

## 5 COMMENTS AND RESPONSES TO COMMENTS

### 5.1 INTRODUCTION

This section presents the comments and responses to the comments on the Draft Initial Study/Mitigated Negative Declaration (IS/MND). Comments were received during and shortly after the public review period of May 23, 2012, through June 22, 2012. A newspaper notice was published in The Fresno Bee (Fresno County) on May 31, 2012, through June 6, 2012. The Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration was mailed to all property owners within 300 feet of the project. The newspaper notices and the NOI included information on the Draft IS/MND, the project website address, and the schedule for the public review period (see Appendix D for a copy of the NOI).

Five comment letters were received during the public review period and three comment letters were received after the close of the public review period. CPUC has considered all comments and is providing responses in this document. The public comments on the IS/MND are listed in Table 5.1-1. The entire text of each comment letter is included below. Comments within each letter are numbered (e.g., A-1, A-2) and responses immediately follow the comments. If text revisions were made to the IS/MND based on the comments, the revisions are provided with the response to the specific comment and are indicated in the text of this Final IS/MND with ~~strikeout~~ for deletions of text and in underline for new text.

<b>Table 5.1-1: Comments Received for the Draft IS/MND</b>			
<b>Letter</b>	<b>Date</b>	<b>Commenter</b>	<b>Position and Agency</b>
A	June 25	Jeffrey R. Single	Regional Manager, Central Region California Department of Fish and Game
B	June 22	Harvey Y. Morris	Attorney California Public Utilities Commission Division of Ratepayer Advocates
C	June 20	Neda Shakeri	Engineering III Fresno Metropolitan Flood Control District
D	June 22	Tom Johnson	Principal Land Planner Pacific Gas and Electric Company
E	May 24	Greg Johnson	Property Owner
F	September 28	Pat Menagh	Property Owner
G	September 21	Vimy and Rohit Sundran	Property Owners
H	June 21	Timothy and Deanna Watson	Property Owners

## 5.2 COMMENT LETTERS AND RESPONSES

### 5.2.1 Letter A: Jeffrey R. Single, Regional Manager, Central Region, California Department of Fish and Game

State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
Central Region  
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EDMUND G. BROWN Jr. Governor  
CHARLTON H. BONHAM, Director

A

June 25, 2012

Michael Rosauer  
California Public Utilities Commission  
c/o Panorama Environmental, Inc.  
1 Embarcadero Center, Suite 740  
San Francisco, California 94111

**Subject: Draft Initial Study/Mitigated Negative Declaration  
PG&E Shepherd Substation Project, Fresno County, California  
SCH No. 2012051067**

Dear Mr. Rosauer:

The California Department of Fish and Game (Department) has reviewed the Draft Initial Study (IS)/Mitigated Negative Declaration (MND) submitted by the California Public Utilities Commission (CPUC) for the above Project. Approval of the Project would allow for the construction of a 115/21-kilovolt (kV) electrical substation with three 45 megavolt amperes (MVA) transformers with the dimensions of approximately 390 feet by 399 feet. The Project site is located in unincorporated Fresno County, north of the City of Clovis, at the southwest corner of Sunnyside Avenue and Perrin Avenue in an existing almond orchard with a storm water detention basin constructed within the Project area. A 115-kV overhead power line, approximately 1.5 miles long, would be constructed to link the substation to the existing power grid north of the substation to East Copper Avenue. Two 21-kV and one 12-kV distribution lines would also be constructed primarily underground to link the substation to existing distribution systems south of the substation 0.5 mile to Shepherd Avenue. One of these 21-kV distribution lines would then transition to overhead south of Shepherd Avenue, tying into an approximately one-mile portion of an existing overhead 12-kV distribution line that will be reconducted and converted to 21-kV voltage. The other 21-kV distribution line would extend underground west approximately 0.4 mile along the north side of Shepherd Avenue boring under Enterprise Canal to intercept and existing distribution line. The 12-kV distribution line would extend underground east for approximately 0.5 mile along the north side of Shepherd Avenue to intercept an existing 12-kV distribution line.

The Department is concerned the construction activities could result in impacts to special-status species known to occur in the Project area including, but not limited to, the State endangered and federally threatened succulent owl's clover (*Castilleja campestris ssp. succulenta*), State endangered and federally threatened San Joaquin Valley orcutt grass (*Orcuttia inaequalis*), State and federally threatened California tiger salamander (*Ambystoma californiense*), State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), State threatened Swainson's hawk (*Buteo swainsoni*), federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*), State Species of Special Concern burrowing owl (*Athene cunicularia*), tricolored blackbird (*Agelaius tricolor*), American badger (*Taxidea taxus*), western

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pond turtle (*Emys marmorata*), Western spadefoot (*Spea hammondi*), and California Rare Plant Rank 1B.2 listed spiny-sepaled button –celery (*Eryngium spinosepalum*). The MND recognizes the potential impacts to wildlife in the implementation of the Project and has proposed avoidance and minimization measures intended to reduce impacts to these species. However, some additional avoidance, minimization, and mitigation are warranted for these species. Therefore, the Department believes further mitigation measures, in addition to those listed in the MND, are necessary to reduce the Project-related impacts to all the above species to less than significant levels. Therefore, the Department has the following recommendations that should be incorporated into the Final MND.

**Department Jurisdiction**

A-2

**Trustee Agency Authority:** The Department is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

A-3

**Responsible Agency Authority:** The Department has regulatory authority over projects that could result in the “take” of any species listed by the State as threatened or endangered, pursuant to fish and Game Code Section 2081. If the Project could result in the “take” of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001(c), 21083), Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency’s SOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code Section 2080. The Project has the potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA).

A-4

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. Burrowing owl, tricolored blackbird, American badger, western pond turtle, and western spadefoot could occur in the Project area.

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A-5 **Bird Protection:** The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized “take” of birds. Fish and Game Code sections that protect birds, their eggs, and nests include sections 3503 (regarding unlawful “take,” possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the “take,” possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful “take” of any migratory nongame bird). Appropriate avoidance and minimization measures for raptors and other nesting birds in the Project area should be included in the CEQA document prepared for this Project.

A-6 **Stream Alteration Agreement (SAA):** Pursuant to Fish and Game Code 1600 *et. seq.*, it is unlawful for any person to divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream or lake designated by the Department without first submitting plans to the Department for approval. If the Department determines that the Project may substantially and adversely affect fish or wildlife resources, then a Streambed Alteration Agreement would be required. If the proposed 12-kV distribution line that would extend underground east for approximately 0.5 mile along the north side of Shepherd Avenue has the potential to impact the riparian area along Dry Creek, then a SAA would be required.

**Potential Project Impacts and Recommendations**

A-7 **California Tiger Salamander (CTS):** This State and federally threatened species CTS has the potential to occur in the vicinity of the Project site. The MND identify areas of the Project site as suitable breeding habitat for CTS as there are seasonal pools and ponds and associated grasslands suitable for CTS upland habitat located on and adjacent to the proposed power line alignment of the Project. As a State-listed species, the Department has authority to regulate “take” of CTS under CESA; and we should be consulted regarding potential impacts to this species, and for permitting requirements, well in advance of any potential Project-related impacts. The Department has issued Pacific Gas and Electric Company (PG&E) a draft amendment to the Incidental Take Permit (ITP) in conjunction with the San Joaquin Valley Operations and Maintenance Habitat Conservation Plan (HCP) which once executed would give PG&E “take” coverage of CTS for the covered activities associated with this Project. However, this amendment has not been signed by PG&E at this time due to disputes over other conditions in the ITP amendment and therefore, PG&E does not have “take” coverage of CTS for the activities covered under the HCP. In addition, PG&E would still need to pursue an ITP for CTS for the activities that are not covered by the HCP, such as the substation construction and new distribution line construction. Although the Project area is within disturbed habitats, there is the potential for impacts to CTS by the power line alignment.

Typically, protocol surveys are conducted to determine the likelihood that CTS occurs on a project site, and to provide guidance to the Department and the applicant regarding the need for “take” authorization. “Take” authorization would occur through the issuance of the ITP, pursuant to Fish and Game Code Section 2081(b). For information regarding ITPs please see the following link: <http://www.dfg.ca.gov/habcon/cesa/>. To meet permit issuance criteria, the ITP would include measures required to avoid and/or minimize direct “take” of CTS on the Project site, as well as measures to fully mitigated the impact of the “take” which would support and/or

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enhance the future existence of the species. We would like to work with the CPUC and the United States Fish and Wildlife Service (USFWS) to identify measures which could be included as conditions of approval prior to CEQA certification.

A-8 | The Department finds that mitigation measures proposed in the MND, specifically APM Bio-22 and AMM 17, are not adequate to reduce significant impacts to CTS to a less than significant level, as required by use of an MND; and do not fully mitigate impacts to the State-listed species, as required by CESA to issue and ITP. As previously stated, when issuing an ITP to authorize "take" of CTS, the CPUC's CEQA document would be utilized by the Department, and would need to disclose Project-related impacts to CTS and include mitigation measures that offset those impacts. ITPs issued by the Department typically include acquisition of compensatory mitigation lands, occupied by the listed species impacted by the project. These lands generally must be conserved by fee title transfer to the Department or to a non-profit conservation organization, and except when lands are transferred to the Department; a conservation easement must also be recorded over these lands, which are to be managed in perpetuity, to fully mitigate the impact of the "take." If the CEQA document certified by the CPUC for this Project does not disclose and mitigate impacts to State-listed species, a subsequent CEQA analysis or document may be required, and produced at the applicant's expense. This could significantly delay permit issuance and, subsequently, Project implementation.

A-9 |

**San Joaquin Kit Fox (SJKF):** The Project has the potential to impact SJKF. SJKF populations are known to den in right-of-ways, vacant lots, parks, landscaped areas, golf courses, etc., and population numbers fluctuate over the years. Presence/absence in any one year does not necessarily depict the potential for kit fox to occur on a site. This is true for many other listed species in the San Joaquin Valley. It is important to note that SJKF may be attracted to the construction and disposal areas of the site due to the type and level of activity (grading, excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. The Department recommends that the USFWS "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (2011) be followed. A pre-construction survey is recommended and a biological monitor should be present at the excavation and disposal sites to observe if SJKF has moved into the area (i.e., burrow presence). In the event that this species is detected during surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid "take," or if avoidance is not feasible, to acquire a State ITP prior to any ground-disturbing activities. The Department also recommends consulting with the USFWS on potential impacts to this species. Avoidance, minimization, and mitigation measures for SJKF should be fully addressed in the CEQA document prepared for the Project, guidance can be found in the document referenced above.

A-10 |

**Swainson's Hawk:** Swainson's hawks have the potential to occur in the vicinity of the Project site. To assess potential Project-related impacts to the species, surveys should be conducted following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000), prior to any ground disturbance. These surveys, the parameters of which were designed to optimize detectability, must be conducted to reasonably

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assure the Department that "take" of this species will not occur as a result of disturbance associated with Project implementation. In the event that this species is detected during protocol-level surveys, consultation with the Department is warranted to discuss how to implement the Project and avoid "take," or if avoidance is not feasible, to acquire a State ITP prior to and ground-disturbing activities.

A-12

Removal of mature trees is a potentially significant impact to nesting raptors that should be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and, in the case of Swainson's hawk, it could also result in "take" under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year. Regardless of nesting status, trees that must be removed should be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat.

A-13

Swainson's hawks generally forage within 10 miles of their nest tree. Due to the loss of suitable foraging habitat due to Project activities, mitigation measures compensating for losses of habitat should be included in the Final MND. The Department's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (DFG, 1994) recommends the following:

- Projects within 1 mile of an active nest tree should provide a minimum of one acre of habitat management (HM) land for each acre of development authorized.
- Projects within 5 miles of an active nest but greater than 1 mile should provide a minimum of 0.75 acres of HM land for each acre of urban development authorized.
- Projects within 10 miles of an active nest tree but greater than 5 mile from an active nest tree should provide a minimum of 0.5 acres of HM land for each acre of urban development authorized.

Funding of a sufficient long-term endowment for the management of the protected properties should be paid by the Project sponsors. In addition to fee title acquisition of grassland habitat, mitigation could occur by the purchase of conservation or suitable agricultural easements. Suitable agricultural easements would include areas limited to production of crops such as alfalfa, dry land and irrigated pasture, and cereal grain crops. Vineyards, orchards, cotton fields, and other dense vegetation do not provide adequate foraging habitat. Additionally, nest trees are an extremely limited resource in the southern San Joaquin Valley; the Department recommends that lands are protected as foraging habitat for Swainson's hawks be no more than 10 miles from a known Swainson's hawk nest in order to be beneficial to the species. Mitigation measures for Swainson's hawk should be fully addressed in the adopted Final MND.

**Burrowing Owl:** The Project has the potential to impact burrowing owl. To avoid impacts to the species, focused surveys should be conducted following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately February 1 through

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August 31), and potential burrowing owl burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that burrowing owls are found, the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) (Staff Report) recommends that impacts to occupied burrows be avoided by implementation of no-disturbance buffer zones, unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement the recommended buffer zones could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure, in violation of Fish and Game Code and the Migratory Bird Treaty Act.

A-14 | If the Project proposes to evict burrowing owls that may be present, the Department recommends passive relocation during the non-breeding season. The CEQA document should describe all avoidance measures that would be employed in the event that owls are found on the Project site, as well as methods that would be used to evict owls from burrows. The CEQA document should specify how the impact of evicting owls would be mitigated to a less than significant level. The Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. The Department also recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting a burrowing owl.

A-15 | **Other Nesting Birds:** Nesting birds have the potential to exist on the Project site. If Project-related activities must occur during the breeding season (February through mid-September), surveys for active nests should be conducted by a qualified biologist no more than 30 days prior to commencing Project-related activities. A minimum no-disturbance buffer of 250 feet for passerines and 500 feet for raptors should be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Avoidance, minimization, and mitigation measures for nesting birds should be fully addressed in the CEQA document prepared for the Project.

A-16 | **Special-Status Plant Species:** There is the potential for multiple special-status plant species to occur on or adjacent to the Project site. The Project site should be surveyed by a qualified botanist. The Department recommends following the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (November 24, 2009). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary. Further, special-status plant species should be avoided whenever possible by delineating and observing a minimum no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with the Department should occur to determine appropriate minimization and mitigation measures for impacts to special-status plant species. Should a State- or federally listed plant species be

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identified during botanical surveys then consultation with the Department and/or the USFWS should be conducted to determine the need for an ITP (issued by the Department) or a Biological Opinion (issued by the USFWS). Avoidance, minimization, and mitigation measures for listed plant species should be fully addressed in the CEQA document prepared for the Project.

A-17

**Avoidable Wildlife Impacts from Erosion Control Mesh Products:** Due to this Project site's extensive wildlife habitat interface, the Department recommends that erosion control and landscaping specifications allow only natural-fiber, biodegradable meshes for use in erosion control mats, blankets, and straw or fiber wattles. "Photodegradable" and other plastic mesh products have been found to persist in the environment, ensnaring and killing terrestrial and aquatic wildlife. Plastic mesh erosion control products would likely cause unanticipated avoidable impacts including "take" of special status species.

A-18

**Federally Listed Species:** The Department also recommends consultation with the USFWS on potential impacts to federally listed species including, but not limited to CTS, SJKF, succulent owl's clover, San Joaquin Valley orcutt grass, vernal pool fairy shrimp, prior to any site development and ground disturbance related to this Project. "Take" under the Federal Endangered Species Act (FESA) is more broadly defined than under CESA; "take" under FESA may also include significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

Thank you for the opportunity to comment on the MND for the Shepherd Substation Project. More information on Survey and monitoring protocols for sensitive species can be found at the Department website ([www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)). If you have any questions on these issues, please contact Sara Bahm, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 306, or by electronic mail at sbahm@dfg.ca.gov.

Sincerely,

Jeffrey R. Single, Ph.D.  
Regional Manager

cc: United States Fish and Wildlife Service  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825

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### 5.2.2 Responses to Letter A: Jeffrey R. Single, Regional Manager, Central Region, California Department of Fish and Game

- A-1 Noted. Please refer to specific responses to each recommendation provided. No additional mitigation measures are required for the project. However, some mitigation measures are revised, based on the comments, to provide greater clarification.
- A-2 So noted.
- A-3 So noted.
- A-4 So noted. Potential impacts to burrowing owl, tricolored blackbird, American badger, western pond turtle, and western spadefoot are analyzed in Section 3.5 of the IS/MND.
- A-5 Mitigation Measure Biology-4 specifically addresses potential impacts to raptors and other nesting birds. The standard buffers and breeding season dates within Mitigation Measure Biology-4 have been revised in accordance with the comment. CPUC and PG&E have consulted with CDFG to develop mitigation measure language that protects migratory birds and raptors during construction of the project. The mitigation measure has been revised as follows:

“Mitigation Measure Biology-4 (proposed to supersede APM Bio-23): If construction activities are scheduled is to occur during the avian breeding nesting season (February 12~~8~~ to through September 15 August), a pre-construction survey for migratory birds shall be conducted by a qualified wildlife biologist within 30 days prior to the start of ground-disturbing construction activities and prior to the start of construction in any new work area. The width of the pre-activity survey for raptor nests will be in vegetation within 500 feet on the westerly side of the new power line alignment and up to 500 feet on the easterly side of the alignment, where access is available. At a minimum, the survey will be to the extent of PG&E’s right-of-way on the easterly side. For smaller avian species, the maximum width of the survey will be in vegetation 250 feet on the westerly side of the new power line alignment and up to 250 feet on the easterly side of the alignment, where access is available. At a minimum, the survey will be to the extent of PG&E’s right-of-way on the easterly side. The results of the survey shall be reported to the CPUC prior to construction. If active nests are found, appropriate buffers between construction activities and the nest will be established to ensure nests are not abandoned due to project activities. The State of California Department of Fish and Game (CDFG) recommended buffers shall be are 250 feet for passerines and 500 250-feet for non-listed raptors. Work within the buffers shall not proceed until the nestlings have fledged or the nest becomes inactive, unless otherwise agreed to by the resource agency with jurisdiction over the species. No additional measures will be implemented if active nests are outside of these distances from the nearest work site. The specified buffer size may be reduced on a case-by-case basis if, based on compelling biological or ecological reasoning (e.g., the biology of the bird species, concealment of the nest site by topography, land use type, vegetation, and level of

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project activity) and as determined by a qualified wildlife biologist, that implementation of a specified smaller buffer distance will still avoid project-related “take” (as defined by Fish and Game Code Section 86) of adults, juveniles, chicks, or eggs associated with a particular nest. CPUC shall be notified within 72 hours of any variance from CDFG-recommended buffers. Any variance from CDFG-recommended buffers will be logged in a written report that includes the species, location, reason for the buffer reduction, the name and contact information of the qualified wildlife biologist(s) who authorized the buffer reduction and conducted subsequent monitoring, the reduced avoidance buffer size, duration of buffer reduction, and outcome to the nest, egg, young, and adults. The report should be submitted to CDFG and CPUC at the end of each nesting season for the duration of the project. The nests will be monitored on a daily basis when construction activities are within the buffer zones. Monitoring will continue for the duration of the nesting season by a qualified wildlife biologist unless a qualified wildlife biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends (whichever occurs first). If the nesting birds show signs of distress with a reduced buffer size during project activities, the qualified wildlife biologist will consult with the resource agencies (e.g., CDFG and USFWS) and reinstate the recommended buffers.

Buffers will not apply to construction-related traffic using existing roads that is not limited to project-specific use (e.g., county roads, highways, and farm roads). Non-listed species found building nests within the standard buffer zone after specific project activities begin shall be assumed tolerant of that specific project activity and the nest will be protected by the maximum buffer practicable. However, these nests should be monitored on a daily basis by a qualified biologist when construction is within the buffer zone for the duration of the nesting season unless the qualified biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends (whichever occurs first). Should nesting birds that have moved in during construction show signs of distress within a reduced buffer zone and that stress is related to construction activities, the qualified wildlife biologist will reinstate the recommended buffers. The recommended buffers will only be reduced after the qualified biologist has determined that the nesting birds are no longer exhibiting signs of stress. Reporting regarding reduction of buffers will be documented in a written report and will follow the procedure described above.

If the qualified wildlife biologist determines that there are listed or fully protected species nests within a 0.5-mile radius of project activities, PG&E will consult with the resource agencies. PG&E, with the agencies, shall discuss how to implement the project and avoid “take,” or if avoidance is not feasible, in the case of state-listed species, to acquire a state ITP prior to initiation or resumption (whichever applies) of any ground-disturbing activities. If an ITP is required, compensatory habitat

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mitigation would be provided to reduce impacts to the species.

- A-6 Noted. The proposed project does not involve impacts to waters of the State. If there are changes to the project design that would involve impacts to riparian habitat, PG&E would be required to obtain authorization from CDFG through a Streambed Alteration Agreement. This clarification has been added (underlined text) to page 3.5-42 as follows:
- “No riparian habitat was identified along the drainage ditches and ephemeral drainages. The only potentially sensitive natural community within the project area consists of two seasonal wetland areas. The seasonal wetlands were identified within the power line alignment. Power line poles would be placed outside of seasonal wetlands in accordance with APM Bio-19, thereby avoiding impacts to these areas. If there are changes in the project design that would result in impacts to riparian habitat, a Streambed Alteration Agreement would be required from California Department of Fish and Game prior to any impacts to riparian habitat. Therefore, the project would have a less-than-significant impact on riparian habitat or sensitive natural communities and no mitigation would be required.”
- A-7 Noted. The power line alignment is covered by the Habitat Conservation Plan (HCP) as agreed to by both USFWS and CDFG. Correspondence from USFWS and CDFG regarding coverage of the power line under the HCP is provided in Appendix A of the IS/MND. The substation and distribution alignments would not be located within areas containing potential habitat for California tiger salamander (CTS). PG&E proposed APM Bio-22 to address potential new mitigation requirements for CTS. It is recognized that CTS is not currently covered under the HCP and construction of the power line could not begin until adequate coverage under an Incidental Take Permit (ITP) has been obtained. With implementation of APM Bio-22 and avoidance of seasonal wetland areas, impacts to CTS would be less than significant.
- A-8 Communication with USFWS has indicated that construction of the power line would be covered under the HCP (Attachment A of the IS/MND) and that CTS would be covered under the HCP. The substation and distribution lines would not be constructed within suitable habitat for CTS. Therefore, the substation and distribution lines would not contribute to potential impacts to CTS. PG&E would be required to comply with all AMMs included in the HCP.
- A-9 Project components and activities would not cause additional impacts to CTS beyond those described for the power line (as discussed in response to comments A-7 and A-8). The power line construction would avoid seasonal wetlands, thereby avoiding any potential breeding habitat. Impacts to CTS associated with the power line would be covered under either an ITP or the current HCP. Additional AMMs may be adopted for CTS through the HCP. Impacts to CTS would be less than significant.

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- A-10 Mitigation Measure Biology-5 and AMM 21 address potential impacts to San Joaquin kit fox (SJKF) by requiring pre-construction surveys and establishing procedures for avoidance of SJKF (if kit fox are identified during pre-construction surveys). The only portion of the project area that provides potentially suitable habitat for SJKF is the power line work area. This portion of the project would be constructed under the HCP for Operations and Maintenance as confirmed by both USFWS and CDFG, and a separate ITP would not be required. To comply with the provisions of the HCP, AMM 21 would be implemented during construction. USFWS procedures for exclusion and potential removal of dens would be followed as outlined in AMM 21. The standardized recommendations for protection of SJKF prior to ground disturbance (USFWS 2011) would conflict with AMM 21, which is part of the HCP agreed to by USFWS, CDFG, and PG&E.
- A-11 Mitigation Measure Biology-4 requires surveys for raptors within 500 feet of the proposed power line alignment. Surveys for raptors would include surveys for Swainson's hawk. There are no records of Swainson's hawk nests within 5 miles of the project area. By complying with the survey requirements and buffer distance of 500 feet for raptors, the project would have a less than significant impact on Swainson's hawk.
- A-12 The project proposes the removal of 5 acres of almond trees, as described in the project description. No other trees would be removed as part of the proposed project. CPUC and CDFG discussed the project and CDFG comments on June 23, 2012. CDFG concurred that almond trees are not considered suitable nesting habitat for Swainson's hawk. No revision to the IS/MND is required to address the removal of almond trees.
- A-13 Impacts to foraging habitat for Swainson's hawk would be less than significant. The permanent impacts to foraging habitat would result from the installation of the power poles. Each pole is approximately 5 feet in diameter and would disturb an area of approximately 20 square feet. The permanent loss of 0.01 acre of grassland habitat resulting from this project would not be significant given the overall abundance of grassland habitat in the surrounding area. Habitat mitigation would not be required for the proposed project.
- A-14 This comment addresses potential impacts to burrowing owls. AMM 18 addresses avoidance of burrowing owls, as requested in the comment. This AMM was previously approved by CDFG as a part of the HCP. The text of AMM 18 is provided below:

"AMM 18: If western burrowing owls are present at the site, a qualified biologist will work with O&M staff to determine whether an exclusion zone of 160 feet during the non-nesting season and 250 feet during the nesting season can be established. If it cannot, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls."

## 5 COMMENTS AND RESPONSES TO COMMENTS

In addition to the AMM, PG&E's HCP includes compensation for impacts to burrowing owl habitat. The HCP requirement is presented below:

“Compensation will be provided for disturbance to occupied burrowing owl habitat. Compensation may entail acquiring existing occupied burrowing owl habitat or enhancing lands near occupied burrowing owl habitat (i.e., at substations). Acquired occupied land will contain three basic attributes: open, well-drained terrain; short, sparse vegetation; and underground burrows (created by ground squirrels or other fossorial mammals) or facsimiles. Such lands will be managed to maintain compatibility with burrowing owl use, including restrictions on use of rodenticides. This compensation will provide permanently protected compensation land as mitigation for temporary disturbance of grassland habitat. Enhancement will consist of constructing artificial nesting habitat or performing other management actions to enhance the population at existing occupied sites (i.e., substations). Enhancement may be performed in advance on PG&E lands. Specific enhancement measures will be developed adaptively with the agencies.”

Potential impacts to burrowing owl would be less than significant through implementation of these measures. The minimal amount of habitat lost (0.17 acres) as a result of the project would be replaced in accordance with the compensation described above. If any burrowing owls are identified in the project area they would be avoided as described in AMM 18.

- A-15 Refer to response to comment A-5. The mitigation measure was revised by adjusting the nesting season to February 1 to September 15. The standard buffer distances were revised to 250 feet for passerines and 500 feet for raptors.
- A-16 Appropriate buffers for special-status plant species will be maintained by adhering to HCP AMM 12. AMM 12 requires staking and flagging a 100-foot exclusion zone buffer area. This 100-foot exclusion zone is larger than the 50-foot buffer recommended in the comment.

Mitigation Measure Biology-1 has been revised to clarify the survey method:

Mitigation Measure Biology-1: PG&E shall conduct a pre-activity survey of those portions of the project that occur within native or naturalized areas (the project route from Perrin Avenue to Shepherd Avenue). The survey ~~should~~ will be conducted ~~during the appropriate flowering season to identify sensitive plants that have the potential to occur within the project area~~ following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (November 24, 2009). The width of the pre-activity survey will be 200 feet on the westerly side of the new power line and to the extent of PG&E's right-of-way on the easterly side. The survey will consist of walking parallel transects spaced approximately 50 feet apart to provide 100 percent visual coverage of the construction site and adjacent lands. The surveyors will map the location of all

## 5 COMMENTS AND RESPONSES TO COMMENTS

sensitive plants identified during the survey on drawings of the project site, noting the distance to construction areas, access roads, and laydown areas. If sensitive plant species are present, AMM-12, AMM-13, and AMM-14, shall be implemented.

- A-17 APM Geo-1/WQ-1 has been revised to require the use of natural, biodegradable erosion control products. This minor language change does not impact the analysis contained within the section. The text of the APM has been revised as follows:

APM Geo-1/WQ-1: Erosion Control and Sediment Transport Plan (ECSTP) implementation. An ECSTP will be prepared in association with the SWPPP. This plan will be prepared in accordance with the Water Board guidelines and other applicable BMPs. Implementation of the plan will help stabilize disturbed areas and waterways and will reduce erosion and sedimentation. The plan will designate BMPs that will be followed during construction activities. Natural-fiber biodegradable mesh will be used in erosion control mats, blankets, and straw or fiber wattles, where these products are required. Erosion-minimizing efforts may include, but are not limited to, measures such as:

1. Avoiding excessive disturbance of steep slopes.
2. Using drainage control structures (e.g., straw wattles or silt fencing) to direct surface runoff away from disturbed areas.
3. Strictly controlling vehicular traffic.
4. Implementing a dust-control program during construction.
5. Restricting access to sensitive areas.
6. Using vehicle mats in wet areas.
7. Revegetating disturbed areas, where applicable, following construction. In areas where soils are to be temporarily stockpiled, soils will be placed in a controlled area and will be managed with similar erosion control techniques. Where construction activities occur near a surface water body or drainage channel and drainage from these areas flows towards a water body or wetland, stockpiles will be placed at least 100 feet from the water body or will be properly contained (such as berming or covering to minimize risk of sediment transport to the drainage). Mulching or other suitable stabilization measures will be used to protect exposed areas during and after construction activities. Erosion-control measures will be installed, as necessary, before any clearing during the wet season and before the onset of winter rains. Temporary measures, such as silt fences or wattles intended to minimize erosion from temporarily disturbed areas, will remain in place until disturbed areas have stabilized.
8. The SWPPP will be designed specifically for the hydrologic setting of the project. BMPs documented in the ECSTP may also be included in the SWPPP.

## 5 COMMENTS AND RESPONSES TO COMMENTS

A-18 PG&E has consulted with USFWS and is continuing to consult with USFWS regarding this project and potential impacts to federally listed species.

5.2.3 Letter B: Harvey Y. Morris, Attorney for Division of Ratepayer Advocates, CPUC

B

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



June 22, 2012

Michael Rosauer  
California Public Utilities Commission  
c/o Panorama Environmental, Inc.  
1 Embarcadero Center, Suite 740  
San Francisco, California 94111

Re: Division of Ratepayer Advocate’s Comments on Shepherd Substation Draft Mitigated Negative Declaration and Supporting Initial Study in Conjunction with Permit to Construct the Shepherd Substation Project (Application No. 10-12-003)

Dear Mr. Rosauer:

B-1 [ Based upon the Division of Ratepayer Advocate’s (DRA) review of the Draft Mitigated Negative Declaration (MND), DRA submits that the document is inadequate and further work needs to be completed, as an Environmental Impact Report (EIR) may be required for this project. This is an important fact because if an EIR is required and if it is determined that this project will have significant impacts, this Commission, if it wants to approve this project, will be required to make findings pursuant to California Environmental Quality Act (CEQA) guideline code section 15091 that, for example, the project is needed and such need must be based on significant evidence on the record. At this point, there is little evidence that the project, as proposed by Pacific Gas and Electric Company (PG&E), is needed.

DRA is concerned that the Shepherd Substation project is not needed based upon the following:

- B-3 [ 1. According PG&E’s draft MND section 3.13.2 Environment Impacts and Assessment, it states that its project would have no impact in terms of substantial population growth nor would it increase the need for workers and housing units in the area.
- B-4 [ 2. Based upon population growth from 2000 through 2010, PG&E had predicted that population projection for Fresno County and the cities of Fresno and Clovis would result in a 19% increase by 2020. See pp. 3.13-1 – 3.13-2. . However, in light of the recession, the housing market, and the general economic situation in California, especially the record amount of foreclosures in this particular area as recently as May, 2012, there’s no reason to believe that this projected growth would continue at this level.

5 COMMENTS AND RESPONSES TO COMMENTS

B

Mr. Rosauer  
Page 2

B-5

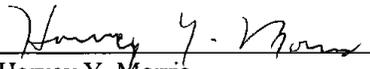
- 3. PG&E’s filing at the California Independent System Operator (CAISO) had presented a project of a single 45-MVA transformer bank to serve with a 50 MVA capacitor bank, for a total capacity of 45 megawatts (MW). At the CAISO, PG&E estimated its cost at \$8 to \$10 million. The CAISO analyzed the 45-MVA transformer bank and found that there would be no impacts on the transmission system.
- 4. However, in its draft MND, PG&E’s Shepherd Substation project will have capacity for up to three 45-MVA transformers. The costs are expected to at least triple the cost estimated by PG&E at the CAISO (*i.e.*, at least \$30 million).
- 5. The CAISO never analyzed the impacts of 135 MW of capacity on the transmission system. PG&E has not presented any analyses to demonstrate that this project will not have an impact on the transmission system which could result in additional costs to ratepayers.

B-6

PG&E’s application for its permit to construct (PTC) the Shepherd Substation project is dated December 8, 2010. In the application, PG&E’s request for approval from the Commission of a new 3-bank, 115/21 kilovolt substation associated power line interconnection in Fresno County and states that the project is needed by May 2013 to meet the increased electric demand in northeast Fresno and northeast Clovis area. *See* PG&E’s Application, p. 1. PG&E further provides that this would amount to three 45-MVA transformers and a capacity of 135 MW. *See* PG&E’s Application, p. 3. PG&E’s finding of need is based upon the city of Clovis’ proposed Northwest Village, which is also referenced in the draft MND, and alleged electrical growth of 5 MW (1.5%) per year without any citation for this alleged growth. In fact, as of June 20, 2012, DRA had contacted the city of Clovis Director of Planning and Services, who stated that nothing was in the works for the development of the Northwest Village.

PG&E’s draft MND and its PTC are based upon old and outdated data. The Commission should not burden PG&E’s ratepayers with the costs associated with the Shepherd Substation, with such a poor record.

Sincerely,

  
 Harvey Y. Morris  
 Attorney for Division of Ratepayer Advocates  
 (415) 703-1086  
[hym@cpuc.ca.gov](mailto:hym@cpuc.ca.gov)

**5.2.4 Responses to Letter B: Harvey Y. Morris, Attorney for Division of Ratepayer Advocates, CPUC**

- B-1 CPUC prepared a Draft IS/MND for the project in compliance with CEQA Guidelines. All potentially significant impacts of the project can be avoided through implementation of the identified mitigation measures. The Draft IS/MND is sufficient to meet CEQA requirements. The project would have no unavoidable significant effects. Pursuant to CEQA Guidelines §15070, a Mitigated Negative Declaration may be adopted for the project, and an Environmental Impact Report is not required.
- B-2 The need for the proposed project is presented in Section 2.2 of the IS/MND. The project is needed to provide continued reliable service to customers given past and projected growth in energy demand. Peak demand is currently near system capacity. Future demand is expected to surpass current capacity, which would result in brownouts as electricity is cut to some customers during peak periods. All existing substations serving the area are fully utilized and a new substation is, therefore, needed to service the existing and future load.
- B-3 Construction and operation of the project would not drive population growth in the area. Construction would take place over a 12-month timeframe and construction workers would not be expected to relocate to the area permanently for the temporary construction work. There is also an adequate labor pool in the area. The long-term operation of the facility would be conducted by existing PG&E personnel at an existing operation center. There would be no need for additional workers and associated worker housing.
- B-4 The population data and projections presented in the IS/MND were not developed by PG&E. The data were obtained from the U.S. Census Bureau, California Department of Finance, and City of Clovis. The projections used in the IS/MND are the most up-to-date data available on population and projected growth. While it is conceivable that population growth could proceed at a slower rate than projected, the area is nearly at capacity under current circumstances. During peak demand, the system is currently operating at 95 percent of capacity. The population would still be expected to grow if there were a potential reduction in the rate of population growth. The project is needed because the area is already operating near capacity.
- B-5 Costs to ratepayers and economic considerations of the project are not subject to review under CEQA. CEQA Guidelines §15131 limit the analysis of economic impacts to the environmental change that would have an anticipated economic impact. Specifically:
- “(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”*

## 5 COMMENTS AND RESPONSES TO COMMENTS

- B-6 The information regarding projected growth in load provided in the PEA was updated in 2012 as cited in the document. This information reflects current projections, which have been updated since the initial PEA was published. Multiple projects are proposed and under construction in the project vicinity, as shown in Section 3.18 of the Draft IS/MND. These projects include the Clovis Community Medical Center, Clovis-Herndon Shopping Center and Clovis Research and Technology Park. These projects are currently under construction or have approved planning documents. The projection does not include a 1.5 percent projected annual increase. The increase in load was adjusted to reflect current (2012) plans in the service area. The project is needed because the line currently operates near capacity during peak demand.

5.2.5 Letter C: Neda Shakeri, Fresno Metropolitan Flood Control District

C



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 310. "BY"  
550.10 "BY"  
550.20 "BY"

June 20, 2012

Michael Rosauer  
California Public Utilities Commission  
c/o Panorama Environmental, Inc.  
1 Embarcadero Center, Suite 740  
San Francisco, CA 94111

Dear Mr. Rosauer,

**Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration  
Proposed Shepherd Substation Project (Application No. A. 10-12-003)  
Pacific Gas and Electric Company (PG&E)**

The Fresno Metropolitan Flood Control District (District) bears responsibilities for storm water management within the Fresno-Clovis metropolitan area, including the area of the subject project. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipes, channels, culverts, and drainage detention basins. The subject project lies within the District's Drainage Area "BY".

C-1 [ The community has developed and adopted a Storm Drainage and Flood Control Master Plan. The portion of the Master Plan impacted by this IS/MND is shown on Exhibit No. 1. Each property is required to contribute its pro-rata share to the cost of the public drainage system. It is this form of participation in the cost and/or construction of the drainage system that will mitigate some of the impacts of the development. The subject property shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a permit or beginning construction at the rates in effect at the time of such approval. The preliminary drainage fee for the subject project is \$24,295.00 and is valid through February 28, 2013.

C-2 [ The proposed development appears to be located within a 100-year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District. As such, the project shall comply with all applicable laws and regulations governing said flood prone area, including, but not limited to, the District's Flood Plain Policy. (See attached Flood Plain Policy) The project shall be designed to mitigate any impact to the flood plain, including diversion of flood waters (grading or importing of fill into the flood plain) or blocking flow patterns (construction of block walls). Each of these project elements shall be evaluated and mitigated to insure there are no impacts and the project is in compliance with the adoption of a Negative Declaration.

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5469 E. OLIVE • FRESNO, CA 93727 • (559) 456-3292 • FAX (559) 456-3194

**Mr. Michael Rosauer**  
**Shepherd Substation**  
**June 20, 2012**  
**Page 2**

In order to adopt the Mitigate Negative Declaration, the subject project must address and mitigate several District concerns related to the location and construction of the proposed substation and off-site distribution facilities as it relates to right-of-way, existing stream courses and their improvement, and basin design and access. The requirements imposed by the District to mitigate impacts with regards to our Master Plan are as follows:

**115-kV Overhead Distribution Line**

C-3

The IS/MND document describes proposed overhead facilities running north along the Sunnyside Avenue alignment. Based upon the proposed pole locations described in the IS/MND, these facilities will either be located within the fenced area of the District's Basin "BY" or in close proximity just outside of the existing basin fence. The project description identifies a plan to locate the new 115-kV overhead line 15-feet west of the existing pole line in a sixty (60) foot right-of-way. The existing pole line is several feet west of the section line or east boundary of the existing 20-foot wide Sunnyside Avenue right-of-way. There isn't sufficient existing right-of-way available to allow for the intended pole placement without acquiring additional right-of-way from the District. Due to the current basin design and required capacity, acquiring this additional right-of-way may be problematic and it is requested the applicant contact the District to determine a design that would be acceptable to the District and not impact the basin. If an acceptable location cannot be determined, the pole locations will need to be relocated so as not to impact the District and right-of-way will not be granted. In this case, the description within the IS/MND document should be revised and all construction plans shall be reviewed by the District to ensure there is no encroachment into the basin and the pole locations will have no impacts on the District.

C-4

Additionally, the IS/MND proposes to extend the 115-kV line immediately north of Behymer Avenue, along the Sunnyside alignment for 600 feet. A historical stream course channel in this location has been filled in by agricultural activities. The District's Master Plan requires that this channel be restored. Due to the flow rate of this channel, the configuration and design of the future channel restoration will require a minimum width of 75 feet on the west side of the Sunnyside centerline alignment north of Behymer Avenue for construction of the physical channel. Also required in this location is a twenty-four (24) inch underground overflow pipeline to be placed east of the channel to provide mitigation flows to an established seasonal wetlands mitigation area within the District's basin. Pole locations through this area will need to be carefully coordinated and construction plans shall be submitted to the District for review prior to right-of-way acquisition.

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Mr. Michael Rosauer  
Shepherd Substation  
June 20, 2012  
Page 3

Substation site

C-5 | At the substation site, the applicant should be aware that a Master Plan stream channel flows along the east and north boundaries of the property. Agricultural practices have severely encroached upon this historical stream course. The restoration, protection and preservation of this channel are necessary due to the proposed development activity. The preservation of this natural drainage pattern requires dedication of a permanent drainage easement to the District.

C-6 | The IS/MND proposes construction of a substation, resulting in an increase in the intensity of development on the site. It is self-evident that intensification of development brings a proportional increase in storm water runoff and volume. The topography of the site directs runoff to this channel. The development shall be required to restore the historical channel across the property. The portion of the channel which crosses the property is the location for which an easement shall be dedicated. Restricting development and encroachments within this storm water path would be accomplished through such dedication, keeping the storm water path open and free, thereby limiting any impact on this channel created by the development. The location of the requested easement is shown graphically on Exhibit No. 2.

C-6 | The IS/MND (Section 2.4.1) states that a storm water detention basin is to be constructed on the substation parcel. The proposed channel restoration can be used for this purpose. On-site storm water can be discharged into the channel and used as a temporary storage basin. When the channel is developed downstream the storm water will flow into Basin "BY", which is the regional community storm water detention basin.

C-7 | Development of the substation shall be done in a manner such that sufficient area is provided for the restoration of this channel. The Master Plan flow rate for the channel is 24 cubic feet per second (cfs). It appears that the proposed development setbacks of 65 feet from Sunnyside and 75 feet from Perrin will provide adequate area for the channel; however, ultimate channel restoration will reduce the area available for the proposed landscape screening using the existing almond trees as described in the IS/MND.

C-7 | Accommodation of the Master Plan flow rate in the channel must also be addressed in development of the driveways into the site from either Sunnyside or Perrin. Adequately sized culverts must be installed at the driveways and placed at Master Plan channel flow line grades to pass the 24 cfs without adversely affecting the hydraulics within the channel.

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Mr. Michael Rosauer  
 Shepherd Substation  
 June 20, 2012  
 Page 4

- C-8

**21-kV (2) and 12-kV underground distribution lines**  
 From the substation site, the Master Plan channel continues southerly along the west side of Sunnyside Avenue, crosses Sunnyside approximately 1,320 feet north of Shepherd Avenue and continues along the east side of Sunnyside another 650 feet. As a result, both the horizontal and vertical placement of the underground distribution lines must be coordinated with the District to ensure adequate cover on the underground distribution lines. The distribution lines should be located outside the Master Plan channel and the District can supply channel configuration and grades to assist in the design. The Master Plan has two channel culvert crossings in Sunnyside Avenue that the distribution lines will have to cross. One of the culverts is existing and to be replaced and one is proposed. These culverts must be placed at specific depths to accommodate the channel flow. The channel and culverts are shown on Exhibit No. 3.
- C-9

The proposed design elevations of the culverts have been established (refer to Exhibit No. 3) and the applicant should contact the District for information regarding the depth of placement of the underground distribution lines. It is anticipated that the depth of the distribution lines will increase beyond their normal minimum trench depths identified as 42 inches in the IS/MND. The channel design and location may also influence the location and placement of proposed splice boxes.
- C-10

**Update of Figures and Paragraphs**  
 Figures 3.5-2 through 3.5-5 should be expanded to show the District's Master Plan stream courses as depicted on the "FMFCD Storm Drainage and Flood Control Master Plan, Exhibit A". The Master Plan is shown to have been accessed on February 15, 2011 in Section 3.17 of the References portion of the IS/MND. Additionally, the Ephemeral Drainage Features paragraph (Section 3.9-2) and the Stormwater paragraph (Section 3.17.1) should be updated to identify and discuss these same stream courses.
- C-11

Figure 3.10-2 misrepresents the location and limits of the District's Basin "BY". A copy of the Figure annotated with a black line around the actual basin is attached for reference. The Figure should be revised to correctly identify the basin location and avoid confusion about the relationship of the proposed substation to the basin.
- C-12

**Plan Approval**  
 The drainage and grading plan for the substation shall be reviewed and approved by FMFCD prior to approval of the site for construction. The District shall also approve the channel design, distribution line design (alignments and depths) and the channel easement document.

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**Mr. Michael Rosauer**  
**Shepherd Substation**  
**June 20, 2012**  
**Page 5**

C-12 ↑ The development of the Shepherd Substation Project (Application No. A. 10-12-003) must comply with these District requirements in order for the project to mitigate impacts on the District's Master Plan. Failure to comply with these requirements would impact the historical stream flow patterns and the Master Plan.

The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by other agencies. Please provide the District with notification of the approval or denial of this application along with any conditions imposed.

Very truly yours,



Neda Shakeri  
Engineering III

NS/lrl

Attachment(s)

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5 COMMENTS AND RESPONSES TO COMMENTS



**LEGEND**

-  Proposed Substation
-  Rural Streams
-  Existing Master Plan Facilities
-  Future Master Plan Facilities



1" = 800'

**PG&E Shepherd Substation  
DRAINAGE AREA "BY"**



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

EXHIBIT NO. 1  
Page 1 of 2

Prepared by: keifhr  
Date: 6/19/2012  
Path: K:\Autocad\DWGS\0EXHIBIT\RURAL\PG&E Shepherd Substation 1.mxd

5 COMMENTS AND RESPONSES TO COMMENTS

C



**LEGEND**

-  Proposed Substation
-  Rural Streams
-  Existing Master Plan Facilities
-  Future Master Plan Facilities



1" = 800'

**PG&E Shepherd Substation  
DRAINAGE AREA "BY"**



EXHIBIT NO. 1  
Page 2 of 2  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: keithr  
Date: 6/19/2012  
Path: K:\Autocad\DWGS\EXHIBIT\RURAL\PG&E Shepherd Substation 2.mxd

<b>POLICY MANUAL</b>	Date Adopted: September 11, 1981
Classification: FLOOD PLAIN MANAGEMENT	Date Last Amended: August 10, 2005
Subject: Flood Plain Policy	Approved By: <i>Bos Van Wyk</i>

Because of the relatively high velocities and volumes of flood flow associated with primary flood plains, and because the primary flood plain is responsible for passing the greatest percentage of the flood event, development located in such flood plains is subject to substantial risk, both to itself and to others as a result of the potential for blockage and diversion of flood waters. In view of these factors:

**Policy:**

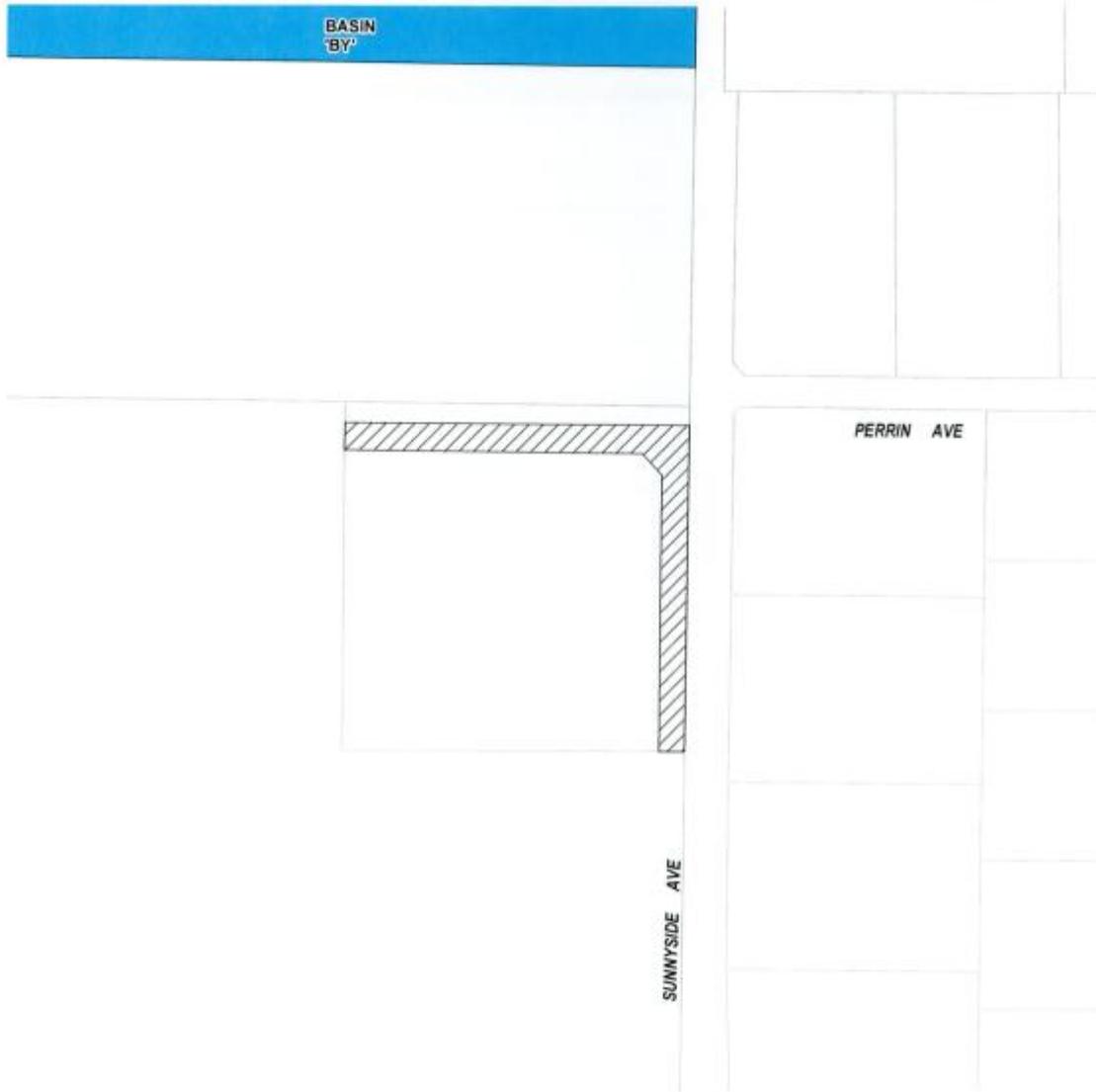
- (1) All proposed development activity shall reference the Flood Insurance Rate Map to determine if it is located in a 100-year flood plain (special flood hazard areas inundated by a 100-year flood) "Primary Flood Plain". Any project not located within a FIRM or located in any area where the FIRM is determined to be inaccurate shall be the subject of a detailed hydrological flood hazard investigation to determine the relationship of the proposed development to the primary flood plain; and, further, to identify the calculated water surface elevation of the 100-year flood event.
- (2) The development must be properly flood proofed below the calculated water surface elevation of the 100-year flood event.
- (3) All development and/or permanent improvement activity which, if located within the primary floodway, may unduly impede, retard or change the direction of flow of water either, by itself, or by the catching or collecting of other debris or is placed where the flow of water would carry such obstruction downstream to the damage or detriment of either life or property, should not be permitted.
- (4) The development shall not cause displacement of any and all floodwaters from that portion of the flood plain to be developed.

board/policies/perm/flood plain policy

5 COMMENTS AND RESPONSES TO COMMENTS

C

NOTE:  
THIS MAP IS SCHEMATIC  
DISTANCES ARE APPROXIMATE.



**LEGEND**

 Approximate Location Of Channel Easement



1" = 200'

**CHANNEL EASEMENT  
DRAINAGE AREA "BY"**



**EXHIBIT NO. 2  
FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: keithr  
Date: 6/20/2012  
Path: K:\Autocad\DWGS\0EXHIBIT\RURAL\PG&E Substation Channel Easement.mxd

5 COMMENTS AND RESPONSES TO COMMENTS

C

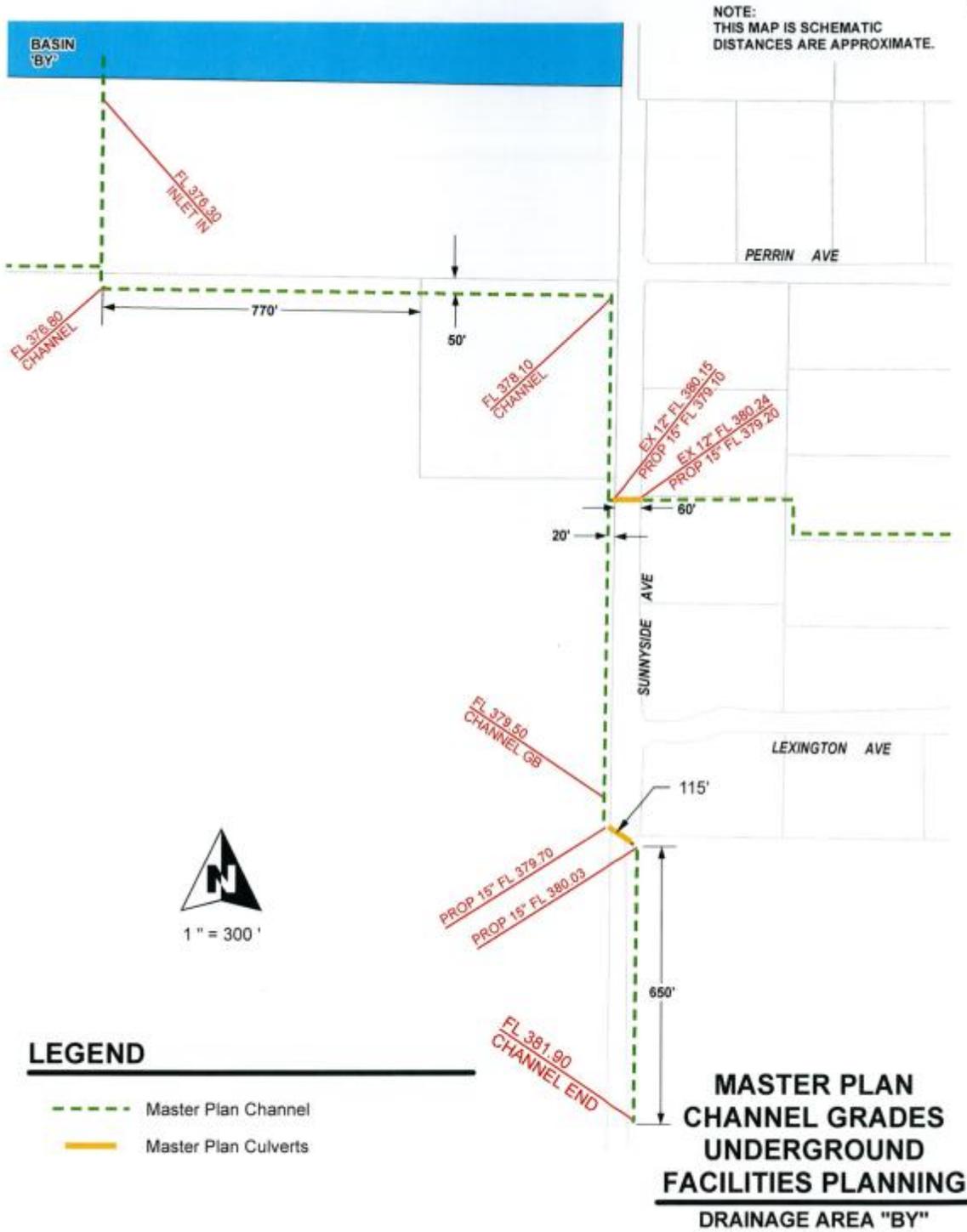
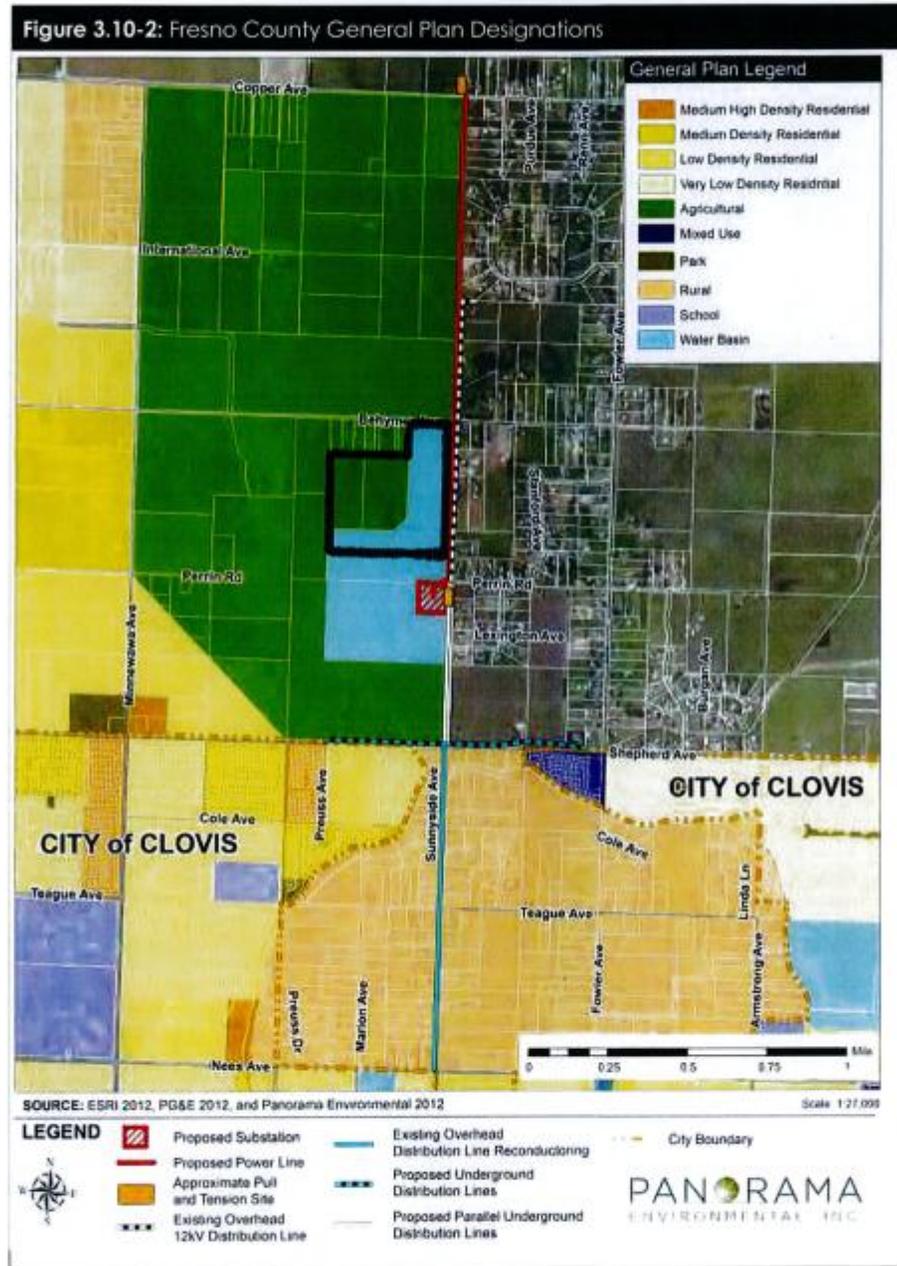


EXHIBIT NO. 3  
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

Prepared by: keithr  
 Date: 6/20/2012  
 Path: K:\Autocad\DWGS\0EXHIBIT\RURAL\PG&E Substation MP Channel Grades.mxd



**5.2.6 Responses to Letter C: Neda Shakeri, Fresno Metropolitan Flood Control District**

- C-1 CPUC General Order 131-D provides CPUC with exclusive jurisdiction over the design, siting, installation, operation, maintenance, and repair of electric transmission facilities (CPUC 1995)<sup>1</sup>. PG&E must consult with local agencies regarding land use matters and the CPUC encourages utilities to address the concerns of local jurisdictions; however, PG&E is not required to obtain local discretionary permits for the proposed project.
- C-2 Portions of the project including a portion of the proposed substation are located within an area designated by the FIRM as Zone AH. These areas are within the 100-year floodplain. Project impacts to flood flows and mitigation measures are identified in Section 3.9 of the Draft IS/MND. PG&E consulted with the County in March 2012 regarding FEMA requirements for development within Zone AH. The County determined that a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) is not required for the project. The County also confirmed that the project is not subject to local discretionary approval, including the District's Flood Plain Policy (Ruiz 2012).
- C-3 PG&E attended a meeting with Fresno Metropolitan Flood Control District (FMFCD) on August 30, 2012, to discuss tubular steel pole (TSP) placement within flood control basin "BY." About six TSPs would be located within basin BY, requiring a right-of-way from FMFCD. The TSPs would be located either on the slope of basin BY or at the top of the slope. The slope of basin BY is 5:1. It is expected that future excavation for the basin could be conducted around the TSPs if they occur within the slope of the basin. The proposed project would not conflict with implementation of the Master Plan for basin BY. The TSPs would be designed to allow for inundation around the foundations of the TSPs if they occur within the slope of the basin. The construction plans for TSPs within basin BY will be provided to FMFCD for review and comment. PG&E will continue to coordinate with FMFCD regarding power poles located in basin BY.

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<sup>1</sup> Both CPUC and the California courts have repeatedly reaffirmed the Commission's exclusive jurisdiction over public utility facilities. "[S]uch matters as the location of lines, their electrical and structural adequacy, their safety, and their meeting of the needs of the public within this state are clearly, by law, subject to the jurisdiction of this Commission." (55 Cal.P.U.C.2d at 95, citing *Duncan v. PG&E* (1965) 61 PUR 3d 388, 394.) Several California courts have explained that discretionary regulation by local governments is preempted by the Commission's jurisdiction because the construction, design, and operation of public utility facilities are matters of statewide concern. (See, e.g., *Pacific Telephone and Telegraph Co. v. City and County of San Francisco* (1959) 51 Cal.2d 766, 774; *California Water and Telephone Co. v. County of Los Angeles* (1967) 253 Cal.App.2d 16, 30.) For example, in *San Diego Gas & Electric Co. v. City of Carlsbad* (1998) 64 Cal.App.4th 785, the court addressed the City of Carlsbad's effort to enforce a local floodplain ordinance to regulate dredging performed by the public utility. The City argued that it should have concurrent jurisdiction over the dredging because CPUC had not taken any action to regulate in this area, and because dredging was not an essential utility facility or activity. The court rejected this argument, holding that the City's floodplain ordinance was impliedly preempted by the constitutional and statutory scheme granting power to the Commission. According to the court, even though the Commission had not expressly exercised this power, the power still resided in CPUC. (See also *Harbor Carriers, Inc. v. City of Sausalito* (1975) 46 Cal.App.3d 773, 774.)

## 5 COMMENTS AND RESPONSES TO COMMENTS

- C-4 On August 31, 2012, FMFCD provided PG&E with a drawing showing the proposed location of a historical channel north of Behymer Avenue and the proposed piping for stormwater to flow to basin BY. PG&E will use the plans provided by FMFCD to design the 115-kV power line to avoid future conflicts with the proposed Master Plan improvements. These or similar changes can be made to accommodate FMFCD future plans and avoid conflicts with the Master Plan.
- C-5 The channel identified in the Master Plan around the north and east sides of the substation does not exist under current conditions and would not connect to any existing drainage features. The stormwater channel is not analyzed in the Draft IS/MND because it is not an existing hydrologic feature. Any future easement dedication from PG&E would need to be negotiated with PG&E's real estate department and would need to comply with the CPUC filing process established under Section 851 of the California Public Utilities Code.
- C-6 The substation development would result in intensified land use and an increase in stormwater runoff and volume. APM WQ-3 requires construction of a stormwater basin so that post-project runoff patterns would match pre-project conditions. The stormwater basin proposed within the substation area (as required by APM WQ-3) is required to comply with state requirements under the NPDES permit as well as Fresno County requirements. The suggested stormwater channel improvements would not replace State of California requirements for stormwater detention within the substation parcel.

PG&E is currently working with FMFCD to determine the feasibility of constructing a separate stormwater channel to the east and north of the substation as shown in the FMFCD Master Plan (Exhibit No. 3 in the FMFCD letter). The potential stormwater channel is added to the Project Description. The underline text below and on Pages 2-18 and 2-19 reflect this change:

“The substation would be constructed on an approximately 466-feet by 466-feet (approximately 5-acre) parcel of land currently operated as an almond orchard. Substation construction would begin by clearing almond trees within the 5-acre parcel. Three rows of trees would remain on the north and east sides of the parcel or comparable visual screening would be installed (e.g., a row of hedges) to provide some visual screening of the facility. Removed trees would be disposed of in accordance with applicable rules and regulations. Once trees are cleared, the site would be graded and compacted to establish a flat surface for construction and provide proper drainage. A stormwater channel may be constructed along the north and east sides of the substation as shown on the Fresno Metropolitan Flood Control District's Master Plan. All grading would be in compliance with Fresno County ministerial grading requirements. Based on preliminary designs, approximately 8,500 cubic yards of clean, compacted fill would be imported to raise the elevation of the site to avoid inundation from periodic flood irrigation of the surrounding almond orchard. The structure foundations would be approximately 6 inches above final grade and the grading would range from current grade to

## 5 COMMENTS AND RESPONSES TO COMMENTS

approximately 2 feet above current grade within the 5-acre parcel.

A perimeter enclosure with two access gates would be constructed around the substation perimeter for security. An 8-foot-high chain-link fence with 1 foot of barbed wire would be installed on two sides (south and west) and a 10-foot-high pre-fabricated concrete wall would be installed on the other two sides (north and east), with almond trees or a stormwater channel and visual screening (e.g., row of hedges) located outside of the wall. Two entrances to the substation would be located along Sunnyside Avenue at the north and south ends of the substation. One two-door, 10-foot-high swing gate would be installed at each entrance (Figure 2.4-1)”

See response to comment C-5 regarding easement dedication.

- C-7 PG&E plans to maintain setbacks of 75 feet from Perrin Avenue and 65 feet from Sunnyside Avenue. PG&E is reviewing the feasibility of constructing a stormwater channel to the north and east of the substation that would accommodate the FMFCD Master Plan flow rate of 24 cfs. APM Visual-1 is being revised to provide visual screening of the substation while allowing greater flexibility in siting a stormwater channel as shown on the Master Plan. The text of APM Visual-1 has been revised as follows:

**APM Visual-1:** Construct a prefabricated concrete wall on the north and east sides of the substation and replanting as necessary to leave three rows of trees on the east and north sides of the substation or comparable visual screening to minimize contrast with the existing visual character of the area. As almond trees die, or are impacted by road widening along Sunnyside and Perrin Avenues, the trees will be replaced with compatible vegetation or comparable visual screening.

- C-8 The proposed underground distribution lines south of the substation will be located within the right-of-way of Sunnyside Avenue. As discussed with FMFCD on August 31, 2012, this location would not interfere with FMFCD plans for the Master Plan channel. PG&E will use the elevations and locations of the future culverts (to be provided by FMFCD) in the final design.
- C-9 At a meeting on August 30, 2012, FMFCD confirmed that the identified FMFCD future channel will be on private property. The proposed distribution lines and corresponding splice boxes will all be within the County road right-of-way. The distribution line and splice boxes would, therefore, not conflict with the future channel identified in the Master Plan. No changes are proposed to the depth or location of the distribution lines or splice boxes identified in the Draft IS/MND.
- C-10 The IS/MND provides an evaluation of impacts to biological resources in Section 3.5. The Master Plan facilities should not be added to the figures because they do not currently exist. The figures in the IS/MND reflect the locations of delineated water resources that would need to be protected during construction of the project. The ephemeral drainage features discussed in the IS/MND are also existing features that could be subject to water

## 5 COMMENTS AND RESPONSES TO COMMENTS

quality impacts from construction of the project.

The environmental setting discussion of stormwater included in Section 3.17.1 has been updated to describe the planned stormwater facilities. The underlined text was added to page 3.17-1 of the IS/MND:

“Big Dry Creek Reservoir, located approximately 2 miles due east of the project area, is a major flood control reservoir managed by the Fresno Metropolitan Flood Control District. The reservoir has a capacity of 30,200 acre-feet of water (FMFCD 2010). The Fresno Metropolitan Flood Control District also manages a regional flood retention/infiltration basin located due north of the proposed substation and along the proposed power line alignment. Planned stormwater facilities within the project area include stormwater drainage channels along the north and east edge of the substation property at Sunnyside and Perrin Avenues (FMFCD 2012). There is also a planned stormwater drainage channel along Behymer Avenue at Sunnyside Avenue (FMFCD 2012). These existing and planned stormwater drainage channels would drain to the regional flood retention/infiltration basin located north of the proposed substation.”

The references for Section 3.17 would be updated to include:

“Fresno Metropolitan Flood Control District. 2012. “Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration Proposed Shepherd Substation Project (Application No. A. 10-12-003) Pacific Gas and Electric Company (PG&E).” Prepared by Neda Shakeri. June 20, 2012”

The analysis of impacts under Section 3.17 C) would be revised as shown below. The following text was added to page 3.17-4:

“A stormwater detention basin would be constructed within the substation area. The basin would be engineered to acceptable industry standards as well as the Fresno County basin criteria and design standards as specified in APM WQ-3 (Section 3.9). While a portion of the power line would be constructed within the regional flood retention/infiltration basin located north of the substation site, the power line would not change the capacity or function of the retention/infiltration basin. The proposed project would also require construction near Enterprise Canal and Dry Creek; however, the project would not encroach upon either canal and would have no effect on potential flooding from these canals. The project may involve the construction of a stormwater channel along the north and east side of the substation. The potential channel is in the location of the existing almond orchard. If the stormwater channel construction results in the removal of almond trees that would otherwise provide visual screening of the substation, PG&E will replace the almond trees with comparable visual screening. The potential stormwater channel could be constructed within an area that is currently used for agriculture and which is adjacent to the County roadway. The construction of a

## 5 COMMENTS AND RESPONSES TO COMMENTS

stormwater channel as shown on the FMFCD Master Plan would not have significant environmental impacts. No expansion of existing stormwater drainage facilities would be required as a result of the proposed project, and thus no impacts would result.

- C-11 Figure 3.10-2 in the IS/MND has been updated to show the correct location and limits of the District's basin BY.
- C-12 PG&E will continue to work with FMFCD to identify a potential channel design that along the north and east sides of the substation property. PG&E will work with FMFCD during design of the underground distribution lines to avoid conflicts with the Master Plan, as indicated above. Any proposed future channel easement must be sought outside of the Permit to Construct process and will need to comply with CPUC's Section 851 filing process.

5.2.7 Letter D: Tom Johnson, Principal Land Planner, Pacific Gas & Electric Company

D



Tom Johnson  
Principal Land Planner  
Land & Environmental  
Management

Mailing Address:  
650 O Street, Mail Code 23  
Fresno, CA 93760-0001  
Phone: 559.263.5173  
Fax: 559.263.5262

June 22, 2012

Michael Rosauer  
California Public Utilities Commission  
c/o Panorama Environmental, Inc.  
1 Embarcadero Center, Suite 740  
San Francisco, California 94111

Re: **PG&E Shepherd Substation Project  
Draft Initial Study/Mitigated Negative Declaration**

Dear Mr. Rosauer:

Pacific Gas and Electric Company (PG&E) has reviewed the draft Initial Study/Mitigated Negative Declaration (IS/MND) and agrees that an MND is appropriate for this project. PG&E appreciates the effort expended by Commission staff and their consultants to prepare this environmental review.

PG&E's comments and suggestions concerning the draft IS/MND include the following:

- D-1 | • Page 1-1, first paragraph: This paragraph refers to “[t]wo new underground distribution lines” and “[r]econductoring of an overhead distribution line” at bullet points four and five. For clarification, two new 21 kV distribution lines and one new 12 kV distribution line (for a total of three) will be constructed south of the substation. The three new distribution lines to the south will extend from the substation underground; one of the 21 kV lines will transition to an existing approximately one-mile overhead 12 kV distribution line that is being reconducted along Sunnyside Avenue for conversion to 21 kV voltage. Accordingly, the third bullet under Section 1.1 should read: “Three new underground distribution lines.” The first paragraph of Section 2.1 accurately describes this work.
- D-2 | • Page 3.7-9 and 10, California Building Code: For clarification, the California Building Code (CBC) does not apply to utility equipment or electric distribution or power line support structures. PG&E will obtain ministerial building permits as needed for grading, walls, fences, and the control building foundation.
- D-3 | • Page 3.18-1, Part A of Environmental Impacts and Assessment Table: This table incorporates language from Appendix G of the CEQA Guidelines that has not been updated to reflect a change to Section 15065(a)(1) of the CEQA Guidelines. To be consistent with Section 15065(a)(1), it should be revised to read: “Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.”

5 COMMENTS AND RESPONSES TO COMMENTS

D

Mr. Rosauer

Page 2

June 22, 201

D-4

- APM Bio-12 contains inconsistent language between the Mitigation Monitoring Plan (page 4.1-7), the Project Description (page 2-34) and the Biological Resources Section (page 3.5-32). As discussed with the California Public Utilities Commission, the language in the Mitigation Monitoring Plan and Project Description reflects the correct language for this measure: “Where work on pavement, existing roads, and existing disturbed areas is not practicable, worker vehicles and construction equipment shall remain on identified access routes and designated areas for construction. If additional areas are required, a biologist will survey the new area, identify any sensitive biological resource, and flag that resource for avoidance.”

PG&E appreciates the opportunity to provide these comments. Please feel free to contact me if further information or clarification is necessary.

Sincerely,



Tom Johnson  
Principal Land Planner  
PG&E Land & Environmental Management

cc: Jo Lynn Lambert, PG&E Attorney  
Patty Healy, PG&E Project Manager  
Susanne Heim, Project Manager/Scientist,  
Panorama Environmental, Inc.

**5.2.8 Responses to Letter D: Tom Johnson, Principal Land Planner, Pacific Gas & Electric Company**

D-1 The comment is provided to clarify the project components. This change is consistent with the discussion of the project included in Section 2: Project Description. The following revision was made to page 1-1:

“The proposed project includes:

- A 115/21-kilovolt (kV) electrical substation
- Approximately 1.5 miles of 115-kV power line
- Extension of an existing distribution line
- Three ~~Two~~ new underground distribution lines
- ~~Reconductoring of an overhead distribution line”~~

D-2 The comment is noted.

D-3 The threshold language in the document has been updated to be consistent with CEQA Guidelines 15065(a)(1). This minor language change does not impact the analysis contained within the section. The following revision was made to page 3.18-1:

“Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?”

The word substantially was also added to the discussion on page 3.18-2.

D-4 APM Bio-12 has been updated within Section 3.5 to be consistent with the Mitigation Monitoring and Reporting Program and project description included in the Draft IS/MND. APM Bio-12 has been revised in Section 3.5 as follows:

Where work on pavement, existing roads, and existing disturbed areas is not practicable, worker vehicles and construction equipment shall remain on roadways, identified access routes, and designated areas for construction. If additional areas are required, a biologist will survey the new area, identify any sensitive biological resource, and flag that resource for avoidance. Vehicles will not enter sensitive areas unless the necessary permits have been obtained.

5.2.9 Letter E: Greg Johnson, Property Owner

E

**Susanne Heim**

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**From:** Greg Johnson  
**Sent:** Thursday, May 24, 2012 4:49 PM  
**To:** Susanne.Heim@panoramaenv.com  
**Subject:** Permit to Construct the Shepherd Substation Project(Application No. A. 10-12-003  
**Attachments:** 32731-gregjohnsona4a.jpg

E-1 I am owner of property located at [REDACTED] E. Copper, Clovis, CA 93619. The High Voltage lines will cross my property on the East side. I have had my attorney send in the appropriate papers to contest this taking of property without due consideration and compensation. This path has been advertised in the paper, had several public meetings, discussed in City planning and meetings, and sent out in the community rumor mill. It has had a tremendous impact on the value of my land and my ability to sell. A potential buyer said he would not buy because of the proposed line. This has put my property in limbo for the past several years. Due to this I have been unable to sell my property on a timely basis and am now facing foreclosure. Figure this into your cost of the project, figure this into your fake environmental studies, figure this into your public review meetings. How would you feel personally if a company put a large metal structure, with high voltage lines attached, in your backyard. Would this devalue your property? Would this make it hard to sell your property? Would it be unsightly and spoil your view? I proposed an underground line, but no one listened. It would cost too much. After all, they can take my property for almost nothing. Why should they pay extra to underground the line. They get free airspace and it won't be unsightly or damage the environment, it won't decrease property values because the economy did that. After all, this is for the public good. So, a few people have to suffer but the majority will benefit. It's okay if you're not the one that is suffering.

E-2

GREG JOHNSON  
LONDON PROPERTIES

[cid:32731-gregjohnsona4a.jpg]

**5.2.10 Responses To Letter E: Greg Johnson, Property Owner**

E-1 This comment addresses the potential economic impacts of the project on property values. CEQA Guidelines §15131 limit the analysis of economic impacts to the environmental change that would have an anticipated economic impact. Specifically:

*“(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”*

Potential impacts to property values could occur as a result of visual changes caused by the new 115-kV power line. Potential impacts to visual resources were analyzed in Section 3.1 of the Draft IS/MND.

E-2 This comment addresses changes to the viewshed resulting from the proposed 115-kV power line. The visual analysis contained in Section 3.1 of the Draft IS/MND includes an analysis of impacts to residential views. Specifically, KOP #3 (Figure 3.1-17 in the IS/MND) provides a representative view of the proposed power line location under existing and proposed project conditions, as viewed from nearby residences. The impact would be adverse but not significant due to the limited number of residences with views of the power line, the intervening vegetation for residences east of the power line, the limited number of poles visible, and the fact that the poles and lines would not block any distant views.

The commenter proposes an underground line as an alternative to the proposed power line. Constructing an underground transmission line has greater surface disturbance because of the need to excavate a trench for the route of the line. In the case of the Shepherd Substation project, undergrounding the 115-kV power line would have substantial impacts on seasonal wetlands and other waters. Waters and wetlands identified within the alignment of the proposed 115-kV line are shown on Figure 3.5-2. A trench would need to be constructed through the middle of these wetlands to underground the line, which would cause greater impacts on both biological and water resources than would the proposed project. The proposed project would avoid all impacts to wetlands because the conductor would span the wetlands between poles.

5.2.11 Letter F: Pat Menagh, Property Owner

F

**Susanne Heim**

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**From:** Pat Menagh  
**Sent:** Friday, September 28, 2012 11:54 AM  
**To:** Susanne.Heim@panoramaenv.com  
**Cc:** Debra Menagh  
**Subject:** Shepherd Substation

F-1 | May name is Patrick Menagh and my family and I live at [REDACTED] N. Purdue Avenue, Clovis CA, just East of the  
F-2 | proposed Sunnyside substation site. I just heard from a neighbor about your proposed substation on Sunnyside  
and Perrin. I do not recollect ever receiving any information regarding a public commenting period. This  
substation has the potential to devalue our property based on visual blight in the area, as well as create a  
potential hazard to our families and has me very concerned. Your web info regarding this says you held a  
public hearing, when were you planning to notify the neighborhood next to your proposed build site about these  
public hearings, because I never received one.

F-3 | Please let me know how you plan to keep your site from affecting our home values, how you will protect our  
children from potential harm at a site so close to our neighborhood, how you plan to mitigate noise, traffic,  
etc... in and around our area, and what kind of impact having a facility like so close to our homes will have on  
the health of our families. Without understanding how you plan to address these concerns and am against the  
construction of this site.

It is disappointing to hear about this through 3<sup>rd</sup> parties. I would have expected you to have made more of an effort to notify the families in the area so we could voice our concerns and get answers.

Regards,

*Pat Menagh*

**5.2.12 Responses To Letter F: Pat Menagh, Property Owner**

- F-1 This comment addresses noticing for the Draft IS/MND. Notice of availability of the Draft IS/MND was mailed to property owners within 300 feet of the proposed project alignment and substation at the beginning of the public review period in May. Your residence is more than 300 feet from the proposed project, and notice was therefore not mailed to your home. Information on the proposed project, the public meeting, and the availability of the Draft IS/MND was also posted in the Fresno Bee between May 31, 2012, and June 6, 2012. This comment letter was received after the official close of the public comment period; however, it has been considered in the same manner as other comments received during the public review period.
- F-2 This comment addresses impacts to visual resources and hazards. Visual resources are analyzed in Section 3.1 of the IS/MND. Existing and simulated views from the neighborhood surrounding the substation are presented on Figures 3.1-20, 3.1-21, and 3.1-22. Views of the substation would be partially screened by the retention of three rows of trees. Hazards and hazardous materials are analyzed in Section 3.8 of the IS/MND. The project would not result in significant hazards related to electric and magnetic fields (EMF). EMF is not considered to be an environmental issue that requires analysis under CEQA.
- F-3 Property values and economic impacts of the project are not analyzed under CEQA, as discussed in responses to comments E-1 and H-6.

The proposed project was analyzed and would not have significant effects to the environment. The mitigation measures that would be implemented by the proposed project to reduce or avoid impacts are presented in the impact analysis for each resource area analyzed in Section 3. The project would not result in a significant increase in noise levels during construction and the increase in noise during operation and maintenance of the facility would be negligible. The project would not result in a significant increase in traffic during construction and there would be no change in traffic during operation of the facility. The mitigation measures are summarized in Section 4: Mitigation Monitoring and Reporting Program.

5.2.13 Letter G: Vimy And Rohit Sundrani, MD, FACC, FSCAI, Property Owners

G

**Susanne Heim**

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**From:** vimy sundrani  
**Sent:** Thursday, September 20, 2012 11:25 PM  
**To:** susanne.heim@panoramaenv.com  
**Cc:** michael.rosauer@cpuc.ca.gov  
**Subject:** Shepherd PG&E substation

Dear Susanne,

G-1 | We live just across the proposed project, and we are very disturbed to hear this, as no one contacted us about the project which is going to be just in front of our house. We seem to have missed the public comment period.

G-2 | We have many rare birds migrating, living in our 100 feet willow tree and breeding in the empty land front of the proposed project. This will be an environmental disaster for them.

G-3 | We have kids and grandparents with medical problems in our house who now will be exposed to this high voltage and the environmental problems it will pose to them and our health.

G-4 | Our neighborhood is mainly a residential area now, no one is raising cattle here, there are quite a few families with small children, who have invested in 2 and half acre houses and payed in millions to live near the almond orchard and enjoy the nature instead of more congested areas. Quite a few of us walk our dogs, jog in the proposed area everyday. This will really affect our daily rouitnes.

We will talk to our neighbors and hopefully get more comments for you to record. Meanwhile we will look into our legal rights to seek a solution to this environmental disaster about to happen across our home.

regards

Vimy and Rohit Sundrani MD FACC FSCAI

**5.2.14 Responses To Letter G: Vimy And Rohit Sundrani, Property Owners**

- G-1 Notice of availability of the Draft IS/MND was mailed to property owners within 300 feet of the proposed project alignment and substation at the beginning of the public review period in May. Information on the proposed project, the public meeting, and the availability of the Draft IS/MND was also posted in the Fresno Bee between May 31, 2012, and June 6, 2012. This comment letter was received after the official close of the public comment period; however, it has been considered in the same manner as other comments received during the public review period.
- G-2 This comment addresses impacts to rare and migratory birds. The impact to rare and migratory birds is analyzed in the IS/MND in Section 3.5. In addition, PG&E has consulted with CDFG regarding measures to protect migratory birds during project construction. Mitigation Measure Biology-4 has been revised to provide increased protection to migratory birds as shown in response to comment A-5 above.
- G-3 This comment addresses concerns related to health effects from high-voltage lines. A discussion of EMF is presented in Section 2.12 of the IS/MND. There is no agreement among scientists that EMF creates a potential health risk. PG&E will consider “no cost” and specified “low-cost” measures to reduce public exposure to magnetic fields in accordance with PG&E’s “EMF Design Guidelines for Electrical Facilities.” The transmission line will not cause significant effects.
- G-4 This comment addresses impacts to land use and traffic. The current and proposed land uses are analyzed in Section 3.10 of the IS/MND. The substation parcel is designated as zone AE (agriculture) within the County General Plan (Fresno County 2004). The General Plan also allows for electrical substations within areas zoned AE. Three rows of almond trees will be retained to screen the substation from view. The project is, therefore, consistent with County zoning for the area. Impacts to traffic are analyzed in Section 3.16. The project may result in minor increases in traffic during construction as construction workers access the work areas. The project would not result in a permanent increase in traffic to the area because the substation would be operated remotely. Workers would not access the site on a routine basis.

5 COMMENTS AND RESPONSES TO COMMENTS

5.2.15 Letter H: Timothy And Deanna Watson, Property Owners

H

California Public Utilities Commission  
Re: PG&E Shepherd Substation Project Application 10-12-003

H-1 We are again protesting the placement of high voltage lines and poles on our property (APN 580-060-10S). We are also quite upset in how the process has been handled. First of all the attorneys for the applicant had responded to our protest stating that we had presented our protest in an untimely manner. It should be noted that we responded to the notice of intent with in a matter of a couple of days of receiving it by way of one of our neighbors forwarding the letter to us since it was not even sent to our address. This was the first time we ever even heard of the project. They go on to state that our concerns should be dismissed because our issues would be addressed with the CEQA review. We did attend the recent meeting about the Mitigated Negative Declaration last week because we received a general notification letter. We also reviewed the on line copy of the report. We do not believe that it addresses the concerns that we have about aesthetics regarding the view we have of the mountains (poles and lines), health risks (we have to disc the land in the easement area for fire control), why the lines can't be placed underground (other than the expense) and more importantly why the lines can not be placed along existing rights of way along Minnewawa and Shepherd or Behymer streets (other than the expense of running the line approximately 3/4 of a mile longer). Finally it was stated to us at the meeting that one of our biggest concerns was not to be addressed at that time, the devaluation of land values. We have been attending the Clovis meetings regarding the new General Plan and the density zoning of our property to a lower density due to the substation project. Discussion with developers has revealed that they do not now have an interest in the property because of the project where there was interest in the past. It was only by going to this meeting that we found out that there was even going to be an Administrative Law Judge Prehearing Conference, again being left out of the "loop". Because of our schedules we have no way of preparing to attend this conference. We were told that we were not notified because we were "working with PG&E". I don't ever recall telling anyone that we were withdrawing our protest and going along with PG&E's project. Granted they have demonstrated to us where the poles and wires will go and willing to accommodate moving the poles a limited number of feet (so what, they are still there), but they have not addressed our economic concerns, especially with the threat of eminent domain. The easement, although only stated to be about 60 feet wide, also is in an area which ultimately results in a loss of about 10 acres of developmental land due to the terrain without expensive and extensive earth moving and engineering costs (not to mention dealing with the State Water Board and other governmental agencies). It is unlikely that we will receive adequate compensation for our loss as well as I suspect the appraisal process will not take into consideration the impact of our property moving into the Clovis Sphere of Influence in the near future, the General Plan lowering the density for residential units/acre, future surrounding land values, private options on surrounding parcels, cost to make the remaining land (absent the easement) usable, and the value of the land absent the power poles and wires. It appears this whole process is an unnecessary abuse of institutional power and individual property rights in the name of PG&E business expenses and/or rate payer savings when other options are available.

H-2

H-3

H-4

H-5

H-6

Respectfully,

Timothy and Deanna Watson

**5.2.16 Responses To Letter H: Timothy And Deanna Watson, Property Owners**

- H-1 The CPUC has a procedural timeframe of 30 days for accepting protests to an application after the application has been filed and notification has been sent to nearby property owners and interested parties. There is then a separate comment period for the Draft CEQA document. The comment period is 30 days for this IS/MND. There will be a subsequent 30-day comment period when the Final IS/MND has been filed and the CPUC Administrative Law Judge issues a Draft Proposed Decision.
- H-2 The IS/MND addresses impacts to aesthetics. Section 3.1 of the IS/MND provides a detailed analysis of impacts to views that would occur as a result of the new power line and poles. KOP #3 provides a representative view from homes to the west of the line and the simulation shows the impact that would occur with the new line. This impact was analyzed in Section 3.1, specifically on page 3.1-26. Impacts were analyzed with respect to landform, vegetation, water, color, scenery, scarcity, and cultural modifications. The impact was found to be adverse but not significant due to the limited number of residences with views of the power line, the intervening vegetation for residences east of the power line, the limited number of poles visible, and the fact that the poles and lines would not block any distant views. This analysis is consistent with standard methods for conducting visual analyses in similar CEQA documents.
- H-3 The IS/MND addresses the potential for fire danger as a result of the proposed project. The easement and power line would not preclude discing the land under the power line or around the poles. The project would not significantly increase the risk of fires in the area after construction. APMs Haz-3 and Mitigation Measure Hazards-4 would be implemented to manage a potential increased risk of fire during construction. These measures would restrict worker smoking in grassland areas and require PG&E to have water available in the area to put out a fire if one were to start during construction.
- H-4 General issues associated with undergrounding power lines were discussed at the public meeting on June 6, 2012. Undergrounding a 115-kV power line is costly and problematic because of the high voltage of the line. The distribution lines proposed south of the substation are suitable for undergrounding because they are lower voltage (12-kV and 21-kV). Higher voltage power lines, such as the proposed 115-kV power line, are hotter due to the increased energy being conducted by the line. Undergrounding these lines does not allow the line to cool off as well as it would in the open air. Because of the increased heat, the line would need to be buried more deeply than a lower voltage line and would be more costly to both construct and maintain (due to decreased accessibility during maintenance).

Constructing an underground transmission line has greater surface disturbance because of the need to excavate a trench for the route of the line. In the case of the Shepherd Substation project, undergrounding the 115-kV power line would have substantial impacts on seasonal wetlands and other waters. Waters and wetlands identified within the alignment of the proposed 115-kV line are shown on Figure 3.5-2. A trench would need to be constructed through the middle of these wetlands to underground the line,

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which would cause greater impacts on both biological and water resources than would the proposed project. The proposed project would avoid all impacts to wetlands because the conductor would span the wetlands between poles.

- H-5 CEQA does not require a review of alternatives when, as with PG&E's project, the proposed project would result in no significant environmental impacts after mitigation (Guidelines, Sec. 15126.6, subd. (a) and (f)(2)(A)). Under CEQA, a "reasonable alternative" is one that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects of the project (CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 151626.6 as amended July 24, 2007). A brief discussion of the Minnewawa-Behymer alternative that was considered, but rejected, is provided in response to this comment.

The Minnewawa-Behymer alignment would be longer than the proposed power line alignment along Sunnyside Avenue. This alternate route would have greater visual, traffic, noise, and air quality impacts than the proposed route due to the increased distance. The route also would have a higher traffic volume and more residences resulting in visual impacts to a greater number of viewers. The Minnewawa-Behymer route would have been located within more residential front yards than the proposed route. The alternate route would result in increased views from more residents and it would have been visible to more motorists than the proposed project.

The Minnewawa-Behymer alignment was found to conflict with City of Clovis land use plans. PG&E met several times with the City of Clovis because the alignment is in the City's Sphere of Influence. According to the City, Minnewawa Avenue is planned to become a major roadway for the City, with speed limits up to 65 mph. The City also discussed plans for a new college campus and high school along this corridor. PG&E also met with representatives from the local Building Industry Association (BIA) who requested that the new power line stay off the Minnewawa alignment because of future development planned for this corridor.

The City indicated its support for the selected alignment along Sunnyside Avenue. PG&E also favored the proposed location because the new line will have little traffic exposure that could impact line reliability. The proposed alignment is the most direct alternative considered and it will cause the fewest land use and visual impacts.

- H-6 This comment addresses the potential economic impacts of the project on property values. CEQA Guidelines §15131 limit the analysis of economic impacts to the environmental change that would have an anticipated economic impact. Specifically:

*“(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes*

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*need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”*

Potential impacts to property values could occur as a result of visual changes caused by the new 115-kV power line. Potential impacts to aesthetic resources were analyzed in Section 3.1 of the Draft IS/MND. The effects were determined to be less than significant.