Decision 10-07-043 July 29, 2010

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

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| In the Matter of the Application of Southern California Edison Company (U-338-E) for a Certificate of Public Convenience and Necessity for the San Joaquin Cross Valley Loop Transmission Project. | Application 08-05-039 (filed May 30, 2008) |

# DECISION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT THE SAN JOAQUIN CROSS VALLEY LOOP TRANSMISSION PROJECT

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# DECISION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT THE SAN JOAQUIN CROSS VALLEY LOOP TRANSMISSION PROJECT

## 1. Summary

This decision grants Southern California Edison Company a certificate of public convenience and necessity to construct the San Joaquin Cross Valley Loop Transmission Project, using the environmentally superior project Alternative 2 identified in the Environmental Impact Report. As the lead agency for environmental review of the project, we find that the Environmental Impact Report prepared for this project meets the requirements of the California Environmental Quality Act, and that there are overriding considerations that merit construction of the project notwithstanding its significant and unavoidable environmental impacts. We adopt a maximum project cost of $122.182 million, excluding allowances for funds used during construction. This proceeding is closed.

## 2. Procedural Background

### 2.1. Application and Protests

Southern California Edison Company (SCE) filed this application on May 30, 2008. As proposed by SCE, the San Joaquin Cross Valley Loop would consist of the construction of a new 19 mile double-circuit 220 kilovolt (kV) transmission line, beginning at Rector Substation located southeast of Visalia, and running east until the line intersects with the Big Creek 3–Springville 220 kV transmission line located east of Lemon Cove and Highway 198 (Alternative 1). SCE also identified several project alternatives including Alternative 2, under which the transmission line would turn east starting approximately 10 miles

north of Alternative 1's easterly turn, and Alternative 3, which would turn east starting approximately 13.5 miles north of Alternative 1's easterly turn.

Protests were filed by the City of Visalia (Visalia); the City of Farmersville (Farmersville); the Kaweah Delta Water Conservation District; the Tulare County Farm Bureau; Protect Agriculture Communities Environment (PACE); Merryman Ranch Corporation, Sierra View Ranch and Valley View Ranch (jointly); Barbrae Lundberg; Kenneth Fitzgerald and Susan Fitzgerald (jointly); Gayle Mosby; Eric Quek; John O. Kirkpatrick and Shirley B. Kirkpatrick (jointly, Kirkpatricks); William F. Pensar; Mary Amanda Gorden; and George A. McEwen.

The California Farm Bureau Federation's unopposed motion for party status was granted by oral ruling at the prehearing conference on November 19, 2008.

The Paramount Citrus Association's (Paramount Citrus) unopposed motion for party status, filed August 31, 2009, was granted by ruling dated September 15, 2009.

### 2.2. Public Participation

The Commission received over 1,200 letters from the public objecting to the proposed project. Most of the letters expressed opposition to Alternative 1 on the basis of its impacts on agricultural resources, aesthetic resources, property values and economic development in the City of Farmersville, and preference for Alternative 3 on the basis that it would impact the fewest residents.

Approximately 300 people attended the public participation hearing held in Visalia on November 19, 2008. Fifty-nine people spoke regarding the proposed project's impacts on agricultural resources, aesthetic resources, economic development, property values and impact on the community.

Approximately 25 speakers objected to the proposed project's aesthetic impacts by interfering with views of the Sierra Nevada and creating blight. Most of them raised concerns specific to Alternative 1 for its adverse aesthetic impacts in and about the towns of Exeter and Lemon Cove, along State Route 198, and on the private residential development of Badger Hill, and its potential interference with the future development of a retail site in Farmersville, which has the potential to bring economic opportunities to the community.

Nearly 20 speakers addressed agricultural concerns. They noted Tulare County's agricultural tradition and range of crops that contribute to making it the second-leading agricultural producing area in California. The speakers urged the Commission to consider the project's impacts on the area's agricultural tradition, productivity and employment. The proposed project will require not only the removal of trees in walnut and citrus orchards, but also the relocation of wells and rerouting and rebuilding of irrigation systems. These impacts would extend up to 100 feet beyond both sides of the right of way due to the inability to operate the necessary construction and maintenance machinery close to the transmission lines. Seven speakers stated their preference for Alternative 3 on the basis that it would impact the fewest people, cross less valuable land, and be the shortest route, while two speakers raised concerns that Alternative 3 would adversely impact their own farming operations.

Several other speakers raised various other concerns including the proposed project's impacts on air quality, cultural resources including Native American paintings and spiritual sites, biological resources including shrimp and migrating birds, and public safety resulting from electromagnetic fields. One speaker urged the Commission to consider the potential for alternative tower configurations to reduce adverse impacts, and another speaker

urged the Commission to consider the potential for solar development to replace the need for this project.

### 2.3. Environmental review

On August 22, 2008, the Commission's Energy Division staff issued a Notice of Preparation (NOP) of an environmental impact report (EIR) for the proposed project. The NOP described the proposed project, solicited written and oral comments on the EIR's scope, and gave notice of the public scoping meetings to be held on September 17, 2008, in Farmersville, California, and on September 18, 2008, in Woodlake, California. Energy Division received 44 oral comments at the public scoping meetings and 96 letters or electronic mails during the 30-day comment period. Energy Division issued the draft EIR on June 16, 2009,[1] and conducted a public comment meeting on July 23, 2009, in Visalia, California, which was attended by approximately 500 people. Energy Division received oral comments from 37 people at the public comment meeting, and written comments from 129 persons and/or organizations during the 45-day comment period. Energy Division responded to all comments in the final EIR, which it issued on February 23, 2010.

### 2.4. Evidentiary Hearings and Briefing

On June 23, 2009, the assigned Commissioner issued a scoping memo and ruling which noted issuance of the draft EIR on June 16, 2009, identified the issues to be determined by the Commission in resolving the proceeding (see Section 3, below), and set a schedule for addressing those issues. In particular, the scoping memo determined that the proposed project's significant

[1] The draft EIR was received into evidence at the evidentiary hearing on August 31, 2009.

environmental impacts, mitigation measures to eliminate or lessen those impacts, and identification of the environmentally superior alternative are within the scope of the CEQA review, and that factual evidence regarding those issues would be admitted into the evidentiary record through the EIR; evidence regarding all other issues would be taken through evidentiary hearing.

Evidentiary hearing was conducted on August 31, 2009.[2] The final EIR was received into the evidentiary record by Administrative Law Judge (ALJ) ruling on February 25, 2010.

SCE, the City of Visalia, the City of Farmersville, California Farm Bureau Federation and Tulare County Farm Bureau (jointly, Farm Bureau), and PACE filed opening briefs on all issues on March 11, 2010; Paramount Citrus filed its opening brief on March 12, 2010.[3] The record was submitted upon the filing of reply briefs on March 25, 2010, by SCE, Farm Bureau, PACE, Farmersville, and the Kirkpatricks.

## 3. Scope of Issues

Pursuant to Pub. Util. Code § 1001 et seq., SCE may not construct its proposed project absent certification by the Commission that the present or future public convenience and necessity require it. In determining whether to certify construction of the project, the Commission must consider community values, recreational and park areas, historical and aesthetic values, and the influence on the environment. (Pub. Util. Code § 1002(a).) The review process

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[2] The unopposed October 2, 2009, motion of SCE to correct the transcript of the August 31, 2009, evidentiary hearing is hereby granted.

[3] The unopposed March 31, 2010, motion of Paramount Citrus to accept its late-filed opening brief is hereby granted.

established by the California Environmental Quality Act (CEQA) is the primary vehicle for this consideration. CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage. CEQA precludes the lead agency from approving a proposed project unless it requires the project proponent to eliminate or substantially lessen all significant effects on the environment where feasible, and determines that any unavoidable remaining significant effects are acceptable due to overriding considerations. CEQA requires that, prior to approving the project or a project alternative, the lead agency certify that the environmental review was conducted in compliance with CEQA, that it reviewed and considered the EIR prior to approving the project or a project alternative, and that the EIR reflects its independent judgment. (Pub. Res. Code § 21082.1(c)(3), CEQA Guidelines § 15090.)

In addition, pursuant to General Order 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

Accordingly, the June 23, 2009, Scoping Memo and Ruling determined the following issues to be within the scope of the proceeding:

1. Does the proposed project serve a present or future public convenience and necessity? (Pub. Util. Code § 1001.)
2. What are the significant environmental impacts of the proposed project?
3. Are there potentially feasible mitigation measures that will eliminate or lessen the significant environmental impacts?
4. As between the proposed project and the project alternatives, which is environmentally superior?

5. Was the EIR completed in compliance with CEQA, did the Commission review and consider the EIR prior to approving the project or a project alternative, and does the EIR reflect the Commission's independent judgment? (CEQA Guideline § 15090.)[4]
6. Are the mitigation measures or project alternatives infeasible? (CEQA Guideline 15091(a)(3).) This issue includes consideration of community values pursuant to Pub. Util. Code § 1002(a)(1).
7. To the extent that the proposed project and/or project alternatives result in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative? (CEQA Guideline § 15093.)
8. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF.
9. If a certificate is granted, what is the maximum cost of the approved project? (Pub. Util. Code § 1005.5(a).)

## 4. Public Convenience and Necessity

SCE states that the project is needed in order to reduce the possibility of overloads on existing 220 kV transmission lines in the Big Creek Corridor. SCE notes that, on June 24, 2004, the California Independent System Operator Board of Governors approved the looping of the Big Creek 3-Springville 220 kV transmission line into the Rector Substation as the preferred long-term transmission alternative to address identified reliability concerns. No party disputes the need for the project. We find it necessary to loop the Big Creek

[4] This issue was listed as no. 7, and other issues numbered accordingly, in the scoping memo.

3-Springville 220 kV transmission into the Rector Substation to address reliability concerns.

## 5. Description of Project Alternatives

The EIR evaluated SCE's preferred Alternative 1, a "no project" alternative, and three alternative transmission route alignments (Alternatives 2, 3 and 6) that were identified through the scoping process and meet the project purpose. In addition, in response to comments on the draft EIR, the final EIR environmentally screened a variation to Alternative 3, dubbed "Alternative 3A."

Alternative 1 would proceed from the Rector Substation to 1.1 miles north within the existing SCE right of way, and then traverse east from the City of Visalia north of the cities of Farmersville and Exeter to the Big Creek 4-Springville existing transmission line located at the western foothills of the Sierra Nevada Mountains, generally crossing agricultural lands and scattered rural residences. The total length of the Alternative 1 is approximately 19 miles.

Alternative 2 would proceed from the Rector Substation north in the existing right of way to mile 10.8, 9.7 miles past the point where Alternative 1 turns east. At mile 10.8, the alignment turns east for 3.5 miles, and then turns north to parallel Road 176 until Avenue 376. The alignment then proceeds east, paralleling Avenue 376 and then southeast through a saddle along the base of Colvin Mountain until Road 1945. From mile 17.3 to mile 17.9, the alignment extends south and then southeast until Road 196. From there, the alignment extends east for approximately 1.2 miles and the south for approximately 0.6 miles. At mile 19.7, the alignment turns east along the base of Lone Oak Mountain and continues east until it reaches the existing Big Creek 3-Springville transmission line. The total length of Alternative 2 is approximately 23 miles.

Alternative 3 would proceed from the Rector Substation north in the existing right of way to mile 14.6, 13.5 miles past the point where Alternative 1 turns east. At mile 14.6 (approximately 400 feet south of the Friant-Kern Canal), the alignment turns east and crosses Stokes Mountain for approximately 3 miles. The alignment then descends from the Stokes Mountain ridgeline for approximately 1 mile and turns northeast to parallel the Stokes Mountain/Stone Corral Canyon interface for approximately 4 miles. The alignment then crosses Boyd Drive and continues in the same northeasterly direction to crest the Goldstein Peak ridgeline at mile 23. The alignment then descends into the Rattlesnake Creek Valley until it reaches the existing Big Creek 3-Springville transmission line. The total length of Alternative 3 is approximately 24.3 miles.

Alternative 3A would incorporate a variation to Alternative 3 that would avoid the Stone Corral Ecological Reserve and its sensitive biological resources.

Alternative 6 would proceed from the Rector Substation north in the existing right of way to mile 8.1, 7 miles past the point where Alternative 1 turns east. At mile 8.1, the alignment turns east for approximately 6.9 miles. At mile 15, the alignment turns north for 2 miles. At mile 17, the alignment would head east and then northeast for approximately 0.3 miles where it would begin to follow the same alignment as Alternative 2 until it reached the existing Big Creek 3-Springville transmission line. The total length of Alternative 6 is approximately 20.5 miles.

Under the "no project" alternative, the proposed project would not be implemented and the reliability issues would continue.

## 6. Significant Environmental Impacts and Mitigation

### 6.1. Summary

Under all of the alternatives, the proposed project would have significant and unavoidable adverse impacts on agricultural resources and on cultural resources. In addition, Alternative 3 would have unavoidable significant adverse impacts on biological resources, and Alternative 3A would have additional adverse impacts on aesthetics and land use, planning and policies as compared to Alternative 2.

Under the "no project" alternative, the proposed project would not be implemented and, therefore, no adverse environmental impacts would occur.

### 6.2. Agricultural Resources

Construction of Alternative 1's new permanent access roads and placement of 114 new poles and lattice towers would permanently disturb approximately 31.9 acres of farmland, including 16.8 acres of "prime farmland," 0.7 acres of "unique farmland, and 14.4 acres of 'farmland of statewide importance'" as defined by the Department of Conservation Farmland Mapping and Monitoring Program. A variety of crops are currently grown within these 31.1 acres, the most common of which are oranges (13.8 acres) and walnuts (5.0 acres), which would be permanently disturbed by this construction.

Although agricultural uses, including hundreds of dairies and thousands of acres of citrus and walnut groves, still dominate Tulare County's landscape, the County has seen a reduction in agricultural land to due urbanization, with a reduction of 12,355 acres of farmland between 2004 and 2006. The acreage of farmland in Tulare County is generally expected to continue to decline, and Alternative 1 would contribute incrementally to it.

As mitigation defined in the EIR, SCE would be required to obtain an acre of agricultural conservation easement[5] for every acre of prime farmland, unique farmland, and farmland of statewide importance[6] that is permanently converted. While this mitigation would reduce the impact of the conversion of farmland to non-agricultural uses, Alternative 1 would nonetheless result in the permanent conversion of farmland and contribute to the decline in farmland acreage in Tulare County. This impact to farmland would be significant and unavoidable.

As with Alternative 1, construction of roads and new pole sites for Alternatives 2, 3, 3A and 6 would permanently remove farmland to non-agricultural use. This impact to agricultural resources would be significant and unavoidable. The following table sets forth the amount of farmland acreage that would be permanently removed from agricultural use, by alternative:

| **Alternative** | **1** | **2** | **3** | **3A** | **6** |
|---|---|---|---|---|---|
| **Farmland acreage** | 31.9 | 25.6 | 18.2 | 21.8 | 31.6 |

The draft EIR preliminarily determined that, under all alternatives, the proposed project would require the removal of walnut trees from the new portions of the rights of way, which would cause a further significant and unavoidable impact to agricultural resources. Specifically, under General Order 95, shrubs and trees located within a right of way under transmission lines must be maintained to not exceed a 15-foot height. The draft EIR determined that, while orange and other citrus trees can remain productive

[5] An agricultural conservation easement is a voluntary, recorded agreement between a landowner and a holder of the easement that preserves the land for agriculture.

when cropped to this height, walnut trees cannot. Consequently, the draft EIR determined that the proposed project would effectively convert walnut acreage located in the new rights of way to non-agricultural use. However, upon further analysis in response to comments, the final EIR determined that this significant impact can be avoided by increasing the height of the transmission line to allow for a maximum walnut height of 30 feet. (Final EIR, at G-17 – G-18.)

### 6.3. Cultural Resources

The Big Creek 1–Rector and Big Creek 3–Rector 220 kV transmission line and the Rector Substation are part of the Big Creek Hydroelectric System Historic District (Historic District). The generation and transmission facilities of the Big Creek system date between 1911 and 1929, and are eligible for listing in the National Register of Historic Places and the California Register of Historic Resources. The Rector Substation was constructed at the same time, and is eligible for listing in the California Register of Historic Places.

Alternative 1 would require demolishing and removing approximately 26 original single-circuit lattice towers within the transmission line right of way. In addition, this alternative would require demolishing and removing original 220 kV transmission line towers from the Rector switchyard, installing a tubular steel pole and adding a pre-fabricated metal mechanical and electrical equipment room adjacent to the substation building. These activities would adversely impact the facilities' physical characteristics that qualify them for inclusion in the California Register of Historic Resources. Although SCE would document the adversely affected components of the Historic District prior to their removal,

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[6] All subsequent references to "farmland" refer specifically to combined prime farmland, unique farmland and farmland of statewide importance.

which would lessen the impacts, the impacts would remain significant and unavoidable.

Approximately 10.8 miles of Alternative 2, 14.6 miles of Alternatives 3 and 3A, and 8.1 miles of Alternative 6 would be located within the Big Creek 1-Rector 220 kV transmission line right of way. All four alternatives would have similar significant and unavoidable impacts to this component of the Historic District as Alternative 1.

When considered in combination with other future projects, the proposed project's incremental contribution to impacts to the Historic District would be significant and unavoidable.

### 6.4. Biological Resources

Alternatives 1, 2, 3A and 6 would have less than significant environmental impacts, or have significant environmental impacts that would be reduced to less than significant levels with the incorporation of mitigation measures, in the area of biological resources.

Under Alternative 3, the subtransmission line would traverse a portion of the Stone Corral Ecological Reserve that supports more than three acres of vernal pool habitat where the existing Big Creek – Rector lines traverse the reserve. The removal of existing facilities, installation of new lines and the creation of access roads would directly impact more than three acres of northern claypan vernal pool habitat that is within designated critical habitat known to support special status plant and wildlife species. Project activities could permanently alter local hydrology in adjacent vernal pools with compounding indirect project effects on wetlands and water flow in surrounding portions of the reserve. While impacts would be reduced with mitigation, they would

remain significant and unavoidable following mitigation based on the extreme sensitivity of the Stone Creek Ecological Reserve to disturbance.

### 6.5. Unique Adverse Impacts (Alternative 3A)

The final EIR identified the following unique adverse impacts of Alternative 3A that have the potential to be significant: Alternative 3A would place the transmission line right of way within 50 feet of four private residences and surround a business on three sides, it would bisect several agricultural parcels contrary to sound land use planning practices, and it would encroach on a proposed development shown in Tulare County's draft General Plan.

Given its unique adverse impacts and modest reduction in impacts to farmland (Alternative 3A would remove 21 acres of farmland, which is only four acres less than the environmentally superior Alternative 2 (see Section 7, below)), the final EIR determined that Alternative 3A was not likely to provide a superior benefit over Alternative 2.

## 7. Environmental Superior Alternative

The EIR identifies Alternative 2 as the environmentally superior alternative.

While implementation of all of the proposed project alternatives would result in significant unavoidable impacts on cultural resources, the degree of variation between their impacts in not material enough to determine a preferred alternative on the basis of impacts on cultural resources.

With regard to agricultural resources, Alternative 3 would have the least impact among the project alternatives, removing 18.2 acres of farmland. However, Alternative 3 would not be environmentally superior due to its significant unavoidable impacts on biological resources.

Alternative 3A would have the next least impact on agricultural resources, removing 21.8 acres of farmland. However, Alternative 3A would not be environmentally superior due to its potentially significant adverse impacts related to its proximity to several residences and surrounding of a business, its bisection of agricultural parcels, and encroachment on a proposed development.

Alternative 2 would have the next least impact on agricultural resources, removing 25.6 acres of farmland. Alternative 6 would have a greater impact on agricultural resources than Alternative 2, removing 31.6 acres of farmland, and Alternative 1 would have the greatest impact on agricultural resources among the alternatives, removing 31.8 acres of farmland.

Alternative 2 is the environmentally superior alternative because it would result in only slightly greater impacts to farmland than Alternatives 3 and 3A but would not result in the significant or potentially significant impacts unique to Alternatives 3 and 3A.

## 8. Certification of EIR

CEQA requires the lead agency to certify that the EIR was completed in compliance with CEQA, that the agency has reviewed and considered it prior to approving the project, and that the EIR reflects the agency's independent judgment. As previously discussed, the EIR was completed after notice and opportunity for public comment on the scope of the environmental review and the draft EIR, as required by CEQA. The final EIR compiles and reflects all written and oral comments made on the draft EIR, and responds to them, as required by CEQA. The EIR identifies the proposed project's significant and unavoidable environmental impacts, mitigation measures that will avoid or substantially lessen them, and identifies Alternative 2 as the environmentally superior alternative. We have reviewed and considered the information

contained in the EIR, as well as parties' challenges to the adequacy of the EIR as discussed below. We certify that the EIR was completed in compliance with CEQA, that we have reviewed and considered the information contained in it, and that it reflects our independent judgment.

With respect to the parties' challenges to the EIR, we reiterate CEQA Guideline § 15151 which states in part, "Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts." As discussed more fully below, the EIR fully reflects the parties' disagreements and responds to them appropriately, and thus is in compliance with CEQA.

### 8.1. Evaluation of Alternative 3A

PACE and the Kirkpatricks assert that the EIR inappropriately failed to evaluate Alternative 3A on the basis of its erroneous conclusion that the use of an abandoned railroad right of way for 4100 feet of the route is legally infeasible. Specifically, based on communications with the railroad's Western Region Property Manager, the final EIR determined that the right of way is owned by Rail America, who does not wish to sell it. PACE alleges that, according to its own investigation after the final EIR issued, the right of way is owned by Tulare Valley Railroad, which is quite willing to sell it. Putting aside this apparent factual discrepancy regarding ownership of the railroad right of way, the assertion that the EIR did not evaluate Alternative 3A is incorrect. To the contrary, the EIR reconfigured Alternative 3A to parallel the railroad right of way at issue, and evaluated the alternative under this reconfiguration to determine its impacts. The suggestion that the EIR misidentified Alternative 3A's unique adverse impacts as a result of misidentifying the railroad right of way's owners is likewise incorrect: The unique adverse impacts

identified in the EIR occur outside of the railroad right of way and therefore apply equally to both configurations.

Farm Bureau and Paramount Citrus assert that the EIR's reconfiguration of Alternative 3A unnecessarily increased impacts to agricultural resources. This assertion appears to incorrectly assume that the portion of Alternative 3A that would otherwise follow the railroad right of way would not cause agricultural impacts. To the contrary, regardless of whether it follows the railroad right of way or the land adjacent to it, that portion of the route would traverse lands that are almost entirely designated as prime farmland, unique farmland, or farmland of statewide importance.[7] Thus, it is reasonable to assume that the difference between the configurations' agricultural impacts would be slight.

Farm Bureau, Paramount Citrus, Farmersville and the Kirkpatricks take issue with the EIR's determination that Alternative 3A's adverse environmental impacts are unique and that it is therefore unlikely to be superior to Alternative 2. Farm Bureau, Paramount Citrus and Farmersville contend that Alternative 3A's adverse impacts are not unique, but similar to other alternatives' impacts that the EIR found to be insignificant. To the contrary, the EIR adequately distinguishes Alternative 3A's adverse impacts from the similar impacts of other alternatives: Alternative 3A would place the transmission line in close proximity of four private residences and surround a business on three sides; Alternative 3A's right of way would pass within 50 feet of four residences while, at approximately 300 feet away, Alternative 2's right of

[7] As shown by comparing the maps, or "road story," of Alternative 3 (Draft EIR, Appendix C, at 20 of 34) to the map of important farmlands (Draft EIR, Figure 4.2-1.)

way would be much farther removed from its three impacted residences. Alternative 3A would surround an existing business operation on three sides by transmission lines and structures, while Alternative 2 would have no similar adverse impact. Alternative 3A would diagonally bisect several agricultural parcels; while, as Paramount Citrus notes, Alternative 2 would also bisect several agricultural parcels, it would do so in parallel to parcel boundaries and, in many instances, following existing farm roads.[8] Alternative 3A would encroach on eight parcels in a proposed development shown in Tulare County's draft General Plan; Alternative 1 would bisect a single (albeit the preferred) parcel for future development of a retail site. Given these distinctions, the Commission cannot reasonably assume that Alternative 3A's impacts are insignificant by comparison to Alternative 1.

The Kirkpatricks claim that the EIR's analysis of Alternative 3A demonstrates a biased, deliberate effort by its preparers to avoid meaningful participation and input by the public. As evidence of this claim of professional misconduct, the Kirkpatricks assert that there was practically no contact initiated by the EIR team to follow up with the public on their comments; that the EIR fails to demonstrate that SCE is legally prevented from using its alleged easement over the Stone Corral Ecological Reserve; that the EIR's analysis of Alternative 3A (as discussed previously) demonstrates lack of a reasonable and good faith undertaking; and that the EIR erroneously concludes that Alternative 3A would adversely impact, rather than enhance, the poultry business which it would surround on three sides. The Kirkpatricks do not

[8] See Draft EIR, Appendix C, Section 1, at 17-24 of 27.

identify how, if at all, the EIR team's follow-up on public comments failed to comply with the requirements of CEQA. The Kirkpatricks do not identify how, if at all, SCE's alleged easement over the Stone Corral Ecological Reserve alters the proposed project's environmental impacts. As discussed previously, the EIR reasonably analyzed Alternative 3A. The Kirkpatricks' contrary opinion that surrounding the implicated business on three sides with transmission lines and structures is a positive, rather than negative, impact does not make the EIR inadequate (CEQA Guideline § 15151), much less demonstrate bias or misconduct. The Kirkpatricks' claims of bias and professional misconduct by the Commission's EIR team are entirely without merit.

Alternative 3A would not avoid or substantially lessen the project's significant impact to agricultural resources relative to the environmentally superior Alternative 2. Furthermore, it would cause unique adverse impacts that could potentially be significant. The EIR reasonably declined to fully evaluate Alternative 3A.

## 8.2. Analysis of Environmental Impacts

### 8.2.1. Paramount Citrus

Paramount Citrus asserts that the EIR did not adequately consider Alternative 2's impact on agricultural resources, particularly citrus. Paramount Citrus contends that, contrary to the assumption in the EIR, other crops including citrus trees cannot be productively farmed in the new right of way. As stated in the final EIR's response to Paramount Citrus's comments to this effect, all crops that are currently grown in Alternative 2's new right of way, including citrus, are currently grown in the existing Rector-Big Creek right of way. (Final EIR, Response O19-3 at 5-22.) Paramount Citrus's contention that this is

irrelevant and insubstantial evidence that crops can be grown in the new right of way is without merit.

Paramount Citrus asserts that the EIR is deficient because it did not address the economic effects of the proposed project's physical impacts to agricultural productivity within the proposed project's rights of way, as permitted by CEQA Guideline § 15131. To the contrary, the EIR considered the impact of the proposed project on agricultural production in the rights of way and determined that, with mitigation, it is insignificant. (Final EIR at G-17 – G-18.)

Paramount Citrus asserts that the EIR does not adequately inform the public or decision makers about the extent of the project's impact on agricultural irrigation because, while Mitigation Measure 4.7-11b requires SCE to adjust the proposed right of way to avoid existing wells, the EIR defers an inventory of the impacted agricultural wells until a later time. Paramount Citrus offers no basis for us to conclude that this level of analysis is inadequate. To the contrary, the EIR identifies the potential for the proposed project to interfere with agricultural irrigation, and identifies mitigation for it, thus providing a sufficient degree of analysis to enable us to intelligently take into account the proposed project's impact on agricultural wells. (See CEQA Guideline § 15151.)

With regard to the EIR's analysis of impacts to local hydrology, Paramount Citrus asserts that the EIR incorrectly assumes that groundwater conditions throughout the San Joaquin Valley are uniform and the entirety of the project area overlies the San Joaquin aquifer and disregards comments by certified hydrologists opining that Alternative 3 is generally within in the alluvial area. To the contrary, the EIR explicitly recognizes that the hydraulic properties

of the aquifer are heterogeneous and can vary notably. (Final EIR, Master Response on Groundwater at 4.4-2, and Response O18-1 at 5-19 – 5-20.)

Paramount Citrus asserts that the EIR offers no analysis in support of its conclusion that pole installation will not substantially impact groundwater flow under Alternatives 1, 2 and 6. To the contrary, the EIR provides ample analysis in support of this conclusion. (Final EIR, Master Response on Groundwater at 4.4-1 – 4.4-3.)

Paramount Citrus asserts that the EIR errs in concluding that Alternative 3 will have greater adverse impacts on groundwater hydrology than Alternative 2. This assertion misstates the EIR, which concludes that, with mitigation, *none* of the alternatives has a significant adverse impact on groundwater hydrology; the EIR does not compare the alternatives' relative, but less than significant, impacts, nor is it required to do so under CEQA.[9]

With respect to the EIR's conclusion that dewatering during construction will not cause a significant impact, Paramount Citrus asserts that the EIR fails to consider that the land surface and groundwater surface in the vast regional aquifer are located downhill from the shallow aquifers that will be impacted by construction of Alternatives 1, 2 and 6. To the contrary, the EIR explains that all the alluvial areas within the project area are part of the same aquifer system. (Final EIR, Response O18-4 at 5-20 – 5-21.)

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[9] This argument also appears to contradict Paramount Citrus's assertion that pole installation under Alternatives 1, 2 and 6 will have greater adverse impacts on groundwater resources than under Alternative 3.

#### 8.2.2. Visalia

Visalia asserts that the EIR is inadequate because it did not analyze the proposed project's inconsistencies with Visalia's General Plan policies and goals. To the contrary and as the EIR explained, CEQA does not require this analysis as Visalia does not have jurisdiction over the proposed project. (Final EIR, Response O25-7 at 5-98, and Response O10-8 at 5-10.)

Visalia cites to *Application of Pacific Gas and Electric Company (PG&E) for CPCN for Jefferson-Martin 230 kV Transmission Project (2004) D.04-08-046 (Jefferson-Martin) and Application of San Diego Gas & Electric Company (SDG&E) for CPCN for Sunrise Powerlink Transmission Project (2008) D.08-12-058 (Sunrise Powerlink)* in support of its assertion that, in practice, the Commission closely analyzes inconsistencies between projects and general plans and often adopts mitigation to avoid them. More precisely, while Jefferson-Martin and Sunrise Powerlink considered such inconsistencies, they did so, not in the context of the environmental review of impacts to land use policies, but rather in the context of community values and for purposes, not of requiring additional mitigation, but rather of selecting the route alternative. Likewise, we address Visalia's assertions of the proposed project's inconsistencies with its General Plan in this context of community values for purposes of selecting a route alternative, as discussed in Section 9, below.

Visalia asserts that, in analyzing the proposed project's negative impacts on the city's aesthetic resources, the EIR did not adequately document the city's scenic views of the Sierra Nevada Range, or depict the proposed project's visual contrast against them, from various vantage points in the city and public recreational areas. The final EIR fully reflects Visalia's assertions and provides a thorough and reasonable explanation of its analysis. (Final EIR,

Responses O25-9 through O25-15 at 5-99 – 5-107.) Visalia's disagreement with the EIR's analysis does not make the EIR inadequate. (CEQA Guideline § 15151.)

Visalia asserts that the EIR erroneously concludes there would be no impact because there are no "designated" scenic vistas in the vicinity of the proposed project. To the contrary, the EIR appropriately identified scenic resources (including scenic vistas) in two ways: by evaluating a visual resource's visual quality, viewer types and volumes, and viewer exposure (Draft EIR at 4.1-1 – 4.1-2), and by identifying visual resources that have been designated as "scenic" in a city or county general plan or zoning ordinance (id. at 4.1-21 – 4.1-23). While the EIR did not identify any "designated" scenic vistas in the vicinity of the proposed project, it identified numerous scenic resources in the area and adopted mitigation measures to reduce the project's adverse impact on them. (Id. at 4.1-38 – 4.1-52.)

Visalia notes that, independent of CEQA, Pub. Util. Code § 1002(a) imposes on the Commission the duty to consider the proposed project's impacts to recreation resources and aesthetic values; Visalia asserts those impacts are highly relevant and must be mitigated "in this context." To be sure, these impacts are highly relevant and we consider them. However, as set forth in the scoping memo for this proceeding and consistent with Commission precedent,[10] we do so in the course of our environmental review pursuant to CEQA.

Visalia contends that the EIR is inadequate because it did not identify the impact of Alternatives 2, 3 and 6 on the planned River Run Ranch

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[10] *Application of Lodi Gas Storage for CPCN for Gas Storage Facilities (2000) D.00-05-048 (Lodi Gas Storage) at 28.* ("[T]he appropriate place for the parties to address [project's

*Footnote continued on next page*

development as significant or, consequently, require mitigation to avoid or lessen it. Visalia presented evidence that these project alternatives will reduce the value of homes selling in this planned development by an estimated $600,000 to $1 million. Visalia asserts that this situation is similar to the situation in *Application of SCE for CPCN for Tehachapi-Vincent Transmission Project (2007) D.07-03-045 (Tehachapi-Vincent)*, in which the Commission found that the proposed transmission project would have impeded construction of a planned development and required alternative project routing to avoid that impact out of a concern about the associated adverse economic impact. More accurately, *Tehachapi-Vincent* found that the project alternative in question would have a significant and unavoidable impact on the planned residential development because it would preclude the use of land parcels within the new right of way. (*Tehachapi-Vincent* at 39-40.) Here, in contrast, the proposed project would not encroach on the planned development, and the EIR reasonably determined that the proposed project's proximity to the planned development does not cause a significant adverse impact; accordingly, no mitigation is required.

#### 8.2.3. Farmersville

Farmersville asserts that the EIR did not adequately consider the economic and social impacts resulting from Alternative 1's bisection of the site of a planned commercial/industrial park in Farmersville because it inappropriately determines that the planned development is speculative. This assertion misstates the final EIR. In response to Farmersville's comments asserting that the transmission line's bisection of the site render it unsuitable for development, the

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influence on environment] was in the EIR, so that the parties would not duplicate their efforts in both portions of the proceeding.")

EIR explains why transmission lines are not incompatible with industrial and general development. (Final EIR, Response O10-7 at 5-10.) In response to a comment from William Pensar making the same assertion as Farmersville, the EIR states that *the commenter's assertion that Alternative 1 will render the site undesirable for the planned development* is speculative. (Final EIR, Response I66-2 at 6-37.) The EIR adequately assessed the economic and social impacts resulting from Alternative 1's bisection of the planned commercial/industrial park.

### 8.3. Sufficiency of Mitigation Measures

#### 8.3.1. Paramount Citrus

Paramount Citrus asserts that revised Mitigation Measure 4.7-11b, which requires SCE to relocate wells that cannot be accommodated by adjusting the proposed right of way, is infeasible because it will be extremely difficult to locate sufficient well sites that will produce the same quantity and quality of water to be replaced, particularly in the bedrock areas of Alternatives 1, 2 and 6. Paramount Citrus argues that, as a result, those alternatives have a significant and unmitigated impact. The fact that a proposed mitigation measure may be difficult does not make it infeasible. Furthermore, it is speculative to assume that, in the event that SCE cannot adjust the proposed right of way to avoid existing wells, it will not be able to locate replacement well sites.

#### 8.3.2. Farm Bureau

Farm Bureau recommends that, in consideration of Tulare County agricultural interests, the Commission should establish an agricultural advisory committee comprised of existing agricultural organizations, community based groups that have emerged as a result of the proposed project, other participants that have expertise in such areas as pest control, water well development and irrigation systems, and a limited number of individual growers; the committee

would be expected to avoid or resolve many conflicts and reduce unavoidable project impacts. As stated in the EIR, the formation of such a committee does not meet CEQA Guideline § 15126.4(a)(2)'s requirement that mitigation measures be fully enforceable through permit conditions, agreements, or other legally binding instruments. We address the reasonableness of Farm Bureau's recommendation in the context of our consideration of community values pursuant to Pub. Util. Code § 1002(a)(1) in Section 9, below.

Farm Bureau suggests that Mitigation Measure 4.7-11b requires revision in order to ensure its enforceability. Specifically, in the event that the project requires replacement of a groundwater well, Mitigation Measure 4.7-11b requires SCE to demonstrate that the new location is capable of producing water of equal quantity and quality. Farm Bureau, along with PACE, asserts that the measure should be revised to prohibit SCE from commencing construction until it satisfies this requirement, in order to meet the requirement of CEQA Guideline § 15091(d) that it be enforceable. The mitigation measure, as written, does not appear to be unenforceable, Farm Bureau and PACE do not articulate how or why it is unenforceable, and the recommended revision would unreasonably delay commencement and completion of the project. For these reasons, we reject Farm Bureau's and PACE's recommendation.

Farm Bureau notes that revised Mitigation Measure 4.3-1b requires SCE to obtain approval of its use of chemicals near agricultural areas from the Tulare County Farm Bureau, and submits that the correct authority is the Tulare County Agricultural Commissioner, who is tasked with the enforcement of state regulation of the safe use of pesticides. We make that correction.

Farm Bureau recommends that the Dispute Resolution Process contained in the mitigation program be revised to "provide for an expedited

resolution process" and to establish "a separate process and Commission designee […] for time sensitive issues." As written, the Dispute Resolution Process provides, as the first step in the event of a compliance dispute, the dispute shall be directed to the Commission's designated project manager for informal resolution. In the event that informal resolution is unsuccessful, an affected party may seek resolution by the Commission's Executive Director (the Executive Director or designee shall meet with the parties within 10 days of notice of dispute, and subsequently issue an Executive Director's Resolution); if unsatisfied by the Executive Director's Resolution, an affected party may appeal it to the full Commission. Step one of the Dispute Resolution Process provides a reasonable opportunity for speedy informal resolution by a Commission designee, which reasonably addresses Farm Bureau's concern.

Farm Bureau takes issue with the mitigation measure addressing walnut productivity in the rights of way. Specifically, as walnut trees cannot be productive when cropped to the 15-foot height restriction for trees located within transmission rights of way,[11] Mitigation Measure 4.2-4 requires increasing the height of project structures to allow for a maximum walnut tree height of 30 feet to be maintained beneath the 220 kV conductor, which the EIR determines will mitigate this impact to a less than significant level. Farm Bureau asserts that this measure is as ambiguous as the 15-foot height restriction because it does not state if it is a maximum or minimum height. In view of our extensive experience with General Order 95 (initially adopted in 1941), we reject Farm Bureau's assertion that the height restriction is ambiguous. Farm Bureau asserts that the measure

[11] See General Order 95.

unduly presumes that all walnut trees will maintain the same productivity level based on the same height. To the contrary, Mitigation Measure 4.2-4 explicitly recognizes that the pruning may reduce productivity to varying degrees and thereby result in an economic impact to farmers; those impacts would be addressed by SCE during its right of way acquisition process.

Farm Bureau asserts that the final EIR misinterpreted its comment addressing apiaries, and "reiterates the recommendation to notify landowners in advance of energization to ensure hives are adequately distanced during energization to avoid disruption." To the contrary, Farm Bureau's comment on the draft EIR makes no such recommendation. Its comment notes concern with the impact of power line electric fields generally on bees, recommends that SCE be required to survey the approved route to determine if apiaries will be potentially impacted, and suggests that this would be an impact on which its proposed agricultural advisory committee might beneficially consult. (Final EIR, Comment Letter 020, p. 10.) The EIR reasonably interpreted and responded to

Farm Bureau's comment.[12]

Farm Bureau suggests that Mitigation Measure 4.2-2, which requires SCE to obtain one acre of agricultural conservation easements for every acre of permanently converted farmland that is converted prime farmland, should be revised to mandate that SCE obtain those easements through an existing conservation bank. Farm Bureau offers no rationale for restricting SCE's options in this manner, and none is apparent to us. We reject Farm Bureau's recommendation.

#### 8.3.3. Visalia

Visalia asserts that, in consideration of the community's values of maintaining its unique scenic vistas and small town characteristics and providing for orderly growth, open space and park lands, the EIR should require mitigation measures including the development of a landscaped, open space parkway, the formation of a conjunctive use committee, and other visual relief measures. The purpose of the EIR is to identify significant environmental impacts and measures, if any, to mitigate them. As discussed previously, the EIR properly determined that, as mitigated, the proposed project will not significantly impact Visalia's aesthetic resources or relevant land use policies. We address the issue of whether Visalia's recommendations are mandated by

[12] Farm Bureau suggests that this is an example of the type of process with which an agricultural advisory committee could assist. Although we do not require the establishment of an agricultural advisory committee as a condition of project certification, we invite Farm Bureau to bring these types of suggestions to SCE's attention throughout the construction process, and we expect SCE to be responsive to reasonable community concerns.

our consideration of community values pursuant to Pub. Util. Code § 1002(a)(1) in Section 9.2, below.

Visalia asserts that, consistent with General Order No. 131-D, Section XIV.B and *Application of SCE for CPCN for Devers-Palo Verde No. 2 Transmission Line Project (2007) D.07-01-040 (Devers-Palo Verde No. 2)*, the Commission should require SCE to consult with Visalia to resolve conflicts between the project and the city's General Plan. To the contrary, Section XIV.B does not mandate such consultations. Rather, Section XIV.B's mandate concerns jurisdictional disputes between the utility and local agencies. As the EIR correctly explains, while a utility project is not subject to local land use plans, it must obtain any required non-discretionary local permits; Section XIV.B requires the utility to consult with the local agency in the event that there is a dispute regarding whether such non-discretionary local land use permits are required. Accordingly, in *Devers-Palo Verde No. 2*, the utility and the tribal authority disputed whether the utility was required to obtain a conditional use permit for the tribal land, and the Commission appropriately adopted the mitigation measure that invoked Section XIV.B. (*Devers-Palo Verde No. 2* at 91-92.) In contrast, in this matter, there is no jurisdictional dispute between Visalia and SCE.

### 8.4. Identification of Environmentally Superior Alternative

SCE argues that Alternative 1 is the environmentally superior alternative because, while all of the alternatives require the same mitigation to address their potential impacts to cultural and agricultural resources, Alternative 1 is the only alternative that has no potential impact to biological resources. In its comments on the proposed decision, SCE elucidates its argument by stating that, as none of the alternatives avoids or substantially

lessens a significant impact to cultural or agricultural resources, they should be considered to be on par with respect to those impacts; and, as only Alternative 1 avoids the potential for biological impacts, it should be found to be superior to all other alternatives including those that, with mitigation, avoid or substantially lessen their potential biological impact. By this logic, an alternative that impacts a thousand acres of agricultural resources may be deemed to be on par with an alternative that impacts a single acre. Furthermore, it is not apparent that an alternative that never poses a potential environmental impact is environmentally superior to one that, with mitigation, succeeds in entirely avoiding it. We disagree that the Commission should (and CEQA permits it to) ignore the relative ultimate impacts of alternatives in identifying the environmentally superior alternative, and reject SCE's argument that Alternative 1 is the environmentally superior alternative.

## 9. Infeasibility of Environmentally Superior Alternative

### 9.1. Route Selection

#### 9.1.1. SCE

SCE argues that all of the alternatives except Alternative 1 are infeasible in terms of being able to meet the project objectives in the necessary timely fashion. SCE asserts that there is an urgent need to address current reliability issues in the electrical service area. The Big Creek 3-Rector 220 kV transmission line's maximum allowable capability under base-case conditions is 700 megawatts (MW), and the recorded peak load at Rector Substation was 701 MW on July 10, 2008. Under the worst-case single-contingency outage scenario (one transmission line out of service), the Big Creek 1-Rector 220 kV could exceed its emergency rating of 106%. The worst-case double-contingency outage scenario (two transmission lines out of service) could result in the need

for rolling outages and/or customer blackouts in the area served by Rector Substation.

SCE asserts that all of the alternatives except Alternative 1 risk significant delay. First, all of the alternatives except Alternative 1 cross critical biological habitat, requiring environmental surveys that, according to SCE, could take two years to conduct. Furthermore, if the surveys determine listed species are present, SCE states that permitting could take an additional one to two years if a federal nexus establishes U.S. Army Corps of Engineers jurisdiction, or an additional five to 10 years if there is no federal nexus. Second, based on SCE's proposed labor resources and work schedule for the initial demolition and construction associated with the replacement of existing transmission infrastructure north of Rector Substation, Alternative 1 would involve approximately three months of outages as compared to 10, 13 and 8 months, respectively, for Alternatives 2, 3 and 6. In turn, these longer construction durations create a greater risk of further delay as the result of mitigation requiring SCE to avoid interfering with raptor nesting and optimum crop growing seasons. SCE testified that, while it might be possible to shorten the duration of construction activities by increasing the labor crews and extending the work schedule, this increase in construction activity may impact SCE's ability to successfully implement some of the necessary mitigation measures.

On the other hand, peak demand load has dropped since 2007, and the California Energy Commission's most recent adopted forecast of California energy demand projects SCE's per capita peak demand to remain relatively flat through the 2018 horizon without returning to the 2007 levels.[13] While the risk that construction will be delayed to the extent SCE speculates is possible, it is also possible that any incremental delay will be much more modest. For example, as SCE notes, it is possible to accelerate construction by increasing labor crews and work schedules. Furthermore, it is possible and, according to SCE, even likely that permitting for Alternative 2 will be subject to the jurisdiction of the U.S. Army Corps of Engineers,[14] which would not implicate the five to 10 year delay that SCE suggests might otherwise be required.

While "sooner" is certainly "better" with respect to addressing our current reliability concerns, we are keenly aware that, for practical purposes, a transmission line "is forever." On balance, we find that the need to address current reliability concerns does not render any of the alternatives infeasible.[15]

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[13] We grant PACE's request for official notice of the *California Energy Demand 2010-2020 Adopted Forecast*, California Energy Commission, CEC-200-2009-012 (December 2, 2009).

[14] "Although uncertain at this time, impacts to vernal pool habitats or jurisdictional drainages resulting from construction of Alternative 2 would likely [be subject to the jurisdiction of the U.S. Army Corps of Engineers]." (Application 08-05-039, Proponent's Environmental Assessment, Section 4.4 at 4-118.)

[15] SCE suggests that Alternative 1's significantly lower cost as compared to Alternative 2 is an important consideration to the identification of the environmentally superior alternative. To the contrary, economic impacts of a proposed project are not by themselves environmental impacts (CEQA Guideline § 15131) and therefore not relevant to the determination of the environmentally superior alternative. The appropriate context for consideration of this cost difference is with respect to project feasibility. (CEQA Guideline § 15091(a)(3).) However, SCE does not assert, and we do not find, that Alternative 2 is economically infeasible.

#### 9.1.2. Farm Bureau

Farm Bureau asserts that the strong value that the community places on its high value orchard crops is cause to select the route alternative that minimizes impacts to those crops. To the extent that Farm Bureau means to suggest that the Commission should consider Alternative 2's economic impacts to the agricultural community, Farm Bureau does not assert, and we do not find, that the project's economic impact to orchard growers renders Alternative 2 infeasible. To the extent that Farm Bureau means to suggest that the community's relative support of an alternative is cause to select it, we do not view Pub. Util. Code § 1002(a)(1) as authorizing the selection of a project alternative on the basis of popularity. To the contrary, the issue is whether the project's impact will damage the community's character and identity. (See, e.g., *Lodi Gas Storage,* D.00-05-048 at 31-32, considering whether the presence of a natural gas storage facility would damage the community's winegrape growing reputation.) In this case, Farm Bureau does not assert, and we do not find, that Alternative 2 will damage community's character and identity as an agricultural community.

#### 9.1.3. Farmersville

Farmersville objects to Alternative 1 because of its potential adverse impact on property values; its displacement of land designated for urban development that, in turn, would potentially be replaced with agricultural land; and its interference with the recreational opportunity afforded by a park and pond located along the transmission line route. Because we select Alternative 2, we do not reach this issue.

### 9.2. Additional Mitigation

Visalia and Farm Bureau invoke Pub. Util. Code § 1002(a)(1) as a basis to condition project certification on additional mitigation measures, regardless of the selected project alternative. Visalia recommends that, in consideration of the community's concerns regarding the proposed project's impact on Visalia's open-space values, recreation and aesthetics, the Commission should require SCE to develop and dedicate to the City a landscaped open space pathway under the transmission line; form a conjunctive use committee to identify landscaping and other measures for SCE to implement; and develop, in consultation with a designated visual specialist and Visalia, a visual relief plan that would specify appropriate structure surface treatments and vegetative screening. Similarly, Farm Bureau requests that, in consideration of the agricultural community's concerns, the Commission require the establishment of an agricultural advisory committee to provide input into the details of implementing the agricultural mitigation measures identified in the EIR.

We deny these requests. Visalia and Farm Bureau do not demonstrate and we do not find that Alternative 2, or any of the alternatives, damages the community's agricultural, recreational or aesthetic character. To the extent that it would be located in Visalia, the proposed project would lie within an existing transmission right of way, and the EIR appropriately determines that, with mitigation, the project's impacts to recreational and aesthetic resources are less than significant. While Alternative 2 will convert 25.6 acres of farmland to non-agricultural use, this cannot reasonably be found to thereby damage Tulare County's agricultural character.

Farm Bureau asserts that the mitigation monitoring, reporting and compliance program requires greater transparency, and recommends that it be

revised to provide that all landowners impacted by the project will be provided a copy of the dispute resolution procedures, compliance requirements, and SCE's plans and documentation submitted to the Commission. While Farm Bureau's further recommendation is unduly burdensome, it is reasonable to provide the impacted landowners with a copy of the mitigation monitoring, reporting and compliance plan. We direct Energy Division to serve the mitigation monitoring, reporting and compliance program on all landowners within 300 feet of Alternative 2, as identified in Attachment 2 to this decision.

## 10. Overriding Considerations

Pursuant to CEQA Guidelines § 15093, the Commission may only approve a project that results in significant and unavoidable impacts upon a finding that there are overriding considerations. As discussed previously, this project is needed in order to reduce the possibility of overloads on existing 220 kV transmission lines in the Big Creek Corridor. On June 24, 2004, the California Independent System Operator Board of Governors approved the looping of the Big Creek 3-Springville 220 kV transmission line into the Rector Substation as the preferred long-term transmission alternative to address identified reliability concerns. The Big Creek 3-Rector 220 kV transmission line's maximum allowable capability under base-case conditions is 700 MW, and the recorded peak load at Rector Substation was 701 MW on July 10, 2008. Under the worst-case single contingency outage scenario (one transmission line out of service), the Big Creek 1-Rector 220 kV could exceed its emergency rating of 106%. The worst-case double-contingency outage scenario (two transmission lines out of service) could result in the need for rolling outages and/or customer blackouts in the area served by Rector Substation. For these reasons, we find that there are overriding considerations that support our adoption of the environmentally

superior project Alternative 2, despite its significant unavoidable impacts on agricultural and cultural resources.

## 11. EMF

The Commission has examined EMF impacts in several previous proceedings.[16] We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs, and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A, that all requests for a certificate of public convenience and necessity (CPCN) include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the proposed project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is 4% of the total budgeted project cost that results in an EMF reduction of at least 15% (as measured at the edge of the utility right-of-way).

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[16] D.06-01-042 and D.93-11-013.

The proposed project, including Alternative 2, is designed to include the following no-cost and low-cost magnetic field reduction measures:

1. Use a double-circuit pole-head configuration for the proposed 220 kV lines;
2. Use poles which are 10 feet taller where homes are immediately adjacent to the edges of the right of way; and
3. Implement phasing arrangements to reduce magnetic field levels at the edges of rights of way.

This design plan is consistent with the Commission's EMF Design Guidelines and policies, and also with recommendations made by the U.S. National Institute of Environmental Health Sciences and applicable national and state safety standards for new electric facilities.

## 12. Project Cost

For projects estimated to cost more than $50 million, Pub. Util. Code § 1005.5(a) directs the Commission to specify a reasonable and prudent maximum project cost. In its July 20, 2009, prepared testimony, SCE forecasted the cost of Alternative 2 to be $137.443 million (in constant 2009 dollars excluding Allowances for Funds Used During Construction (AFUDC)). This is based on direct costs of $97.907 million plus a 30.6% contingency ($29.947 million), plus Pensions & Benefits and Administrative & General costs ($9.589 million). SCE notes that this figure does not take into account costs that may be required due to mitigation not identified at the time or final engineering, and requests the opportunity to update its cost estimate by advice letter once final engineering is complete.

Farm Bureau challenges the reasonableness of SCE's forecast of Alternative 2's costs for its use of a 30.6% contingency. Farm Bureau cites to

*Tehachapi Renewable,* D.09-12-044, which rejects SCE's proposed 35% contingency in that application, and instead adopts a 15% contingency, as follows:

> SCE requests contingency costs equal to 32% of total project costs excluding AFUDC, P&B, A&G costs. We believe this is too high for several reasons. First, the Project consists primarily of new transmission and substation facilities. California electric utilities and their construction contractors have extensive experience with this type of project.
>
> In light of the extensive experience of California electric utilities and their industry partners in constructing transmission lines and substations, we are not convinced that a contingency of 32% is reasonable. Generally, by the time an electric utility files an application for authority to construct a power line or substation, the utility should know the final cost of the proposed project to within 15%. This is particularly true for the Project given that it will be constructed largely on existing rights of way. There should be little uncertainty regarding the cost to acquire land and rights of way for the project, and SCE has had access to most or all of route for planning, design, and engineering purposes.
>
> Second, we believe that SCE's contingency of 32% is excessive in the current economic environment. A major purpose of SCE's contingency is to budget for the risk of significant increases in the cost of labor and materials. We believe this risk is small given that the unemployment rate in California is more than 12% and construction activity in the State is at recessionary levels. It is difficult to imagine a credible scenario where the cost of labor and materials increases by 32% over the course of the Project. In our opinion, a contingency of 15% for labor and materials is sufficient under present economic circumstances.
>
> Finally, a contingency of 15% is consistent with Commission precedent. For example, D.08-12-058

> adopted a contingency of 18.35% for SDG&E's Sunrise Powerlink Project, D.07-01-040 adopted a contingency of "almost 15%" for SCE's Devers-Palo Verde No. 2 Project, and D.01-12-017 adopted a contingency of 14.6% for PG&E's Northeast San Jose Project.
>
> (*Tehachapi Renewable* at 70-71, citations omitted.)

*Tehachapi Renewable* went on to adopt the 15% contingency, but authorized the utility to seek an adjustment of the maximum reasonable and prudent costs once it had developed a final detailed engineering design-based construction estimate for the approved project route. (*Id*. at 90-91 and Conclusion of Law 26.)

This rationale applies equally to the facts of this application: SCE is experienced in constructing transmission lines and substations, Alternative 2 will be constructed largely on existing rights of way, and California unemployment remains high. For these reasons, we adopt a contingency of 15%, and apply it to the forecasted direct cost of $97.907 million. We adopt as reasonable and prudent a maximum cost of $122.182 million (excluding AFUDC). Once SCE has developed a final detailed engineering design-based construction estimate for Alternative 2, SCE may, within 30 days, file with the Commission an advice letter with the revised cost estimate and seek an adjustment of the maximum reasonable and prudent costs pursuant to § 1005.5(b).

## 13. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on May 24, 2010, by SCE, PACE, Visalia, Farm Bureau, and Paramount Citrus. Reply comments were filed on June 1, 2010, by SCE, Farm Bureau, and Paramount Citrus. We have considered the comments and, to

the extent that they identified factual, legal or technical error in the proposed decision, we have made appropriate changes.

## 14. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Hallie Yacknin is the assigned ALJ in this proceeding.

## Findings of Fact

1. Construction of a 220 kV transmission line to loop to the Big Creek 3-Springville 220 kV transmission into the Rector Substation is necessary in order to address reliability concerns in the Big Creek Corridor.

2. Project Alternatives 1, 2, 3, 3A and 6 would each have significant unavoidable impacts on agricultural and cultural resources.

3. Project Alternatives 1, 2, 3, 3A and 6, respectively, would permanently remove 31.9 acres, 25.6 acres, 18.2 acres, 21.8 acres and 31.6 acres of prime farmland, unique farmland, and farmland of statewide importance as that farmland is defined by the Department of Conservation.

4. In addition to its significant unavoidable impacts on agricultural and cultural resources, Alternative 3 would have significant unavoidable impacts on biological resources.

5. In addition to its significant unavoidable impacts on agricultural and cultural resources, Alternative 3A would have potentially significant and unavoidable impacts on land use and aesthetic resources.

6. Alternative 2 is the environmentally superior alternative.

7. The EIR was completed in compliance with CEQA.

8. The Commission has reviewed and considered the information contained in the EIR.

9. The EIR reflects the Commission's independent judgment.

10. Alternative 2 is feasible.

11. The need to reduce the possibility of overloads on existing 220 kV transmission lines in the Big Creek Corridor is an overriding consideration that supports our approval of Alternative 2, despite its significant unavoidable impacts. As such, the benefits of Alternative 2 outweigh and override its significant and unavoidable impacts.

12. Alternative 2 includes no-cost and low-cost measures (within the meaning of D.93-11-013, and D.06-01-042) to reduce possible exposure to EMF.

13. The reasonable and prudent cost of Alternative 2 is $122.182 million.

## Conclusions of Law

1. SCE should be granted a CPCN for Alternative 2 of the proposed San Joaquin Cross Valley Loop Transmission Project, with mitigation set forth in the Mitigation Monitoring, Reporting and Compliance Program (MMRCP), which is attached as Attachment 1 to this decision.

2. Mitigation Measure 4.3-1b of the MMRCP should be revised to require SCE to obtain approval of its use of chemicals near agricultural areas from the Tulare County Agricultural Commissioner, as opposed to the Tulare County Farm Bureau.

3. Energy Division should be directed to serve the MMRCP on all landowners within 300 feet of Alternative 2, as identified in Attachment 2 to this decision.

4. The EIR has been completed in compliance with CEQA and should be certified.

5. The maximum cost of the project should be set at $122.182 million, excluding AFUDC.

6. Once SCE has developed a final detailed engineering design-based construction estimate for Alternative 2, SCE may, within 30 days, file with the Commission an advice letter with the revised cost estimate and seek an adjustment of the maximum reasonable and prudent costs pursuant to § 1005.5(b).

7. The unopposed October 2, 2009, motion of SCE to correct the transcript of the August 31, 2009, evidentiary hearing and the unopposed motion of Paramount Citrus to accept its late-filed opening brief should be granted.

8. A.08-05-039 should be closed.

9. This order should be effective immediately.

## O R D E R

**IT IS ORDERED** that:

1. Southern California Edison Company is granted a Certificate of Public Necessity and Convenience to construct the San Joaquin Cross Valley Loop Project Alternative 2 in conformance with the Mitigation Monitoring, Reporting and Compliance Plan, which is attached as Attachment 1 to this decision.

2. The final Environmental Impact Report (which incorporates the draft Environmental Impact Report) is adopted pursuant to the requirements of the California Environmental Quality Act.

3. Mitigation Measure 4.3-1b of the Mitigation Monitoring, Reporting and Compliance Plan is revised to require Southern California Edison Company to obtain approval of its use of chemicals near agricultural areas from the Tulare County Agricultural Commissioner, as opposed to the Tulare County Farm Bureau.

4. The Mitigation Monitoring, Reporting and Compliance Plan, as modified in Ordering Paragraph 3 and which is attached to this decision, is adopted.

5. Energy Division shall cause a copy of the Mitigation Monitoring, Reporting and Compliance Plan to be served on all identified landowners within 300 feet of Alternative 2, as identified in Attachment 2 to this decision.

6. The maximum cost of the project is set at $122.182 million, excluding Allowances for Funds Used During Construction.

7. Once it has developed a final detailed engineering design-based construction estimate for Alternative 2 of the San Joaquin Cross Valley Loop Transmission Project, Southern California Edison Company may, within 30 days, file with the Commission an advice letter with the revised cost estimate and seek an adjustment of the maximum reasonable and prudent costs pursuant to Public Utilities Code Section 1005.5(b).

8. Application 08-05-039 is closed.

This order is effective today.

Dated July 29, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
NANCY E. RYAN
Commissioners

I reserve the right to file a dissent.

/s/ TIMOTHY ALAN SIMON
Commissioner

I dissent.

/s/ JOHN A. BOHN
Commissioner

**ATTACHMENT 1**

**ATTACHMENT 2**

ABAA VISALIA RANCH L P
15430 RD 296
VISALIA, CA 93292

ADAMS, DANIEL S & CYNTHIA A
33251 RD 148
VISALIA, CA 93291

ADNEY, BRIAN & JODY (TRS)
35599 RD 150
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AKIN, BRUCE G & DENISE M
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ALCAZAR, HOMERO & VERONICA
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ALSING, JUDY
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ALTER, ROGER C & SUSAN E
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BENITE,Z JOSE A & MARICELA
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BERRY, JOE F & NANCY
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BJ NUT FARM LLC
15832-C MILLS DR
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BLAIN FARMING CO INC
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BOS, H ANTHONY
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VISALIA, CA 0

BRATSCH, PAUL J & DORIS J
31174 TOWER ROAD
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BRIDGES, ROGER E & AUDREY L (TRS)
29002 RD 156
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BRITTAIN, DELBERT E & MARY E (TRS)
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BROWN, DONALD L & ANGELA M
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BURGER, HAROLD DEAN & JULIE
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C/O BRYON FOX
14608 AVE 328
VISALIA, CA 93292

C/O CLARINDA J HART
18400 AVE 352
WOODLAKE, CA 93286

C/O CLAUDE E ATKINS
15430 AVE 296
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C/O GEORGE J PERRY (TR)
6343 W MINERAL KING AVE
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C/O JAN SMITH
707 W ACEQUIA
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C/O LOUIS WHITENDALE
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C/O PARAMOUNT CITRUS ASSOC
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C/O PCA-NE315
1901 S LEXINGTON
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C/O PCA-NE315
5001 CALIFORNIA AVE #230
BAKERSFIELD, CA 93309

C/O ROLL INTERNATIONAL CORP
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C/O SANDRA T ROSALES (TR)
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30923 TOWER RD
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DAVIS, DAN & KATHY
4411 E CECIL CT
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DAVIS,LARRY & ALICE P
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DE JONG, ARIE & BRENDA
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MC NALLY, INVESTMENTS A CA CORP
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RODRIGUEZ, MIGUEL A & CHRISTIE L
313 NO ARROYO ST
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RODRIGUEZ, REFUGIO & IMELDA
111 NO ARROYO ST
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ROSALES, JENNIFER A & JORGE A
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TULARE, CA 93274

TURNER, DON & DEBRA A
14767 AVE 344
VISALIA, CA 93291

VALDOVINOS, SANTIAGO & VELIA
426 NO ARROYO ST
VISALIA, CA 93292

VALENCIA, ERNESTO B
P O BOX 410604
SAN FRANCISCO, CA 94141

VALER, ORITO & KRISTY
4403 E ROOSEVELT
VISALIA, CA 93292

VCPG RANCH PARTNERS LP
P O BOX 2800
VISALIA, CA 0

VINCENT, CLAYTON & DOLORES
12212 PARADISE VILLAGE; PARKWAY SOUTH
UNIT 119-C
PHOENIX, AZ 85832

VISALIA CITRUS PACKING GROUP
P O BOX 2800
VISALIA, CA 0

CITY OF VISALIA
707 W ACEQUIA
VISALIA, CA 93291

VIVEROS, NICOLAS A
207 NO ARROYO ST
VISALIA, CA 93292

WALLEN, RANDOLPH
1012 S RIO LINDA ST
VISALIA, CA 93292

WALSH, SUSAN A
926 SO RIO LINDA
VISALIA, CA 93292

WATKINS, KEITH L & SUSAN L
14852 LIPSON AVE
VISALIA, CA 93292

WEBB, JAMES W & ELAINE T
31160 TOWERS RD
VISALIA, CA 93291

WEBER, EDWARD A & SYLVIA A
28932 ROAD 148
VISALIA, CA 93292

WELCH, CRAIG A & CYNTHIA D (TRS)
4406 MC KINLEY AVE
VISALIA, CA 93292

WELLS, MATHEW S & SALLY L
4435 E GROVE CT
VISALIA, CA 93277

WERNER, SANDRA R
36996 RD 156
VISALIA, CA 93292

WHITENDALE, CARL L & BARBARA
14899 AVE 296
VISALIA, CA 93292

WHITESIDE, KENNETH & PAMELA
P O BOX 726
WOODLAKE, CA 93286

WILEY, ALFORD L & KIM
1600 S RIO LINDA ST
VISALIA, CA 93292

WILLIAMS, LISA
1004 S RIO LINDA ST
VISALIA, CA 93292

WILLIAMS, RALPH R JR & MARLENE
14818 E JUDY LN
VISALIA, CA 93292

WILLIS, JOYCE E
31103 TOWER RD
VISALIA, CA 93292

WILLIS, SCOTT & LORI
31141 TOWER RD
VISALIA, CA 93292

WISE, STEVE A & LINDA E
P O BOX 2564
VISALIA, CA 93279

ZIRALDO, RANDY J
31017 TOWER ROAD
VISALIA, CA 93292

ABAA VISALIA RANCH L P
15430 RD 296
VISALIA, CA 93292

ADAMS, DANIEL S & CYNTHIA A
33251 RD 148
VISALIA, CA 93291

ADNEY, BRIAN & JODY (TRS)
35599 RD 150
VISALIA, CA 93292

AKIN, BRUCE G & DENISE M
32950 RD 148
VISALIA, CA 93292

ALCAZAR, HOMERO & VERONICA
1520 SO RIO LINDA ST
VISALIA, CA 93292

ALSING, JUDY
14851 AVE 312
VISALIA, CA 93292

ALTER, ROGER C & SUSAN E
14765 AVE 296
VISALIA, CA 93292

DANA, WARREN
1840 S CENTRAL AVE
VISALIA, CA 93277

REAL PROP & ADMIN SVCS
P O BOX 410
LONG BEACH, CA 90801

AVILA, FIDENCIO P & YOLANDA M
1534 S RIO LINDA
VISALIA, CA 93292

AWBREY, JOSHUA
310 NO ARROYO ST
VISALIA, CA 93292

AYRES, MICHAEL & ALISA
4419 E WILDWOOD CT
VISALIA, CA 93292

BENBOW, WINONA A (TR EXPT TR)
8700 SO BUTTE RD
SUTTER, CA 95982

BENEDICT, RICHARD G & ILA M
31345 TOWER RD
VISALIA, CA 93292

BENITE,Z JOSE A & MARICELA
206 N ARROYO ST
VISALIA, CA 93292

BERRY, JOE F & NANCY
32077 RD 144
VISALIA, CA 93292

BJ NUT FARM LLC
15832-C MILLS DR
VISALIA, CA 93292

BLAIN FARMING CO INC
P O BOX 507
VISALIA, CA 93279

BLANKENSHIP, JACK L
31350 N TOWER RD
VISALIA, CA 93292

BOROWSKI, JANE
31231 TOWER RD
VISALIA, CA 93291

BOS, H ANTHONY
14722 AVE 328
VISALIA, CA 0

BRATSCH, PAUL J & DORIS J
31174 TOWER ROAD
VISALIA, CA 93291

BRIDGES, ROGER E & AUDREY L (TRS)
29002 RD 156
VISALIA, CA 93292

BRITTAIN, DELBERT E & MARY E (TRS)
14797 D AVE 296
VISALIA, CA 93292

BROOKSHIRE, JACK D & JOANN
31190 N TOWER RD
VISALIA, CA 93291

BROWN, DONALD L & ANGELA M
31255 TOWER RD
VISALIA, CA 93292

BURGER, HAROLD DEAN & JULIE
31031 TOWER RD
VISALIA, CA 93291

C/O BRYON FOX
14608 AVE 328
VISALIA, CA 93292

C/O CLARINDA J HART
18400 AVE 352
WOODLAKE, CA 93286

C/O CLAUDE E ATKINS
15430 AVE 296
VISALIA, CA 93292

C/O GEORGE J PERRY (TR)
6343 W MINERAL KING AVE
VISALIA, CA 93291

C/O JAN SMITH
707 W ACEQUIA
VISALIA, CA 93291

C/O LOUIS WHITENDALE
15199 AVE 292
VISALIA, CA 93292

C/O PARAMOUNT CITRUS ASSOC
1901 S LEXINGTON ST
DELANO, CA 93215

C/O PCA-NE315
1901 S LEXINGTON
DELANO, CA 93215

C/O PCA-NE315
5001 CALIFORNIA AVE #230
BAKERSFIELD, CA 93309

C/O ROLL INTERNATIONAL CORP
11444 W OLYMPIC BLVD 10TH FL
LOS ANGELES, CA 90064

C/O SANDRA T ROSALES (TR)
3361 BAGLEY AVE UNIT #15
LOS ANGELES, CA 90034

CALDERON, OSMIN
30923 TOWER RD
VISALIA, CA 93291

CALVIN INC
PO BOX 5379
FRESNO, CA 93755

CARTER, TOMMY & KIM L
1142 SO RIO LINDA ST
VISALIA, CA 93292

CASTLEWOOD PARTNERS INC
P O BOX 2622
VISALIA, CA 93292

CENTEX HOMES
1840 S CENTRAL AVE
VISALIA, CA 93277

CENTRAL VALLEY RANCH
2216 HYDE AVE
VISALIA, CA 93291

CHARTER OAK CORPORATION
411 N SUTTER COURT
VISALIA, CA 93291

CLEMENTS, HAROLD & LEONA (TRS)
891 S MC AULIFF RD
VISALIA, CA 93292

CLEMENTS, PEGGY (TR)
891 S MC AULIFF
VISALIA, CA 93292

COLEY, JAMES R
30971 TOWER RD
VISALIA, CA 93292

COLUCCI, ANTONIO F & ROSE C
33150 RD 132
VISALIA, CA 93292

CONTRERAS, FELIPE DE JESUS & HERMILL
4438 E DOUGLAS CT
VISALIA, CA 93292

COOPER, CHRISTOPHER
1416 S RIO LINDA CT
VISALIA, A 93292

COTTLE, WILLIAM L
P O BOX 1012
EXETER, CA 93221

COVE RANCHES LP
2216 HYDE AVENUE
VISALIA, CA 93291

COX, PHILLIP R
1328 S RIO LINDA CT
VISALIA, CA 93277

D & J FARMS
34441 RD 176
VISALIA, CA 93292

DANIEL, ELDON
100 WILLOW PLAZA SUITE 400
VISALIA, CA 93291

DAVIS, ALICE PATRICIA
4414 E CECIL CT
VISALIA, CA 93291

DAVIS, DAN & KATHY
4411 E CECIL CT
VISALIA, CA 93291

DAVIS,LARRY & ALICE P
4414 E CECIL CT
VISALIA, CA 93292

DE JONG, ARIE & BRENDA
37455 RD 144
VISALIA, CA 93292

DE JONGE, NEIL S & CARLA G
31142 TOWER RD
VISALIA, CA 93291

DEAN, ZACHARY D
1126 S RIO LINDA ST
VISALIA, CA 93292

DEIMLER, JAMES D & JULIA
14723 AVE 344
VISALIA, CA 93291

DENNIS, BRUCE M & SHARYN D
37319 RD 192
WOODLAKE, CA 93286

DEPT OF INTERIOR - W & P R S
2800 COTTAGE WAY
SACRAMENTO, CA 95825

DIR, DALE B & BILLIE
P.O. BOX 10447
BAINBRIDGE ISLAND, WA 98110

DOUGLASS, RONALD W & BEVERLY J (TRS)
30955 TOWER RD
VISALIA, CA 93292

DOWLING, H WILLIAM & VIRGINIA O
35599 1/2 ROAD 150
VISALIA, CA 93291

DREO, JAMES & WYONELL J
32951 RD 148
VISALIA, CA 93292

DUGGER, JAMES T & MARCIA L
14797 A AVE 296
VISALIA, CA 93292

DURHAM, CECIL & CHRISTINE
1706 S MICHAEL CT
VISALIA, CA 93292

DUVALL, DORIS
4428 E CECIL CT
VISALIA, CA 93292

ECKER, AARON & GINA
4330 E COLLEGE AVE
VISALIA, CA 93292

ECKES, GREGORY J & JEANNE
4423 E SYCAMORE CT
VISALIA, CA 93282

EGGLESTON, WILLIAM A & BOBBIE S
35599 ROAD 150 APT A
VISALIA, CA 93291

ENNIS LAND DEVELOPMENT LLC
643 N WESTWOOD ST
PORTERVILLE, CA 93257

EREDIA, JOSE B & CATHERINE M
14852 AVE 312
VISALIA, CA 93291

ERMIE, PAUL & ANDREA
31365 TOWER RD
VISALIA, CA 93292

ERNE, CHARLES A & HELEN A
14844 LIPSON AVE
VISALIA, CA 93292

ESTABROOKS, BRIAN & SHERRY
14870 AVE 360
VISALIA, CA 93291

EVANS, JUDITH L (SCSR TR)
248 E EVERGREEN
VISALIA, CA 93277

FIFE, RUBY E (TR)
34922 RD 152
VISALIA, CA 0

FLORES, JOE E
5788 LAWRENCE AVE
DINUBA, CA 93618

FORD, GLORIA
4432 E ROOSEVELT CT
VISALIA, CA 0

FOX, BYRON & KELLY
14608 AVE 328
VISALIA, CA 93291

FRY, STEVE A & SHAUNA
28868 RD 148
VISALIA, CA 93292

FULTON, WESLEY MONROE & FLORENCE ELV
4410 E DOUGLAS AVE
VISALIA, CA 93292

FUMIA, JOHN C & CATHERINE R (TRS)
1736 LAURELWOOD DR
San Jose, CA 95125

GARCIA, ALEXANDER & TERESA
14890 AVE 296
VISALIA, CA 93292

GARCIA, VAL
4433 E ROOSEVELT CT
VISALIA, CA 93292

GARRIDO, FRANCISCO P & INEZ P
836 S RIO LINDA ST
VISALIA, CA 93292

GATEWOOD, HENRY L
4420 E GROVE CT
VISALIA, CA 93292

GOMES, RICHARD J & BETTY L (TRS)
31121 TOWER RD
VISALIA, CA 93291

GONZALES, FERNANDO & MARYHELEN
1530 S RIO LINDA ST
VISALIA, CA 93292

GOOCH, DELILA R
14850 AVE 313
VISALIA, CA 93292

GORDEN, JAMES M & MARY A
P O BOX 44066
LEMON COVE, CA 93244

GRAVES, KURT & VICTORIA L
914 SO RIO LINDA ST
VISALIA, CA 93292

GRAY, CRECENCIA (SURV TR)
30907 TOWER RD
VISALIA, CA 93292

GREEN, IRA
15440 W LONGBOW DR
SHERMAN OAKS, CA 0

GUILLEN, RAYMOND T & SANDRA
4433 E SYCAMORE CT
VISALIA, CA 93292

GUTIERREZ, CHRISTOPHER J & NICOLE D
1608 E MONTE VISTA CT
VISALIA, CA 93277

GUTIERREZ, JORGE
500 NO ARROYO ST
VISALIA, CA 93292

GUTIERREZ, MANUEL OLIVA
31175 TOWER RD
VISALIA, CA 93292

GUTIERREZ, OMAR & MARIA
1444 TAMPICO AVE
SALINAS, CA 93906

HACOBIAN, DARWIN
19839 AVENUE 364
WOODLAKE, CA 93286

HAGGARD, GERALD C & KIM B
31081 TOWER RD
VISALIA, CA 93291

HAMILTON, STEVEN D
610 N COMSTOCK CT
VISALIA, CA 93292

HANCOCK, JON & KIMBERLEY
325 NO ARROYO ST
VISALIA, CA 93291

HANSON, MATTHEW A & GRACE
4416 E ROOSEVELT CT
VISALIA, CA 93292

HARPER, STEVE L & ANNE
4432 E RACE AVE
VISALIA, CA 93292

HARRELL, WENDELL H & WILMA J
31217 TOWER RD
VISALIA, CA 93291

HART, NORMAN & BARBARA (TRS)
14167 AVE 320
VISALIA, CA 93292

HART, ROBERT EARL
33857 ROAD 160
VISALIA, CA 93292

HASH, EULA MAE
15093 AVE 280
VISALIA, CA 93292

HAURY, JAMES O & PATRICIA M (TRS)
5704 W SWEET DR
VISALIA, CA 93291

HENGST, ROBERT H & LINDA L (TRS)
37900 MILLWOOD AVE
WOODLAKE, CA 93286

HENRY, ROBERT & SHELLY
324 NO ARROYO ST
VISALIA, CA 93292

HERNANDEZ, BERTHA E
846 S RIO LINDA
VISALIA, CA 93292

HERNANDEZ, OFELIA
P O BOX 107
WOODLAKE, CA 93286

HIGBEE, RICHARD E & DOROTHY J
4422 E MC KINLEY AVE
VISALIA, CA 93292

HILL, JAMES K
4425 E GROVE CT
VISALIA, CA 93292

HILVERS, NICKOLAS J JR & TRICIA
28852 RD 1480
VISALIA, CA 93292

HORNUNG, CRAIG S
3324 S JACKIE ST
VISALIA, CA 93277

HOUSMAN, JEFF & MARILYN
14935 AVE 312
VISALIA, CA 93292

HUGHES, THOMAS B & BEVERLEY G (TRS)
31357 TOWER RD
VISALIA, CA 93291

HUNSAKER, EDWARD B & JANET M
4344 E MEADOW LANE
VISALIA, CA 93292

HUSSMAN, RICHARD L
4434 E SYCAMORE CT
VISALIA, CA 93292

HUTCHERSON, JERRY & DEBRA L
31183 TOWER RD
VISALIA, CA 93291

HUTSON, JUDY ANNE
1108 S RIO LINDA
VISALIA, CA 93292

IBARRA, JORGE
1619 SOUTH 79TH LANE
PHOENIX, AZ 85043

INGRAM, WILLIAM G & JOYCE J (TRS)
3913 COUNTRY CLUB DR
LAKEWOOD, CA 90712

IRACHETA, VICENTE & GRACIA
438 NO ARROYO ST
VISALIA, CA 93292

JEFFERS, SUSAN L
804 POMEROY RD
NIPOMO, CA 93444

JENKINS, DUSTIN & KRISTINA M
4310 E LAUREL
VISALIA, CA 93291

JERNAGAN, WAYNE & SHERRIE
4402 E ROOSEVELT CT
VISALIA, CA 93292

JIMENEZ, LOUIS & LIZA M
4437 E MCKINLEY AVE
VISALIA, CA 93292

JIMENEZ, SIMON & MARIBEL
1526 S RIO LINDA ST
VISALIA, CA 93292

JOHN & ELEANOR BENETTI CO-TRS
1509 SAN ARDO DR
San Jose, CA 95125

JOHNSON, ALAN L & TRUDY C (TRS)
19109 AVE 300
EXETER, CA 93221

JOHNSON, C PAUL & SHIRLEY E (TRS)
31618 RD 148
VISALIA, CA 93291

KHAMNEUNGTHAL, VIENGXAY
414 N ARROYO ST
VISALIA, CA 93292

KING, GERALD D & LINDA A
31273 TOWER RD
VISALIA, CA 93292

KONG, DENNY M
210 NO ARROYO ST
VISALIA, CA 93292

KOSTER, DOUGLAS E & MARSHA J
3124 STEVENSON DR
PEBBLE BEACH, CA 93953

KUECHEL, ANNETTE MARIE
37297 RD 192
WOODLAKE, CA 93286

LAMBERT, CHRIS & ERIN E
920 SO RIO LINDA ST
VISALIA, CA 93292

LANDERS, LOREEN
28908 RD 148
VISALIA, CA 93292

LANGDON, RICHARD E JR
31173 TOWER RD
VISALIA, CA 93292

LARSEN, RICHARD M & MARY ANN (TRS)
P O BOX 22127
SAN DIEGO, CA 92192

LEE, BRENDA J
1544 S RIO LINDA ST
VISALIA, CA 93292

LEE, CHER
301 NO ARROYO ST
VISALIA, CA 93292

LEE, SARN
4405 E MCKINLEY
VISALIA, CA 93292

LEWIS, JOHN W & CHRYSTAL R
31203 TOWER RD
VISALIA, CA 93292

LOCKE, ROBERT E & KARON R
31001 TOWER RD
VISALIA, CA 93291

LOPEZ, ROSENDO N & MARTHA M
30939 TOWER RD
VISALIA, CA 93292

LORENTZEN, PAUL C (TR)
2627 E PRINCETON
VISALIA, CA 93292

LOZA, FILIBERTO & ERNESTINA D
1510 S RIO LINDA ST
VISALIA, CA 93292

LUCAS, EARL E (TR)
31181 TOWER RD
VISALIA, CA 93291

LUNA, CHRISTOVAN E
4430 E OAK AVE
VISALIA, CA 93292

LY, TAM
221 NO ARROYO ST
VISALIA, CA 93292

LYNCH, MICHAEL J & PATRICIA J
4422 E DOUGLAS AVE
VISALIA, CA 93292

MANES, WALTER S & DOROTHY E
30985 TOWER RD
VISALIA, CA 93291

MARSH, RICHARD & MICHELE
4338 E COLLEGE AVE
VISALIA, CA 93292

MARTINEZ, GLORIA
31280 TOWER RD
VISALIA, CA 93292

MARTINEZ, TINA M & RAY S
1030 SO RIO LINDA ST
VISALIA, CA 93292

MC BRIDE, NANCY
826 S RIO LINDA ST
VISALIA, CA 93292

MC NALLY, INVESTMENTS A CA CORP
1805 W MAIN
VISALIA, CA 93291

MEDINA, JOSE LUIS & JUANA
1430 S RIO LINDA CT
VISALIA, CA 93292

MEDLOCK, RONNIE G & ANTONETTE
14725 AVE 296
VISALIA, CA 93292

MILLER, TIM & JERUSHA
2944 E PERSHING CT
VISALIA, CA 93292

MIRTORABI, MASOUD
20058 VENTURA BLVD #124
WOODLAND HILLS, CA 91364

MORAN, FRANCISCO
3 INGRAHAM CT
WATSONVILLE, CA 95076

NEWBERRY, ELROY R & LUPE A
36667 RD 148
VISALIA, CA 93292

NEWBERRY, RUBY I (TR)
36777 RD 148
VISALIA, CA 93292

NGUYEN, THO VAN
2424 OLD CREST PLACE
San Jose, CA 0

NIBLETT, STEPHEN R & TERESA K
4626 W WALNUT AVE
VISALIA, CA 93277

NIETO, OMAR GARCIA
100 NO ARROYO ST
VISALIA, CA 93292

NORTHAM, PATRICIA B (TR)
31161 TOWER RD
VISALIA, CA 93291

NUNES, TONY A & MARY A
4436 E MC KINLEY AVE
VISALIA, CA 93292

OAKES DITCH COMPANY
P O BOX 366
FARMERSVILLE, CA 93223

OLMOS, DOMINGO & ALICE (TRS)
1020 RIO LINDA ST
VISALIA, CA 93292

PADRON, GILBERT & ELVIA
4413 E GROVE CT
VISALIA, CA 93292

PAREGIEN, CHARLES C JR & BARBARA R (
14637 AVE 336
VISALIA, CA 93292

PAREGIEN, STEVEN D & KERI L
15080 AVE 336
VISALIA, CA 93292

PARKS, RICHARD A & JEANETTE A
31329 TOWER RD
VISALIA, CA 93291

PELTZER, BARBARA A (TR)
34286 RD 188
WOODLAKE, CA 93286

PELTZER ENTERPRISES GEN PNP
17396 AVE 344
VISALIA, CA 93292

PELTZER GROVES INC
34286 RD 188
WOODLAKE, CA 93286

PEREZ, OCTAVIO & LUCY
P O BOX 2589
WATSONVILLE, CA 95077

POLICH, THOMAS H & THERESA J (TRS)
31045 TOWER RD
VISALIA, CA 93291

POTTS, MICHAEL R
36680 MILLWOOD DR
WOODLAKE, CA 93286

PULLIN, JASON & KARRY
1136 SO RIO LINDA ST
VISALIA, CA 93292

PUTNAM, TIMOTHY & TORY D
4418 E WILDWOOD CT
VISALIA, CA 93292

RABB BROS RANCH INC
P O BOX 736
SAN JOAQUIN, CA 93660

RABB FARMS LLC
P O BOX 736
SAN JOAQUIN, CA 93660

RAMIREZ, HUGO & LYNETTE M (CO-TRS)
28687 RD 148
VISALIA, CA 93292

RAMIREZ, NICOLAS & SAN JUANA
31315 TOWER RD
VISALIA, CA 93292

REYNOSO, BENJAMIN & LORENE
36612 ROAD 148
VISALIA, CA 93291

REYNOSO, FRANK
6038 N SPALDING
FRESNO, CA 93710

REYNOSO, JOSEPH D & CONCEPCION G
36646 ROAD 148
VISALIA, CA 93291

RICO, EDDIE
123 NO ARROYO ST
VISALIA, CA 93292

RITCHIE, DOYLE & WANDA
P O BOX 3191
VISALIA, CA 93278

ROBLES, JAIME & OLGA I
4421 E DOUGLAS AVE
VISALIA, CA 93292

RODRIGUEZ, BELIA
1440 SO RIO LINDA CT
VISALIA, CA 93291

RODRIGUEZ, JAVIER JR & RHONDA
4440 E CECIL CT
VISALIA, CA 93292

RODRIGUEZ, MIGUEL A & CHRISTIE L
313 NO ARROYO ST
VISALIA, CA 93292

RODRIGUEZ, REFUGIO & IMELDA
111 NO ARROYO ST
VISALIA, CA 93292

RODRIGUEZ, SAUL & CHRISTINA
4439 E CECIL CT
VISALIA, CA 93292

ROSALES, JENNIFER A & JORGE A
1540 S RIO LINDA ST
VISALIA, CA 93292

ROSE, HUDSON S & ELIZABETH J
P O BOX 36
YETTEM, CA 93670

RUVALCABA, ANNETTE
4427 E RACE AVE
VISALIA, CA 93292

SABAN, GENALYN
110 NO ARROYO ST
VISALIA, CA 93292

SALDANA, MARCELLO
2505 E GOSHEN AVE
VISALIA, CA 93292

SANCHEZ, AARON
1840 SO JULIE ANN
VISALIA, CA 93277

SANCHEZ, GUILLERMO & BERTHA (TRS)
4435 E WILDWOOD CT
VISALIA, CA 93292

SANCHEZ, JIM & DARLENE
402 NO ARROYO
VISALIA, CA 93292

SANGHA, SUKHDEV S & SEWA K
1604 S RIO LINDA ST
VISALIA, CA 93292

SANTELLAN, RUBEN D & ANITA M
4404 E WILDWOOD CT
VISALIA, CA 93291

SCHNEIDER, GERALD M & NANCY L
33651 RD 148
VISALIA, CA 93291

SCHNEIDER, PATRICIA R (TR)
846 N CHINOWTH
VISALIA, CA 93291

SCOTT, DANIEL J
1100 S RIO LINDA
VISALIA, CA 93292

SELIG, MARK
222 NO ARROYO ST
VISALIA, CA 93292

SHAWL, ROBERT M
33753 RD 188
WOODLAKE, CA 93286

SHIMAJI T, TOM & JUNE
14851 AVE 360
VISALIA, CA 93292

SHOCKENCY, GLENN & VALERIE
510 NO ARROYO ST
VISALIA, CA 93292

SILVEIRA, JOE N & MARIA F (TRS)
4417 E ROOSEVELT CT
VISALIA, CA 93292

SLOVER, FRED G & BONNIE (TRS)
15302 AVE 288
VISALIA, CA 93292

SLOVER, RAY S (TR)
14840 AVE 288
VISALIA, CA 93292

SOTO, JESUS R
4411 E DOUGLAS ST
VISALIA, CA 93292

SOUTHERN CALIFORNIA EDISON COMPANY
P O BOX 800
ROSEMEAD, CA 91770

STANIC, MUROSLAV M & KATARINA
5601 W HILLSDALE
VISALIA, CA 93291

STONE CORRAL IRR DIST
37656 RD 172
VISALIA, CA 93291

STROBEN, THOMAS S & LORETTA (TR)
31191 TOWER RD
VISALIA, CA 93291

SUAREZ, IRENE
4429 E OAK AVE
VISALIA, CA 93292

TARBELL, GARY L & COLENE
37050 RD 192
WOODLAKE, CA 93286

THE MARY E MELING FAMILY LTD PARTNERSHIP
17456 AVE 344
VISALIA, CA 93292

THORNTON, DON JR
15088 LIPSON STREET
VISALIA, CA 93292

TIMMONS, ANTHONY D
4405 E WILDWOOD CT
VISALIA, CA 93292

TORREZ, RUBEN PEREZ
300 NO ARROYO ST
VISALIA, CA 93292

TRAVIOLI FAMILY FARMS LLC
45971 DRIVE 152
OROSI, CA 93647

TRAVO, SHARON K
1500 S RIO LINDA CT
VISALIA, CA 93292

TREVINO, ISAU & LILIA
6416 AVE 400
DINUBA, CA 93618

COUNTY OF TULARE
TULARE COUNTY COURTHOUSE
VISALIA, CA 93291

TULARE IRRIGATION COMPANY
1350 W SAN JOAQUIN
TULARE, CA 93274

TURNER, DON & DEBRA A
14767 AVE 344
VISALIA, CA 93291

VALDOVINOS, SANTIAGO & VELIA
426 NO ARROYO ST
VISALIA, CA 93292

VALENCIA, ERNESTO B
P O BOX 410604
SAN FRANCISCO, CA 94141

VALER, ORITO & KRISTY
4403 E ROOSEVELT
VISALIA, CA 93292

VCPG RANCH PARTNERS LP
P O BOX 2800
VISALIA, CA 0

VINCENT, CLAYTON & DOLORES
12212 PARADISE VILLAGE; PARKWAY SOUTH
UNIT 119-C
PHOENIX, AZ 85832

VISALIA CITRUS PACKING GROUP
P O BOX 2800
VISALIA, CA 0

CITY OF VISALIA
707 W ACEQUIA
VISALIA, CA 93291

VIVEROS, NICOLAS A
207 NO ARROYO ST
VISALIA, CA 93292

WALLEN, RANDOLPH
1012 S RIO LINDA ST
VISALIA, CA 93292

WALSH, SUSAN A
926 SO RIO LINDA
VISALIA, CA 93292

WATKINS, KEITH L & SUSAN L
14852 LIPSON AVE
VISALIA, CA 93292

WEBB, JAMES W & ELAINE T
31160 TOWERS RD
VISALIA, CA 93291

WEBER, EDWARD A & SYLVIA A
28932 ROAD 148
VISALIA, CA 93292

WELCH, CRAIG A & CYNTHIA D (TRS)
4406 MC KINLEY AVE
VISALIA, CA 93292

WELLS, MATHEW S & SALLY L
4435 E GROVE CT
VISALIA, CA 93277

WERNER, SANDRA R
36996 RD 156
VISALIA, CA 93292

WHITENDALE, CARL L & BARBARA
14899 AVE 296
VISALIA, CA 93292

WHITESIDE, KENNETH & PAMELA
P O BOX 726
WOODLAKE, CA 93286

WILEY, ALFORD L & KIM
1600 S RIO LINDA ST
VISALIA, CA 93292

WILLIAMS, LISA
1004 S RIO LINDA ST
VISALIA, CA 93292

WILLIAMS, RALPH R JR & MARLENE
14818 E JUDY LN
VISALIA, CA 93292

WILLIS, JOYCE E
31103 TOWER RD
VISALIA, CA 93292

WILLIS, SCOTT & LORI
31141 TOWER RD
VISALIA, CA 93292

WISE, STEVE A & LINDA E
P O BOX 2564
VISALIA, CA 93279

ZIRALDO, RANDY J
31017 TOWER ROAD
VISALIA, CA 93292

**(END OF ATTACHMENT 2)**

D1007049/A0805039 Yacknin