

Decision 19-02-015 February 21, 2019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, for a Permit to Construct the Fulton-Fitch Mountain Reconductoring Project (U39E).

Application 15-12-005

**DECISION GRANTING
PETITION FOR MODIFICATION OF DECISION 17-12-012**

Summary

This decision grants Pacific Gas and Electric Company's (PG&E) unopposed October 31, 2018 Petition for Modification (PFM) of Decision 17-12-012. PG&E asks to change the access road to a staging area for its Fulton-Fitch Mountain Reconductoring Project (Project). PG&E filed its PFM after identifying a preferred alternate access road to the staging area that would reduce impacts on a private road and homeowner disruptions. PG&E asks to change the access road to a nearby existing gravel road to which it has access, an easement and landowner permission. The proposed access road is located outside of the project study area identified in the Initial Study/Mitigated Negative Declaration prepared for the project; therefore, PG&E was required to submit a PFM requesting the change. We have studied the potential environmental impact of the change and find no adverse effects. Thus, it is in the public interest to grant the PFM.

1. Background

On December 14, 2017, the California Public Utilities Commission (Commission) approved Decision (D.) 17-12-012,¹ which granted Pacific Gas and Electric Company's (PG&E) request for a Permit to Construct (PTC) the Project. The PTC approved PG&E's plan to reinforce the electric transmission system in central Sonoma County by replacing poles and conductors on the Fulton-Hopland 60-kilovolt Power Line and replacing conductor on 1.4 miles of the Geysers #12 Fulton 230-kilovolt Transmission Line. The proposed project is located primarily in unincorporated Sonoma County and a small portion of the Town of Windsor, between Larkfield-Wikiup and the Russian River.

In its original application, PG&E proposed to locate a staging area and landing zone to support Project construction on property north of the community of Larkfield-Wikiup in unincorporated Sonoma County. Access was proposed along an existing gravel road extending from Shiloh Ridge Road, a private, paved road with access to the Mayacama Golf Course and residences within two homeowners' associations. PG&E has existing access easements for utility maintenance over these roadways.

However, the Shiloh Home Owners Associations (SHOA) has objected to PG&E's use of the Shiloh Ridge Road for this project and has urged PG&E to use a nearby alternate access, an existing gravel road that extends from Faught Road, a public, paved road. The SHOA has expressed concerns with traffic impacts, dirt/mud trackout and truck damage to the paved road surface due to use of the approved project access road. According to PG&E, the proposed new access

¹ D.18-04-029 modified D.17-12-012 in a manner not pertinent to this decision.

road will address the homeowners' association's concerns by curtailing the need for project vehicles to travel on Shiloh Ridge Road.

The alternate route is an 845-foot long gravel road that connects to Fought Road north of Shiloh Ridge Road. PG&E will use the proposed access road to facilitate approved access and staging area activities described in the Mitigated Negative Declaration (IS/MND), including transporting and storing construction materials and equipment, parking vehicles, and transporting workers. PG&E will remove or trim vegetation within 8 feet of the road centerline and up to 14 feet in height to accommodate access for large construction vehicles. PG&E will trim approximately three oak trees with branches that overhang the access road to accommodate project vehicles and equipment. It will place gravel on the road bed and road shoulder but will conduct no surface grading. A new gate will be installed in an existing fence at the northern end of the access road that is similar in character to other ranch gates found in the area.

PG&E has existing easement rights to access the power line alignment and has received landowner permission to use the proposed access road.

2. Decision 17-12-012 Grant of Limited Authority to Modify Access Roads

The Commission included procedures for reviewing included refinements such as the one PG&E proposed here in the adopted Mitigation Monitoring and Compliance Program (MMRP). These procedures were further developed and described in the Mitigation Monitoring, Compliance, and Reporting Plan that was prepared pursuant to the MMRP. Section 4.4 of the MMRP states the following:

The [California Public Utilities Commission] CPUC, along with the CPUC's designated Project Manager and environmental monitor, would evaluate any proposed deviations from the CPUC-approved project to ensure they are consistent with CEQA requirements. Depending on the nature and extent, a proposed deviation would be processed as a Minor Project Refinement or be the subject of a Petition for Modification that PG&E would submit to the CPUC. Minor Project Refinements would be strictly limited to minor deviations that do not trigger additional permit requirements, do not increase the severity of a significant impact, or create a new significant impact, and are within the geographic scope evaluated in the IS/MND.

If a project refinement would create or have the potential to create a new significant impact, increase the severity of a significant impact, or occur outside the geographic area evaluated in the IS/MND, PG&E would be required to submit a Petition for Modification. The CPUC would evaluate the Petition for Modification under CEQA, as appropriate, to determine what form of supplemental environmental review would be required.

The proposed alternate access road is partially outside of the geographic area evaluated in the IS/MND; therefore, PG&E was required to submit a PFM as described in the MMRP.

3. California Environmental Quality Act (CEQA)

The Commission studied the proposed change and found no impact under CEQA. We prepared the Addendum to the IS/MND attached to this decision as Attachment A. According to the Addendum, the access road will be used in the same manner as the approved access roads identified in the IS/MND. All construction procedures involving access; site development; erosion, sediment, and pollution control; traffic control; and cleanup and restoration will remain the

same. No new construction activities or equipment will be introduced. Access will be restricted to the defined road width (approximately 16 feet).

The Addendum finds no impacts in the areas of Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural and Tribal Cultural Resources; Geology, Soils, and Mineral Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Paleontological Resources; Population and Housing; Recreation; Transportation and Traffic; or Utilities and Public Services. The Addendum concludes:

The proposed modification to the project that includes the use of an alternate access road ... would not result in new significant impacts or substantially increase the severity of previously identified impacts on the environment. No new [mitigation measures] are required to ensure that impacts will remain less than significant. No new information of substantial importance has been identified, and none of the conditions described in Sections 15162 and 15163 of the CEQA Guidelines that call for preparation of a subsequent [or supplemental] CEQA document are present. Addendum, Attachment A, at 4-1.

Therefore, the change PG&E requests complies with CEQA and PG&E's PFM should be granted.

4. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

5. Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Brian Stevens is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The homeowners' association affected by the current access road location has objected to the road's use.
2. PG&E has the landowner's permission to use the proposed alternative access road.
3. The use of the new road will not differ from the use of the original access road: access to a staging area and landing zone to facilitate construction of the Project.
4. The change in access roads has no impact on the environment with respect to Aesthetics; Agriculture and Forestry Resources; Air Quality; Biological Resources; Cultural and Tribal Cultural Resources; Geology, Soils, and Mineral Resources; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Paleontological Resources; Population and Housing; Recreation; Transportation and Traffic; or Utilities and Public Services.

Conclusions of Law

1. PG&E's PFM should be granted to allow the change in access roads.
2. An Addendum is appropriate under CEQA.
3. The change proposed in the PFM complies with CEQA.
4. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company's October 31, 2018 Petition for Modification is granted.
2. The Addendum attached to this decision as Attachment A is adopted.
3. Application 15-12-005 is closed.

This order is effective today.

Dated February 21, 2019, at San Francisco, California.

MICHAEL PICKER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners