

CHAPTER 2

Comments and Responses

2.1 Introduction

This chapter includes copies of the comment letters received during the public review period on the Draft MND and the responses to those comments. A total of five comment letters were received from agencies, organizations, and individuals in response to the Draft MND for PacifiCorp's Yreka-Weed Transmission Line Upgrade Project application (A.05-12-011).

2.2 List of Comment Letters Received

The comment letters received on the Draft MND are listed below in Table 2-1 in order of their arrival. Each comment letter has been assigned a corresponding alphabet letter designation.

**TABLE 2-1
LIST OF COMMENTERS**

Letter	Commenter	Date
A	California Department of Transportation	September 13, 2006
B	County of Siskiyou	September 28, 2006
C	Goodin, MacBride, Squeri, Ritchie & Day, LLP (on behalf of PacifiCorp)	October 2, 2006
D	Meyers Nave Riback Silver & Wilson, PLC (on behalf of Don and Judy Mackintosh)	October 2, 2006
E	Testimony of Leonard and Barbara Luiz	October 2, 2006
F	Public Meeting Comments	September 20, 2006

It should be noted that testimony submitted by Don and Judy Mackintosh pursuant to the CPUC evidentiary hearings also included some comments and statements regarding the potential environmental impacts of the Proposed Project and Weed Segment. However, the written comments on the Draft MND submitted by Meyers Nave on behalf of Don and Judy Mackintosh (Letter D) fully include the subject matter of the Mackintosh's comments.

2.3 Responses to Comments

This section contains responses to all of the substantive comments received on the Draft MND during the public review period from September 1, 2006 through October 2, 2006. 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.

All changes to the Draft MND for clarification or amplification are described in the response and referred by the page number on which the original text appears in the Draft MND. Added text is underlined; deleted text is ~~stricken~~.

2.4 Public Meeting Comments and Responses

A public meeting was held on September 20, 2006 at 6:30 pm at the College of the Siskiyous, 800 College Avenue, McCloud Hall, Room 3, Weed, California. Attendees were: John Boccio (CPUC), Doug Cover and Christal Love (ESA), several representatives of PacifiCorp, and several members of the public. During the meeting, commenters were encouraged to submit follow-up written comments so that the full text and intent of their comments could be documented and addressed. Some commenters did provide written comments (noted above in Section 2.2), but some did not. Verbal comments made at the public meeting were documented to the extent possible. A summary of the verbal comments, and responses to those comments, are presented following the last comment letter in this section and denoted as Letter F.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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IGR/CEQA Review
 Sis-5 & 265-Admin
 PacifiCorp Yreka-Weed Transmission Line Upgrade
 Mitigated Negative Declaration
 SCH# 2006092006

September 13, 2006

Mr. John Boccio
 California Public Utilities Commission
 505 Van Ness Avenue
 San Francisco, CA 94102

Dear Mr. Boccio:

The California Department of Transportation (Department) has reviewed the Draft Initial Study (DIS) / Mitigated Negative Declaration (MND) submitted on behalf of PacifiCorp to construct approximately 18.6 miles of 115 kilovolt, single-circuit transmission line. The project is located between the Yreka and Weed Junction Substations, which incorporates portions of Interstate 5 (I-5) & State Route 265 (SR-265) within its boundaries of planned upgrades.

A-1

In addition to the mitigation measures that are identified in the DIS / MND, a Caltrans encroachment permit is required. For more information regarding encroachment permit fees or the encroachment permit process, the applicant may contact the District 2 Permits Office located at 1657 Riverside Drive in Redding. The telephone number is (530) 225-3400. Encroachment permit applications are also available from the Caltrans website at www.dot.ca.gov.

Thank you for the opportunity to provide comments on the proposed project. If you have any questions, or if the scope of this project changes, please call me at 225-3434.

Sincerely,

SANDY PORTER
 Local Development Review
 Office of Community Planning

cc: State Clearinghouse

"Caltrans improves mobility across California"

Letter A – California Department of Transportation

Response A-1 The text of the MND, Table 1-7, Summary of Permit Requirements, specifies that an encroachment permit would be necessary for crossings of Interstate 5; however, since construction of the Proposed Project or Weed Segment would not occur within proximity of State Route 265, an encroachment permit would not be necessary for that State Route.



COUNTY OF SISKIYOU

Comment Letter B

Planning Department

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WAYNE VIRAG
DIRECTOR

September 28, 2006

Mr. John Boccio
Yreka-Weed Transmission Line Upgrade Project
-c/o- Environmental Science Associates
225 Bush Street, Site 1700
San Francisco, CA 94104

Subject: Comments on Notice of Intent to Adopt a mitigated Negative Declaration -
PacifiCorp's Yreka to Weed Transmission Line Upgrade Project

Dear Mr. Boccio:

Thank you for sending a copy of the proposed Mitigated Negative Declaration (MND) to the Siskiyou County Planning Department. The County of Siskiyou has reviewed the proposed MND. While we are pleased that PacifiCorp is planning to upgrading these facilities, we are concerned about certain aspects of the project and the document.

By its own admission, the MND identifies numerous potentially *significant* environmental impacts related to the following county resources:

- Aesthetics
- Agricultural resources
- Air Quality (construction-related)
- Biological resources
- Cultural resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use, Plans, and Policies
- Noise
- Public Services
- Transportation and Traffic

While the County is concerned about any potentially significant effects on our unique natural, cultural, and human resources, our biggest concern is that each of these impacts may not be adequately mitigated, as required by CEQA. By definition, a MND can only be prepared when the mitigation measures are so certain that they would

B-1

“avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur” (CEQA Guidelines Section 15369.5) That Guidelines section further states that such mitigation measures must be agreed to by the project applicant before the proposed negative declaration and initial study are released for public review.”

↑
B-1

Unfortunately, as currently written, many of the mitigation measures are quite vague and uncertain so as to be lacking the necessary clarity and certainty to support a MND. In other cases, the details of the mitigation measures are deferred to the future, a clear violation of CEQA’s requirements. Not only do many of the measures fail to meet CEQA’s standards for adequate mitigation, but they leave the County vulnerable to some of the potentially significant environmental impacts not mitigated, thereby adversely affecting our natural, cultural and human resources. Our specific concerns about some of the mitigation measures are explained in more detail in Attachment A.

↑
B-2

We urge you to develop more specific and detailed mitigation measures to ensure that Siskiyou County’s resources will be protected if and when the project is approved and implemented. Alternatively, if the CPUC and the applicant cannot develop adequate and feasible mitigation measures, we request then the CPUC prepare an EIR as required by CEQA in situations where a project’s impacts cannot be mitigated to a less-than-significant level.

↑
B-3

Thank you for the opportunity to comment. If you have any questions, or would like to discuss our comments, please contact me or contract planner Christy Corzine at 530/842-8200.

Sincerely,

Terry Barber
Interim Planning Director

TB:cac

Attachment: Detailed comments

Attachment A

County of Siskiyou Detailed Comments on Notice of Intent to Adopt a Mitigated Negative Declaration PacificCorp’s Yreka-Weed Transmission Line Upgrade Project

The following are our detailed comments on the above referenced document. Our comments, which are presented by topic, focus on the inadequacy of many of the mitigation measures.

Aesthetics

Impact 2.1-2: The Proposed Project (Poles 11 and 12) could affects views from a limited portion of Hoy Road

Mitigation Measure 2.1-1 –2(a): Poles shall be sited to minmize potential effects on views from Hoy Road. Siting critera shall include the following:

1. *Where feasible*, set back poles from the edge of the roadway so as to reduce their visibility
2. locate poles to *take advantage of opportunities* for screening provided by existing vegetation
3. locate poles to *minimize the degree* of skylining

Comment – The use of the phrase “where feasible” allows too much discretion to the applicant and does not assure that the poles will actually be set back from the roadway. The phrase “take advantage of opportunities” is vague and uncertain. If no such opportunities were present on the applicable parcel, then the significant visual impact would go unmitigated.

The phrase “minimize the degree of” skylining is also vague and uncertain. If there are not background trees into which the poles would visually blend, then the significant visual impact would go unmitigated.

Impact 2.1-3: The Proposed Project (Poles 13 and 14) could affect views from nearby private residential property

Mitigation Measure 21.-3a: Poles 12-14 shall be sited to minimize potential effect on view from the 5026 Hoy Road residential property. Siting criteria



shall include:

1. *Where feasible*, locate poles to take advantage of available opportunities for screening provided by nearby, foreground existing vegetation
2. Locate poles to *minimize the degree of skylining*

Comment – As noted above, the phrases “where feasible” and “minimize the degree of” are vague and uncertain, leave too much discretion project applicant, and may result in significant, unmitigated impacts

B-6

Biological Resources

Impact 2.4-1: Construction activities could potentially impact habitat elements such as dens and burrows and transient wildlife in the area of project disturbance. These resources may have special status (or support species with special status), which would be a significant impact....

Mitigation Measure 2.4-1

1. An ongoing environmental education program for construction crews shall be conducted before beginning work....
2. Vehicles shall be restricted to established roadways and identified access routs
3. A biological monitor shall be on site during construction.... The monitor shall have the authority to stop activities...
4. The biological monitor shall delineate and mark for avoidance in the field all known sensitive resources locations... If the monitor determines that project activities may adversely affect the species, the monitor *shall consult with USFWS and/or CDFG regarding the appropriate avoidance and mitigation measures*
5. *Photo documentation of preconstruction habitat conditions shall occur....*
6. Trash, dumping, firearms and open fires, hunting, and pets shall be prohibited....

B-7

Comment – Item # 4 is “deferred mitigation” and is not appropriate when using a MND because there is no certainty or commitment as to what the mitigation would be. The consultation with regulatory agencies should occur during the CEQA process and the parameters of possible mitigation measures must be developed, disclosed and committed to support an MND. Deferral of identification of potential impacts and mitigation measures until construction begins is not appropriate for an MND. Item # 5, simply taking photographs, does nothing to solve the potential problem of the impact. We suggest adding further stipulations to the mitigation measure, such as, “restoring contours and habitat to pre-construction conditions, or better will be required.”

Impact 2.4-3 - Construction activities could potentially spread noxious or invasive weeds into the Project and Weed Segment areas....

Mitigation Measure 2.4-3: PacificCorp shall develop and implement a Noxious Weed and Invasive Plant Control Plan, consistent with standard BMPs (see Caltrans Handbook). The plan shall be reviewed and approved by Siskiyou County and by the CPUC and shall, at a minimum, address any required cleaning of construction vehicles to minimize spread of noxious weeds and invasive plants.

Comment – This is classic “deferred mitigation” and is inappropriate to support a MND. To be legally adequate, the basic parameters of the plan should be developed and disclosed in the MND, not after project approval. BMPs should be listed, or at least incorporated by reference pursuant to CEQA. In addition, the mitigation measure only requires preparation of a plan. The measure should be revised to include the requirement to implement the approved plan.

B-8

Impact 2.4-9 Several poles ... are located within potential wetland areas...

Mitigation Measure 2.4-9 : In order to avoid impacts to wetland areas, final design of the transmission line and access road shall incorporate the results of the wetland delineation, and the proposed Project and Weed Segment shall be designed to avoid disturbance of any wetland.....

Where complete avoidance is not feasible, due to engineering constraints, the area of wetland disturbance shall be minimized by alternative specific locations of poles and access roads. Prior to any wetland disturbance, all appropriate permits shall be obtained....

Comments – This mitigation measure is unclear and uncertain. Since the wetland delineation is already completed, failure to take it into consideration in pole and access road location as a part of the MND is “deferred mitigation”. The information is known and should be disclosed and used to make refinements to the project design to avoid and minimize impacts to sensitive wetland resources. If wetland impacts cannot be avoided, then on- or off-site compensating mitigation should be developed in consultation with the appropriate responsible agencies.

B-9

Hazards and Hazardous Materials

Impact 2.7-1 – Use of Hazardous materials ... could pose a potential hazard if

B-10

improperly used or inadvertently released.

Mitigation Measure 2.7 –1b: Prepare a Hazardous Substance Control and Emergency Response Plan...

Mitigation Measure 2.7-1c: Prepare a Health and Safety Plan

Mitigation Measure 2.7-1 d: Prepare a Worker Environmental Awareness Program

Comment – All three of these measures are “deferred mitigation” and inappropriate to support an MND. The plans should already be developed and their basic parameters known in order to conclude that they would mitigate any hazardous material problems. In addition, the mitigation measure should be revised to add the requirement for the contractor to actually implement the plans, before, during, and after construction, or as appropriate. The mere preparation of plans does nothing to mitigate for the potential impacts.

B-10

Impact 2.7-2 – Construction activities could release previously unidentified hazardous material into the environment.

Mitigation Measures – same as 2.7-1b,c and d .

Comment – same as above.

B-11

Transportation and Traffic

Impact 2.15-1: Project construction activities could adversely affect traffic and transportation conditions in the area

Mitigation Measure 2.15-1d – PacifiCorp shall coordinate with Caltrans, Siskiyou County, City of Weed, and any other appropriate entity, regarding measures to minimize the cumulative effects of simultaneous construction activities

Comment – CEQA requires that cumulative impacts, including traffic impacts, be considered in an MND, not afterwards. CPUC and applicant should coordinate now with these other agencies and identify, in the MND, if any cumulative construction impacts would occur. Additionally, CPUC must address they question of whether this project would make a considerable contribution to such impacts.

B-12

Other concerns

There are two additional mitigation measures that must be added to the MND that were not disclosed in the document, to reduce impacts related to facility construction and maintenance.

Impacts related to Easement Compliance

Comment - In the past, PacifiCorp has not always stayed within their easement during construction and maintenance of some of their facilities in Siskiyou County. This has resulted in nuisances to neighboring landowners such as truck traffic driving on private roads and across private property without the knowledge or approval of the landowners, tree trimmings and branches being piled up on private land, and related problems.

B-13

Additional Mitigation Measure

CPUC should require that PacifiCorp conduct all of its construction activities within its designated easement. If for unforeseen circumstances, construction activities must leave the easement, then PacifiCorp shall be required to obtain advance approval from the adjacent landowners and the County.

Impacts Related to Seasonal Timing of Construction

Comment - In the past, during power line installation, PacifiCorp has constructed its facilities during the rain/snow season and when the ground was very wet. This has sometimes resulted in trucks getting mired in mud, damage to wetlands, and unnecessary sedimentation and runoff into local waterways within the Shasta Valley.

B-14

Additional Mitigation Measure

All ground-disturbing construction activities will be limited to dry seasons

Letter B – County of Siskiyou, Planning Department

- Response B-1 The commenter generally provides an overview of impacts defined in the MND that could be potentially significant, and raises concerns about the adequacy of mitigation measures within the CEQA document. To address those concerns, specific mitigation measures, noted by the County in subsequent comments, are further clarified below.
- Response B-2 The commenter reiterates concerns regarding the adequacy of certain mitigation measures (See Response B-1, above), and further raises concerns of deferred mitigation. To address those concerns, specific mitigation measures, noted by the County in subsequent comments, are further clarified below.
- Response B-3 The commenter reiterated concerns regarding the specificity and detail of proposed mitigation measures. To address those concerns, specific mitigation measures, noted by the County in subsequent comments, are further clarified below.
- Response B-4 It is assumed that detailed siting of Poles 11 and 12 would be determined during the final engineering stage of the project. Mitigation Measure 2.1-2a, Page 2.1-43 of the MND, applies to the final design phase. Field observation and review of aerial photographs indicate that there are opportunities for existing vegetation screening on the east (right) side of Hoy Road. Landscape backdrop refers to both vegetation and landform. As shown on Figure 2.1-9b, considerable opportunities for landscape backdrop are present, particularly on the west (left) side of the Hoy Road. In order to clarify and ensure compliance with the intent of Mitigation Measure 2.1-2a the text has been modified to the following:
- Mitigation Measure 2.1-2a:** During final design, Poles 11 and 12 shall be sited to minimize potential effects on views from Hoy Road. Siting criteria shall include the following: 1) where feasible, set back poles from the edge of the roadway so as to reduce their visibility; 2) locate poles to take advantage of available opportunities for screening provided by existing vegetation; and 3) locate poles to minimize the degree of skylining. Final design/placement of Poles 11 and 12 shall be submitted, reviewed and approved by the CPUC prior to commence of construction.
- Accordingly, in Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, Page 5-6, the “Timing” of compliance has been modified as follows:
- Prior to and ~~D~~during construction at Poles 11 and 12.
- Response B-5 Please see Response B-4

Response B-6 Please see Response B-4, as the same rationale for clarification applies to Poles 12 through 14; therefore, Mitigation Measures 2.1-3a is as follows:

Mitigation Measure 2.1-3a: During final design, Poles 12 through 14 shall be sited to minimize potential effects on views from the 5026 Hoy Road residential property. Siting criteria shall include the following: 1) where feasible, locate poles to take advantage of available opportunities for screening provided by nearby, foreground existing vegetation and 2) locate poles to minimize the degree of skylining. Final design/placement of Poles 12 and 14 shall be submitted, reviewed and approved by the CPUC prior to commence of construction.

Accordingly, in Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, Page 5-6, the “Timing” of compliance has been modified as follows:

Prior to and During construction at 12 through 14.

Response B-7 Regarding Item #4, commenter refers to buffer areas around sensitive resources (such as dens). In our professional opinion, we have found that the wide variety of species and their tolerances to disturbance is sometimes better left to a case-by-case analysis. However, **Mitigation Measure 2.4-1**, Item #4, Page 2.4-10 of the MND has been revised to clarify the measures as follows:

- 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, presuming they may be present but not visible at the time installation occurs. If special-status species are located prior to or during work activities, construction personnel shall contact the biological monitor. If the monitor determines that project activities may adversely affect the species, ~~the monitor shall consult with USFWS, and/or CDFG regarding appropriate avoidance and mitigation measures.~~ a 50-foot buffer shall be established around any sensitive resource unless it can be shown that no individual 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 sandbag until project work is complete in the area).

Regarding Item #5, the intent of photos being taken is for the basis of establishing the differences between pre- and post-project conditions, as described elsewhere in the MND. In order to clarify this intent, **Mitigation Measure 2.4-1**, Item #5, Page 2.4-21 of the MND, now states the following:

- All disturbed areas will be restored to pre-project conditions including re-contouring and replanting, as described elsewhere in this MND. To ensure this is the case, photo documentation of preconstruction habitat conditions shall occur at all construction locations within sensitive habitat prior to the start of work, as well as immediately after construction activities and after the site is restored.

Response B-8

The commenter raises concerns that Mitigation Measure 2.4-3, Page 2.4-22, pertaining to Noxious Weed and Invasive Plant Control Plan, is deferred mitigation. Deferred mitigation is defined in basically three forms: (1) defer essential environmental studies to the future rather than conducting them during preparation of the CEQA document; (2) describing a mitigation measure in very general, conceptual terms with details deferred to the future; and (3) identifying a “menu” of possible mitigation measures and deferring the selection of a preferred measure to the future.

Mitigation Measure 2.4-3 does not meet any of the above forms of deferred mitigation. Moreover, the basic parameters of the required plan are clearly defined within the measure which specifically requires the applicant to develop a Noxious Weed and Invasive Plant Control Plan consistent with the CalTrans Handbook, which has extensive BMPs. Furthermore, as noted within the comment itself, CEQA allows incorporation of BMPs by reference.

Regarding the need to modify the measure to include implementation of the approved plan, Mitigation Measure 2.4-3 specifically states “PacifiCorp shall develop *and implement* a Noxious Weed and Invasive Plant Control Plan...” (emphasis added). Therefore, this mitigation measure is not deferred mitigation and there are no changes needed.

Response B-9

Wetland impacts would be temporary, and in the vast majority of cases can be avoided by re-routing or with the use of driving maps at wetland crossings. The flexibility in a project such as this may appear to the commenter as vagueness, while in fact it allows for nearly complete avoidance of wetlands. However, in order to clarify the measure and provide more specific details **Mitigation Measure 2.4-9**, Page 2.4-26 of the MND now states the following:

- Where complete avoidance is not feasible due to engineering constraints, the area of wetland disturbance shall be minimized by altering specific locations of poles and access roads at the final design stage. Prior to any wetland disturbance, all appropriate permits shall be obtained in accordance with Section 404 of the Clean Water Act, and/or Section 1600-1607 of the California Fish and Game Code. Prior to any unavoidable disturbance to wetlands,

application shall be made to the Corps for a permit under Nationwide Permit 12 (Utility Installation) (if the amount of disturbance is greater than 0.1 acres, the lower limit of reporting) and/or to the California Department of Fish and Game Section 1600-1607 of the California Fish and Game Code. These permits would require a series of compensatory actions, such as fully restoring hydrology, replanting, or improving wetland habitat in the vicinity (e.g., removal of non-native vegetation).

Accordingly, the “Timing” portion of Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, Table 5-1, pertaining to Mitigation Measure 2.4-8 has been modified as follows:

Prior to and During all phases of construction.

- Response B-10 See discussion of types of deferred mitigation above (Response B-8); note that these mitigation measures do not fall under any category of deferred mitigation. Furthermore, Mitigation Measures 2.7-1b, 1c and 1d, Page 2.7-10 do all require the applicant to “prepare and implement” and/or “establish and deliver” said plans; therefore no changes are needed.
- Response B-11 Please see Response B-10
- Response B-12 Section 2.17, *Mandatory Findings of Significance*, does analyze the potential for cumulative effects (including traffic) associated with the Proposed Project and Weed Segment (See Table 2.17-1). Note that Mitigation Measure 2.15-1d, Page 2.15-8 was included to ensure that if any changes were to occur with regards to construction timing that coordination with said agencies would occur.
- Response B-13 The scope of the MND pertains to activities associated with the current Proposed Project and Weed Segment. PacifiCorp must comply with all mitigation measures contained in MND. This includes conducting work within rights-of-way or designated access roads identified in the MND. Compliance with the measures would be monitored by CPUC-designated Mitigation Monitors. Should PacifiCorp fail to comply with these mitigation measures, then the CPUC has the authority to halt any construction, operation, or maintenance activity as stated on Page 5-6 of the MND.

“Enforcement and Responsibility

The CPUC is responsible for enforcing the procedures for monitoring through the environmental monitor. The environmental monitor shall note problems with monitoring, notify appropriate agencies or individuals about any problems, and report the problems to the CPUC. The CPUC has the

authority to halt any construction, operation, or maintenance activity associated with the project if the activity is determined to be a deviation from the approved project or adopted mitigation measures. The CPUC may assign its authority to their environmental monitor.”

With regard to compliance with pre-existing landowner access agreements or easements, that would be a matter of law outside the scope of the CEQA process. Compliance with laws would be expected, but cannot be adopted as a mitigation under CEQA.

Response B-14 Please see Response B-13

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October 2, 2006

Mr. John Boccio
Yreka-Weed Transmission Line Upgrade Project
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

Re: A.05-12-011; PacifiCorp's Comments on DMND

Dear Mr. Boccio:

Enclosed please find PacifiCorp's comments on the Draft Mitigated Negative Declaration in A.05-12-011. Please advise if you have any questions regarding these comments.

Very truly yours,

/s/ John L. Clark

John L. Clark

Enclosures

**COMMENTS OF PACIFICORP ON
DRAFT MITIGATED NEGATIVE DECLARATION
[PacifiCorp’s Yreka-Weed Transmission Line Upgrade Project (A.05-12-011)]**

Mitigation Measure 2.1-1a: Landscaping shall be installed outside the perimeter fence at the Weed Substation to partially screen views from Highway 97 and to integrate the Weed Substation’s appearance with the surrounding landscape. Additional landscaping shall also be installed along the roadside, north and east of the substation, to partially enclose roadway views and to partially screen views toward the transmission poles seen along the skyline. All plant material shall be appropriate to the local setting and shall be consistent with Public Resources Code Section 4292 for vegetation located in proximity to transmission facilities.

Comments: There is not sufficient room between the Highway 97 R.O.W. and the transmission lines in front of the substation to plant trees large enough to obscure sky-line views. Plantings of shrubs and smaller trees may be possible to help screen the substation and soften the impact of the transmission poles at ground level, but they must be limited in height to avoid overhead lines.

PacifiCorp believes that the requirement to install landscaping along the roadside “north and east of substation” should be “south and east.” The north side of the substation is a slope without access to view the substation.

C-1

Mitigation Measure 2.1-1b: Where visible from Highway 97, perimeter fencing at the Weed Substation shall incorporate aesthetic treatment through use of attractive, non-reflective materials in order enhance its aesthetic appearance.

Comments: PacifiCorp proposes to meet this mitigation measure by installing a chain link fence with vinyl slats (usually light brown). If a different alternative is preferred, PacifiCorp would request clarification as to the nature of materials that would be deemed to comply with the requirement.

C-2

Mitigation Measure 2.1-2b: In consultation with the Siskiyou County Public Works Department and/or private property owners, trees/shrubs shall be installed individually or in informal groupings to partially screen close range unobstructed views of the new poles as seen from Hoy Road. 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. After Poles 11 and 12 are in place, the CPUC mitigation monitor shall review the effectiveness of Mitigation Measure 2.1-2a, to determine whether Mitigation Measure 2.1-2b is needed.

C-3

PacifiCorp’s Comments on Draft MMRCP

September 29, 2006

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Comments: If Mitigation Measure 2.1-2b is required, PacifiCorp proposes to meet with the property owner/Public Works Department, followed by providing a sketch with the types and quantities of plants for comments. PacifiCorp requests clarification as to whether this will meet the consultation requirement. Also PacifiCorp requests clarification as to whether it is required to install new trees, shrubs, or other plant material if the property owner/Public Works Department requests that it not do so. Finally, PacifiCorp understands the intent of this measure as requiring plantings to be made close to the poles in order to soften and provide partial screening, and not as requiring the planting of screening material adjacent to, and along Hoy Road, which would interfere with views. If this understanding is incorrect, PacifiCorp requests clarification of this measure.

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C-3

Mitigation Measure 2.4-1: PacifiCorp shall apply the following general measures to avoid or minimize impacts to biological resources:

- An ongoing environmental education program for construction crews shall be conducted before beginning the site work and during construction activities. Sessions shall include information about the federal and State endangered species acts, the consequences of noncompliance with these acts, identification of special-status species and wetland habitats (including waterways), and review of mitigation requirements.
- Vehicles shall be restricted to established roadways and identified access routes.
- A biological monitor shall be on site during construction activity to provide preconstruction clearance wherever ground is disturbed, as well as to ensure implementation of, and compliance with, mitigation measures as described below. The monitor shall have the authority to stop activities and determine alternative work practices in consultation with construction personnel, if construction activities are likely to impact special-status species or other sensitive biological resources.
- 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, presuming they may be present but not visible at the time installation occurs. If special-status species are located prior to or during work activities, construction personnel shall contact the biological monitor. If the monitor determines that project activities may adversely affect the species, the monitor shall consult with USFWS, and/or CDFG regarding appropriate avoidance and mitigation measures.
- Photo documentation of preconstruction habitat conditions shall occur at all construction locations within sensitive habitat prior to the start of work, as well as immediately after construction activities.

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C-4

PacifiCorp’s Comments on Draft MMRCP

September 29, 2006

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- Trash, dumping, firearms, open fires, hunting, and pets shall be prohibited in the project areas.

Comments: Training will be provided to senior construction crew members one week prior to the start of construction and other crew members will receive training when they are added to the project. Otherwise all crew members would have to be on location for a week prior to the start of the project.

↑
C-4

Regarding the biological monitor, PacifiCorp assumes this is referring to PacifiCorp’s biological monitor and not the one hired by the CPUC. We would like clarification that the monitor needs to be on site only when work is being done in sensitive areas.

C-5

Comments: Pre-construction surveys should only be required in areas of suitable habitat. Additionally, the “no-disturbance” buffer radius of 0.5 mile may be reduced and the timing restriction lifted prior to August 15 based on an evaluation by a qualified biologist of the sensitivity of the birds to the project disturbance. Any reduction of the 0.5 mile buffer or lifting of construction buffer prior to August 15 must be approved by CDFG (letter from Donald Koch, CDFG, dated Nov. 4, 2005).

C-6

February 15 is early for a typical start to the nesting season. According to CDFG, the typical nesting season is between April 1 and August 15 (letter from Donald Koch, CDFG, dated Nov. 4, 2005).

C-7

If construction work is ongoing in the project area prior to February 15 and nesting birds are present, even with construction activities, then it would seem that the birds are habituated to the construction activity. PacifiCorp would propose to monitor the birds and active nests during the active nesting period to insure that the construction activities are not disrupting nesting. The monitoring will be performed in coordination with the greater Sandhill crane and Swainson’s hawk surveys.

C-8

Mitigation Measure 2.4-6: Construction crews shall halt activities whenever an 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.

Comments: PacifiCorp does not believe that this measure reflects current bald eagle management guidelines. If construction work is ongoing in the project area prior to a bald eagles presence within 100 yards of construction activity, then it would seem that the birds are habituated to the construction activity. PacifiCorp would propose to monitor the bird’s activities to ensure that the construction activities are not disrupting.

C-9

PacifiCorp’s Comments on Draft MMRCP

September 29, 2006

4 of 4

Mitigation Measure 2.4-7: Construction activities within mule deer winter range (i.e., south of Pole 4/44 and including the Weed Segment) shall not be permitted between November 15 and March 15 to minimize the potential for mule deer disturbance and/or displacement.

Comments: As it is likely that PacifiCorp will not have approval to work on the south of Hoy Rd segment until after November 15, the start of mule deer wintering season, PacifiCorp would like to be able to work with California Fish and Game Department either to identify more accurately the wintering range, or receive permission to work in the area if mule deer are not present so that some work may be completed prior to the end of mule deer wintering season.

C-10

Mitigation Measure 2.4-8: PacifiCorp shall survey for nesting cranes north of the Shasta River crossing for a period of three years after construction. The surveys shall be conducted weekly within 0.5 miles of the line in May and June, by helicopter if landowner access is denied. As an additional component of the crane mitigation, behavioral observations of flights between known nests and feeding areas shall be conducted to determine areas where cranes cross the line. The surveys shall be done in consultation with CDFG, and the results used to determine areas where the powerline shall be marked to increase visibility. Power line markers (orange plastic globes) placed at key locations were successful in eliminating collisions and mortality a Modoc National Wildlife Refuge (CDFG, 1994); yellow aviation balls with black vertical stripes were similarly successful in Nebraska (Moorkill and Anderson, 1991). Marker type and location where they would be installed shall be coordinated with CDFG.

C-11

Comments: Per PacifiCorp Standard EV-121 (copy attached), PacifiCorp has two standard bird diverters. Research has shown that these are more effective than aviation balls, are easier to install, and last longer. PacifiCorp would like to use these in place of aviation balls and would like the option of installing them in coordination with CDFG where Sandhill Crane nests are identified following pre-construction surveys rather than performing surveys for three years.

Bird Diverter—Conductor-Mounted



May be used
In raptor areas

EV 121

RCMS Code: BA

Type	Conductor Size	OD (inches)	SI#	Code
Bird Flight Diverter	#6, 4 CU, 8, 6 CWD	0.175-0.249	1010208	... A
Bird Flight Diverter	#2, 4 AAAC/ACSR, 250 CU	0.250-0.349	1010209	... B
Bird Flight Diverter	1/0 AAC/ACSR, 1/0, 2/0 CU, #2 AWAC	0.350-0.449	1010210	... C
Bird Flight Diverter	4/0 AAC/ACSR, 1/0, 4/0, 250 CU	0.450-0.599	1010211	... D
Firefly	#4 or larger	up to 2.76"	7991245	... E

Scope

This standard provides information regarding the installation of conductor-mounted bird diverters (fireflies & bird flight diverters) for the prevention of bird collisions and associated outages. Fireflies may also be used to prevent flocks of birds (particularly starlings) from perching or roosting on conductors or static wires.

Standard References

- EV 001 *Bird Protection—General Information*
- EV 011 *Bird Protection—Non-Avian-Safe Designs*
- EV 021 *Bird Protection—Avian-Safe Designs and Modifications*

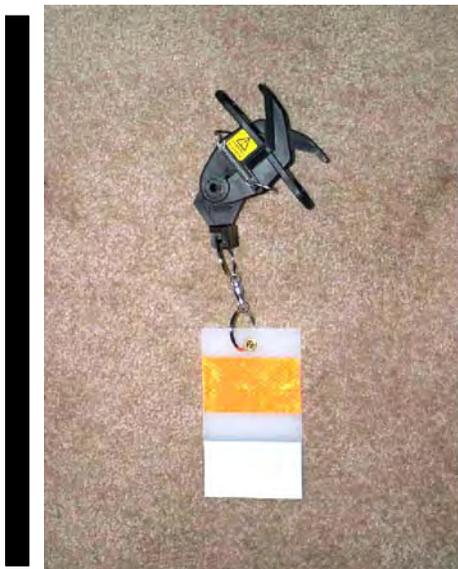


Figure 1 - Firefly Bird Diverter (Code E)

A. Firefly

1. General

The firefly is a swinging marker, with a 3.5" x 6" 'flapper' constructed of impact-resistant and UV-stabilized acrylic plastic, and covered with a fluorescent reflective sheeting (Figure 1). A stainless steel ball-bearing swivel system, that is salt spray and weather resistant, attaches the flapper to a stainless steel spring-action mounting clamp. The firefly reflects light during the day and glows in the dark at night (for up to 10-12 hours), making the line more visible to flying birds. In addition, the movement of the firefly may deter birds from perching nearby. It can be installed with a hotstick, or mounted on a stirrup clamp and then attached to smaller conductors.

2. Installation Information

The firefly's clamp will securely grip all single and bundled #4 or larger conductors up to a diameter of 2.76 inches. If fireflies are to be installed on smaller conduc-

Distribution Construction Standard
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 Engineer (D. Asgharian): *DDA*
 Standards Manager (G. Shaw): *[Signature]*

Bird Diverter—Conductor-Mounted

PACIFICORP

30 May 06

EV 121
Page 1 of 4

EV 121

tors, they should be attached using a stirrup clamp (see DE 366), as shown in Figure 2. Fireflies should be installed between 30-50 feet apart on alternating wires, starting and ending 50 feet out from poles (Figure 3). To install the firefly, open the clamp and hold it by one of the circular openings with a hotstick (Figure 4). Align the opening of the firefly with the conductor and push the other circular opening with a second hotstick to trigger the spring mechanism to close. The firefly should be handled carefully when opened, as the spring-loaded clamp closes quickly. The clamp and swivel bracket should hang perpendicular to the line so that the firefly can move freely.

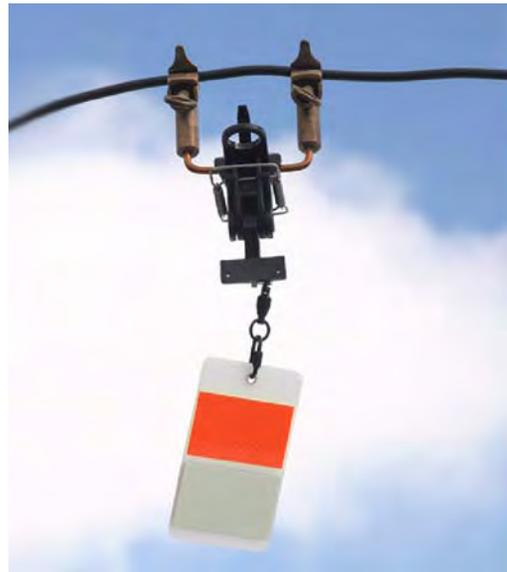


Figure 2 - Firefly Attached to Small Conductor with Stirrup Clamp

EV 121

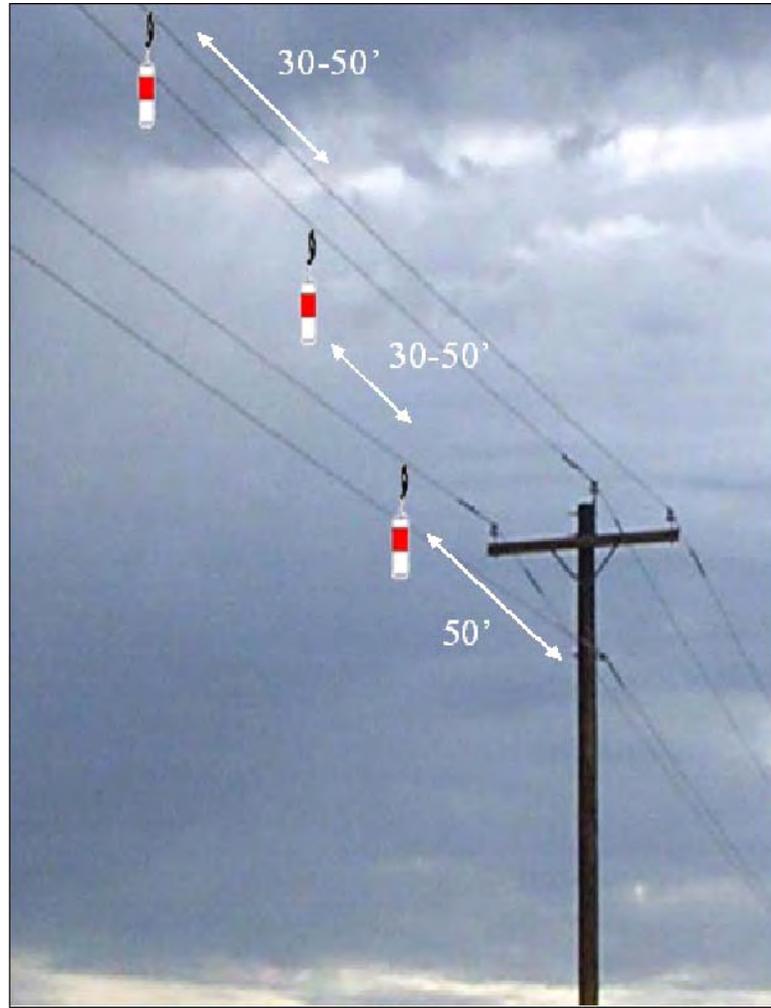


Figure 3 - Spacing of Fireflies on Lines



Figure 4 - Installation of Firefly

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Standards Manager (G. Shaw): *[Signature]*

Bird Diverter—Conductor-Mounted

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B. Bird Flight Diverter

1. General

Bird flight diverters are constructed much like a spiral vibration damper; however, the diverters have large coils that enhance the visibility of the line for flying birds.

2. Installation Information

Bird diverters (Figure 5) can be installed with a hotstick; however, depending on material characteristics, smaller sizes may be more difficult to install. Prior to ordering or installing bird flight diverters, contact T & D Environmental Services to obtain specific recommendations and spacing information. In some cases, use of fireflies may be a better option.

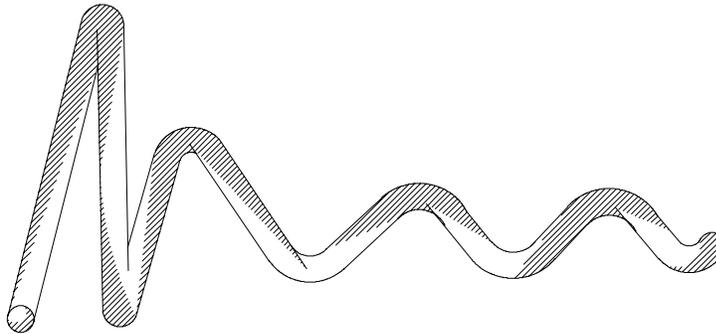


Figure 5 - Bird Flight Diverter (Codes A-D)



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

Response C-1 Comment noted. The text to Mitigation Measure 2.1-1a, Page 2.1-41, of the MND has been clarified as follows:

Mitigation Measure 2.1-1a: Landscaping shall be installed outside the perimeter fence at the Weed Substation to partially screen views from Highway 97 and to integrate the Weed Substation’s appearance with the surrounding landscape. Additional landscaping shall also be installed along the roadside, ~~north~~ south and east of the substation, to partially enclose roadway views and to partially screen views toward the transmission poles seen along the skyline. All plant material shall be appropriate to the local setting and shall be consistent with Public Resources Code Section 4292 for vegetation located in proximity to transmission facilities.

Response C-2 Mitigation Measure 2.1-1b, Page 2.1-41 of the MND has been clarified as follows:

Mitigation Measure 2.1-1b: Where visible from Highway 97, perimeter fencing at the Weed Substation shall incorporate aesthetic treatment through use of attractive, non-reflective materials, such as chain link fence with light brown vinyl slats, in order to enhance its aesthetic appearance.

Response C-3 Commenter provides details as to meeting the consultation requirement of Mitigation Measure 2.1-2b. The described approach would be sufficient to meet the requirements of the Mitigation Measure. Note that a record of consultation and proposed planting design shall be submitted to the CPUC. Therefore, “Implementing Actions” portion of Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, pertaining to Mitigation Measure 2.1-2b has been modified as follows:

PacifiCorp and its contractors shall implement measure as defined. PacifiCorp and its contractors shall submit to the CPUC documentation of said consultation.

Note, in order to be consistent in regards to reporting requirements, the “Implementing Actions” portion of Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, pertaining to Mitigation Measure 2.1-3b has also been modified as follows:

PacifiCorp and its contractors shall implement measure as defined. PacifiCorp and its contractors shall submit to the CPUC documentation of said consultation.

Regarding clarification as to installation of new plants, etc., if the property owner/Public Works Department request that it not be done, the MND is not suggesting that plant material be installed against the expressed wishes of the County and/or property owner(s).

Regarding clarification as to the as to understanding of Mitigation Measure 2.1-2b, the commenter's interpretation is correct.

Response C-4 This interpretation is correct, so no clarification to the mitigation measure is necessary.

Response C-5 This mitigation measure does refer to PacifiCorp's biological monitor, not the one hired by the CPUC. It is PacifiCorp's responsibility to have their biological monitor on site as often as necessary to ensure that this (and all) biological mitigation measures are fully and effectively implemented.

Response C-6 It is not possible to subdivide the project into areas of suitable habitat. Swainson's hawks, especially, can be found nesting in single, isolate trees anywhere in the Shasta Valley. While it is possible to make the determination of sensitivity of the birds on a case by case basis, such determinations are highly subjective. The MND took a different approach to scheduling flexibility and adopts the July 15 date. This allows work earlier in the fall than in some CEQA documents because of the more defensible conclusion that, given the level of temporary disturbance caused by the project, birds in the latter phase of nesting are less likely to abandon their nests. However, the commenter references a letter from CDFG, which is acknowledged in the following clarification of Mitigation Measure 2.4-4, Page 2.4-22 of the MND:

Mitigation Measure 2.4-4: PacifiCorp shall implement the Proposed Project and Weed Segment 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 for greater sandhill cranes and Swainson's hawk are conducted by a qualified biologist. Pre-construction nest surveys must occur within 0.5 miles of the Project Area (transmission line corridors, pole sites, access roads and laydown areas) with all nests identified during these surveys to be located by GPS. No construction activities shall occur within 0.5 miles of active nests from February 15 through July 15. Any nest site disturbance between July 15 and August 15 must be approved by CDFG.

Response C-7 In Mitigation Measure 2.4-4, the date of February 15 was selected after consultation with CDFG, and applies to sandhill cranes. It is earlier than

declared for other species, to allow for the sandhill cranes' arrival and selection of nesting sites.

- Response C-8 In regards to Mitigation Measure 2.4-4, the contention that birds, arriving while operations are underway, are resistant to disturbance is reasonable but not applicable in this case. Since the project area is large, and the points of disturbance localized and mobile, nest disturbance could occur at various points in the nesting process without the opportunity for "acclimatizing" the birds to noise and activity.
- Response C-9 Regarding Mitigation Measure 2.4-6, Page 2.4-24, the distance for avoidance of eagles was declared to be 800 yards in PacifiCorp's PEA, incorporated by reference in the MND. It was reduced from the PEA by the MND analysis to the more reasonable 100 yards, since the birds may not even be identifiable at the proposed 800 yards. However, at that distance it is reasonable to stop work temporarily until the eagle(s) move(s) away. Regarding a determination of whether the birds have habituated to the construction activities, there would not be time to make any sort of behavioral observation upon observation of the birds within 100 feet of the construction site.
- Response C-10 The dates for deer winter range were those submitted by PacifiCorp in the PEA and verified in the MND; however, Mitigation Measure 2.4-7, Page 2.4-24 has been clarified as follows:
- Mitigation Measure 2.4-7:** Construction activities within mule deer winter range (i.e., south of Pole 4/44 and including the Weed Segment) shall not be permitted between November 15 and March 15 to minimize the potential for mule deer disturbance and/or displacement. This seasonal restriction may be modified if CDFG is consulted and finds that deer winter use (in time or place) may be different from expected conditions along the Weed Segment, and that construction would not have an impact.
- Accordingly, the "Implementing Actions" portion of Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, pertaining to Mitigation Measure 2.4-7 has been modified as follows:
- PacifiCorp and its contractors shall implement measure as defined. Evidence of consultation and results of consultation must be submitted to the CPUC.
- Response C-11 Please see Responses D-35 through D-37



Steve Berninger
Attorney at Law
415.421.3711

VIA EMAIL AND U.S. MAIL

October 2, 2006

John Boccio
Yreka-Weed Transmission Line Upgrade Project
c/o Environmental Science Associates
225 Bush Street, Suite 1700
San Francisco, CA 94104

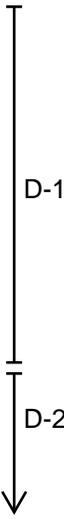
Re: Yreka-Weed Transmission Line Upgrade Project – A.05-12-011

Dear Mr. Boccio:

This letter comes on behalf of our clients, Don and Judy Mackintosh, in response to the Public Utilities Commission's September 1, 2006 Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the PacifiCorp Yreka-Weed Transmission Line Upgrade Project (A.05-12-011) (the "proposed project").¹

As you may already know, the Mackintoshes own property at 5322 Hoy Road, in the City of Weed. Their property would be crossed by the new 1.6 mile 115 kV transmission line that is part of the proposed project. Their property consists of approximately 200 acres, approximately half of which is irrigated pasture and wetlands, and the other half is situated on a hill. There are at least seven natural springs on the property, the largest of which has a water flow of 500,000 gallons per day.

Our comments on the MND are based in part on the Mackintoshes' knowledge of their property and the land surrounding much of PacifiCorp's proposed project, as well as their involvement in the Protest to PacifiCorp's Permit to Construct the transmission upgrade, filed with the PUC, which is proceeding simultaneously with the CEQA process.² After reviewing the information provided in the MND, and based on evidence that has been submitted into the record as part of the PUC hearing (occasionally referenced herein), we have concluded that there exists a fair argument that the project could have a number of significant effects on the environment. Consequently, an MND is not the appropriate document to be prepared under CEQA; rather an environmental impact report (EIR) must be prepared to analyze the impacts of this project.



Under CEQA, an MND is appropriate only where there is no fair argument that a project could have a significant effect on the environment. (CEQA § 21080(c),(d), CEQA Guidelines § 15064(f)(1); see *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.) Under this standard, if there is substantial

¹ For purposes of clarification, except where otherwise identified, the term "proposed project" includes both the "Proposed Project" and the "Weed Segment", as they are defined in the MND.

² This protest is referred to herein as the "PUC proceeding", and documents served on the proceeding's service list are occasionally referred to herein.

evidence that the project could or may have a significant effect on the environment, an MND is not appropriate and an EIR must be prepared.

Because new, avoidable significant effects have been identified in this letter and in testimony as part of the PUC proceeding, and because mitigation measures proposed in the draft MND do not reduce certain potentially significant environmental effects to a less than significant level, an EIR must be prepared.³

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D-2

Aesthetics / Visual Resources

The discussion of aesthetic resources in the MND (Section 2.1) is inadequate because its conclusions that no significant visual impacts would result from the project are arbitrary and not based on evidence in the record. The MND states that the determination of visual significance is based on several evaluation criteria. (2.1-12.) However, in several instances, the MND fails to apply these criteria to the facts it discusses. By contradicting its own methodology, the MND lacks substantial evidence for its conclusions. In addition, as discussed herein, mitigation proposed to lessen impacts to a level of insignificance is also inadequate. Finally, the Constraints Analysis, which purports to compare the impacts of the Option 3 and Option 1, does not rely on evidence in the record.

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D-3

The analysis lacks substantial evidence for its conclusion that there is no substantial adverse effect on a scenic vista.

The MND should have considered Hoy Road a "scenic vista." In the MND's own words, "a scenic vista is considered an open and expansive public view encompassing valued landscape features including ridgelines and mountains." (2.1-13.) Hoy Road fits this criteria. Hoy Road is a public road. It is used by locals for walking and cycling. (See Testimony of Don Mackintosh, revised October 2, 2006, page 10, lines 22-23.) The Upstate California Economic Development Council Data Center recommended Hoy Road in its publication, "Highways and Byways of Siskiyou County" as a "scenic drive" in the area.⁴ The MND itself recognizes that "[V]iews from Hoy Road in the project area encompass open grassland, mature tree stands, and fences in the foreground. Several rural residences and farm structures are situated along this roadway, [and] mountains and ridgelines appear in the landscape backdrop." (2.1-10.) Notably, the MND identifies *no* industrial views from Hoy Road. By contrast, views from Highway 97, which the MND does identify as a scenic vista, encompasses such uses. (2.1-9.) Placing a new 115 kV transmission line directly overhead from this scenic two-lane road will impact the extremely pastoral view of meadows, trees, mountains, and ridgelines.

↑
D-4

³ If there were no new significant impacts introduced through testimony in the record, the MND would still need to be recirculated due to the need for additional mitigation measures. Where new mitigation measures must be added to the MND to reduce significant effects to levels of insignificance, substantial revisions would be required to be made to the draft MND. These substantial revisions would require recirculation of the MND. (CEQA Guidelines § 15073.5.)

⁴ According to its website (<http://www.siskiyoucounty.org>), the Siskiyou County Economic Development Council, Inc. (SCEDC) is a non-profit 501(c)4 corporation designed to promote the overall economic development of Siskiyou County. The Council develops strategies that will result in the constructive, balanced economic growth of our area. The SCEDC functions as a clearinghouse for county-wide efforts aimed at improving the local economic base and generating increased permanent employment opportunities.

Section 2.1 arbitrarily omits Hoy Road from discussion as a scenic vista. This omission also directly influences the Constraints Analysis (discussed below), which relies nearly completely on the fact that Highway 97 is a scenic highway, to override several other viewshed impacts resulting from the proposed project, especially the new 1.6 mile transmission line.

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D-4

The MND wrongfully concludes that the impact on the existing visual character or quality of the site and its surroundings is less than significant.

The analysis of visual impacts relies heavily on visual simulations that purport to portray “before” and “after” visual conditions from various area vantage points. These simulations do not constitute substantial evidence supporting the conclusion that the project will not have a significant visual impact. A reader need only glance at the photos in the MND to understand that they inadequately depict how the constructed transmission line would appear in relation to their surroundings. The inadequacies are manifested in various ways, as detailed below. That these simulations inaccurately portray the project’s impact on the area’s visual character is bad enough; the public depends on the CEQA document for such information. However, when misleading photos are heavily relied upon, and lead to a conclusion that the project does not have any significant visual impacts, the discussion and analysis of these visual impacts lacks a rational basis, and violates CEQA.

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D-5

For example, Figure 2.1-8b (Visual simulation of proposed project from Hoy Road looking southeast) features poles and transmission lines that blend so well with the background landscaping that they are not even discernable in the photo.⁵ Nevertheless, the MND relies on this portrayal, stating “the simulation indicates that the new poles and overhead conductors would not be particularly noticeable and therefore would not substantially alter the existing landscape character seen from Hoy Road. (2.1-42.) Emphasis added. Another example is the conclusion that, although the new 1.6 mile transmission line would “noticeably affect” views from a limited portion of Hoy Road, “the simulations indicate that the Proposed Project and Weed Segment transmission line upgrades would represent an incremental visual effect which would not substantially alter the intrinsic character or composition of the existing view.” (2.1-42.) Emphasis added. It is evident from this sentence (and others like it) that the level of visual impact draws heavily from these inaccurate visual simulations.

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D-6

Figure 2.1-9b (Visual simulation of proposed project from Hoy Road looking northwest) does not include overhead lines that would cross scenic Hoy Road, even though the photograph shows the new transmission line from an extremely close-up perspective, in the foreground of the photo. Despite this notable absence, the MND concludes that this view “shows the new overhead line where it would appear most visible to the public.” (2.1-42.)

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D-7

Figure 2.1-13b (Visual simulation of Option 3 from Hoy Road looking northwest) does not adequately depict the actual appearance of pole 8/45 after construction of the proposed project. In fact, the appearance of pole 8/45 after construction of the project is not accurately depicted or textually described anywhere in the

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D-8
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⁵ The Constraints Analysis (MND Appendix A) reprints several of the photos, which are renumbered in the Appendix. We have not identified the numbers as they are identified in the Constraints Analysis.

MND.⁶ Pole 8/45 would include post insulators, dead end insulators, and jumpers that would connect three lines -- the 1.6 mile line across Hoy Road, the new 115 kV "loop" from Weed substation, and also the upgraded Line 1. In essence, Pole 8/45 will be a substantial structure, given its pivotal function in the overall transmission upgrade.

PacifiCorp, in its response to the Mackintoshes' Second Set of Data Requests, explained the various "options" for the construction of pole 8/45. (See Attachment 1 hereto). Figure 2.1-13b does not depict any of these. One of these three options would include two poles -- one placed three feet or less from the existing location of pole 8/45, and the second pole within 15 feet easterly of the first, with a guy stub located approximately 95 feet to the west of the first pole. The first pole will be 70 feet above ground, the second pole 74 feet above ground, and the guy stub 23 feet above ground. These are significant visual impacts when viewed from the Mackintoshes' property and the nearby private road. A pole of this size and configuration would clearly substantially degrade the pastoral character of the property and dramatically alter the view of the meadow, ridgeline and other rural features of the area.

The MND recognizes that Figure 2.1-13b, a vertically-aligned depiction of the 1.6 mile line next to pole 8/45 only "conveys a sense" of the transmission line as it traverses the meadow. Nevertheless, the MND concludes that "intervening vegetation would generally screen views of the new 1.6 mile line from the new hillside residence." (Page 2.1-43.) From the photograph, this appears incorrect. There is no intervening vegetation for as far as the poles are visible in Figure 2.1-13b. Enclosed with this comment letter is a photograph taken from the site of the Mackintoshes' nearly constructed new home, showing a clear absence of "intervening vegetation" that would screen views along the 1.6 mile route, and showing that most (Don Mackintosh estimates approximately 75%) of the line would be visible from the new home. (Attachment 2).

Thus, the MND has failed to depict or satisfactorily address the impact of the new 1.6 mile 115 kV transmission line on the pastoral setting of the meadow through which it would run. The MND does not adequately recognize that the new 1.6 mile line would substantially degrade the existing visual character of the Mackintosh property, changing a rural setting to one scarred by a transmission line. The MND also does not consider the nature of the type of work performed by the Mackintosh household, which, like others in the project vicinity, earns an income from ranching activities. The impact on the visual character of the meadow is even greater for those who would spend most of their days outside under and aside the new transmission line.

Finally, figure 2.1-14b purports to show Option 3 from the Pappas residence. The MND actually discusses the "two poles" visible in the photo. (Pages 2.1-44 - 45). Although the photo easily could have included the "third" pole, which is essentially cropped from the photo at the right side, it is not shown. Although it is speculative to conclude that the third pole would have made it more difficult to conclude that the impact on the residence's viewshed is less than significant, it does exemplify the nature of the visual simulations in the MND. The MND inappropriately concludes that mitigation would reduce this "potentially" significant visual impact to insignificance. (2.1-44.)

⁶ Pole 8/45 also should have been depicted in Figure A-6b (Visual simulation of Option 3 from Pappas residence looking northwest) and Figure A-8a (Visual simulation of Option 3 from private access road looking east).

↑
 D-8
 D-9
 D-10
 D-11

The MND should have made a better effort to show alternate routings of the new 1.6 mile transmission line. Only one picture in the MND purports to depict any of the four alternatives (i.e., Figure 2.1-10b, showing Options 1 and 4 from Highway 97 looking northeast). This photo is inaccurately labeled -- Options 1 and 4, the latter of which is not discussed elsewhere in the MND, are not identical configurations. Option 1 would consist of parallel lines; Option 4 would consist of a single, dual-circuit line.

D-12

The MND contains no photographs of the portion of the existing transmission line that is set back and well-hidden by trees from Highway 97. In addition, this characteristic of the existing line is downplayed in the text of the MND.

D-13

In sum, these visual simulations are inaccurate, and fail to fairly show the impacts the proposed project would have on visual resources and aesthetics. It is disappointing that a more accurate rendering of the visual impacts of the project could not have been included in the MND. More importantly from the perspective of the legal adequacy of the MND, the MND cannot rely solely on these visual simulations to conclude that visual impacts are not significant. However, it appears to do so. (See, e.g., page 2.1-44 (“The simulation [i.e., Figures 2.1-15a and 2.1-15b] indicates that due to the backdrop and viewing distance, the new poles and overhead conductors would not be particularly noticeable from this location and would therefore not substantially affect the character of the existing view.”) Emphasis added.)

D-14

Mitigation measures proposed are inadequate.

Mitigation suggested for the visual impacts is insufficient. Mitigation Measure 2.1-3a states “1) where feasible, locate poles to take advantage of available opportunities for screening provided by nearby, foreground existing vegetation and 2) locate poles to minimize the degree of skylining.” (2.1-44.) There is no indication from the MND that this mitigation measure would be feasible. No suggestion is made that a different routing of this transmission line across the meadow could either take advantage of foreground vegetation (in the meadow, there is little), or minimize skylining. The power line’s positioning through this area is constrained by the need to place a particular pole within a limited area, relative to the background land features. PacifiCorp’s ability to move a specific power pole in any one direction, let alone a direction that shields the pole behind vegetation or that avoids skylining is extremely limited. There is no rational basis on which to conclude this mitigation measure can do anything to mitigate the “potentially significant” impact on this viewshed.

D-15

Mitigation Measure 2.1-3b states that “trees/shrubs shall be installed individually or in informal groupings to partially screen unobstructed views of the new poles.” (2.1-44.) Considering Public Resources Code Section 4292 requires a firebreak at least 10 foot circumference around each transmission pole, it seems highly unlikely that shrubs or trees will shield much of the 65-75 foot poles. Planting trees in a wet meadow has its own limitations that the MND does not recognize. However, if trees are truly a feasible option, then a minimum tree size should be referenced in this mitigation measure. Like Mitigation Measure 2.1-3a, the unlikelihood that this mitigation measure would do anything to mitigate this impact requires a different conclusion in the MND about the impact’s severity. In short, the impact should have been characterized as significant.

D-16

As mitigation for the impact of Poles 11 and 12 from a limited portion of Hoy Road, the MND proposes locating the poles back from the edge of the roadway so as to reduce their visibility, and to locate poles to take advantage of available opportunities for screening provided by existing vegetation. This mitigation is not adequate to reduce this impact to a less than significant level. It is clear from Figures 2.1-9a and 9b that no such "existing vegetation" exists. Further, rather than use vague language requiring Poles 11 and 12 to be "set back ... from the edge of the roadway", this mitigation measure must refer to an actual distance from Hoy Road. As proposed, the mitigation is virtually unenforceable.

D-17

The Constraints Analysis is inadequate.

The Constraints Analysis does not apply its significance criteria (2.1-12) even-handedly. It also ignores evidence, and relies unjustifiably heavily on inaccurate information, such as the misleading visual simulations. The evidence in the MND does not support the conclusion in the Constraints Analysis, that Option 1 represents a greater degree of sensitivity with respect to visual resources than Option 3. In addition, the Constraints Analysis should have addressed Option 5, which was discussed by parties at the prehearing conference on June 20, 2006. Ignoring discussion of Option 5, despite it being capable of easily being incorporated into the Constraints Analysis is contrary to the spirit of the CEQA process.

D-18

There is substantial evidence in the record supporting a conclusion that Option 1 would have less significant visual impacts than Option 3, as described below.

The Constraints Analysis does not take into consideration that much of the transmission line in the existing (Option 1) corridor cannot be seen from Highway 97, because it is set back and well-hidden by trees from the highway. Further, the portion of the existing transmission line between Weed and Weed Junction substations that can be seen from Highway 97 is one of the "established features within the area's landscape setting." (2.1-3.) Whether the view of the existing transmission line (i.e. Option 1) is already compromised by an existing transmission line is a relevant factor that should have been considered in determining whether Option 1 or Option 3 is more constrained by visual impacts.

D-19

By contrast, the Option 3 would include installing 1.6 miles of new line where none currently exists. (2.1-42.) These changes would be visible to the public. (2.1-42.) The 1.6 miles of new transmission line would "noticeably affect" views from a limited portion of Hoy Road. (2.1-42.)

The new 1.6-mile line will be seen from Highway 97. (Page 2.1-9.)

Option 3 would be seen from more residential properties than would Option 1. The MND understates the nearby residential properties from which the new line would be seen. It considers only a single private residential property located within 1,000 feet of the new line. (2.1-42.)⁷ In fact, Option 3 would be seen from five properties, owned by: Don and Judy Mackintosh; J.R. Gregory; Shelly and Chris Pappas; Barbara and Leonard Luiz; and Carl and Deborah Goltz. (See also testimony of Don Mackintosh, revised October 2, 2006, p. 12, lines 19-22.) The Constraints Analysis wrongfully downplays this impact, concluding that views from a limited number of rural residences *could* also be affected by the presence of the new transmission structures. Even the analysis in Section 2.1 recognizes an effect.

D-20

⁷ However, the Constraints Analysis concludes that Option 3 "would be visible from two existing residential properties." A-10.

By contrast, Option 1 would be seen by only two landowners. (See Testimony of Don Mackintosh, Revised October 2, 2006, p. 12, lines 23-24.) Although Option 1 crosses four properties, it is visible from only two of them -- at or near poles 5/48 and 20/47. (See Testimony of Don Mackintosh, October 2, 2006, p. 12, lines 25-26.) The two property owners are John and Noreen Abbott (located at 2101 Highway 97) and Meredith Seawell (2325 Highway 97). The existing transmission line is not visible from any other residences. Id. This should have been accurately considered in the analysis.

D-20

Further, there is no information in the document that reflects that dead end poles would require 85-foot poles, rather than the 80-foot maximum referred to in the project description section. The effect of the absence of adequate photographs and textual description is that the public essentially has been denied information to enable it to assess the visual impacts of that portion of the transmission upgrade. This deficiency has contributed to the MND's understatement of the visual impacts of the proposed project.

D-21

The Constraints Analysis engages in an unbalanced analysis of the evidence that is available. For example, it unfairly deemphasizes the impact of the poles on Hoy Road. Despite concluding that the poles "would appear prominent" from the vantage point of driving on Hoy Road, it concludes that this "close range" view "would be a brief split second effect." A-10. Hoy Road is a two-lane rural road. Regardless of the speed that motorists travel on this road, bicyclists and pedestrians that use Hoy Road would be moving slower, and would see this vantage point for more than a brief split second. Further, before even arriving at the precise spot where the image was taken, a motorist would see the transmission line approaching in the left side of the viewshed.

D-22

The Constraints Analysis conclusion makes the singular point that, "given its proximity to the Highway 97 public view corridor, Option 1 represents a greater degree of sensitivity with respect to aesthetic resources." A-11. This is an overly narrow focus of the relevant impacts.

D-23

For the foregoing reasons, the Constraints Analysis' conclusion that a new line, across wetlands and a wet meadow, where no existing power line currently exists, would somehow have a lesser visual impact than placing another transmission line next to the existing one, which people are already accustomed to seeing from the road, where trees have already been removed, is contrary to the evidence and unfounded.

D-24

Hydrology

Because a fair argument exists that the project has the potential to significantly impact the groundwater under the Mackintoshes' and other landowners' property in the vicinity of the proposed project, an EIR must be prepared for the project.

D-25

There are at least seven natural springs on the Mackintoshes' property, and at least three on the Luiz ranch, to the east of the Mackintoshes' property, the largest of which has a water flow of 500,000 gallons per day. (See Testimony of Don Mackintosh, Revised October 2, 2006, p. 1, lines 7-8.) These springs supply water to the Mackintoshes' house (old and new), barns, and for irrigation of their ranch, which is their main source of income. The water in these springs eventually makes its way to three separate ponds, two of which are on the Mackintoshes' ranch; the third, the largest pond, is on the property of Leonard and Barbara Luiz. Id. All of these springs, and therefore these ponds, are at risk of being damaged due to the

D-26

proposed construction of the new 1.6 mile line. There is a risk that the new 1.6 mile segment could impact local groundwater discharge by disrupting groundwater flow through the digging of holes for pole placement. This could occur whether holes are drilled over or near any of the springs. The flow from the springs could be decreased or stopped altogether, due to the alteration of an aquifer.

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D-26

Richard Renouf, a licensed contractor in the State of California in the categories of water well drilling and water pump installation and repair (Lic. # 284845, Class C57 and C61), examined the proposed 1.6 mile route for the new transmission line. (See Testimony of Rich Renouf, September 29, 2006.) He also researched water table levels in the project vicinity. He is extremely familiar with the springs and aquifers within this region. He has concluded that the static level in area aquifers, including the aquifers below the proposed route of the new 1.6 mile transmission line, are much deeper than the bottom of the spring-fed meadow where this project is proposed. He has concluded that the numerous springs along portions of the 1.6 mile route, which are akin to an ancient lake bed, are all producing flowing water caused from an impervious layer which is the bottom of the "lake". If this lake bottom is punctured, for example by the placement of poles beneath the ground, it is entirely possible to reduce the production of one or more of the springs on the new transmission line route, or entirely lose one or more of the springs' production. Mr. Renouf has indicated that the movement of the water underground supports the notion that drilling holes or digging in the spring vicinity puts the water table at risk. (Rich Renouf Testimony, September 29, 2006, page 1, lines 13-19).

D-27

In addition, this type of impact has occurred in the past, in Siskiyou County, in what is the present-day City of Mt. Shasta. (Rich Renouf Testimony, September 29, 2006, page 1, lines 23-28, p. 2, line 1.) A company that sold water and ice to the communities of Weed and Mt. Shasta lost their business when their source of water (i.e., Lake Elaine) disappeared into the ground after an attempt at cleaning the lake bottom. (Ibid.)

D-28

The MND acknowledges that pole installation for the new 1.6 mile segment associated could have this impact on local groundwater discharge due to disruption of groundwater flow resulting from digging holes for pole placement. However, it concludes that this impact is less than significant. With the exception of one "shallow boring", with no indication of its location, nor from how deep, the MND relies on reports of the Mount Shasta area generally, one 46 years-old. The MND hypothesizes that "the springs in the vicinity of the new 1.6 mile segment are likely to be maintained by a free water surface (as opposed to emanating from a confined aquifer as an artesian spring)." (2.8-17).

D-29

Evidence in the record, including that submitted by Mr. Renouf, who has a great level of experience with the springs in the immediate vicinity of the 1.6 mile line, suggests that a contrary conclusion should be drawn. At a minimum, Mr. Renouf's testimony constitutes evidence sufficient to support a "fair argument" that the project could or may have a significant effect on the environment. CEQA requires preparation of an EIR in these circumstances. (See CEQA § 21080(c),(d), CEQA Guidelines § 15064(f)(1); see *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.)

Because the springs flow northward from the property below and adjacent to the new 1.6 mile transmission line, damage to the flow from the springs would also impact downstream users of the water. The impact of the project on water supply and quality, as delivered to other ranches, and ultimately to the Shasta River, should have been addressed in the MND. As discussed previously, the project's impact on other springs

D-30
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in the vicinity also should have been discussed due to the interconnectivity between them. (Rich Renouf Testimony, September 29, 2006, page 1, lines 13-19).

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D-30

In addition, the MND fails to address the impact of placing pole 8/45 up to 20 feet below the surface. As discussed earlier in this letter, the placement of pole 8/45, which is the pole structure for the tension pull site, is of particular concern to the Mackintoshes, due to its proximity to their drinking water spring. However, although it is generally proposed to be located just above the concrete spring house that supplies water for the houses and barn, the MND does not precisely identify its location.

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D-31

Since the MND was published, subsequent information has been made available, which indicates that there may be more than one pole drilled into this sensitive area. This information also indicates that at least one pole will extend farther than 10 feet below ground. (See Attachment 1). In response to data requests submitted by the Mackintoshes in order to obtain further information about the pole 8/45 structure that would be part of the proposed project, PacifiCorp stated that there were three options still under consideration for the construction at pole 8/45. (See Attachment 1). Two of these three options would feature holes significantly lower than those considered by the MND. One option would include drilling at least 25 feet below surface; another at least 20 feet. The MND's conclusion, i.e., that the potential impact on local groundwater discharge due to disrupting groundwater flow through the digging of holes of "up to 10 feet" is less than significant, is therefore based on inaccurate information. Because it is reasonably foreseeable that the holes for this pole will be *more than twice as deep* as the holes considered in the MND's analysis of hydrological and water quality impacts, this is a significant new impact that needs to be considered in the MND. At a minimum, the analysis performed in the MND would need to be reconsidered based on this new information, and the MND would need to be recirculated. (In this case, the point is moot, given that an EIR must be prepared for the project, for the reasons articulated in this letter.)

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D-32

Biological Resources

Impacts on the greater sandhill crane are not adequately addressed in the MND.

The MND's analysis of impacts to greater sandhill cranes is inadequate. The MND recognizes that these cranes establish territories in wet meadows such as the meadow being crossed by the new 1.6 mile transmission line. Studies indicate that the cranes are "particularly at risk for transmission line collisions". 2.4-12. The "species has a high potential to forage and nest in the Proposed Project area." Id. In addition, the MND states that "[p]ower line collisions are presently believed to be the primary mortality factor for all age classes of post-fledged cranes". 2.4-25. It also recognizes that there are recorded nests and foraging areas on both sides of the transmission line. Id. Despite this information, the MND states that this impact "has not been studied locally". Id.

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D-33

We understand that the reason for the lack of study is because "the original project schedule did not have construction activities occurring during spring." (Michael Strand testimony, September 1, 2006, p. 6, lines 17-18.) Regardless of a project proponent's construction schedule, CEQA requires adequate consideration of impacts to a "fully protected" special status species.

This information must be included in a CEQA document. Its absence violates CEQA. This is especially true in the case of the cranes, which have expanded westward into the project area recently, according to

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the MND. 2.4-12. The last study of their nests, mapped in 2000, could be especially outdated given these factors.

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D-33

In spite of the lack of recent surveys of the area, the Constraints Analysis downplays the uniqueness of the wet meadow habitat of Option 3, referring to its “closer examination” of the meadow, which reveals that “the value of the meadow decreases somewhat.” A-2. The Constraints Analysis states “The sandhill crane nest sites are limited to the wetlands set within open grasslands where the cranes can more easily see predators, which is not the case here.” A-2. Either the Constraints Analysis is relying on outdated survey information, or the survey has not been provided to the public. Either way, there is a disconnect between what has been presented in section 3.4 and the conclusion in the Constraints Analysis. In addition, it is not clear what “is not the case here”. The MND’s description of the location of the new 1.6 mile transmission line would seem to contradict any notion that there are no wetlands set within open grasslands.

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D-34

Even if the mitigation proposed was adequate to reduce the impacts to the crane, the public information component of CEQA, requiring identification of potential project impacts prior to project implementation, is violated. CEQA is not simply concerned with ensuring that such impacts are mitigated; it is also a way to ensure the public receives information about such impacts. See *Ass’n. of Irrigated Residents v. County of Madera* (2003) 107 Cal. App. 4th 1383 (quoting *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712) (“A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”); see also *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342 (“[T]he EIR ‘protects not only the environment but also informed self-government.’”) (citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 563-564). “[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decisionmakers, and the public, with the information about the project that is required by CEQA.”(citing *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 721-722.)

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D-35

Despite a failure to study impacts to the cranes, the MND concludes that impacts can be reduced to a less than significant level based on mitigation. The MND proposes a mitigation measure (Mitigation Measure 2.4-8) that would consist of a “systematic compiling of additional information” for a period of three years after construction. 2.4-25. The MND implies that this information could then lead to the installation of avian balls.

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D-36

This mitigation does not reduce this impact to a less than significant level. First, even with mitigation, impacts would remain significant in the short-term, until surveys are completed. For at least those three years, cranes that nest and forage in the area would be subjected to mortalities due to the transmission line. Although it is not discussed in the MND, we would suspect that the potential for cranes to be killed after colliding with transmission lines would be greater in areas where no line existed previously (i.e., the 1.6 mile segment). Second, the MND lacks all basis on which to conclude that the risk of birds colliding with the new and upgraded transmission line is “relatively low”. 2.4-25. There is no indication as to what the risk is being compared.

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D-37

In addition, the mitigation itself would create at least one other environmental impact that is required to be discussed in the MND. Aviation balls would likely have visual impacts on the character of the area and the

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D-37
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scenic vista from Hoy Road; these have not been addressed in the MND. We have not yet determined whether the MND has adequately considered the impact of the reasonably foreseeable use of a helicopter to conduct these surveys.

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There is another feasible mitigation measure for the impact to greater sandhill cranes -- namely, the use of an alternative route (e.g., the transmission right of way) for the 1.6 mile portion of the proposed project, which would not have impacts to the cranes.

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Discussion of wetland impacts are inadequately discussed.

Mitigation measures would not reduce the potentially significant impact to wetland areas to a less than significant level. Mitigation Measure 2.4-9 states that, where complete avoidance is not feasible, the area of wetland disturbance will be minimized by altering specific locations of poles and access roads. 2.4-26. The MND offers no details on how this would occur. Maps included in Appendix F (PacifiCorp Wetland Delineation) depict several areas of the proposed project in which there would appear to be no possibility for a particular pole or group of poles to be rerouted so as to avoid the wet areas. For example, there would be no way to avoid wet meadow WMW02. See Appendix F, Figure 5, Map 2 of 13. A minimum of four poles would be placed in the meadow.

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The MND makes it especially difficult to assess the adequacy of Mitigation Measure 2.4-9 on the new 1.6 mile line section because Appendix F does not provide the locations of the poles for this 1.6 mile stretch, in relation to the wetland features. (Again, a feasible way to avoid this impact to wetlands is to select an alternative route.) In addition, Mitigation Measure 2.4-9 is inadequate because driving mats will not ensure avoidance of impacts across wetlands. The Mackintoshes' property is too wet to bring in heavy equipment without damaging the wet areas. (See Testimony of Don Mackintosh, Revised October 2, 2006, page 16, lines 19-20.) There is standing water on the property year-round.

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Impacts to other species are not discussed.

Finally, the MND does not adequately identify species that are potentially exposed to project-related impacts. For certain species, the MND is unclear about *where* along the 18-plus miles of transmission line the impact in question would occur. For example, regarding the western pond turtle, the document states "there is very little suitable habitat within the Proposed Project [right-of-way] corridor and no suitable habitat in the Weed Segment [right-of-way] corridor" for the species. From this narrative, it is unclear whether impacts to turtles within the corridor of the new 1.6 mile line were evaluated. These turtles are present on the Mackintoshes' property, and have been photo-documented by him. (See Don Mackintosh Testimony, p. 15, line 18).

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 D-41
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Another example of the lack of information relates to Swainson's Hawks. There is no discussion as to whether the species is prone to collisions with power transmission lines. The MND refers to Figure 2.4-3 for information about known nest locations. However, this figure is not in the document.

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 D-42
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In addition, information is lacking as to where the "existing nests" of bald eagles are, which will be indirectly impacted by the project. 2.4-23 - 24. The MND states that "bald eagles may occasionally fly through and forage within the Proposed Project and Weed Segment corridor", and there have been reports of bald

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 D-43
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eagles in the area of the new 1.6 mile line. The impact of the project on eagles should be studied more closely.

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 D-43

The MND does not address certain other species in the project area. For example, there are mountain lions, bears, bobcats, coyotes and foxes, none of which were considered in the discussion of impacts on special-status wildlife. (See Don and Judy Mackintosh's Protest to PacifiCorp Application to Construct a New Transmission Line, January 24, 2006).

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 D-44

Other Aspects of the MND and Constraints Analysis are Objectionable

The Constraints Analysis arbitrarily does not consider other aspects of Option 1 and Option 3 that are relevant to a comparison of their relative environmental effects. The MND's discussion of land use impacts is inadequate.

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 D-45

First, the Constraints Analysis fails to address the project's conflict with local land use policies. For example, Policy 33 of the Siskiyou County's General Plan requires that, "Wherever possible, increased demand for energy transmission shall be accommodated with existing transmission facilities", and that, "[w]here new capacity is necessary, priority shall be given to upgrading or reconstruction of existing facilities." Despite these inconsistencies with the local general plan, the MND does not identify any land use impacts as significant, and the Constraints Analysis does not even mention the conflict.

The MND does not reflect any "priority" being given to the upgrade of the existing transmission line between Weed and Weed Junction substations. Nor did the MND discuss anywhere whether it was "possible ... to upgrad[e] or reconstruct[] existing facilities." If consideration was given to this policy, it would become apparent that it would, indeed, be possible to reconstruct existing facilities in various ways, either through implementation of Option 1 or other options that do not require any expansion of the existing right-of-way.

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 D-46

In addition, the Constraints Analysis did not consider the fact that the new 1.6 mile transmission line would cross over farmland of statewide and local importance.

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 D-47

Finally, the document needs to clarify the specific location of all new permanent, temporary or overland access that would be necessary in jurisdictional wetlands. The MND directs readers to maps, such as Figures 1-4(a) through Figure 1-4(h), but those maps do not clarify where access roads are planned to go. Consequently, it is impossible for the public to verify whether the project can be permitted by a Nationwide Permit under Section 404 of the Clean Water Act, for the work that will occur in wetlands.

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 D-48

We hope that you will consider these comments. Because new, avoidable significant effects have been identified in this letter and in testimony as part of the PUC proceeding, and because mitigation measures

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 D-49
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proposed in the draft MND do not reduce certain potentially significant environmental effects to a less than significant level, an EIR for the project must be prepared.

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D-49

Very truly yours,



Steve Berninger

SDB:ea
Enclosure(s)

864069_1

September 29, 2006

Steve Berninger
Attorney at Law
Myers Nave Riback Silver & Wilson
555 12th Street, Suite 1500
Oakland, CA 94607

Re: Docket No. A05-12-011
Mackintosh Data Requests Set 2 (1-25)

Please find enclosed PacifiCorp's responses to Mackintosh 2nd Set Data Requests 2.1-2.25.

If you have any questions, please call Barry Bell at (801) 220-4985.

Sincerely,

Shay LaBray
Manager, Regulation

Enclosure

cc: Service List for Docket A05-12-011 (except Information Only)

Application No. 05-12-011

PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

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2nd SET OF DATA REQUESTS

Data Request Nos. 2.1 - 2.7 relate to pole 8/45.

Data Request No. 2.1: As part of the proposed project, will pole 8/45 be located in the exact same location as it is currently located?

Response to Data Request No. 2.1: The location of pole 8/45 will depend upon the design of the line from 8/45 to Weed Junction Substation, which is being finalized based on recently provided surveys:

Option No. 1 is a guyed double wood pole structure with the first pole being within three feet of the existing location of 8/45 and the second pole location within fifteen feet easterly of the first with a guy stub located approximately ninety-five feet to the west of the first pole. This first pole will be seventy feet above ground, the second pole will be seventy-four feet above ground, and the guy stub will be twenty-three feet above ground.

Option No. 2 is a guyed single pole steel structure that will be seventy-five feet above ground with the same guy stub as described in Option No. 1.

Option No. 3 is an unguyed single pole steel structure that will be seventy feet above ground.

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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

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Based on the foundation type associated with each design, 8/45 will be located between three and six feet north or south and three to fifteen feet east or west of its current location. The fifteen feet option reflects Option 1 above. Options 1 and 2 are guyed and would involve the installation of a guy stub approximately ninety-five feet to the west with guys and anchors extending another twenty feet.

Data Request No. 2.2: If your answer to Data Request No. 2.1 is in the negative, please state the planned location of pole 8/45 after construction of the proposed project, in relation to the current location of pole 8/45 and other land features or landmarks on the property in the immediate vicinity of pole 8/45.

Response to Data Request No. 2.2: Please refer to the Response to Data Request 2.1.

Data Request No. 2.3: If the precise location of the relocated pole 8/45 cannot be described at this time, please explain the factors that would influence its eventual siting.

Response to Data Request No. 2.3: Please refer to the Response to Data Request 2.1.

Data Request No. 2.4: If your answer to Data Request No. 2.1 is in the negative, please describe all of the possible locations of pole 8/45 upon completion of construction of the proposed project.

Response to Data Request No. 2.4: Please refer to the Response to Data Request 2.1.

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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

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Data Request No. 2.5: After construction of the proposed project, how tall aboveground will pole 8/45 be?

Response to Data Request No. 2.5 Please refer to the Response to Data Request 2.1.

Data Request No. 2.6: After construction of the proposed project, how far underground will pole 8/45 be?

Response to Data Request No. 2.6: For the three options described above:

Option No. 1, the guyed double wood pole structure, will be embedded in the ground ten feet (first pole), eleven feet (second pole to the east), and seven feet (guy stub).

Option No. 2, the guyed single pole steel structure, will be embedded in the ground twenty-five feet with the guy stub embedded seven feet.

Option No. 3, the unguyed single pole steel structure, will be mounted on a concrete caisson, six feet in diameter and twenty feet in the ground.

Data Request No. 2.7: Please provide a drawing or photograph showing the entire appearance of pole 8/45 and appendages thereto.

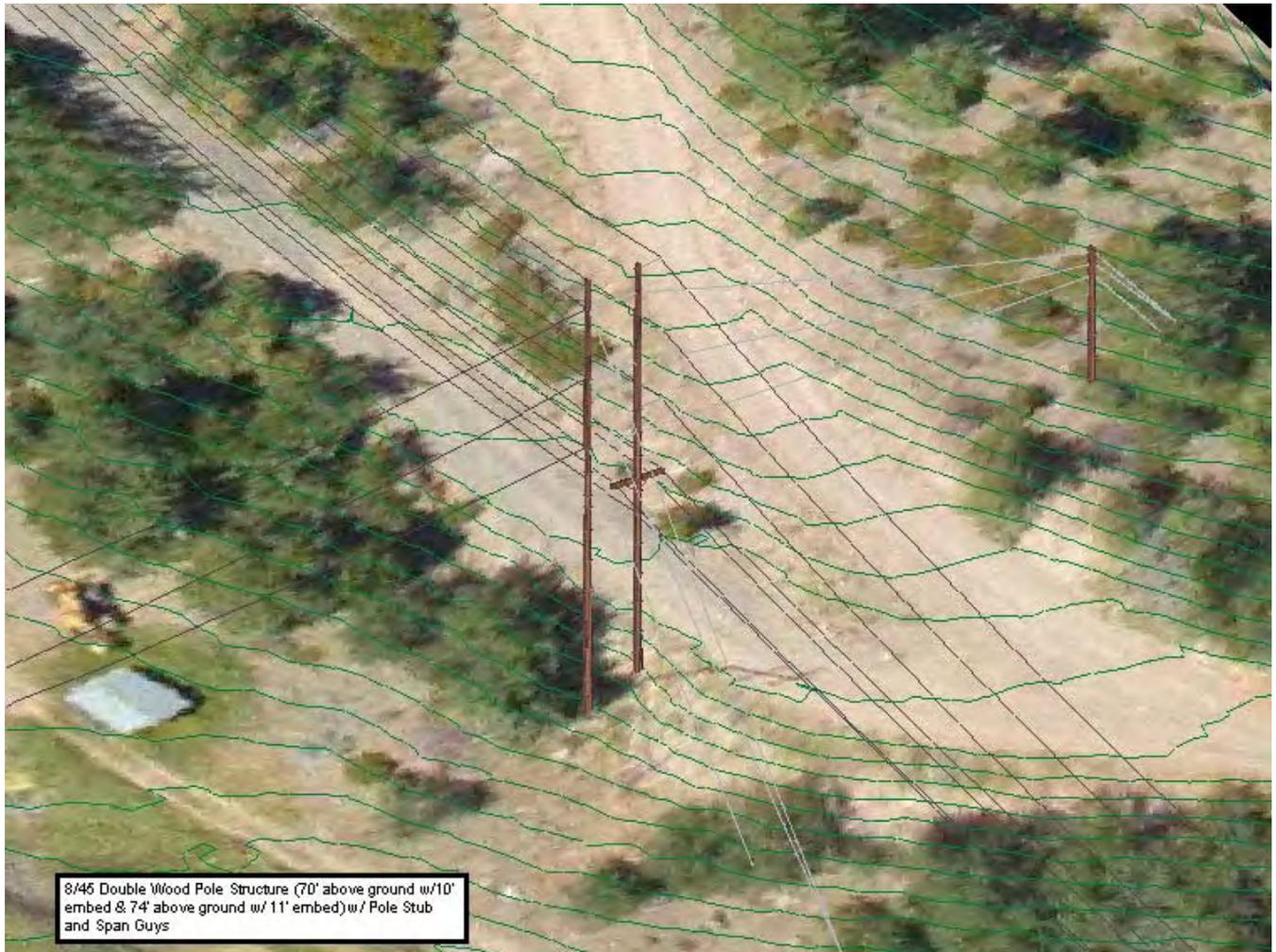
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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

September 29, 2006

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Response to Data Request No. 2.7: The options discussed in Responses to Data Requests 2.1 and 2.6 are preliminary designs. Once the design is finalized it will be outlined in detail. Below are perspective views showing each option.



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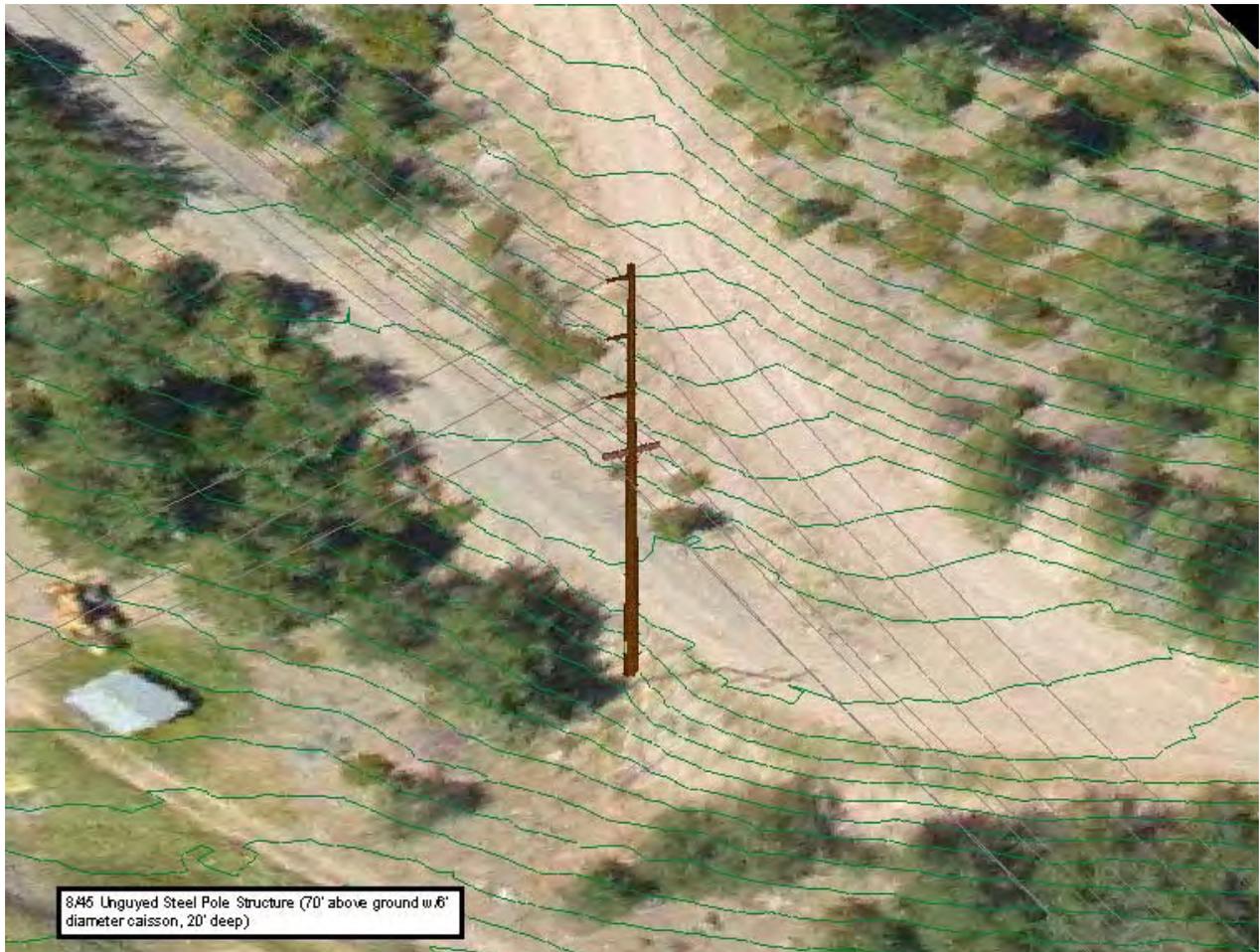


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Data Request Nos. 2.8 - 2.10 relate to the poles to be used for the project.

Data Request No. 2.8: If your answer to Data Request No. 77 (i.e., "Please state whether the wood poles that will be used for the proposed project are treated with any chemicals") is in the affirmative, please list these chemicals.

Response to Data Request No. 2.8: The poles will be treated with pentachlorophenol.

Also please see response to Data Request No. 77.

Data Request No. 2.9: Has PacifiCorp purchased or obtained any wood poles that will be used for any portion of the proposed project?

Data Response No. 2.9: PacifiCorp has placed purchase orders for more than 90% of the poles for the project. The majority are ready for shipment pending preparation of the project material lay-down area.

Data Request No. 2.10: If your answer to Data Request No. 2.9 is in the affirmative, please state the name and address of the supplier of these poles.

Data Response No. 2.10: The supplier is:

McFarland Cascade
P.O. Box 1496
Tacoma, WA 98401

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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

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Data Request Nos. 2.11 - 2.22 relate to provision of power to Pacific Gas & Electric

Data Request No. 2.11: Does PacifiCorp have a contract with Pacific Gas & Electric (PG&E) relating to transmission of power in or through the project area (e.g., from Copco 2 or along Line 14)?

Response to Data Request No. 2.11: No.

Data Request No. 2.12: If your answer to Data Request No. 2.11 is in the affirmative, please provide a copy of the contract.

Response to Data Request No. 2.12: No response required.

Data Request No. 2.13: If your answer to Data Request No. 2.11 is in the affirmative, does the contract require PacifiCorp to deliver a certain amount of power to PG&E?

Response to Data Request No. 2.13: No response required.

Data Request No. 2.14: If your answer to Data Request No. 2.13 is in the affirmative, please state that amount.

Response to Data Request No. 2.14: No response required.

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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25
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Data Request No. 2.15: If your answer to Data Request No. 2.11 is in the negative, is PacifiCorp obligated to provide transmission service to PG&E in the project area?

Response to Data Request No. 2.15: No.

Data Request No. 2.16: If your answer to Data Request No. 2.15 is in the affirmative, please state the basis on which PacifiCorp is obligated to provide transmission service to PG&E.

Response to Data Request No. 2.16: No response required.

Data Request No. 2.17: Can PacifiCorp reduce the amount of power it delivers to PG&E in the future?

Response to Data Request No. 2.17: PacifiCorp does not have a contract with PG&E.

Data Request No. 2.18: Has PacifiCorp communicated with PG&E about reducing the delivery of power from PacifiCorp to PG&E in the near future (i.e., through year 2008).

Response to Data Request No. 2.18: No.

Data Request No. 2.19: If your answer to Data Request No. 2.18 is in the affirmative, please explain the substance of this/these communication(s).

Response to Data Request No. 2.19: No response required.

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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

September 29, 2006

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Data Request No. 2.20: Has PacifiCorp communicated with PG&E about emergency reductions in firm transmission service after June 1, 2007?

Response to Data Request No. 2.20: No. PacifiCorp does not have a contract with PG&E.

Data Request No. 2.21: If your answer to Data Request No. 2.20 is in the affirmative, please explain the substance of this/these communication(s).

Response to Data Request No. 2.20: No response required.

Data Request Nos. 2.22 - 2.25 relate to load capacity of PacifiCorp lines

Data Request No. 2.22: Please provide the load reading data at Copco 2 substation, in terms of amperers and kilowatts, for the past three (3) years.

Response to Data Request No. 2.22: Due to the amount of data required to respond to this request, it was provided on a CD provided as Attachment Macintosh 2.22, delivered under separate cover.

Data Request No. 2.23: Please provide the load reading data between Copco 2 substation and Weed Junction substation, in terms of amperers and kilowatts, for the past three (3) years.

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PacifiCorp's Responses to Donald and Judy Mackintosh 2nd Set Data Requests 2.1 - 2.25

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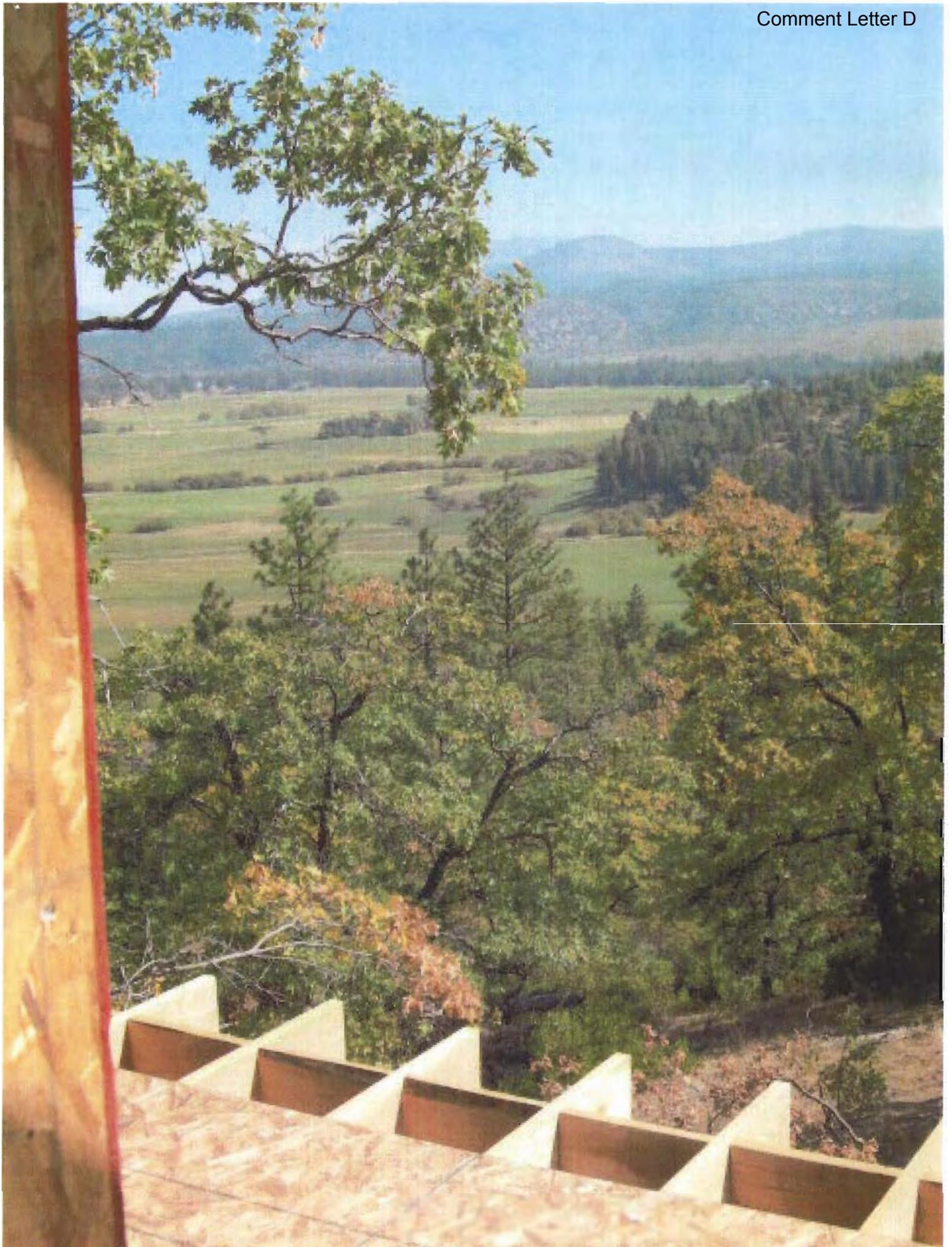
Response to Data Request No. 2.23: Due to the amount of data required to respond to this request, it was provided on a CD provided as Attachment Macintosh 2.22, delivered under separate cover.

Data Request No. 2.24: What is the conductor type and size between the Copco 2 substation and Weed Junction substation?

Response to Data Request No. 2.24: 250 copper.

Data Request No. 2.25: What does PacifiCorp consider to be the maximum line rating for the line between Copco 2 and Weed Junction substations? (In answering this question, ambient temperature, wind, and conductor temperature does not have to be considered.)

Response to Data Request No. 2.25: The maximum line rating is 117 MVA.



Letter D – Meyers Nave Riback Silver & Wilson

- Response D-1 The commenter raises a general concern as to the type of CEQA document required for the Proposed Project and Weed Segment noting new information (provided as part of the CPUC Evidentiary Hearing Process) allows for the conclusion that a fair argument exist that the project could have significant effects on the environment. To address this general concern, specific comments are noted and responded to below.
- Response D-2 Please see Response D-1
- Response D-3 The visual analysis applies professionally accepted methods including documentation of the visual setting and the use of accurate computer generated visual simulations to portray project-related visual change. The CEQA criteria for evaluating potentially visual impact are addressed; therefore, the MND visual analysis conforms to the requirements of CEQA.
- Response D-4 The MND includes discussion of visual impacts with respect to views from Hoy Road. Hoy Road is not distinguished by a scenic route designation. The Proposed Project’s effects on views from this public roadway are addressed on Pages 2.1-42 and 2.1-43. Figures 2.1-7(a), 2.1-7(b), 2.1-8(a), 2.1-8(b), 2.1-9(a) and 2.1-9(b) presented in the MND portray views of the Proposed Project from three different vantage points along Hoy Road. As demonstrated by the visual simulations and described on Pages 2.1-42 and 2.1-43, the project’s visual effects on views from Hoy Road are less than significant.
- Response D-5 The MND photos and visual simulations are reasonable and accurate. For purposes of CEQA visual impact assessment, the visual simulations provide technically sound and reasonable support for the conclusions presented in the MND. The comment is noted as a contrary opinion.
- Response D-6 Please see Response D-5
- Response D-7 Please see Response D-5
- Response D-8 Due to intervening vegetation and topography Pole 8/45 would generally not be seen by the public from locations that are accessible to the public. For additional information, please see Responses D-31 and D-32, below.
- Response D-9 Views of the Proposed Project may be available from limited areas of the future private residence. However dense vegetation cover along the roadside slope would generally screen views toward the project from the future residence. Field observation as well as review of aerial photographs confirms the presence of existing vegetation in this area.

- Response D-10 The MND includes visual simulations showing the proposed 1.6-mile new transmission line from five vantage points. These “before” and “after” views accurately portray the appearance of the project from public as well as private viewing locations. For purposes of CEQA visual impact assessment, the visual simulations provide technically sound and reasonable support for the conclusions presented in the MND. The comment is noted as a contrary opinion.
- Response D-11 Please see Response D-10
- Response D-12 CEQA does not require an evaluation of project alternatives in an MND. When an Initial Study determines that an MND is the appropriate level of CEQA documentation, the MND does not need to consider project alternatives in any manner – only the project as proposed. The words “Option 4” in the title of Figure 2.1-10b is an error, as the figure is used to illustrate Option 1 as described in the MND text.
- Response D-13 Comment noted. Also, see Response D-19.
- Response D-14 The MND analysis of the Proposed Project’s potential visual effects is based on field observations and review of technical data, including project maps and drawings, aerial and ground level photographs of the project area, topographic maps, planning documents, and comparison of existing conditions photographs to visual simulations of proposed aboveground project elements (MND, Page 2.1-1). For purposes of CEQA visual impact assessment, the visual simulations provide technically sound and reasonable support for the conclusions presented in the MND. The comment is noted as a contrary opinion.
- Response D-15 As stated in the MND, Page 2.1-44, Mitigation Measure 2.1-3a is designed to minimize potential effects on views from the 5026 Hoy Road residential property.
- As shown on Figure 2.1-14(b), the opportunity for landscape (i.e., vegetation and landform) backdrop is present. This is demonstrated by the fact that Pole 14, which is seen on the left side of the view against a landscape backdrop, is not highly visible. Field observation and review of aerial photographs indicate that there is some opportunity for existing vegetation at the 5026 Hoy Road property to provide a measure of screening. Existing vegetation seen on the left side of the Figure 2.1-14 photo, for example, screens Pole 8/45. Mitigation Measure 2.1-3b, Page 2.1-44, is designed to increase the level of available foreground screening through careful and selective placement of intervening plant material.
- Response D-16 Please see Response D-15.

- Response D-17 Please see Responses B-4 and B-5
- Response D-18 The Constraints Analysis is not a required analysis under CEQA to support an Initial Study or Mitigated Negative Declaration. In fact, when an Initial Study determines that an MND is the appropriate level of CEQA documentation, the MND does not need to consider project alternatives in any manner – only the project as proposed. In this case, by order of ALJ Thomas in her ruling from the June 20, 2006 prehearing conference, the Constraints Analysis was conducted to provide a preliminary comparison of potential environmental constraints of Option 3 (the option proposed by PacifiCorp in their application) and Option 1. Also as directed in ALJ Thomas’ order, Option 5 was to be included in the Constraints Analysis only if both Option 3 and Option 1 were considered likely to present significant environmental constraints that may be unmitigable. That was not the conclusion of the analysis, hence Option 5 was not considered (again, CEQA provides no obligation to evaluate project alternatives in an MND).
- The level of analysis in the Constraints Analysis is neither purported to be a CEQA-level of detail for a complete assessment of alternatives, nor is it required to be such. As noted in the report itself, “the emphasis of this report is on evaluating potentially significant environmental constraints on each of the routes and comparing and contrasting the resulting environmental impacts.” The analysis for each of the four environmental areas examined described the features of the two Options, established the methodology by which the potential impacts would be assessed, and described, in a comparative sense, the potential constraints of each Option.
- Specifically with regard to visual resources, this comment suggests that the analysis ignores evidence and relies on inaccurate information such as misleading visual simulations, but fails to identify what evidence was ignored, what information is inaccurate, or how the visual simulations are misleading. The comment claims that the evidence in the MND does not support the conclusion in the Constraints Analysis. In response we note that the Constraints Analysis is not based on the MND; rather, the MND was prepared to examine the project as proposed (Option 3) in part because the Constraints Analysis had concluded that Option 3 would present slightly less environmental constraints than Option 1, so there was no reason for the Applicant to come forward with a revised project. The MND itself does not examine Option 1 or any other route alternative, as that is not required in an MND when the project as proposed would result in impacts that are less than significant after mitigation.
- Response D-19 The visual resource analysis in the Constraints Analysis considers the extent of potential visibility and the relative number of affected viewers, as well as

the fact that Highway 97 is considered a sensitive public view corridor under both State and Federal recognition. Option 1, as noted, would require removal of many mature trees to accommodate a doubling of the width of the transmission line ROW, and the installation of a second set of (taller) poles. It is a reasonable conclusion that the removal of mature trees and the doubling of the ROW width would serve to make both the existing poles as well as the new taller poles more visible from the Highway 97 corridor. Taken in context of the Highway 97 sensitive public view corridor, the Constraints Analysis concludes that Option 1 would present a greater degree of sensitivity than Option 3. This conclusion is supported by the analysis.

Response D-20 See Responses D-18 and D-19. In addition, the Constraints Analysis does not “downplay” the fact that the transmission line under Option 3 would be seen from residences in proximity to that Option. The analysis presents visual simulations along Hoy Road and from three private residences to illustrate the potential affects on views in that area. As noted in Response D-19, those potential visual impacts at a limited number of private residences would present less of an environmental constraint than would the effect of Option 1 along the sensitive public view corridor of Highway 97.

Response D-21 Chapter 1, *Project Description*, Section 1.6.2 Poles, clearly states that the replacement poles for the Proposed Project would “generally range from 65 to 70 feet in height,” and that taller poles would be required to provide clearance for specific rights-of-way. The section goes on to say that the poles for the Weed Segment would average (emphasis added) 80 feet in height. The section further notes that Appendix C, Existing and Proposed Pole Heights for the Proposed Project, describes the existing and proposed height on a pole-by-pole basis. Thus, ample information has been provided to disclose the pole heights, and this information was factored into the impact analysis.

Response D-22 Please see Responses D-18 through D-20

Response D-23 Please see Responses D-18 through D-20

Response D-24 Please see Responses D-18 through D-20

Response D-25 As discussed in the MND, it has been determined that the Proposed Project and the Weed Segment do not have the potential to significantly alter groundwater movement or supply. Based upon the nature of the comments received, a portion of the text in the MND, Page 2.8-17, has been edited to clarify the discussion of potential groundwater impacts. This text has been changed as follows:

Springs in the vicinity of the new 1.6 mile segment appear to have formed along a contact between the gigantic debris avalanche deposit (described earlier) mapped by Crandell (1989) and younger, overlying lava flows and moraine deposits depicted by Wagner and Saucedo (1987). The permeability of lava flows tends to vary considerably depending on the somewhat random distribution of joints and contacts; this may explain, in part, the seemingly random distribution and varying magnitude of the various spring discharges along a given formation or contact. As Mack (1960) points out, so far as is known, water-table (i.e., an unconfined, free water surface) conditions exist throughout most of the valley. Given the density of springs throughout the valley and field observations made regarding the local topography and geology, the springs and seeps in the vicinity of the new 1.6 mile segment are likely ~~to be~~ maintained by a free water surface, an artesian condition, or some combination of both (as opposed to emanating from a confined aquifer as an artesian spring).

Most of the proposed pole locations for the new 1.6 mile segment are downslope of observed springs or seeps; the three poles (immediately east of Hoy Road) upslope of observed springs or seeps are well above the elevation of the springs (i.e., more than 10 feet) and/or are not in relatively close proximity to the springs. Under artesian conditions, the water would originate at an elevation no higher than the existing water table and the conduit carrying this water would manifest (on the surface) in the immediate vicinity of the spring. According to maps and well logs (Mack, 1960; Crandell, 1989; Wagner and Saucedo, 1989), the general depth to the volcanic bedrock and the static water table (i.e., approximately 100 feet below ground surface) extends well beyond 10 feet along the new 1.6 mile segment right-of-way. Thus, any aquifer supporting artesian conditions in the vicinity of the new 1.6 mile right-of-way would be well below the proposed 10 foot depth required for pole installation. Further, assuming a relatively vertical conduit to the surface, the upslope poles, due to their higher elevation and/or distance from existing springs, would not substantially interfere with groundwater movement. Thus Under free water surface conditions, it is highly unlikely that implementation of the Proposed Project and Weed Segment (specifically, digging 10 feet deep holes for the placement of new poles) could affect the flow of groundwater that is maintaining the springs, as this process operates on a relatively large scale and is likely not confined by an upper layer that could be affected by pole installations. Further, according to maps and well logs (Mack, 1960; Crandell, 1989; Wagner and Saucedo, 1989), the general depth to the volcanic bedrock extends well beyond 10 feet along the new 1.6 mile segment right of way.

Response D-26 Please see Response D-25. The groundwater table in this area, which delineates a large, known regional aquifer, is approximately 100 feet below ground surface; therefore, pole installation would not have the potential to alter this aquifer.

Response D-27 As discussed in the MND, it has been determined that the Proposed Project and the Weed Segment do not have the potential to significantly alter groundwater movement or supply.

ESA respects the opinion of Mr. Renouf and does not disagree with his conclusions regarding the depth of the local aquifer or the general nature of water produced by the springs. In general (i.e., concerning an overall mechanism of groundwater movement), the MND is not in disagreement with the commenter's conclusion that, ". . . *the numerous springs along portions of the 1.6 mile route, which are akin to an ancient lake bed, are all producing flowing water caused from an impervious layer which is the bottom of the 'lake'*". This statement implies that, at the exact location of these springs and seeps, groundwater is being manifest as a free water surface (i.e., water is flowing freely along the "impermeable" barrier and emerging onto the "lake" bed) as opposed to emanating from a confined aquifer under pressure. In fact, the premise behind the statement in the MND that some of the springs/seeps are likely free water surfaces is similar in nature to the commenter's conclusion and can be rationalized following similar logic: groundwater (originating primarily as melting glaciers and snow from Mt. Shasta) moving through volcanic rocks, glacial deposits, and/or alluvium upslope meets the less permeable matrix facies (i.e., resembles a mudflow deposit) of the historic debris avalanche (as described by Crandell (1989)) and then travels laterally until it manifests as a spring on the valley floor. Further, as stated in the MND, the avalanche deposit is not known to contain any notable clay lenses (or other intermediate, impermeable layers) and its average depth (75 meters) in the vicinity of the new 1.6 mile segment extends well beyond the proposed borehole depth for pole installation.

The commenter's statement, in this case, regarding the nature of the springs seems to contradict a later comment (see Comment D-29) surmising that a "*contradictory conclusion should be drawn*" regarding the potential free water surface nature of some of the springs and seeps.

As well, ESA is not aware of any published data or description that would characterize this area as an ancient lake or bearing ancient sedimentary lake deposits that have formed an impermeable, subsurface barrier to water movement. This assertion is not consistent with descriptions of the area given

by Crandell (1989), Wagner and Saucedo (1987), and Mack (1960), and field observations made by ESA.

Mr. Renouf states that *“the static level in area aquifers, including the aquifers below the proposed route of the new 1.6 mile transmission line, are much deeper than the bottom of the spring-fed meadow. . .”* The MND is not in disagreement with this statement (see Response to Comment D-25 and revised text for Page 2.8-17). Yet, Mr. Renouf then goes on to state that *“drilling holes or digging in the spring vicinity puts the water table at risk.”* This conclusion is not supported by Mr. Renouf’s subsequent statements (i.e., if the aquifer is deep then how does drilling a relatively shallow hole put the whole water table at risk?).

Response D-28 The consequences of removing a layer of sedimentary deposits and/or debris from the bottom of an active lake during the process of “cleaning” are not relevant to the Proposed Project and Weed Segment.

Response D-29 The MND relies on published reports and data presented in publications of the U.S. Geological Survey. All of the reports cited (Crandell (1989), Wagner and Saucedo (1987), and Mack (1960)) contain information relevant to the area of the proposed new 1.6 mile segment. Mack’s (1960) report, a continuation of work done during his graduate studies in the Shasta River and Scott River valleys, is still one of the most comprehensive and widely cited analyses of geology and groundwater conditions and in the Shasta Valley.

The text of the MND, Page 2.8-17, concerning the free water surface or artesian nature of the valley springs has been clarified to better depict the potential variability in groundwater movement (see Response D-25) and to clarify the discussion of potential groundwater impacts. Further, Mr. Renouf’s own conclusions (see Comment D-27 and Response D-27) contradict the notion of artesian conditions at the spring locations. The conclusion for this potential impact remains the same: the Proposed Project and the Weed Segment do not have the potential to substantially alter groundwater movement or supply.

Response D-30 As discussed in the MND, it has been determined that the Proposed Project and the Weed Segment do not have the potential to significantly alter groundwater movement or supply in the project area; therefore, it was not necessary to analyze potential downstream impacts concerning groundwater.

The potential impacts of the Proposed Project and the Weed Segment on water supply and water quality were adequately discussed and analyzed in the MND (see Pages 2.8-11 through 2.8-18), as was the potential impact to

springs in the area of the new 1.6 mile segment (see Pages 2.8-16 through 2.8-18).

Response D-31 Comment noted. The MND does not address the potential impact of placing Pole 8/45 up to 20 feet below ground surface; therefore, of the three construction alternatives presented, only the first alternative, with a pole depth of approximately 10 feet, is within the scope of the analyses conducted in the MND.

Response D-32 Comment noted. The MND does not address the potential impact of placing Pole 8/45 20 to 25 feet below ground surface; therefore, of the three construction alternatives presented, only the first alternative, with a pole depth of approximately 10 feet, is within the scope of the analyses conducted in the MND.

Response D-33 There are no records of cranes nesting in the meadow being crossed by the new 1.6 mile transmission line, nor are they likely to nest there. Crane nests are found in venues such as the Modoc Plateau and the Shasta Valley, described by Mayer and Laudenslayer as “remote portions of extensive wetlands or sometimes in shortgrass prairies” (Mayer, K.E. and W.F. Laudenslayer eds.1990).

Response D-34 Please see Response D-18

Response D-35 The CEQA “best available information standard” is met by the 2000 crane nest records from CNDDDB, since sandhill cranes exhibit nest site fidelity and have specific habitat requirements for microsite selection. Use of “best available information” is particularly appropriate when making avoidance contingent upon future surveys may otherwise be interpreted as “deferred mitigation.” Based on this approach, the MND would mitigate for potential crane collisions by installing warning markers on the line based on current knowledge of nest sites. These warning markers were successful in eliminating collisions and mortality at Modoc National Wildlife Refuge (CDFG, 1994), while yellow aviation balls with black vertical stripes were similarly successful in Nebraska (Moorkill and Anderson, 1991; California Energy Commission, 2002). Therefore, Mitigation Measure 2.4-8, Page 2.4-25, is clarified as follows:

Mitigation Measure 2.4-8: PacifiCorp shall install warning markers (e.g., yellow aviation balls) on the upgraded transmission line one-half mile north and south of the point along the transmission line ROW closest to the known nests (i.e. Pole 14/36 south to Pole 8/38 and Pole 14/39 south to Pole 15/40). The known nests and recommended marker locations are shown in Figure 2.4-3. The specific marker type and

spacing shall be determined by consultation with CDFG and based upon peer reviewed study of warning marker effectiveness.

As an additional component of the crane mitigation, behavioral observations of flights between known nests and feeding areas shall be conducted to determine areas where cranes cross the line. PacifiCorp shall survey for nesting cranes north of the Shasta River Crossing for a period of three years after construction and submit results to the CPUC and CDFG. The surveys shall be conducted weekly within 0.5 miles of the line in May and June, by helicopter if landowner access is denied. The surveys and shall be done in consultation with CDFG, and the results used to access the effectiveness of the markers. ~~determine areas where the powerline shall be marked to increase visibility. Power line markers (orange plastic globes) places at key locations were successful in eliminating collisions and mortality at Modoc National Wildlife Refuge (CDFG, 1994); yellow aviation balls with black vertical stripes were similarly successful in Nebraska (Moorkill and Anderson, 1991). Marker type and location where they would be installed shall be coordinated with CDFG.~~

Note, although Figure 2.4-3, included within this document, was inadvertently left out of the MND; the information depicted was used in the analysis of impacts to sandhill crane.

Accordingly, the Table of Contents, Page iii, will contain the following change:

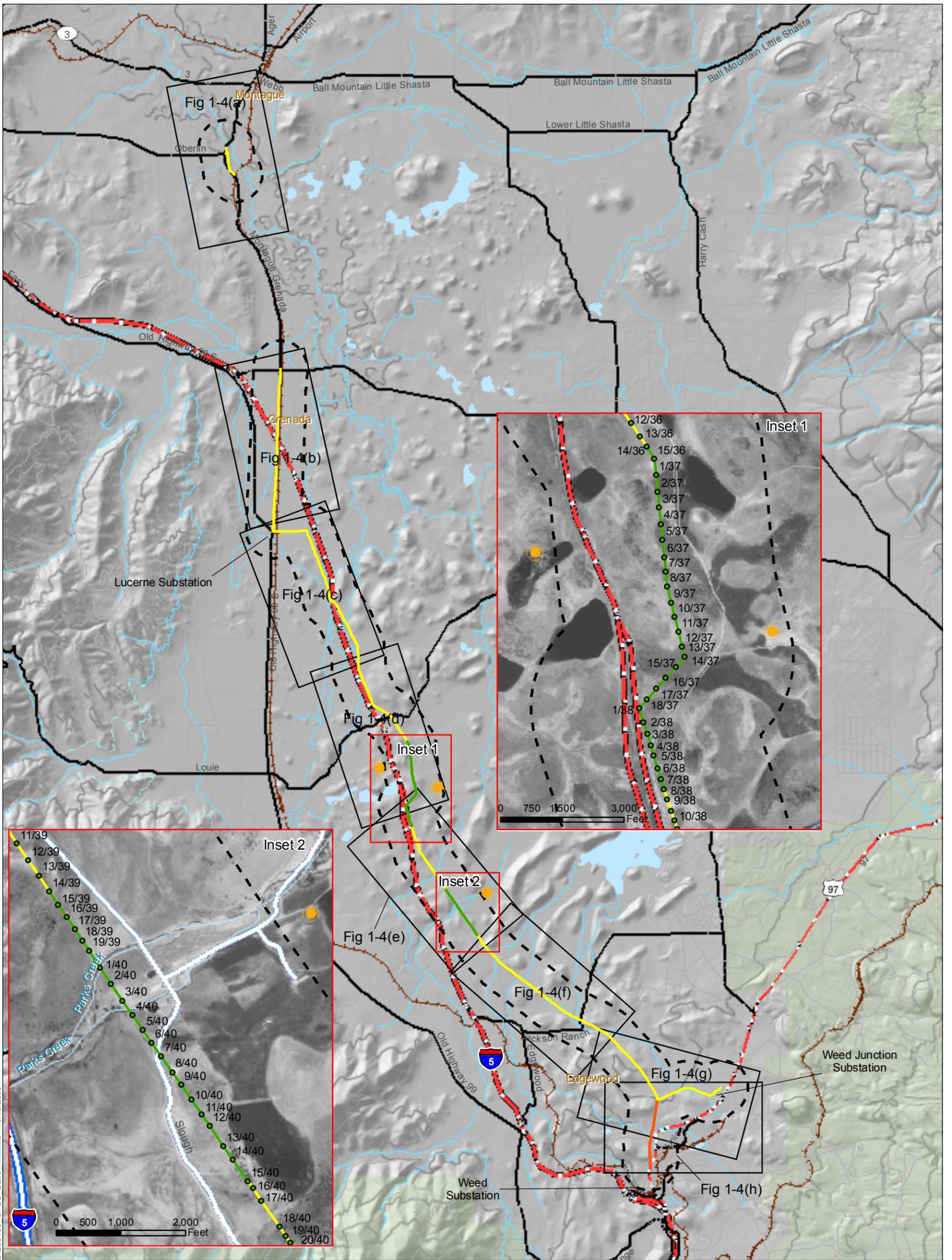
Figure 2.4-3: Sand Hill Crane Nest and Mitigation Areas

Moreover, the “Monitoring/Reporting Compliance” and “Timing” portions of Chapter 5, *Mitigation, Monitoring, Reporting and Compliance Plan*, Table 5-1, pertaining to Mitigation Measure 2.4-8 has been modified as follows, respectively:

- CPUC mitigation monitor to inspect compliance. PacifiCorp shall submit monthly (May and June) survey reports to the CPUC and CDFG
- During construction. Survey reports shall be submitted within 30 days following the completion of each survey, for three years following completion of the Proposed Project.

Response D-36 Please see Responses D-33 and D-35

- Response D-37 Please see Response D-35. Note that since the implementation of Mitigation Measure 2.4-8 would occur outside the Hoy Road viewshed there would be no affect on views from Hoy Road.
- Response D-38 As noted in Response D-33, since there are no records of cranes nesting in the meadow being crossed by the new 1.6 mile transmission line, nor are they likely to nest there, rerouting the 1.6 miles of new line would not mitigate for impacts to sandhill cranes.
- Response D-39 Please see Response B-9
- Response D-40 Please see Response B-9
- Response D-41 The MND evaluates potentially significant impacts for Swainson’s hawks, sandhill cranes, bald eagle, fossorial mammals, mule deer listed fish species, and sensitive plants. Potentially significant impacts are not foreseen for other taxa. Regarding the pond turtle, the commenter is referred to Section 2.4, *Biological Resources*, Page 2.4-20, paragraph two which states “this IS/MND does not identify any significant impact to organisms *associated with* wetlands or aquatic habitats, which include herptiles (amphibians and reptiles) and riparian birds such as the yellow-billed cuckoo.” The justification for this conclusion is found in the text on Pages 2.4-19 and 20 states the following: “... the disturbance at any one pole site is limited in time and the pole locations themselves are somewhat flexible, allowing crews to avoid sensitive areas that are known and are themselves present in small, discrete polygons: streams, sloughs, and other wetland, sensitive plant locations, etc.”
- Response D-42 Please see discussion of raptor collisions with transmission lines under Impact 2.4-8 of the MND, Page 2.4-24.
- Response D-43 Please see discussion of impacts on bald eagle foraging, and mitigation, Impact 2.4-6 of the MND, Page 2.4-23.



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<p>Legend</p> <ul style="list-style-type: none"> Divided Highway Major Highway Major Road Local Road Railroads (Local) Sand Hill Crane Mitigation Area Proposed Project Weed Segment River or Stream Aqueduct, Ditch, or Canal Study Area County Boundary Lake or Pond USDA Forest Service Sand Hill Crane Nest Sites 		<p>0 0.5 1 2 3 4 Miles</p>
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- Response D-44 Please see Response D-41. Also note that an MND is not required under CEQA to discuss all impacts to all species which might be in the area. Only those species for which the impact is potentially significant must be analyzed.
- Response D-45 As noted in this comment, Policy 33 of the Siskiyou County General Plan requires that, “Whenever possible, increased demand for energy transmission shall be accommodated with existing facilities”, and that, “[w]here new capacity is necessary, *priority* [emphasis added] shall be given to upgrading or reconstruction of existing facilities.” In PacifiCorp’s Proposed Project and Weed Segment, four existing substations would be modified or upgraded (with no new substations) and more than 90% (18.5 miles out of a total 20.1 miles) of existing transmission line would be upgraded. Only 1.6 miles of new transmission line is proposed, less than 10% of the total length. Arguably, “priority” was given to upgrading existing facilities. Further, the word “priority” in the General Plan Policy cannot be interpreted as meaning a total exclusion of new transmission facilities. Thus, it was concluded that the Proposed Project and the Weed Segment would not conflict with General Plan Policy 33.
- Response D-46 Please see Response D-45. Also, as noted in Response D-18, it is not required under CEQA for an MND to evaluate project alternatives when the project as proposed would result in impacts that are less than significant after mitigation.
- Response D-47 Typically transmission lines have very little permanent impact to agriculture, and agriculture is generally considered to be a compatible land use with utility corridors. Impacts are generally limited to only the footprint of the poles spread out over the length of the transmission line. This minor potential impact to farmland of statewide and local importance would not be a determining factor between the two Options considered, so it was not addressed in the Constraints Analysis.
- Response D-48 Please see Response B-9 regarding wetland impacts. Also, Figures 1-4(a) through 1-4(h) do show the location of all existing and new access roads planned for the Proposed Project and Weed Segment, as noted in the legend of the figures. In many cases, the lengths of these access roads from the nearest public road to the pole location are sufficiently short that the line segment is not a prominent feature on the figure. These figures are also available electronically on the project web site (www.yreka-weed.com), where they can be “zoomed in” to enlarge any portion of the image so that the short road segments would appear more prominent. Regardless, the location and extent of these roads were included within all surveys and

analyses used to identify potential impacts and to support the preparation of the CEQA document.

Response D-49

Commenter concludes that based on the information provided in the comment letter that an EIR needs to be prepared. As shown by the response to specific comments above, there is no basis to conclude that an EIR is necessary under CEQA for the Proposed Project and Weed Segment.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALORNIA**

Application of PACIFICORP (U 901 E), an
Oregon Company, for a Permit to Construct the
Line 75 115 kV Conversion Project Pursuant to
General Order 131-D

Application No: 05-12-011
(Filed: December 13, 2005)

**PROTEST TO PACIFICORP'S APPLICATION FOR PERMIT TO CONSTRUCT
TRANSMISSION LINE UPGRADE**

Testimony of Leonard and Barbara Luiz

October 1, 2006

Testimony of Leonard and Barbara Luiz

Our names are Leonard and Barbara Luiz. We live at 4309 Hoy Road near the City of Weed. We are both employed full time and operate our 200-acre cattle ranch. We run over 80 head of mother cows (and calves) with 17 replacement heifers. We are dedicated to the proper care of our cattle and our land.

In 1972 Leonard came to Weed to begin his dairy under the name of Shasta View Jerseys, later renamed to Shasta View Dairy. Leonard successfully operated his dairy herd to 280 milking cows while dealing with water quality regulations and dairy inspections. In 1992 we began raising beef cattle.

PacifiCorp first contact with the Proposed Project

On September 19, 2006, Jennifer Mulalley of PacifiCorp left phone messages that stated their intended project to build a transmission line across our property plus the upgrade of Line 1, which crosses the back portion of our property. We consulted with Don Mackintosh on September 20 and 22 to obtain information about PacifiCorp's plans based on Don's knowledge of power systems from his career at PG & E. On September 22 we refused the invitation of "coffee and pie" with PacifiCorp representatives to hear their plans stating, "we would not be changing our minds. We did not want a power line going across our property obstructing the clear view of Mt. Shasta."

Meeting with PacifiCorp to discuss new transmission line

PacifiCorp requested the October 20 meeting of the three property owners immediately affected by the Option 3 line to 'address our concerns'. Our input was not requested at any time. The main reason to use Option 3 was the open space, least amount of visual and environmental impact and a cost savings over Option 1 and Option 4. They ignored our concerns about the destruction to our land, destruction of springs, poor access due to the continual wetlands and winter conditions. We requested that they reconsider using the other options including the upgrade suggested by Don Mackintosh.

Community involvement in "Help Save Hoy Road"

Despite the opposition of two landowners, Mackintoshes and us, and our close neighbors, it was obvious PacifiCorp considered only Option 3 for the line upgrade. Don and Judy Mackintosh created the petition explaining the impacts of the transmission line across the meadows and Hoy Road. Over 400 residents signed the petition concerned about the transmission lines' visual impact on the scenic value of our area, in agreement that an additional power line was unnecessary.

Our official protest to PacifiCorp's application to construct the Yreka-Weed transmission line upgrade project CPUC A.05-12-011 was filed on January 12, 2006. On June 20, 2006, a CPUC prehearing conference was held and a CEQA document was required to

investigate the potential environmental impacts of Project A.05-12-011. The findings of the August 2006, CEQA document prepared by PacifiCorp were released for comment on September 2, 2006.

The following discussion will pertain to the CEQA's analysis of the new 1.6-mile transmission line from pole 8/45 to the Weed Junction that replaces Line 1 from Weed Junction to Weed Substation.

Response to the Mitigated Negative Declaration

The MND prepared by PacifiCorp is inadequate, inaccurate and misleading. The environmental impacts are not properly addressed and deliberately obscure by improperly assessing the damage the new transmission line will cause to agricultural land, the visual impact on the rural scenic value and the detrimental effects on the natural hydrology-springs- of the area involved.

E-1

Visual Impact

PacifiCorp claims they want to preserve the scenic beauty along Highway 97 by not rebuilding the existing Line 1. Line 1 is only partially visible for .4 miles from Highway 97 – a scant 44-second view while traveling along Highway 97. However, the Option 3 line will have a constant visual impact from our home and from Hoy Road.

E-2

Access Roads

The MND is particularly obscure when addressing the permanent damage to our hillside by the line's construction and access road. It also fails to explain how they plan to cross our spring adjacent to Hoy Road directly below the planned location of Pole 11. It will disrupt our historical agricultural practices on our ranch and could destroy our hillside meadow and be detrimental to the water flow from our springs.

E-3

The exact location and construction of the access or ROW road is absent. The MND describes roads on slopes to "be graded and gravelled". If placed below our irrigation ditch, access road construction must be engineered to allow for existing agricultural practices to continue. Culvert placement under the road duplicating the location of cutouts in the irrigation ditch is necessary to allow irrigation of the hillside meadow to prevent the loss of the meadows' productivity.

E-4

Erosion Control

The hillside soil types are Delaney sand and Deetz stony loamy sand which are susceptible to severe erosion on slopes of 0-degrees and above where cut banks cave (USDA Soil Survey of Siskiyou County, California). Erosion control described on page 1-33 will destroy our hillside meadow. Slope roughening and terraces are not feasible with the soil types present in our hillside meadow and would make irrigation

E-5

difficult to impossible. The MND indicates erosion problems will be significant on 40-degree slopes, mentioning specific problems at poles 10 and 11 of Option 3. PacifiCorp claims to perform minimal erosion control methods at the time of construction but they must agree to maintain erosion control to meet future consequences of erosion caused by the transmission pole placement on the hillside.

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E-5

Hydrology

The MND indicates (pages 2.8-12 to 16) the hole boring for poles will not significantly impact the water flow from the springs. Personal experience with our springs contradicts this theory. Five years ago we attempted to stop bank cave-in (erosion) from the meadow by placing fill dirt and rock near our electric fence over 30 feet above our spring. Not only did water seepage cease from five feet above the placement of the fill dirt but the water flow from the spring was altered. Within two years the spring fortunately rerouted on the uphill side of the fill area and water flow recovered to original flows. Our springs will not tolerate the severe ground disturbances associated with the construction of a transmission line. Pole 9 is placed directly in line with two springs. Pole 11 is placed in wet ground and above a spring. Both pole placements could permanently reduce or stop the spring water flow.

E-6

The MND does not indicate it has conducted a study of the cold-water tributaries of the Shasta River. On September 20, 2006, both springs near pole 9 and 11 had water temperature of 50- and 52-degrees, and are therefore considered to be cold-water tributaries of Shasta River. The California State Water Board demands the Shasta River temperature be reduced to promote the migration of the Coho Salmon and Steelhead. Alteration of the water flow from our springs will contradict the policies of the State Water Board. Before construction of the transmission line a study of the water flows from Mackintosh and Luiz's springs as cold-water tributaries should occur. These springs are also part of the State's adjudicated water rights for Luiz Ranch, Hoy Ranch, Jackson Ranch, Mills Ranch, and Montague Water Conservation District and contribute to the flow of Shasta River. PacifiCorp needs to address the real risk of damage to our springs by construction of the Proposed Project.

E-7

Photo Simulations

The photo and computer simulation have again failed to correctly portray the visual impact the new transmission line indicated for the Luiz's in Fig. 2.1-15a & 15b and Fig. 2.1-8a & 8b. Objects normally clearly visible (the fence posts along Hoy Road and Chris and Shelly Pappas' home) are blurred, faded or nonexistent in the photos. Conversely, the conductor in the simulated transmission line is more visible than the 18-inch diameter poles. Can this be explained? The photos also neglect to show the effects of the ground clearing for the ROW or for the access road across the hillside.

E-8

Errors in document

Carrick Creek is wrongly named Garrick Creek and is mistakenly placed on Luiz Ranch. The flow from Luiz Ranch springs is a tributary to Carrick Creek, joining Carrick Creek only after passing under Hoy Road on the Hoy Ranch.
Neglects to include Rainbow Way—Carl Goltz’s driveway.

E-9

Contradicts Siskiyou County General Plan

The Proposed Project conflicts with the Siskiyou County General Plan as indicated in Policy 33 and crosses areas with Land Use constraints such as slope, erosion hazard, surface hydrology and water quality. (Pages 2.9-3 & 4)

Policy 33: Wherever 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.

E-10

There has been steady growth in the Weed area for the last twenty years, yet PacifiCorp conducted only maintenance on the existing 1924 and 1948 lines despite the increasing demand for electricity. PacifiCorp helped create a “crisis” that may or may not occur in summer of 2007 when a ‘projected’ peak demand happens. PacifiCorp should upgrade Line 1 between Weed Junction and Weed Substation along Highway 97 in the same manner they plan to upgrade 17 miles of Line 1 between Yreka and Weed Substations.

E-11

We should not have to defend our private property rights against the threat of eminent domain when real need has not been proven nor when there is an existing ROW that should be utilized and properly maintained.

E-12

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Letter E – Testimony of Leonard and Barbara Luiz

- Response E-1 Commenters summarized their overall concerns with the Proposed Project and Weed Segment which are more specifically described and responded to below. The commenter also inaccurately states that the MND was prepared by PacifiCorp while it was prepared by ESA, consultant to the CPUC.
- Response E-2 Figure 2.1-15 of the MND portrays a “before” and “after” view of the proposed project from a private vantage point at the Luiz residence which is not accessible to the public. A close comparison of the two images indicates that Poles 9 through 13 of the Proposed Project would be visible, although barely discernable. From this vantage point, the Proposed Project would appear against a landscape backdrop. The simulation indicates that due to the backdrop and viewing distance, the new poles and overhead conductors would not be particularly noticeable from this location and would therefore not substantially affect the character of the existing view. See Page 2.1-44 for further details.
- Response E-3 Please see Response D-48 regarding access roads. As stated in Section 2.4, *Biology*, Page 2.4-26, under Mitigation Measure 2.4-9, “impacts from temporary access across wetlands [i.e. “our spring” denoted as a jurisdictional wetland (*See* Appendix F, PacifiCorp Jurisdictional Wetland Delineation, Figure 5. Potential Waters of the U.S. in the Study Area, Map 2 of 3)] shall be avoided by the use of driving mats...”
- With regards to impacts to agricultural lands, please see Section 2.2, *Agricultural Resources*, which analyzes both temporary and permanent impacts to agricultural lands, including the commenter’s property (See Figure 2.2-1(g)), associated with the Proposed Project and Weed Segment.
- Additionally, please see Section 2.8, *Hydrology*, which analyzes both temporary and permanent impact to hydrological resources.
- Response E-4 Please see Response E-3
- With regards to culvert placement, the impacts associated with access are temporary and would be restored to preconstruction conditions.
- Response E-5 According to the NRCS (2006), the hillside soil types on the Luiz property within the proposed alignment of the new 1.6 mile segment are the following: Deetz gravelly loamy sand, Delaney sand, Neer-Ponto stony sandy loam, Odas sandy loam, and Salisbury clay loam. Delaney sand has not been given a severe erosion hazard ranking according to the NRCS (2006); Deetz stony loamy sand does not occur near the proposed alignment of the new 1.6 mile segment within the Luiz property.

Erosion control practices are intended to control soil loss and protect water quality. Selection of appropriate erosion control materials and methods would be site specific and based on soil properties, steepness of the slope, and anticipated surface flow or runoff. Appropriate erosion control measures are required as part of the SWPPP and a suite of additional measures have also been described in the MND as required mitigation (see Pages 2.8-14 through 2.8-16).

If any slopes at the pole installation sites exceed 30 percent, then the feasibility of terracing or other slope-roughening techniques will be determined in the field and then implemented as required by the MND. Slope-roughing techniques can vary depending upon soil type, however, the intent remains the same: control soil loss and protect water quality during temporary constructions activities. These erosion control practices are widely implemented and common Best Management Practices (BMPs). Further, pole installation and the subsequent erosion control measures are only temporary and would not significantly alter the downslope flow of water or existing irrigation practices. After completion of work at each pole installation area, the site would be restored (as close as possible) to its existing condition and re-vegetated (if necessary).

The MND does not indicate that erosion problems will be significant. The MND discusses potentially significant, erosion-related impacts and outlines a number of required mitigation measures that would reduce potential impacts to a less-than-significant level. The MND does not discuss or characterize any of the Proposed Project and the Weed Segment area as being on 40-degree slopes.

As discussed in the MND, it has been determined that the Proposed Project and the Weed Segment do not have the potential to significantly increase soil erosion in the project area; appropriate mitigation measures have been identified for all temporary construction activities as well as temporary and permanent road installations. Long-term erosion impacts associated with the operation of the Proposed Project and the Weed segment were considered and subsequently were not identified as a potentially significant impact.

Response E-6

Comment concerning the commenter's personal experience is noted. As discussed in the MND, it has been determined that the Proposed Project and the Weed Segment (including Poles 9 and 11 of the proposed new 1.6 mile segment) do not have the potential to significantly alter groundwater movement or supply; potential impacts associated with temporary ground disturbance during pole installation have been assessed and a suite of required mitigation measures have been described (see Pages 2.8-14 through

2.8-16) that would reduce such potential impacts to a less than significant level.

Response E-7

A study of the cold water tributaries of the Shasta River was not necessary for the MND. The Proposed Project and the Weed Segment, including the requirement of a SWPPP and implementation of BMPs (see Page 2.8-14), is consistent with and does not contradict the policies of the North Coast Regional Water Quality Control Board (NCRWQCB). The listing of the Shasta River by the NCRWQCB as being impaired by temperature is recognized in the MND (see Table 2.8-3 on Page 2.8-10); the principal sources of impairment are given as 1) agriculture – irrigation tailwater, 2) flow regulation/modification, 3) habitat modification, 4) removal of riparian vegetation, and 5) drainage/filling of wetlands. Thus, though not necessary in this context, any comprehensive study of impacts to cold-water tributaries of the Shasta River (i.e., Garrick Creek) would need to assess the impacts of active cold-water diversions from, and the subsequent tailwater return to, Garrick Creek and the impacts of grazing on the riparian canopy (which provides shade for and lowers the temperature of instream flows). Such studies are out of the scope of the analysis of the potential impacts of the Proposed Project and the Weed Segment and are not necessary in this case. As discussed in the MND, it has been determined that the Proposed Project and the Weed Segment (including Poles 9 and 11 of the proposed new 1.6 mile segment) do not have the potential to significantly alter groundwater movement or supply.

Response E-8

The photo in Figure 2.1-15 of the MND, was shot using a Canon EOS digital Single Lens Reflex (SLR) camera. Site location data for the photograph was collected using global positioning system (GPS) equipment, aerial photo annotation and photo log sheet recording.

Computer modeling and rendering techniques were employed to produce the visual simulation images. The computer-generated visual simulations are the results 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 5 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 combined with digital versions of the photographs. The final "hardcopy" visual simulation images produced for the MND were printed from the digital image files. The visual simulations are presented in a manner that clearly and reasonably depicts the location, scale and general appearance of the project as seen within its landscape context. The commenter's contrary opinion is noted.

Response E-9 Mt. Shasta USGS 1:100,000 Quad map shows the creek in questions as Garrick; therefore, no change is necessary. With regards to Rainbow Way, we are unsure of what the concern is, but note that impacts to Rainbow Way were considered in this CEQA analysis, and none found. See Figure 1-4(g) and Figure 1-4(h) denoting the location of Rainbow Way.

Response E-10 Please see Response D-45

Response E-11 Comment noted.

Response E-12 Comment noted.

Public Meeting: September 20, 2006 Weed, California

Commenter: Nick Zettel, from Redding Electric Utility

The Redding Public Utility has a 15 year power purchasing agreement to buy 8-10 MW of electricity at Roseburg plant in Weed. The agreement benefits the community of Weed because it provides a substantial amount of renewable energy. Obviously Redding is interested in electricity reliability. Redding does not support a particular alternative but supports any upgrade to the transmission line.

F-1

Commenter: Steve Henson, from Roseburg Forest Products

Steve Henson (representing Roseburg Forest Products) supports the Yreka-Weed transmission line upgrade. The upgrade is necessary for transmission of electricity that will be produced from biomass plant. Some aspects of Roseburg's operations:

- 158 jobs at the Weed plant site
- Average wage for a plant worker: 38,000+
- New biomass plant will produce "Green" electricity from forest products

F-2

Commenter: Judy Mackintosh, Hoy Road property owner [Plans on submitting written letter]

- Rather than upgrading the line you are proposing a new line even though to do so would cause harm
- I disagree that impacts can be lowered to less than significant in all cases
- You will create holes in the wetlands
- Impacts to visual quality along a scenic corridor
- This MND is inadequate
- Public Review should be longer
- Impacts are not clearly identified (not enough detail)
- The document refers the reader to maps but you can't tell from the scale of the maps where you are going to go
- Visual Quality is worse than stated
- Proposed project will have a great impact on sensitive species

F-3

F-4

F-5

F-6

F-7

F-8

F-9

F-10

F-11

F-12

- Special Status Species analysis is deficient (there are turtles) F-13
- Sand Hill Crane discussion is inadequate F-14
- Saying “[Sand Hill Crane] impact has not been studied locally” is not sufficient, CEQA doesn’t allow you to postpone mitigation/analysis F-14
- There will be an impact on drinking water from private springs/wells F-15
- This plan is inconsistent with county general plan policy 33; upgrade priority has not been given to upgrading existing line F-16

Commenter: *Don Mackintosh, Hoy Road property owner* [Plans on submitting written letter]

This document doesn’t address 3 key points:

1. Pole 8/45 would be big double end structures. First new line is perpendicular, you’re looking at 2 poles minimum coming from the Weed substation. You have 2 lines, 4 lines with different stresses (huge structure). Dead end poles can go in 20’ deep. To go back one way you have to hit driveway, the other way you have to hit a mountain, and the other way is the drinking water to our new home. None of this is on the map. F-17
2. Springs are not addressed. Main concerns are the relocation of outlets. Springs weren’t identified in the document, or downgraded to a different type of spring. Our spring is gravity flow to the original house and barns. The new house has a pump (that’s dry right now) if altered you can’t get water to irrigate. F-18
3. Option 5: standard power line configuration doesn’t go 17 ½ miles and then turn with a new line. The politically correct thing to do would have been to upgrade the lines first. This is standard, historically done for the last 28 years. Do Option 5, there will be no environmental impacts. F-19

Commenter: *T.J. Kniveton, son of Hwy 97 property owner* [Diane Norcio & Meredith Deawell]

Opposed to “alternative option”. No position with respect to “preferred option”.

It is very difficult to figure out what this project is about. I have read what has been mailed out and parts of the MND; I find it very vague and hard to understand. I need more specific information.

- Will the existing line be turned off? F-20
- Are the electricity field strengths going to change?
- How high will poles be raised?
- I would like to see an electricity field study

- I don't think its right to ignore EMF because there isn't scientific agreement about the health risk. I work at an electronic communication company and know there are some human health risks associated with EMF.
- Are you going to widen the road?
- Agree with the Mackintoshes that it was very disingenuous to shorten the review period
- There will be visual quality impacts associated with the upgrade
- There may be ways to have two lines running in the same place

↑
F-20

Commenter: Chris Pappas, Hoy Road property owner

Concerned about how the new lines on Option 3 will be maintained? Is it documented? Schedule, etc? The present lines are maintained very poorly, and need repair. If they put in new lines will they maintain them?

F-21

Hoy Road comes across a one lane bridge and the road is in poor condition. What kind of precautions will be made? What happens if they damage the road during construction?

F-22

Commenter: Barbara and Leonard Luiz, Hoy Road property owners

Concerned about Hydrology – potential changes to aquifers; and the right of way – type of road.

- Have you measured springs at poles 9 & 11? They are in a bad location.
- If you damage the springs will you compensate the property owners?
- Have you studied the impacts on the Shasta River?
- What kind of road are you going to put on a 45 degree slope?
- You will need access across a wetland
- There is no way to mitigate the damage to the hillside
- I thought the judge required you to be looking at option 1 as well

F-23
F-24
F-25
F-26
F-27

Commenter: Jack ??, Hwy 97 property owner (did not sign in, no last name provided)

Lives near where Option 1 alignment would go. Concerned about having two sets of poles running by his house. Would rather have all lines on one set of poles, even if taller. Perhaps locate pole further away from his garage. Does not want to have trees removed – they block wind and abate traffic noise.

F-28

Letter F – September 20, 2006 Public Meeting Comments

Response F-1	Commenter supports the Proposed Project and Weed Segment, comment noted.
Response F-2	Commenter supports the Proposed Project and Weed Segment, comment noted.
Response F-3	Comment noted.
Response F-4	Comment noted.
Response F-5	Please see Response B-9
Response F-6	It is assumed that commenter is referring to visual impacts in regards to Hoy Road; therefore, please see Responses D-4.
Response F-7	The comment is noted as a contrary opinion.
Response F-8	Under Section 15073. Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration, "... When a proposed negative declaration or mitigated negative declaration and initial study are submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period is approved by the State Clearinghouse under Section 15105(d)." The public review period, from September 1, 2006 to October 2, 2006 meets the statutory requirement.
Response F-9	Comment noted.
Response F-10	Please see Response D-48
Response F-11	Comment noted; impacts to aesthetics where analyzed within <i>Section 2.1, Aesthetics</i> , and found to be less than significant under the <i>CEQA Guidelines</i> . Further clarification has been provided in Responses D-3, D-5 and D-14.
Response F-12	Comment noted; impacts to sensitive species where analyzed within <i>Section 2.4, Biological Resources</i> and found to be less than significant under the <i>CEQA Guidelines</i> . Please see Response D-41 for further clarification.
Response F-13	Please see Response F-12
Response F-14	Please see Responses D-33 and D-35
Response F-15	Please see Response D-25
Response F-16	Please see Response D-45

Response F-17	Please see Responses D-25 and D-30 through D-32.
Response F-18	Please see Response D-25
Response F-19	Comment noted.
Response F-20	Comments referred to Option 1 which was not analyzed as part of this MND, therefore, no response required.
Response F-21	Although not required to maintain the lines through the CEQA process, General Order 95 (available online at http://www.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/52593.pdf) required public utilities to maintain there facilities (i.e. overhead wires, poles, etc.)
Response F-22	PacifiCorp would be required to secure encroachment permits from the Siskiyou County Public Works Department for all work that would be conducted within and above Hoy Road associated with the two proposed Hoy Road transmission line crossings. As part of the encroachment permit, the County would require stipulations designed to preserve the integrity of the road. If project construction activities damage the road, the County would require PacifiCorp to return the road to its pre-construction condition. PacifiCorp would also be required to obtain transportation permits from the County for the hauling of oversized loads on County roads, including Hoy Road. As part of the transportation permit process, the County would review PacifiCorp's proposed travel routes to ensure that the roads (and other infrastructure, such as bridges) along the route would be able to withstand the heavy loads.
Response F-23	As part of the field study done prior to the MND, ESA staff visited the site and recorded field notes as well as conducted further research regarding water bodies, including springs and the Shasta River, located in the project area. Please see Section 2.8, Hydrology for the impacts analysis regarding those issues. Regarding compensation for damage to springs, comment noted. However, CEQA does not provide any remedies for actual damages caused by a project.
Response F-24	No references are in the document regarding placement of a road at 45 degree slope, therefore no response is necessary.
Response F-25	Please see Response B-9
Response F-26	Please see Responses E-3 and E-4

Response F-27 Please see Response D-18

Response F-28 Comments referred to Option 1 which was not analyzed as part of this MND, therefore, no response required.

References

California Energy Commission, 2002. A Road Map for PIER Research on Avian Collisions with Power Line in California, Commission Staff Report, December.

Mayer, K.E. and W.F. Laundenslayer eds.1990. *California's Wildlife Vol. II. Birds*. California Department of Fish and Game, Sacramento, CA, November.

