any particular route would be more or less likely to hold previously undiscovered cultural artifacts. No changes to the DEIR are warranted.

Response G-14 The commenter’s concerns regarding the Proposed Project are familiar and have been noted both here and previously during the MND process. The commenter’s assertion that, “the DEIR must do a better job of analyzing the potential threats to the project area streams and springs,” does not speak directly to a specific, perceived deficiency. However, the commenter is referred to the analysis of the potential hydrology and water quality impacts as a result of the Proposed Project, including potential impacts to domestic water supplies and springs within the DIER (see pages 4.7-16 through 4.7-25). This analysis was based on the evidence in the record as well as the

best available scientific information and therefore is adequate for CEQA purposes.

Response G-15 The commenter states that the DEIR does not accurately identify the springs and streams that could be adversely affected by the Proposed Project. In particular, the commenter refers to the delineation of these features on Figure 4.7-2. The streams depicted on Figure 4.7-2 were derived from an *updated* database maintained by the U.S. Geological Survey; the springs depicted on Figure 4.7-2 were derived from topographic maps, literature, and observations made in the field.

Potential impacts from the Proposed Project on streams and springs are addressed, at length, on DEIR pages 4.7-16 through 4.7-25. Aside from the specific discussion and locations of the proposed steel pole installations, the analysis of the potential impacts of the Proposed Project on streams and springs is not limited to features depicted on Figure 4.7-2. The rationale and mitigation measures (where relevant) referenced in the analysis are applicable to all streams, springs, and groundwater formations within the Proposed Project area and are not limited to only those features illustrated on Figure 4.7-2. The intent of Figure 4.7-2 is not to delineate any and all features that could be impacted by the Proposed Project; rather, it is intended to illustrate local groundwater movement in relation to major spring formations and groundwater well locations.

Response G-16 The commenter states that the DEIR ignores substantial evidence of a shallow water table in the Hoy Road area that could be damaged by wood and steel pole installation. To the contrary, the DEIR explicitly recognizes the likelihood of a shallow water table in the vicinity of Hoy Road: *“Surveyed and observed spring elevations (approximately following the 3360 foot amsl contour), as well as a WCR, indicate a shallow water table is likely in the vicinity of the western portion of the new 1.6 mile segment (generally from Pole 8 west to Pole 15)”* (DEIR page 4.7-22). In fact, the WCR referenced in the above excerpt is the same WCR that the commenter references in their comment (the Pappas well). The commenter should note that this well, according to the WCR, is screened below a depth of 74 feet bgs; so the assertion made in the DEIR holds that, regardless of the static water level (which, in fact, was recognized as being shallow), there is no evidence of a confining strata within the upper 12 feet.

Response G-17 The commenter states that the DEIR has not adequately disclosed or mitigated potential catastrophic harm caused by installing Pole 8/45 below the water table. Potential hydrologic impacts concerning installation of Pole 8/45 have been disclosed on DEIR page 4.7-23. Mitigation Measure HYD-PPWS-4b adequately reduces or avoids the identified potential impact. With

regard to sealing the auger hole, if necessary, it is not true, as the commenter contends, that this is impossible to accomplish. The process of creating “seals” in order to backfill exploratory borings, test borings, decommission groundwater wells, and create a sanitary seal on active groundwater wells, is a long-standing practice with the explicit purpose of preventing the connection of two water-bearing strata or areas.

If, as the commenter contends, the damage would be catastrophic and irrevocable, then certainly the installation of the Pappas well (whose water surface is at roughly the same elevation as the spring in question), which was punctured to almost 80 feet below the ground, would have caused noticeable damage to this spring (the commenter and the DEIR have already acknowledged that this is likely a common groundwater unit).

Response G-18 The commenter states that the California [North Coast] Regional Water Quality Control Board (NCRWQCB) has expressed concern regarding the effects of the Proposed Project on domestic water supply. The NCRWQCB letter, authored by Andrew Baker, goes on to request that the EIR adequately address the protection and avoidance of important water resources. The DEIR adequately addresses the potential hydrology and water quality impacts as a result of the Proposed Project, including potential impacts to domestic water supplies and springs (DEIR pages 4.7-16 through 4.7-25). Further, it seems speculative for the commenter to suggest that Mr. Baker’s request has not been complied with; the commenter should note that the California [North Coast] Regional Water Quality Control Board (NCRWQCB) was sent a hard copy of the DEIR for review and did not submit any comments on the DEIR.

Response G-19 The commenter states that the Environmental Setting for Section 4.8, *Land Use*, regarding the alternatives should include a statement that the alternatives would traverse an existing ROW because in its current form the setting incorrectly implies that “Jeffery Pine habitat” and an “area of dense conifer trees” would need to be removed for construction of the alternatives.

To avoid such an implication and to provide clarity as to the environmental setting for land use, the following sentence has been added to the end of the first paragraph under the Alternative heading on page 4.8-1.

All alternative alignments from Pole 19/45 to the Weed Junction Substation would generally traverse within an existing ROW.

For discussion of impacts to habitat and effects to biological resources the commenter is referred to Section 4.4, *Biological Resources*, which provides a detailed analysis of each of the alternative alignments.

Response G-20 The commenter states that the DEIR inadequately discusses project conflicts with the Siskiyou County General Plan because (1) it fails to address the project's consistency with General Plan Policy 32, which states that "absent compelling or contravening considerations, energy facilities should not be sited in sensitive natural areas including . . . wetlands . . ."; and (2) it inadequately discusses the project's consistency with General Plan Policy 33, which states that "[w]herever possible, increased demand for energy transmission shall be accommodated with existing transmission facilities. Where new capacity is necessary, priority shall be given to upgrading or reconstruction of existing facilities, followed by new construction along existing facilities, followed by new construction along existing transmission or other utility corridors. Any new transmission facilities shall be sited so as to minimize interference with surrounding land-uses, and in ways that minimize their visual impacts." With regard to consistency with Policy 33, the commenter specifically contends that the DEIR may analyze the consistency only in terms of the actual project (the Southern Portion) impacts and may not refer to the Northern Portion of the project that has been completed. The commenter asserts that concluding that the Proposed Project is consistent with Policy 33, on the basis that a previously approved and completed project complied with policies, is illogical.

The DEIR did not fail to discuss consistency with Policy 32 related to impacts to wetlands. DEIR Section 4.4, *Biological Resources*, generally, and DEIR pages 4.4-27 and 4.4-28 specifically, address project impacts to jurisdictional waters of the United States, and specifies measures for avoidance as feasible. Wetlands would be impacted only where impacts could not be avoided and thus, this is generally consistent with the call of Policy 32 to avoid impacts to wetlands unless other considerations make it infeasible.

The DEIR also adequately addresses consistency with General Plan Policy 33 regarding a preference for transmission line construction in existing corridors. As written, the DEIR looks at the entirety of the transmission line project, including the already-completed Northern Portion, when making a consistency determination with Policy 33. The nature of the CPUC decision which required that an EIR be prepared for a small portion (the Southern Portion) of the project in and of itself should not artificially create a different conclusion regarding consistency with General Plan policies. So doing would be tantamount to piecemealing.

Nonetheless, absent consideration of the already-constructed Northern Portion, the Proposed Project and Weed Segment, which is the whole of the action considered in the DEIR, consists of approximately 3.1 total miles of transmission line. The approximately 1.2-mile segment of the Proposed

Project that would require a new ROW, comprises less than half of the 3.1 miles of transmission line construction analyzed in the DEIR, and, thus, would be generally consistent with Policy 33. That the entire transmission corridor would not be constructed within an existing corridor, while not a feature that renders the project inconsistent with the Siskiyou County General Plan, is something that will be considered by the CPUC in its decision making process when it decides whether to approve, deny, or modify PacifiCorp's application. Please see Response G-1 for more information on the CPUC's decision making process.

Response G-21

The commenter states that the location used for the ambient noise measurement for the Proposed Project does not adequately distinguish noise impacts of the Proposed Project since the Proposed Project and all alternatives would affect this location. The commenter further states that measuring from this location contributed to an artificially high ambient noise level since the majority of the Proposed Project traverses quieter meadow and pasture lands. Lastly, the commenter states that no explanation was given in the DEIR for why only one location was measured for the Proposed Project but several were used for the alternative alignments.

That the location used for the ambient noise measurement for the Proposed Project would be affected by the alternative alignment as well does not negate its importance in defining the environmental setting. To add further clarity as to the environmental setting related to the Proposed Project, the following text has been added to the DEIR Section 4.9, *Noise*, page 4.9-3 subheading Existing Ambient Noise Environment, second paragraph:

Much of the study area, including Hoy Road, experiences relatively low (40-55 dBA) noise levels due to the lack of loud noise sources. These ambient natural noise sources include wind, which is much more common than calm conditions throughout the study area. The main contributors to the noise environment along the corridors described above include vehicle traffic on SR 97 and local roads; airplane overflights; sounds emanating from residential neighborhoods, including voices, noises from household appliances, and radio and television broadcasts; and naturally occurring sounds such as wind and wind-generated rustling. Additional noise sources may include electrical and industrial devices and other man-made localized sources. Vehicle and overflight noises can range from approximately 50 to 80 dBA, depending on the distance from the source. Ambient natural noise sources such as wind, which is much more common than calm conditions throughout the study area, can be expected to generate noise levels in the range of 45 to 55 dBA.

Finally, a combination of site visits and variety of noise measurement for the Proposed Project, Weed Segment and alternative alignments was used to

characterize the existing noise environment. An explanation as to why only one location was measured for the Proposed Project is not required as the environmental setting is adequate from which to analyze project impacts related to noise.

Response G-22 Comment noted. The typographical error regarding the significance of Criterion c) on page 4.9-16, of the Draft EIR has been corrected as shown below:

c) Permanent increase in ambient noise levels in the project vicinity above levels existing without the project. *Less than significant.* (Class III).

Response G-23 The commenter asserts that installation of the proposed steel pole at 8/45 would result in the Mackintoshes' driveway being out of compliance with State law regarding minimum clearance for emergency vehicle access. The commenter, however, goes on to clarify that the existing conditions at that switchback point on the Macintosh's driveway currently do not meet State law, and that the Mackintoshes received an exception from the California Department of Forestry and Fire Protection for that portion of the driveway. The commenter also asserts that PacifiCorp has indicated that they intend to install the steel pole slightly up hill from the location of the existing pole, the steel pole would be over four times larger than the existing pole with an even larger concrete foundation, and would therefore substantially encroach upon the switchback resulting in a potential life-threatening issue should an emergency vehicle ever need to access the Mackintoshes' residence

First, there is no evidence in the record or statements in the DEIR that support the commenter's assertion that the steel pole would be installed uphill and therefore closer to the road. Further, the commenter's assertion that the steel pole would be more than four times larger than the existing pole is incorrect. The existing pole is approximately 18 inches in diameter at ground level compared to the steel pole which would be approximately 44 inches in diameter at ground level (although, see Response G-9 which documents that the steel pole diameter may only be 36 inches). The difference, therefore, is a factor of 2.4. Moreover, with the new pole centered in the location of the existing pole, it would extend only 13 inches into the curve (half the difference in the diameter). And finally, the commenter's implication that the concrete foundation would encroach into the driveway thereby rendering that encroachment unusable is also incorrect. The concrete foundation would be finished off at grade level so that it would not restrict any portion of the driveway access.

The commenter does not provide any details regarding the conditions, if any, contained in the Mackintoshes' exception to State law for that portion of

their driveway. Therefore, it is not clear whether a 13-inch encroachment would violate that exception. However, to ensure that the Macintoshes' exception is preserved, the following mitigation measure is added on page 4.10-6 of the DEIR:

Mitigation Measure PS-PPWS-2b: To ensure that emergency vehicle access is not restricted on the private driveway switchback at Pole 8/45, PacifiCorp shall coordinate with the landowner final placement of the steel pole so as to avoid any encroachment into the switchback that would violate the landowner's existing exception for curve width as granted by the California Department of Forestry and Fire Protection.

Response G-24 The commenter states that the analysis of the effects of the alternative routes on Rainbow Way is incorrect as described in the DEIR. Furthermore, the commenter notes confusion as to whether or not Rainbow Way is in fact crossed by the alternative alignments.

The Siskiyou County Department of Public Works, Road Department has confirmed that Rainbow Way is not a County Road. Accordingly, the setting of DEIR, Section 4.11, *Transportation and Traffic*, has been modified as follows:

The alternatives would not cross any one local public roadways; ~~Rainbow Way, near the location of Pole 13/48. Rainbow Way is a two-lane County roadway with no shoulders.~~ However, ~~the~~ alternatives would ~~also~~ cross several private roads, including roads near Poles 1/48, Pole 5/48, and Pole 7/48.

Additionally, upon further review of the data, the confusion regarding the length of Rainbow Way lies in the fact that the location of Rainbow Way is identified correctly within the DEIR maps; however, it is collocated with an existing access road proposed to be used by PacifiCorp to access Pole 13/48. Rainbow Way does in fact end at the Goltz residence; however, PacifiCorp does use existing access from the Goltz residence to access Pole 13/48. Since the maps accurately depict the location of Rainbow Way and the existing access to Pole 13/48 they will not be revised; however the analysis of alternative routes in the DEIR Section 4.11, *Transportation and Traffic*, has been modified to reflect the fact that none of the alternative alignments would cross Rainbow Way.

The text on page 4.11-11 has been revised as follows:

Installation of the PacifiCorp Option 4 alternative would require overhead crossings of several private roadways and ~~two one~~ public roadways, including a ~~transmission line crossing of Rainbow Way and~~

a span guy cable crossing over SR 97 from Pole 5/48 to a stub pole on the south side of the highway.

The text on page 4.11-15 has been revised as follows:

Installation of the Mackintosh/ALJ Variation A alternative would require overhead crossings of several private roadways and ~~two~~ one public roadways, including a ~~transmission line crossing of Rainbow Way and~~ a span guy cable crossing over SR 97 from Pole 5/48 to a stub pole on the south side of the highway.

The text on page 4.11-19 has been revised as follows:

Installation of the Mackintosh/ALJ Variation B alternative would require overhead crossings of several private roadways and ~~two~~ one public roadways, including a ~~transmission line crossing of Rainbow Way and~~ a span guy cable crossing over SR 97 from Pole 5/48 to a stub pole on the south side of the highway.

Response G-25

The commenter asserts that it has, in its foregoing comments, identified significant unavoidable impacts for Option 3 (the Proposed Project) which need to be evaluated and incorporated into the FEIR and which should be reflected in the evaluation of alternatives in Section 5. However, as described in Responses G-1 through G-24 above, none of the commenter's assertions regarding understated or overlooked significant impacts are supported with substantial evidence and in fact many are either speculative in nature or are restatements of issues already fully analyzed in the DEIR. Accordingly, no changes to Table 5-1 or the comparison of alternatives in Section 5 of the DEIR are warranted.

The commenter also asserts that it believes the alternatives do not have any significant and unavoidable impacts. The commenter implies that by replacing two poles (Poles 17/47 and 5/48) with horizontal double circuit structures, significant unavoidable impact to the Highway 97 viewshed would be eliminated. As discussed in Response G-2 above, it is agreed that the structures at these two locations can be replaced with TF285 horizontal davit arm structures rather than the taller, vertically stacked structures initially proposed by the Applicant. However, the significant unavoidable impact along Highway 97 is not limited solely to the contribution of those two structures. So even with the commenter's proposed change to Pole 17/47 and 5/48 (which has been incorporated in the FEIR as described in Response G-2), the impact to a 0.5-mile segment of Highway 97 remains significant and unavoidable for each of the three route alternatives.

Finally, the commenter asserts that ability to accomplish project objectives is generally not a factor in identifying the environmentally superior alternative,

and cites the CEQA Guidelines (CCR Title 14) § 15126.6 (e)(2) as the basis for their comment. However, the cited section of the CEQA Guidelines discusses the “No Project” alternative and does not contain any guidance regarding the commenter’s claim. CEQA provides no strict guidance that the ability to meet project objectives should or should not be considered in selecting an environmentally superior alternative, and the DEIR finds that the differences in impacts between the Macintosh/ALJ Variation A and Variation B alternatives are subtle. Nonetheless, it is noted that commenter’s basic point here is that it believes the Mackintosh/ALJ Variation A alternative should be designated the environmentally superior alternative. As described in Response A-2, the Applicant has proposed a minor revision to the Macintosh/ALJ Variation A alternative which would remove the schedule constraint and need for an additional temporary transformer that were identified in the DEIR as the main drawbacks to that alternative. Consequently, the FEIR finds that the Mackintosh/ALJ Variation A alternative is the Environmentally Superior Alternative.

Response G-26 The commenter states that the cumulative impacts chapter must evaluate the Proposed Project in conjunction with past, current and probable future projects and that the cumulative projects listed in the DEIR do not include any past or completed projects, only pending and approved projects. The commenter further states that any probable future projects of which the City or County are aware, but for which applications have not been submitted, must also be included. Moreover the commenter notes that the conclusion related to cumulative impacts as they pertain to visual resources is inconsistent with the analysis presented in the Executive Summary, Aesthetics Section and Comparison of Alternatives chapter. Lastly, the commenter notes a typographical error.

As the commenter notes, CEQA does require that when evaluating cumulative impacts, one must evaluate the Proposed Project in conjunction with past, present and probable future projects producing related or cumulative impacts...(CEQA Guidelines, Section 15130(b)(1)). The lead agency should use reasonable efforts to discover, disclose, and discuss other related projects. For this DEIR, as discussed on page 3-33, a cumulative scenario was developed in consultation with Siskiyou County, the City of Weed, and Caltrans to include “closely related past, present, or reasonably foreseeable probable future projects.” The commenter does not identify any past project that should have been included in this analysis but was not, hence no deficiency is noted. However, to resolve any confusion as to the scope of this cumulative analysis, the title of Table 3-12 has been corrected as follows:

TABLE 3-12
CUMULATIVE SCENARIO – APPROVED AND PENDING PROJECTS

The conclusion of Section 6.3.1, *Aesthetics*, as related to cumulative impacts has been corrected to be consistent with the conclusions of the cumulative analysis in the DEIR:

Therefore, the effects of the Proposed Project and Weed Segment on visual resources, in combination with other past, present and reasonably foreseeable projects, would ~~not~~ be cumulatively considerable (Class II).

Additionally, the DEIR has been updated to reflect correction of the typographical error referring the incorrect table in Chapter 6, *CEQA Statutory Sections*, page 6-3, first paragraph:

This section present the analysis of the potential for the Proposed Project and Weed Segment to create cumulative effects when the impacts of projects listed in Table 3-12~~4~~ are considered together with the impacts of the Proposed Project and Weed Segment.

- Response G-27 The commenter states that Appendix C should include pole data for the Variation A and B alternative alignments. The commenter is referred to the bottom of page 3-5 for Variation A which states “The pole types and heights for this alternative would be essentially the same as those listed in Appendix C for the PacifiCorp Option 4 alternative”; and to the last full paragraph on page 3-20 for variation B which states “The pole types and heights for this alternative would be essentially the same as those listed in Appendix C for the PacifiCorp Option 4 alternative.”
- Response G-28 The commenter provides a summary of the conclusions related to the comments submitted and responded to above. This summary does not include any new comments or raise any new issues; therefore, comment noted.
- Response G-29 The commenter provides a follow up email to clarify Comment G-11; accordingly, refer to Response G-11.

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SAN FRANCISCO, CA. 94104-4207
C/O ENVIRONMENTAL SCIENCE ASSOCIATES

SEPT 11, 2007
Comment Letter H

STATE OF CALIFORNIA (INNER ADDRESS)
PUBLIC UTILITIES COMMISSION
505 VAN NESS AVE.
SAN FRANCISCO, CA. 94102-3298

ATTENTION: MIKE ROSAUER, PROJECT MANAGER
PACIFICORP'S YREKA/WEEP TRANSMISSION
UPGRADE
DEAR MR. ROSAUER,

I RECEIVED YOUR NOTICES REGARDING CHANGES
IN THE WEEP SUBSTATION LINES WHICH BORDER
HIGHWAY 97 AND GO EAST FROM THE CITY OF
WEEP TO 2 SUBSTATIONS LOCATED ALONG HWY 97.

I HAVE AN ISSUE WITH THE 2ND SUBSTATION
MARKED ON YOUR MAP AS THE WEEP JUNCTION
SUBSTATION.

FOR MANY YEARS THAT ISSUE HAS CONTINUALLY
DRUMMED AT ALL THE RESIDENTS OF THE
CARRICK SUBDIVISION LOCATED ON THE NORTH
SIDE OF HWY 97-(JUST PRIOR TO THAT SUBSTATION
AND JUST ABOUT ADJACENT TO THE SUBSTATION)
(AND ~~ON~~ OTHER SIDE OF HIGHWAY)

THAT SUBSTATION LITERALLY HOWLS AS IT
EMITS A VERY LOUD HUM WHICH CAN BE
HEARD ALL OVER THE CARRICK SUBDIVISION
SUBDIVISION. AND THAT HUM WITH ITS
PARTICULAR H-O-W-L CAN BE HEARD WHEN
ALL OF MY WINDOWS AND DOORS ARE ALL
CLOSED- AS IT COMES RIGHT THRU THE WALLS.

THE H-O-W-L IS ALWAYS PRESENT & NOTICEABLE

H-1

IN THE EVENING HOURS WHEN THE TRAFFIC ON THE HWY 97 SECTOR SLOWS DOWN, THE HOWL IS NOT NOTICEABLE DURING DAYLIGHT HOURS - EITHER BECAUSE THE TRAFFIC NOISE DROWNS IT OUT OR BECAUSE THE USE OF POWER IS NOT PULLING ON THE SUBSTATION WHEN NO LIGHTS ARE NEEDED IN ANY OF THE 50 HOMES (APPROX) LOCATED IN THE CARRECK SUBDIVISION.

IF I WERE A MUSICIAN I COULD TUNE MY INSTRUMENT TO THE LOUD TONE THAT I HEAR NEARLY EVERY EVENING - AS IT INVADES MY HOME, MIND, BODY, AND EVERYTHING THAT OCCUPIES THE CARRECK AREA.

PAST STUDIES HAVE SHOWN THAT EMF FREQUENCIES DO EFFECT HUMANS BEINGS - NOT TO MENTION PLANTS, ANIMALS, AND EVERYTHING THAT IS CONTINUALLY EXPOSED TO THIS HOWLING FREQUENCY. THE HUM IS LOUD ENOUGH TO BE RECORDED ON A TAPE RECORDER - AND IT IS CONSTANTLY EMITTING THESE LOUD EMF FREQUENCIES. (WITH VERY FEW EXCEPTIONS AS EXCEPTION)

I HAVE ASKED OTHERS ABOUT WHAT THEY THINK OF THIS HUM. THE CARRECK RANCH WAS ONCE TOLD THE HUM/HOWL WAS ONLY PRESENT IN BAD WEATHER. THE OWNERS OF THAT RANCH SAID THIS IS SIMPLY NOT TRUE - AS THE SUBSTATION HAS EMITTED A HOWL NEARLY ALL THE TIME - IRREGARDLESS OF THE WEATHER. HE SAID HE HAD NEVER NOTICED A LACK OF HOWL - IRREGARDLESS OF THE WEATHER.

H-1

IF YOU ARE NOW PLANNING TO UPGRADE THIS WHOLE TRANSMISSION LINE THEN YOU REALLY DO NEED TO CONSIDER THE FACT THAT NONE OF THESE CITIZENS SHOULD BE EXPOSED TO SUCH AUDIBLE POWER DISTURBANCES- NOR BE EXPECTED TO CONTINUE TO LIVE WITH THE HOWLING TONES THAT SUBSTATION EMITS.

H-1

THE EMF FREQUENCIES THAT ARE GENERATED BY ANY POWER TRANSMISSION DOES HAVE AN IMPACT ON THE HUMAN BIOLOGICAL FUNCTIONS. I AM SURE YOU ARE AWARE OF ALL THE STUDIES DONE IN CONJUNCTION WITH THIS PARTICULAR SUBJECT. HIGH FREQUENCY LINES OFTEN CAUSE CANCER IN THOSE EXPOSED TO CONTINUAL DOSAGES OF SUCH POWER LINES. AND TONES THAT ARE AUDIBLE ALSO HAVE TO SPEAK OF EMF DISTURBANCES- SINCE THE TONE ITSELF IS INDICATIVE OF ELECTRICAL TRANSMISSIONS THAT ARE POWERFUL ENOUGH TO BE HEARD.

H-2

I WOULD LIKE YOUR COMMENTS REGARDING HOW YOU ARE GOING TO REPAIR & OR REMEDY THIS PARTICULAR PROBLEM. WE ARE CITIZENS WHO DESERVE THAT CONSIDERATION, AND THERE ARE MANY OF US WHO ARE ALSO BEING AFFECTED - WHETHER WE EVER AGREED TO BE BOMBARDED DAILY OR NOT.

H-3

I HAVE NEVER HEARD ANY OTHER SUBSTATION

THAT LITERALLY HOWLED AND I REALLY
 CANNOT SEE WHY ANY OF US SHOULD HAVE
 TO PUT UP WITH THAT. IF THAT SUBSTATION
 IS TOO OLD - OUT DATED - UNDER
 PREVIOUS AS TO COMPETENT AND
 PROPER EQUIPMENT THEN IT IS PACIFIC POWER
 WHO NEEDS TO REMEDY THIS PROBLEM - AT
 THE SAME TIME THEY UPGRADE THEIR LINES.

PLEASE COMMENT ON THIS PROBLEM AND
 VERIFY WHAT YOU INTEND TO DO TO PROTECT
 THE CITIZENS OF THE CARREEK SUBDIVISION
 FROM A CONTINUED EXPOSURE TO THIS
 PROBLEM.

IT SEEMS TO ME THAT THIS SUBSTATION
 IS LONG OVER DUE FOR AN OVERHAUL.
 AND IF PACIFIC POWER IS CHANGING
 THEIR TRANSMISSION LINES THE HOWLING
 SUBSTATION REALLY SHOULD BE THEIR
FIRST CONSIDERATION. WHAT EFFECT WOULD
 THE LINE CHANGES HAVE ON THIS PARTICULAR
 PROBLEM? AND WOULD THE HOWL ACTUALLY
 BE INCREASED TO BECOME EVEN COORSE
 THAN IT ALREADY IS AT THE PRESENT TIME?

NOBODY LIVES THAT CLOSE TO THE 1ST
 SUBSTATION THAT IS LOCATED JUST OUTSIDE
 OF WOOD ON HWY 99. ~~THAN~~ THERE ARE A
 FEW HOUSES AND A WRECKING YARD IN
 THAT VICINITY - BUT I AM NOT AWARE
 OF ANY OTHER COMPLAINTS REGARDING
 A HOWL OR HUM COMING OUT OF THAT SUBSTATION

I BELIEVE THAT ONE WAS BUILT AFTER THE ONE NEAR CARRECK AND IT THEREFORE CONTAINS NEWER EQUIPMENT THAT IS NOT OUT DATED OR INEFFICIENT, TO VERIFY THAT YOU WILL HAVE TO INQUIRE OF PACIFIC POWER - AS I DO NOT ACTUALLY KNOW THE DATES OF CONSTRUCTION OR THE FACTS WHICH MIGHT PERTAIN TO ANY AUDIBLE HUM THAT MIGHT BE EMITTED BY THE FIRST SUBSTATION.

BREAN PALMER OWNS THAT WRECKING YARD - AND PERHAPS HE COULD ALSO TELL YOU THE DETAILS CONCERNING BOTH SUBSTATIONS - SINCE HE ALSO LIVES IN CARRECK ADDITION - AND WOULD BE AMONG THOSE WHO RECEIVED YOUR INQUIRY LETTERS AS WELL.

I WISH TO AFFIRM MY OWN COMPLAINTS CONCERNING THIS HOWLING SUBSTATION #2 IRRESPECTLESS OF ANY OTHER COMMENTS AND/OR ISSUES. THE ENVIRONMENT IN AND AROUND THIS HOWLING SUBSTATION IS ALREADY BEING NEGATIVELY IMPACTED AND EFFECTED EVEN WITHOUT ANY CHANGES IN PPL'S TRANSMISSION LINES. SO PLEASE CONSIDER THIS ISSUE AND PROVIDE THE CITIZENS OF CARRECK WITH THE PROPER RESOLUTION. THIS EXPOSURE IS DUE TO OLD, OUT-DATED, AND INADEQUATE EQUIPMENT - IN MY OWN OPINION, AND THAT IS PARTICULARLY DUE TO A LACK OF CONSIDERATION FOR THESE CONDITIONS

(5)

THAT HAS BEEN PERPETUATED BY P P & L.

FOR THEM TO TRY AND TELL THE OWNERS OF THE CARRECK RANCH (GULCH) THAT THIS HUM IS DUE TO WEATHER IS ABSOLUTE B-U-N-K. THIS HUM/HOWL IS PRESENT NEARLY EVERY DAY OF THE YEAR - IRREGARDLESS OF THE WEATHER PATTERNS. THIS HUM IS ALSO VERY LOUD - TOTALLY AUDIBLE - AND CONTINUALLY A-N-N-O-Y-E-ING BECAUSE IT IS SO LOUD.

I MIMAGINE CLOSING YOUR WINDOWS & DOORS - AND STILL BEING ABLE TO HEAR THIS - RIGHT THRU YOUR WALLS. THAT IS NOT INSIGNIFICANT EXPOSURE NOR INDICATIVE OF PEACEFUL LEVING CONDITIONS. THE HUM SHOULD THEREFORE BE THE FIRST CONSIDERATION & THE REMEDY FOR THIS PROBLEM SHOULD BE HEARD, ADDRESSED, AND COMPLETELY OVERCOME BY PACIFIC POWER IN THIS PROJECT NOW - SO THAT ALL THESE CITIZENS DO NOT HAVE TO BE EXPOSED TO SUCH EMF DISTURBANCES ANY LONGER. THIS REMEDY WOULD BE VERY MUCH APPRECIATED & WE WOULD LIKE YOUR HELP.

PLEASE DIRECT ALL COMMENTS/REMEDIES/SOLUTIONS/QUESTIONS/ANSWERS TO THIS ISSUE TO:

LINDA GREEN
 19224 MAPLE AVE.
 WEED, CA. 96094
 530-227-6877 (PHONE#)

Letter H – Linda Green

Response H-1 The commenter is generally complaining about the noise impacts from the Weed Junction Substation located adjacent to her neighborhood, the Carrick subdivision. Because there were no modifications to the facilities at the Weed Junction Substation included as part of the Proposed Project, this issue is outside the scope of this CEQA review. Therefore, comment noted.

Response H-2 The commenter states her concern regarding the potential health effects of EMF from the Proposed Project. As stated in the DEIR Chapter 2, *Project Description*, on pages 2-35 to 2-36, impacts related to electric and magnetic fields (EMF) are not considered, in the context of CEQA analysis, as environmental impacts because there is no agreement among scientists that EMF creates a potential health risk and because CEQA does not define or adopt standards for defining any potential risk for EMF. However, additional information regarding EMF generated by power lines is included in the DEIR Appendix D for informational purposes. Appendix D (specifically page D-3) sets forth the guidelines for PacifiCorp's implementation of no and low cost steps to reduce electric and magnetic field strengths.

Response H-3 The commenter reiterates her concerns about the noise impacts from the Weed Junction Substation and demands a response from PacifiCorp regarding how the company will remedy this issue. Specifically, the commenter suggests that the Proposed Project include upgrades to the Weed Junction Substation to lessen the noise impacts. The commenter is also concerned that upgrading transmission lines as part of the Proposed Project will increase noise levels emitted from the Weed Junction Substation. As noted above in Response H-1, because the existing conditions at the Weed Junction Substation would not change and because there were no modifications to the Weed Junction Substation as part of the Proposed Project, this issue is outside the scope of this CEQA review. Therefore, comment noted. Further, the DEIR found that operation of the transmission lines would result in the generation of noise levels that would generally be below the ambient noise levels in the project vicinity (please see Chapter 4, *Environmental Analysis*, page 4.9-10). It is suggested that the commenter contact PacifiCorp or Pacific Power directly with her noise impact concerns related to the Weed Junction Substation. The general PacifiCorp customer service phone number is: (888) 221-7070.

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PUBLIC MEETING

Re:)
)
NOTICE OF PREPARATION OF AN)
ENVIRONMENTAL IMPACT REPORT AND)
SCOPING MEETING:)
)
PacifiCorp's Yreka-Weed)
Transmission Line Upgrade)
Project, Southern Portion)
(A.05-12-011))
)
)
-----)

TRANSCRIPT OF PROCEEDINGS

Tuesday, August 28, 2007

6:30 p.m.

College of the Siskiyous, Weed, California

Reported By: CRAIG W. WOOD, RPR, CSR No. 9789

PROCEEDINGS

1
2
3 MR. COVER: So the first commenter is Judy
4 Mackintosh.

5 MS. MACKINTOSH: How did I get so lucky?

6 I'm Judy Mackintosh as you just said. I didn't
7 read this, but I've been told by a couple people it was
8 stated in the EIR that the Mackintoshes are the only ones
9 fighting the proposed project. That is not true. The
10 Lewises, as well as the Papases, have protested
11 PacifiCorp's project through the CPUC and other residents
12 of Hoy Road, as well as people who know the area and know
13 the proposed project is wrong, have also participated in
14 the proceeding.

15 We have been accused of a lot of things. For
16 those of you who want to make us the bad guys, that's all
17 right. This is not about us. This is about the choices
18 PacifiCorp has made. And for those concerned about
19 expediting the project, if PacifiCorp had chosen to do
20 this upgrade the right way in the first place with
21 pole-for-pole replacement within the existing right of
22 way, this project would be complete. They own the right
23 of way. If the MND had evaluated the alternate routes the
24 ALJ ordered, the EIR would not have been necessary.

25 This is going to take me more than three minutes.

PM-1

1 Why anyone who choose to build a new
 2 transmission line in a beautiful valley or anywhere else
 3 in this country, unless it's absolutely necessary, it's
 4 just wrong. And for this project it is not necessary.
 5 The transmission corridor is already in place. Yes, the
 6 transmission corridor traverses a Volcanic Legacy Scenic
 7 Byway, but the line is already there obstructing the
 8 view, just as it is already on our property obstructing
 9 our view. It's already highly visible in the .5-mile
 10 stretch at both substations and in the section going
 11 over the hill to Lincoln Heights. It is already in the
 12 view from California Street and is already seen by
 13 motorists who travel Highway 97. It is already 80 feet
 14 from the proposed Berean Church, and it is already on
 15 the homeowners' property along the Highway 97 corridor.
 16 The Volcanic Legacy Scenic Byway has many utility lines
 17 along the route -- transmission, distribution, and
 18 communication -- and line 14 actually crosses
 19 Highway 97.

PM-2

20 I have listened and read how the project will
 21 impact others. I'm sorry if this transmission line is
 22 crossing your property, as it is ours. Mr. Goltz stated
 23 at the NOP meeting the line would cross his property no
 24 matter which way it goes. That is true in our case, as
 25 well. No matter which route is chosen, we will have ten

PM-3

1 taller poles. Four of those poles are in a surveyed
 2 wetland and they will require concrete and steel
 3 foundations. New temporary access roads will be
 4 necessary, as well as GeoMats to prevent the heavy
 5 equipment from sinking. The replacement of those four
 6 poles will be very damaging to the wetlands. That will
 7 happen no matter which way the project goes. But there's
 8 one major difference. The proposed project would cross
 9 our property three times. First, from north to south with
 10 ten poles, 22 to 36-feet taller than the existing poles.
 11 Second, from west to east, perpendicular to the existing
 12 line with five new 56 to 70-foot poles. One of those
 13 poles 8/45 will be 70-feet above ground. And third, with
 14 the Weed segment, a new line will go from Weed substation
 15 back to pole 8/45. The self-supporting steel pole at 8/45
 16 would be 95 feet tall, 75 feet above ground, and four feet
 17 in diameter at the base. It would require a concrete
 18 foundation, six feet in diameter by 20 feet deep and will
 19 be located 60 feet above our spring house, which is our
 20 only drinking and domestic water supply. We have no
 21 wells.

22 At its base, it's massive pole will be embedded
 23 13 feet below the water level of our spring house, or
 24 possibly more if the pole location has been moved again.
 25 The proposed project will have a major impact to the

PM-3
cont.

1 views from our property, would damage our wetland,
 2 destroy our property value. And worst of all, the
 3 installation of the massive steel pole would put our
 4 water supply at risk.

↑
 PM-3
 cont.

5 The EIR did not bother to classify the
 6 cumulative impacts that the proposed project will have
 7 on our property, stating that intervening vegetation
 8 would generally screen the view from the new line from
 9 the hillside residents. It will be visible from our new
 10 home, just as the taller poles with existing lines will
 11 be highly visible from the home that we reside in now,
 12 as well as from the new home.

PM-4

13 I'd like to point out a couple inaccuracies in
 14 the DEIR and make a couple suggestions. Our comments on
 15 this were not accepted in the DMND, stating that our
 16 attorney covered everything we said. Please do not
 17 disregard this again.

18 The description of what the Papases will see from
 19 their home is inaccurate. From the Pappas residence, five
 20 poles, 12 through 15 and 8/45 will be in their view. Not
 21 two poles as shown in simulation figure 4.1-12B. And the
 22 majority of the line will be in the skyline. The low
 23 trees to the left of the backdrop are on a spring that
 24 puts out 375 gallons a minute, and there are numerous
 25 other springs that are located along the proposed route.

PM-5
 ↓

1 In other words, it's very wet and boggy and trees will not
2 grow there. As you can see in figure 4.1-11B, there's
3 cattle grazing there, as well. Even if trees could
4 survive the wet soil, they would not survive the cattle.
5 Unless the EIR plans to change the ranching practices, the
6 mitigation measures are infeasible.

7 As you can see from the photo, there's nothing
8 in the meadow to screen 50-foot to 70-foot poles and the
9 connecting wires. Perhaps a certified arborist or
10 landscape architect should have been consulted to find
11 out if the mitigation measure is possible before the
12 impact was mitigated to less than significant. You
13 cannot plant trees and also preserve the landscape
14 features seen in the backdrop. Their house was situated
15 for the view from their residence. They have awesome
16 views and sunsets. That view will be forever altered.

17 I think the second thing I would like to point
18 out is the degree the simulations have been exaggerated
19 for the existing corridor along Highway 97 and minimized
20 for the proposed project. Much of the EIR relies heavily
21 on the visual simulations, many of which are misleading
22 and inaccurate. For example, visual simulation 4.1-11B
23 does not show the 75-foot pole that will replace pole
24 8/45, and it does not show the ten wires that will connect
25 to that pole. In fact, it does not show our spring house

PM-
5
cont.

PM-6

1 below, nor does it show the view of Mt. Shasta from that
2 location. Pole 8/45 is not shown accurately anywhere in
3 the DEIR.

4 If you look at any of the simulations and the
5 photos of the existing views for variations A and B
6 alternatives, the poles and conductors are highly
7 visible in the simulations. Yet in the existing views,
8 the conductors are very faint, even in the skyline. The
9 simulations are exaggerated.

10 Now if you look at all the simulations for the
11 proposed project, you can see the poles and wires are
12 faint to invisible, even when in the skyline. 4.1-7B is a
13 good example. In reality, from that location on Hoy Road,
14 you will see five poles with connecting wires in the
15 skyline. Not two. Also in figure 4.1-6B, the wires are
16 just barely visible, even though a portion of the view is
17 in the skyline. If the photo had been taken a little to
18 the left, the Pappas residence would be included and you
19 could easily see that all five poles would be highly
20 visible from their home.

21 My point again is, all the simulated poles and
22 wires for the proposed project are faint to invisible.
23 Whereas all the simulations of the poles and wires for
24 the variations are quite prevalent. In fact, they stick
25 out like a sore thumb misleading the viewer into

PM-
6
cont.

1 thinking that taller poles on existing lines would
 2 somehow be more intrusive than poles and wires where
 3 none currently exist.

PM-6
 cont.

4 I have a question. If figure 4.1-14B, which is a
 5 view of the existing line going over the hill from Weed
 6 substation to Lincoln Heights, if that view can be
 7 mitigated to less than significant, then why can't the
 8 .5-mile portion where the line is visible from Highway 97?
 9 They both have the same mountain vista, the same taller
 10 poles, and the same Volcanic Legacy Byway. If it is an
 11 incremental change for one, then the same is true for the
 12 other.

PM-7

13 Just have one more little comment. I believe
 14 Mr. Messer commented at the NOP meeting something to the
 15 effect we should have -- we should leave the land better
 16 when we finished than it was when we started. If trees
 17 and shrubs are planted to screen the poles that are
 18 visible in the project area along Highway 97 corridor, it
 19 would look better upon completion of the project than it
 20 does now. PacifiCorp has the ability to make that happen.
 21 All we have wanted from the beginning is for this project
 22 to be done right. It affects our valley, our community,
 23 and peoples' lives. Thank you.

PM-8

24 MR. COVER: Thank you for your comments. Will
 25 you be submitting those in writing, as well?

1 MRS. MACKINTOSH: Yes.

2 MR. COVER: Thank you.

3 Next commenter is Don Mackintosh.

4 MR. MACKINTOSH: I'm a man of few words. I
5 won't take as long. We'll cover it later. But there
6 are some points I wanted to cover right off the bat.

7 The draft incorrectly described option 5. And
8 then based on this incorrect description, it was
9 eliminated from the study.

10 Now, the draft was officially filed and it's in
11 many places, it's all in evidence, and I was wondering if
12 you could comment on that.

13 MR. COVER: We're not going to comment on
14 comments. We'll take your question and respond to the
15 comment.

16 MR. MACKINTOSH: Well, you've answered it.

17 Okay, the next -- I have two photos for Doug and
18 Mike here. I'm Don Mackintosh incidentally.

19 Okay. Basically this is about 8/45. I won't
20 re-cover what Judy talked about. But this pole is what is
21 supposed to go into 8/45. It's a four-foot diameter and
22 it's -- then that next picture, you can visualize this
23 pole being put in this same position where 8/45 is. So
24 you can use your mind's eye to see how much sense this
25 makes.

PM-9

PM-10

1 The thing here is that this has a steel --
2 requires a steel concrete foundation. And in this
3 location there is actually about eight feet of fill. So
4 to drill -- to put a hole in for this thing requires this
5 pole be -- have a hole of 30-feet down. So then when that
6 happens, you're actually -- this would put the water
7 level -- the bottom of the hole 18 -- possibly 18 feet
8 below the water level in the spring of our spring house.

9 Now, that spring house in that picture there,
10 you can see how close it is. It's 65 feet right at this
11 point. And that existing pole, at the base of the pole
12 at the dirt level is -- I surveyed it, and it was
13 surveyed. I didn't see any numbers on the official
14 survey. But it's 12 feet above the water. So this
15 means that -- then when you -- the draft says that if
16 they drill a hole, it's got to be two feet above the
17 water in the spring. It can't go below that. That
18 means that this cannot -- this pole cannot be placed
19 there. And that means that a standard pole that is
20 there now would just barely fit without going below and
21 putting the spring in damage, in risk.

22 So then that brings up the question why was
23 this -- why was it only classified as two? Why wouldn't
24 it have been a one? So then still it's possible they
25 could want to come back later and put a hole -- a line in

PM-
10
cont.

1 there. And you don't want to comment, so that's what I'd
 2 like to say there.

3 So now the next -- you have your drafts open? I
 4 kind of wanted to make a comment on the -- incidentally,
 5 figure 4.1-23B. And that's a picture of the half-mile
 6 portion of this Highway 97. I know that the power line is
 7 visible. That's 23B, 4.1-23B. You got that? Doug, you
 8 have that?

PM-11

9 MR. COVER: I have it firmly -- I know every
 10 one of the pictures by heart.

11 MR. MACKINTOSH: You know where I'm going,
 12 don't you?

13 Now, simulated a line in here by computer. And
 14 this is of the double circuit line. It looks good, except
 15 they have a tall pole here, vertical -- two-circuit
 16 vertical pole, which is extremely tall and its kind of
 17 obscene sitting there like that. And it's unnecessary.
 18 There's no reason for it to be there.

PM-11 cont.

19 This is pole 17/47. And there's two of these
 20 situations in this stretch. So the idea, the pole that
 21 could go there is simply the same pole that's on either
 22 side. There's no reason for it. The line is straight
 23 and it appears to be done -- I don't know why it's done.
 24 Anyway, it's obtrusive in the appearance of it. And so
 25 it's simulated.

1 The other one is that -- that is figure 21B, and
2 basically -- 24B, excuse me. The next page. It's
3 4.1-24B. And this is the picture of the same section, a
4 little bit east.

5 Now, this -- you can see it's vertical
6 construction, vertical -- a two-circuit pole. And it
7 doesn't have to be this style here. It does have an
8 angle going to it, but there's another style that can go
9 in there. It's a TF-285. And it can also be a wood
10 pole construction with guy wires.

11 In other words, this thing is out of place, too.
12 And it could be the other horizontal configuration pole
13 can be -- look just like the rest of these and you
14 wouldn't have this offensive look to it. And plus the
15 steel one wouldn't require the guys that go across. They
16 have six guys that go across on this one. And it's right
17 on the edge of one of the driveways going in there.

18 Now, this kind of upsets the residents in this
19 area. And then they see my name on it, Mackintosh,
20 which we don't necessarily, you know, like this way.
21 Five is basically a better, more standard way of putting
22 this system together.

23 So basically -- oh, the main thing about putting
24 these poles in like this, they were put in simulated and
25 then they kind of classed it as class 1 impact. Now, that

PM-12

1 doesn't make sense. Because it's based -- they talk about
 2 both of these poles being tall, and at 40-feet tall and
 3 this one and 20 feet -- 40 feet taller on this pole here,
 4 and this is 5/48, and in comparison with the rest of the
 5 line. And then it's 20 feet taller on that other pole.

PM-12 cont

6 MR. COVER: Excuse me, Mr. Mackintosh, could
 7 you wrap up?

8 MR. MACKINTOSH: Running out of time? Well, I
 9 guess you're right.

10 Basically, we can cover this in writing. But
 11 basically 5 shouldn't have been withdrawn from the table,
 12 because 5 could have remedied all of this. And you
 13 wouldn't -- they could save money on the steel poles. You
 14 wouldn't have as many steel poles on 5. You'd have enough
 15 extra money to pay for the added transformer in the Weed
 16 substation, the 69 that Roseburg would need. And also --
 17 lost my train of thought there.

PM-13

18 This can be done very timely if done in the right
 19 sequence. I mean, when I was working with PG&E, this was
 20 a simple job here. And I did them every week, every
 21 Sunday morning.

22 So thank you very much.

23 MR. COVER: Thank you for your comments.

24 MR. MACKINTOSH: Thank you. Hope I didn't
 25 offend anybody. But it's been two years today on this

1 deal. It could have been -- never had to happen either.

2 Thank you.

3 MR. COVER: Thank you.

4 Next commenter is Ken Shaffer.

5 MR. SHAFFER: Good evening, ladies and
 6 gentlemen. My name is Ken Shaffer. I've lived in this
 7 area over 60 years. As far as I'm concerned, this whole
 8 project has been a waste of time of the CPUC and the
 9 private sector, ourselves, because every time they go
 10 through a project like this, they raise the rates on us.
 11 If they keep raising the rates like this, there's an
 12 unlimited checkbook out there. So we keep paying for
 13 these adventures that we don't need. This is an
 14 adventure we don't need in Siskiyou County.

PM-14

15 As far as the Scenic Byway, the Old 97 Highway
 16 used to run down California Street and used to be the
 17 Old 97 Highway. They didn't take it into consideration
 18 when they built 97, moved it over there. The poles were
 19 already existing there when they moved 97 over there.
 20 So they didn't take that into consideration when they
 21 moved 97 at that point in time. All of a sudden we're
 22 worrying about this .5 of a mile on the Scenic Byway.
 23 If they would have just went ahead with the project
 24 instead of trying to sneak it by the citizens here in
 25 Siskiyou County, this project would have been done.

PM-15

1 I think the Mackintoshes have done a great job. ↑
 2 And what they've done, had it not been for them, they
 3 would have slam-dunked us and shoved it down our
 4 throats. There was comments made after the last meeting
 5 from a certain party that we don't care about Weed,
 6 we're still going to have power. That upset me and some
 7 of the other people that I talked to out there that work
 8 for these other -- these employees.

9 That's kind of threatening as far as on behalf
 10 of this county. It already doesn't have a pay scale to
 11 support what's going on here. So we don't need the
 12 scare tactics in this county to scare the people you're
 13 going to lose, going to lose your jobs. Let's get the
 14 project done, get it over with, and go with existing
 15 lines. Don't worry about all the other right of ways.
 16 Because you're going to have more poles, and then going
 17 to come back and they're going to upgrade the existing
 18 ones already there, going to upgrade the substation out
 19 there on 97. Eventually they'll do that.

20 Who is going to stop it? Nobody. We have to
 21 stop this project and stop these things that's going on,
 22 going on, going on. If we don't put a stop to it, it
 23 will continue on. And I'm speaking for a lot of people
 24 in this county and in the city. There should have been
 25 a lot more here, but they're afraid to come because ↓

PM-15 cont.

1 scared going to lose your job, this will happen if you
 2 speak up. I don't particularly like that.

↑ PM-15
 cont.

3 If you sit down here at the Hi-Lo Cafe and some
 4 of the other places and you take a survey of these people
 5 traveling through 97 and you ask them what are you looking
 6 at when you come down 97? When we're coming from the
 7 north to south, looking at Mt. Shasta. They're not
 8 looking north at the poles. When heading south to north,
 9 we're not looking it poles on the left-hand side, we're
 10 looking at Mt. Shasta on the right-hand side.

PM-16

11 So the poles are insignificant to this whole
 12 project. It's just a scare tactic on PacifiCorp and
 13 what's going on. Get with the project, replace what
 14 they have, and Environmental Impact Report there would
 15 be no problem. It would have been done. But don't
 16 scare the people in this community. They're already
 17 scared enough.

18 Thank you very much.

19 MR. COVER: Thank you for your comments.

20 Michael Rourke.

21 MR. ROURKE: No comments at this time.

22 MR. COVER: Earl Wilson.

23 THE WITNESS: Good evening. Name is Earl
 24 Wilson, city administrator of Weed.

PM-17

25 The Weed City Council has had the issue of the

1 upgrade brought before them some time ago. The City
2 Council has taken action that they do approve of
3 increasing the availability and improving the reliability
4 of the system of which this upgrade is supposed to be
5 doing. The City has received the Draft EIR, the staff has
6 done a brief review.

7 The City has not received any residential
8 comments on this Draft EIR. I know it has received some
9 publicity. But no comments on any of the alternates have
10 been received.

11 In looking at the environmentally superior
12 alternative from the staff view, it states that the
13 alternatives, that the superior one has more viewers but
14 of a shorter duration.

15 Did need to take into consideration the route
16 does go through a long-established neighborhood in the
17 community. These residents will have a permanent view.
18 So it's not of a short duration, but theirs would be
19 permanent.

20 What I'm suggesting tonight is that the residents
21 in the neighborhood of this alternative be given a copy of
22 the proposal as it affects them so they become aware of
23 what is being proposed rather than having a project start
24 and they see it going on and then they find out during
25 construction that there is something that they maybe could

PM-
17
cont

1 have been aware of earlier and had an opportunity to
 2 comment.

↑ PM-17
 | cont.

3 I offer that suggestion for this evening. Thank
 4 you.

5 MR. COVER: Thank you for your comments.

6 That's the last comment card that I have.
 7 Anybody else that came in late that wants to submit a
 8 card?

9 MR. GOLTZ: You want me to submit a card?

10 MR. COVER: Or you can come up and introduce
 11 yourself. That will work. And see Jen afterwards.

12 MR. GOLTZ: I'm Carl Goltz, and I just had a
 13 couple comments that I wanted to make. One is if
 14 Mackintosh ALJ variation B is the environmentally
 15 superior option, I was wondering how they considered
 16 making two lines. So here we go along and drill and put
 17 a temporary pole line through there, and then we string
 18 it up, put our new line so we have to pull out the old
 19 poles and put in all new poles, then swing the line off
 20 the other one and tear all those poles out. That
 21 doesn't seem like that would be quite as environmentally
 22 sensitive as one where you just put the poles in one
 23 place and not have a temporary line in there.

PM-18
 ↓

24 And then also if you put it 15 feet to the south,
 25 that's really going to be in Seawell's yard. That's

1 another thing I wanted to comment is that in your EIR you
 2 have pictures where people are driving by, but you don't
 3 have a picture from their residence. You do from Pappas
 4 and from Lewis. But from Abbots and Seawell, it's right
 5 in their yard. Didn't even take a picture of that. And
 6 it's not passing, it's permanent. They'll be looking at
 7 that all the time.

PM-18 cont.

8 So that's basically the comments that I had to
 9 make. Thank you.

10 MR. COVER: Any other individuals want to
 11 comment?

12 Okay. Thank you very much. We appreciate your
 13 participation. Again, if you had comments that you didn't
 14 want to share in person tonight, please fill out a comment
 15 card and you can fax or mail it in.

16 MRS. MACKINTOSH: Could I say one more thing?

17 MR. COVER: Sure. Shorter than the first.

18 MRS. MACKINTOSH: I just want everybody here to
 19 know that the Mackintosh ALJ variation, that was
 20 PacifiCorp ESA -- whose idea, I don't know. It has
 21 nothing to do with us. They put our name on there, from
 22 what I understand, because they took ideas from
 23 option 5. But we do not appreciate having our name on
 24 somebody else's electrical plan.

PM-19

25 Thank you.

1 MR. COVER: Okay. Thank you again for your
2 time this evening. We appreciate your comments.

3 MR. ROSAUER: Thank you all for coming. I have
4 an extra copy of the Draft EIR if anybody would like to
5 take one home with them. I brought an extra one up.

6 MR. COVER: And if anybody -- if you know of
7 anybody who wants to get a copy, there's still two weeks
8 left in the review period. We sent out a lot of copies
9 to all the -- basically all the individuals that
10 commented at the scoping meeting received a hard copy,
11 as well as other people that have expressed an interest.
12 If you know of someone that doesn't have a copy and you
13 think needs to have one, you can use the phone number in
14 the NOA or use the e-mail address and we can get a copy
15 right out to them right away.

16 Okay. Thank you. Good evening.

17 (Meeting concluded at 7:31 p.m.)

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CERTIFICATE OF REPORTER

DECLARATION OF COURT REPORTER REGARDING CCP 237(a)(2)

I, CRAIG W. WOOD, a Certified Shorthand Reporter, licensed by the State of California, License No. 9789, being empowered to administer oaths and affirmations pursuant to Section 2093(b) of the Code of Civil Procedure, do hereby certify:

That the foregoing proceedings were taken in stenographic shorthand before me at the time and place herein stated, that said proceedings were taken before me in shorthand writing, and were thereafter transcribed under my direction by computer-aided transcription;

That the foregoing transcript constitutes a full, true, and accurate record of the proceedings which took place;

That I am not of counsel or attorney for any of the parties hereto, or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

I further declare that pursuant to the provisions of the Code of Civil Procedure section 237(a)(2) and to the best of my ability, personal juror identifying information has been redacted from those portions of the reporter's transcript governed by CCP 237(a)(2).

IN WITNESS WHEREOF, I have hereunto subscribed my signature.

DATED: September 10, 2007



CRAIG W. WOOD, RPR, CSR 9789

Letter PM – Public Meeting Comments

- Response PM-1 Please see Response E-1.
- Response PM-2 Please see Response E-2.
- Response PM-3 Please see Response E-3.
- Response PM-4 Please see Response E-4.
- Response PM-5 Please see Response E-5.
- Response PM-6 Please see Response E-6.
- Response PM-7 Please see Response E-6.
- Response PM-8 Please see Response E-8.
- Response PM-9 The commenter states that the DEIR incorrectly described Option 5 such that that alternative was eliminated from further analysis based on this incorrect description. The comment is a general statement and does not state a specific portion of Option 5 that was described incorrectly. Evidence in the record shows that the original description of Option 5 included using existing poles and hardware for its construction. As noted on page 3-27 and 3-28 of the DEIR, use of existing poles and hardware would result in that alternative failing to meet minimum technical requirements of CPUC General Order 95 as well as failure to meet electrical code requirements of the National Electric Safety Code. Consequently, Option 5 was eliminated from further consideration because it did not meet the screening criteria for technical feasibility. Responses to more specific comments regarding Option 5 by the commenter are provided below, in responses PM-12 and PM-13.
- Response PM-10 The commenter fears that installation of Pole 8/45 would damage the springs on their property, impacting their domestic and irrigation water supply. The commenter believes that the DEIR has not adequately disclosed or mitigated the potential harm caused by installing Pole 8/45. Please see Response G-17.
- Response PM-11 The commenter believes that the double-circuit vertical poles proposed as part of Mackintosh/ALJ Variations A and B (Poles 16/47 and 17/47) could be replaced with double-circuit horizontal arm poles, which would achieve the same objectives as a vertical double-circuit pole, but would be substantially shorter, thus eliminating significant visual impacts. Please refer to Response G-2.
- Response PM-12 The commenter states that Pole 5/48 could be replaced with a self-supporting steel pole, which would also result in a reduction in the height of the pole and

eliminate the need for guy wires, thereby eliminating significant visual impacts. Please see Response G-2.

The commenter also states that the DEIR should not have included his last name, Mackintosh, as part of the names of the Mackintosh/ALJ Variation A and Variation B alternatives. The commenter asserts that these alternatives propose visually prominent poles, such as Poles 16/47, 17/47, and 5/48, that were not part of the Option 5 alternative that the commenter proposed. Comment noted. Don and Judy Mackintosh have been involved throughout the public process for the Proposed Project. The Mackintosh Option 5 alternative was suggested by property owners Don and Judy Mackintosh. While the Mackintosh Option 5 alternative was eliminated from study for reasons including technical infeasibility (further described in the DEIR on page 3-27 through 3-28), the Mackintosh/ALJ Variation A and Variation B carried forward many of the Option 5 components, as well as components from the Option 4-ALJ3 alternative, but modified some of the technical and schedule constraints of the Mackintosh Option 5 and Option 4-ALJ3 alternatives.

- Response PM-13 The commenter states that the Option 5 alternative should not have been eliminated from analysis in the DEIR. The commenter states that because the Option 5 alternative would not use as many steel poles as the proposed alternatives evaluated in the DEIR, PacifiCorp would be able to afford another transformer in the Weed Substation which would provide support at 69 kV to Line 2. As described in the DEIR Chapter 3, *Alternatives and Cumulative Project*, Section 3.5.2, *Mackintosh Option 5*, page 3-27 to 3-28, the Mackintosh Option 5 alternative was eliminated because (1) this alternative does not meet the criteria for technical feasibility, (2) a substantial additional footprint would be required at the Weed Substation to accommodate the additional permanent transformer and hardware, which would require property to be purchases from adjacent landowners, and (3) the removal of the 69 kV line between the Weed Junction and Weed Substations would eliminate PacifiCorp's ability to provide support at 69 kV to Line 2 at Weed Junction resulting in reduced system reliability and failure to meet project objectives.
- Response PM-14 Comment noted. Impacts related to increased rates from PacifiCorp are outside the scope of CEQA. According to CEQA Guidelines Section 15131, economic and social effects of a project, even if demonstrated, shall not be treated as significant environmental effects. Economic or social effects may be considered only if demonstrated physical changes could result. Beyond speculation, the comment demonstrates no such physical changes.

Response PM-15 The commenter generally supports constructing the project in the existing right of way as the views from Highway 97 are already impacted. The commenter also states that citizens are being scared into thinking they will lose their jobs if they do not support the Proposed Project. Comment noted.

Response PM-16 The commenter reiterates support for replacing the transmission line in the existing ROW. The commenter also declares that the visual impact along Highway 97 would be minimal because people generally look at Mount Shasta to the south rather than the transmission line paralleling Highway 97 to the north. The commenter is referred to DEIR Section 4.1, *Aesthetics*, pages 4.1-17 through 4.1-36 for a detailed discussion regarding why the visual impact of the alternative routes along Highway 97 would be significant.

Response PM-17 The commenter generally supports the proposal to upgrade the transmission line to supply power to the City of Weed. The commenter states that the City of Weed has not received any comments on the DEIR. The commenter raises concerns regarding the visual impact of the Weed Segment that would run through a long-established neighborhood and suggests giving the residents of this neighborhood copies of the DEIR before the project is constructed.

The public was given several notices with ample opportunities to review and comment on the Weed Segment:

On April 13, 2007, pursuant to the State CEQA Guidelines (Sections 21080.4 and 15082(a)), the CPUC mailed a Notice of Preparation (NOP) for the Proposed Project to responsible and trustee agencies and to other interested parties, including surrounding properties within 1,500 feet of the Proposed Project, Weed Segment, and any of the proposed alternative routes. The NOP solicited both written and verbal comments on the EIR's scope during a 30-day comment period and provided information on a forthcoming public scoping meeting. The CPUC held one public and agency scoping meeting at the College of the Siskiyous Theatre Building, Weed, California on May 2, 2007 from 6:30 p.m. to 8:30 p.m. to solicit verbal comments on the scope of the EIR. In addition, the CPUC published the notice in the *Mount Shasta Herald*, *Weed Press*, and *Dunsmuir News* (newspapers with regional distribution in southern Siskiyou County) on Wednesday, April 25, 2007 and Wednesday, May 2, 2007. An electronic copy of the NOP was posted on the CPUC project website, www.yreka-weed.com as well.

On July 31, 2007, the Notice of Availability (NOA) of a DEIR was mailed to responsible and trustee agencies and to other interested parties, including surrounding properties within 1,500 feet of the Proposed Project, Weed Segment, and any of the proposed alternative routes. Copies of the complete DEIR were sent to the Weed and Yreka Branches of the Siskiyou County

Library. The NOA solicited both written and verbal comments on the DEIR during a 45-day comment period and provided information on forthcoming public comment meeting. The meeting was held in the same location as the scoping meeting on August 28, 2007 from 6:30 p.m. to 8:30 p.m. In addition, the CPUC published the notice in the *Mount Shasta Herald*, *Weed Press*, and *Dunsmuir News* on Wednesday, August 15, 2007 and Wednesday, August 22, 2007. An electronic copy of the NOA was posted on the CPUC project website, www.yreka-weed.com as well.

The noticing and opportunity for public review and comment described above fully comply with CEQA requirements. Therefore, an additional public meeting is not warranted.

Response PM-18 The commenter questions how the Mackintosh/ALJ Variation B could be more environmentally superior to the proposed project, as the Mackintosh/ALJ Variation B would construct *two* transmission lines over four months and the proposed project would construct *one* transmission line in the same time period. Please see Response F-3.

The commenter also questions since visual simulations were done from residential view points for the Proposed Project, why then were visual simulations were not prepared from the Seawell and Abbott's private residences, as one of the proposed alternatives (Option 4) would permanently pass through their yards.

Visual simulations were prepared to disclose to the public and decision-makers the visual impacts of the Proposed Project. In order to prepare the visual simulations, the visual resources analyst needed to select viewpoints which were representative of the area's visual character and through which the Proposed Project would be constructed. Since the 1.2-mile new ROW of the Proposed Project would be visible from only a limited number of public vantage points, private vantage points were included in the analysis to provide the reader with appropriate visual context of the potential impacts associated with the Proposed Project. On the other hand, the three alternative alignments would generally parallel Highway 97 and several representative public vantage points were available from which to prepare visual simulations; therefore, private vantage points were not necessary to prepare the visual analysis of the alternative alignments. As presented, the visual simulations of the Proposed Project and alternative alignments provide the reader with balanced representation of the respective potential visual impacts.

Response PM-19 The commenter disapproves of attaching her last name to the Mackintosh/ALJ Variation A and Variation B alternatives. Comment noted; please see Response PM-12.