

**Before the Public Utilities Commission of the State of California –
Application No. 08-05-039**

**Submitted as PUBLIC COMMENT on the
San Joaquin Cross Valley Loop Transmission Project –
Draft Environmental Impact Report**

I am representing my immediate family (names and addresses at the conclusion) and our family ranch (in our family for 150+ years) in this presentation of comments on the Draft Environmental Impact Report (DEIR) prepared for the CPUC and submitted June 2009.

Thank you all for listening to us and including in the DEIR some of the points we made at the various scoping meetings held before the DEIR was completed.

I will refer to some testimony that has been received by the CPUC from various individuals/cities.

1. General re: Alternate 3.

I will start by saying that the DEIR does not take into account the fact that the Edison Company undoubtedly has some plan to upgrade and replace power lines and towers on the route named Alternate 3. On page 4-1 of the DEIR it states that the plan for upgrading the 1.1 miles of the existing right of way (ROW), included in all Alternate routes in question, is to remove old towers, replace with new towers and lines on the western side of the existing ROW. This clears the eastern side of the existing ROW for the new construction.

The plan is to remove 26 existing towers (double towers = 13 sites) and replace those towers with 7 towers (7 sites). So basically, if that pattern was to be repeated for the length of the route, to upgrade/replace the existing power lines, there would be essentially three-quarters (3/4) the number of towers at one-half (1/2) the number of sites as are on the present ROW. The towers and lines will be replacing lines that are aging, leaking and noisy with new technology, quieter w/less EMF leakage and higher lines except at the bottom of the sag (32 feet minimum).

If one includes another tower at each site for the new lines to be constructed, (two towers per site) there still would be only one-half (1/2) the number of original towers. These pairs of towers would be placed essentially twice the distance apart as the old pairs of towers. One-half (1/2) fewer sites than at present.

If this process can be repeated on the length of the existing ROW of Alternate 3, I would suggest that this could be proposed as an alternate route that is not now included in the DEIR. This alternate route would be able to utilize the existing ROW of Alternate 3 and possibly upgrade/replace the existing lines at the same time. “Recycle” the ROW and plan, construct and pay for one project vs. two.

This Alternate route would serve two purposes. Upgrade and replace the old towers and lines with new updated technological lines and place new lines at the same time. Thus, not dividing the resources it will take to construct two separate lines in two separate ROW, and saving money for Edison by doing the work sooner, in a more depressed economy than it will be when the economy has recovered (10 years down the line).

Page 4.1-54 of the DEIR contains what I believe to be misleading information about Alternate 3. “Within this existing ROW, Alternate 3 would pass within 300 feet of approximately 214 residences.” The current power lines already pass those same residences and other developments under construction and in planning.

The arguments posed by some persons in the testimony on behalf of the city of Visalia are more or less ‘moot’ points. (Testimony of Donald Fulbright, pp 2-4) The effect of newer power lines and towers may have a visual impact on the surrounding properties, and for a wider viewing range than the old lines, however, with fewer tower sites, that impact may not be as serious as stated in that testimony. Using current technology for both towers and lines would make the areas surrounding those lines quieter, safer and more visually acceptable (i.e. one-half the number of tower sites as are presently seen).

Regarding the same testimony about the value and sale ability of the mentioned property, I believe that with current technology, and fewer towers farther apart, the area will be perceived as safer, and more open. The ROW under the lines could be landscaped in a way that made it an asset to the surrounding properties. (Walking paths etc.)

2. Agricultural Impact

I was pleased to see on p. 4.2-16 of the DEIR the mention of the fact that the loss of productive farmland/orchards in the new ROW of the “Proposed Route” was seen as “significant unmitigable” and that the “Proposed project would contribute incrementally to” the decline in acreage of farmland in Tulare County.

The majority of the land required for the ROW of the “proposed project” is in production by mature orchards/etc and on farmland of “prime importance”, “statewide importance”, etc. This land is an integral part of the local economy; the farm owners, the businesses they frequent, the cities and the county. Decrease the acreage of productive farmland and it hurts the whole community, county and even the state. If an alternate can be used that does not have such an effect on existing producing farmland, it would be a boon to all involved.

The DEIR, on p. 4.2-20, is misleading in that it states that approximately 95% of Alternative 3 crosses farmlands of “statewide importance”, without noting that most of the lands affected are already crossed by the existing ROW. The majority of new land crossed by the proposed ROW for Alternate 3 is grazing land which may be included in this and other designations.

Even if both lands are listed as “Prime Farmland”, or “Farmland of Statewide Importance” or other, the use of grazing land in the Alternate 3 ROW cannot be compared to the use of mature orchards and farmland that is in production and will be converted to unusable land by the “proposed project” ROW.

If the “proposed project” ROW is selected, there will be more agricultural land lost than that stated in the DEIR. According to testimony by the Farmersville City Manager, p. 5, “The Proposed Project will displace 15+ acres of prime commercial and industrial land, requiring expansion of development boundaries,” in accordance with Farmersville’s Land Use, Planning and Policies, “likely to be on Prime Agricultural land.” So, the total acreage converted from agriculture to non-agriculture by the “proposed project” will be increased. “Expansion of development boundaries to accommodate the Urban Land lost due to impacts associated with the Proposed Project will lead to the permanent reduction of agricultural lands.” p. 7

The DEIR has recommended Alternate 2 for the project. At the July 23 Public Comment Session in Visalia, CA, property owners told us about their unique well systems that cannot be replicated. Loss of these wells would cause the permanent loss of over 200+ acres of productive orchards due to inability of delivering water to the orchards.

3. Economic impact

Besides the effects mentioned above, there are other economical effects of choosing the “Proposed Project” route. From the Farmersville City Manager’s testimony, p.2-3, Farmersville city will lose a planned Industrial Park with up to an eventual 900 jobs and much investment and tax revenue. The Industrial Park project is transected by the “Proposed Project” ROW. This information should be included in the DEIR and in the final EIR. This makes the effect of the “Proposed Project”, in economic terms, much more costly for the community than is stated.

The loss of monies to the community due to the loss of agricultural land stands as noted in all of the above comments when considering the “Proposed Project” versus Alternate 2 or Alternate 3.

4. Ecological impact

Referring to the testimony of Dennis R. Keller for the Kaweah Delta Water Conservation District (KDWCD), filed for the CPUC on May 30, 2009, an area of concern has not been included/considered by the DEIR. The KDWCD has obtained two properties of unique and incomparable qualities which “offer significant opportunities for habitat protection, restoration and enhancement within the Kaweah River Corridor” (3.)

This property will be crossed by the “Proposed Project” route. It is “highly unlikely” that the KDWCD would be able to find “comparable replacement property” for

the purposes mentioned above. “Most such lands have been developed to farming...are not available for habitat restoration...do not have the inherent natural characteristics of” the property in mention. (6.) Mr. Keller comes to the conclusion that “obtaining an easement” for the transmission lines over this property will be much more costly than was estimated. (7.)

Regarding Alternate 3, the DEIR p 4.4-8 states that critical habitat for Vernal Pool Fairy Shrimp is contained in a portion of the Stone Corral Ecological Reserve. “Alternate 3 would traverse this area for approximately one mile.” As one can see from Figure 4.4-4, and as was pointed out in the Public Comment Meeting, July 23, the existing lines already traverse that area. When the existing lines on Alternate 3 are upgraded/replaced, a plan needs to be in place to make the improvements/replacements with a minimum of impact to this area. Disturbance of this area has been a big objection to the use of Alternate 3 for the Edison project.

An Alternate route “3A” was mentioned at the July 23 meeting which avoids the Vernal Pools, if not the Reserve. This Alternate “3A” bypasses the area in question by the use of an alternate unused ROW. The use of such a bypass could conceivably cut disturbance in this area to an absolute minimum. Utilize the bypass for the new lines, pull the old lines that cross the area in question and, if possible, leave the old towers in place. There would be no real traffic or disturbance of the area in question, or if there was need, it would be minimal. I think this is a really promising solution to be investigated.

5. Public Service addition

DEIR p. 4.12-11,12. It is not mentioned that the creation of a ROW over Stokes Mountain, Alternate 3, could function as a fire break or access road for emergency equipment. In case of a fire or accident involving persons, Fire apparatus or emergency vehicles could use the ROW to gain access to areas not now accessible. The ROW would be useful in such emergency situations and would also be a line defendable by fire personnel in case of a wild-land fire.

6. Land acquisition

As stated above, the majority of the new land on Alternate 3 that would need to be acquired is grazing land. This land is owned by a minimum number of persons. Acquisition of a ROW over these lands will be much easier and less expensive in time and money spent than the acquisition of land for a ROW for the “Proposed project”.

The “Proposed project” ROW will include land owned by over 300 individuals/corporations etc. Most of these individuals object strenuously to the use of their land for this project. Many are farmers and the loss of a portion of their land even though it seems small in area will have a definite negative impact on their livelihood and continued existence in their vocation. Negotiating and meeting and eventually, with

some, legal action will take time and money that is not included in the DEIR. Appraisals for land value, negotiations with those who have already had independent appraisals done, all of this will take time and cause many delays in the “Proposed project”. These costs and the time involved have been underestimated in the DEIR, if they have been mentioned at all.

I would encourage the final EIR to recommend Alternate Route 3 with the bypass mentioned called “3A” to the CPUC for the preferred/recommended route for the Cross Valley Transmission project proposed by Edison.

Comparisons: Cost:

Construction: Using Alternate 3 and upgrading the existing lines.

Vs.

Constructing two separate routes, the “proposed project” and then Alternate 3.

Acquisition Time: Alternate 3 - Acquiring ROW property from a limited number of land owners over mostly grazing land.

Vs.

Proposed route - Acquiring new ROW property from 300+ owners who are opposed to the route.

Agriculture: Alternate 3 – Existing ROW and new ROW over mostly grazing land.

Vs.

“Proposed project” – 17+ miles of new ROW over mature productive farmland.

Potentially 15+ more acres of Prime Agricultural land displaced by the City of Farmersville to replace the 15+ acres of prime commercial and industrial land displaced by the Proposed Route.

Economics: Alternate 3 – as stated above

Vs.

Proposed route – economic impact on affected land owners, those businesses, workmen, etc. who are involved in that farming operation.

City of Farmersville, loss of 900+ potential jobs, tax revenues, and businesses that would be the result of the planned Industrial Park.

Environment: Alternate 3 – solve the problem of working in the Vernal Pools by using the suggested bypass (Public Comment Meeting, July 23) around the area. Leave the existing towers, pull the old lines and thus make the impact on that area minimal.

Vs,

Proposed route – affecting the land acquired by the Kaweah Delta Water Conservation District for the purpose of “habitat protection, restoration and enhancement within the Kaweah River Corridor” (Dennis R. Keller for the Kaweah Delta Water Conservation District)

In conclusion:

If Edison is successful with the “Preferred Project” route, the old lines in Alternate 3 will be upgraded and replaced, probably in the not too distant future. One has only to look at the DEIR p. 4-1.

I believe that the estimated higher cost/longer period of construction of Alternate 3 when compared to that of the “Proposed Project” pales in comparison to the cost in time, money & construction of acquiring the new ROW for the “Proposed Project”, constructing power lines along that ROW and **then** upgrading/replacing Alternate 3.

As pointed out in the public comment meeting of July 23, the Vernal Pools on Alternate 3 are already traversed by the existing ROW and power lines. An Alternate route 3A which can avoid crossing the Vernal Pools by using a bypass was suggested. Even if the “Proposed project” is selected and constructed, Edison will have to work within the Stone Corral area or bypass it.

I would ask you to recommend Alternate 3, with the bypass around the Vernal Pools. It is by far the best solution with the least economic, agricultural, ecological effect on the citizens of the area that Edison serves. Those citizens are Edison’s paying customers and are already affected in a negative way by the economic troubles of the

state and the country. Choosing the "Proposed Project" route will make circumstances worse for all individuals involved. In some cases it will make the difference between staying in business and being a productive member of the local community and economy, and bankruptcy, sale of properties and ruin.

Thank you for allowing me to comment.

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