

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

**ENERGY DIVISION**

**RESOLUTION E-4409  
October 20, 2011**

**RESOLUTION**

**Resolution E-4409 approves the City of Los Angeles Department of Water and Power's (LADWP) request, for a deviation from California Public Utilities Code Section 320. This resolution grants the request and authorizes LADWP to add approximately 8,000 feet of 4.8kv aerial power distribution lines and 40 treated wood poles, from Aberdeen extending east and across Highway 395, continue northeast, and terminate at a well in Hines Spring (Well 355). Highway 395 is within a state scenic corridor.**

**By letter dated March 14, 2011, from the City of Los Angeles Department of Water and Power.**

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**SUMMARY**

**CPUC concurs due to potential cultural resource impact, higher cost of undergrounding the facilities, local government approval, and minimal visual impact on the environment.**

In 1991, an Environmental Impact Report (EIR) identified issues with LADWP's groundwater pumping and other related activities.

In 1997; LADWP, Inyo County, California Department of Fish and Game (CDFG), the California State Lands Commission (SLC), the Sierra Club, the Owens Valley Committee (OVC), and Ms. Carla Scheidlinger signed a Memorandum of Understanding (MOU) that outlined the requirement for additional commitments identified in the 1991 EIR.

In February 2010, LADWP developed an "Initial Study and Mitigated Negative Declaration for Additional Mitigation Projects Developed by the MOU Ad Hoc Group" (MND). The MND includes a finding to restore flows to a portion of the spring channel system and an adjacent playa-like area in the Hines Spring area to re-establish riparian, aquatic, spring habitats, and to provide sub-irrigation to pasture/meadow. A Hines Spring Well 355 project was designed to achieve this goal by pumping water from an existing well (Well 355) and piping it into a historic spring channel and adjacent playa. A small solar panel was initially designed to power the pump, but later LADWP decided to use a 4.8kv electric distribution line instead. It crosses Scenic Highway 395.

On March 14, 2011, LADWP requested authorization from the California Public Utilities Commission (CPUC) for deviation from the scenic highway undergrounding requirements of the Public Utilities Code. This letter request was filed by the Energy Division as NON-43.

This resolution approves the request to add approximately 8,000 feet of aerial power cables and 40 treated wood poles, from Aberdeen extending east and across Highway 395, continue northeast, and terminate at a well in Hines Spring (Well 355).

## **BACKGROUND**

### **The legislature enacted undergrounding policy in 1971.**

California Public Utilities Code Section 320 (P.U. Code Section 320) was enacted in 1971, Chapter 1697, and reads in part as follows:

The legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The Commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the Commission relating to the undergrounding of facilities.

The Commission shall require compliance with the plan upon its adoption.

The Commission is responsible for the administration of Section 320 of the P.U. Code. After hearings conducted in Case 9364, Commission Decision (D) 80864 implemented the State Legislation. D.80864 states that:

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution. (74 CPUC 457, D.80864)

D.80864 stipulates that no communications or electric utility shall install overhead distribution facilities "in proximity to" and "visible from" any prescribed corridor on a designated scenic highway in California unless a showing is made before the Commission and a finding made by the Commission that undergrounding would not be feasible or would be inconsistent with sound environmental planning. The Decision also defines "in proximity to" as being within 1,000 feet from each edge of the right-of-way of designated State Scenic Highways.

D.80864 also stipulates that when repairs or replacement of existing overhead facilities in the same location do not significantly alter the visual impact of the Scenic Highway, they should not be considered as new construction and need not be converted to underground.

## **NOTICE**

Publication in the Commission's Daily Calendar on May 24, 2011, provided public notice of LADWP's letters dated May 24, 2011.

## **PROTESTS**

The Commission received no protests.

## **DISCUSSION:**

### **Potential cultural resource impact is the determining factor in our recommendation.**

We will evaluate this deviation request considering the nature of the project; local government recommendation; visibility, aesthetics, and environmental impact; and economic feasibility. We will base our recommendation on tangible evidence and analysis of these factors.

### **Nature of the Project**

In 1991, an Environmental Impact Report (EIR) identified issues with LADWP's groundwater pumping and other related activities.

In 1997; LADWP, Inyo County, California Department of Fish and Game (CDFG), the California State Lands Commission (SLC), the Sierra Club, the Owens Valley Committee (OVC), and Ms. Carla Scheidlinger signed a Memorandum of Understanding (MOU) that outlined the requirement for additional commitments identified in the 1991 EIR.

In February 2010, LADWP developed an "Initial Study and Mitigated Negative Declaration for Additional Mitigation Projects Developed by the MOU Ad Hoc Group" (MND). The MND identified eight mitigation projects to supply 1,600 acre feet (AF) of water per year to various locations in the Owens Valley for habitat enhancement.

On March 8, 2010, the Second Amendment of Amended Stipulation and Order (Sierra Club, et al. v. City of Los Angeles, et al., Case Number S1CVCV01-29768) by the Inyo County Superior Court approved these mitigation projects and ordered LADWP to implement them by March 2012.

The Hines Spring Well 355 is one of these projects. It is located immediately east of Highway 395, approximately 13 miles south of Big Pine and 13 miles north of Independence. This project together with the Hines Spring Aberdeen Ditch project are designed to restore flows to a portion of the spring channel system and an adjacent playa-like area in the Hines Spring area, to re-establish riparian, aquatic, spring habitats, and to provide sub-irrigation to pasture/meadow for better livestock grazing. This project should create at least 1 to 2 acres of pond water or wetland or riparian vegetation.

The Hines Spring Well 355 project pumps water from an existing well (Well 355) and pipes it into a historic spring channel and adjacent playa. Pump capacity is 153 gallons per minute (gpm) or 240 Acre feet per year. A small solar panel was initially designed to power the pump, but LADWP later discovered that it does not provide sufficient power, and decided to use a 4.8kv electric power distribution line. In February 2011, LADWP developed "Addendum No. 1 to the 2010 Mitigated Negative Declaration (Addendum)" to incorporate this modification into its California Environmental Quality Act (CEQA) document.

The new 4.8kv power distribution line for this project will tie into an existing LADWP power line near the community of Aberdeen, California. The new power line will extend from Aberdeen eastward along existing roads for approximately 8,000 feet, across Highway 395, and terminate at Well 355. The cable is ½" in diameter, gray color, approximately 35 feet above ground. The new power line will be supported by approximately 40 treated wood poles (14" – 16" in diameter). The average span between poles will be 200' – 250'. These poles will have a single cross arm with two conductors or double cross arms with down guy wires and anchors. There will be a transformer with related equipment on a pole near Well 355. The anticipated footprint of impact for installing each pole is approximately 20 square feet, which will be temporary, and will also be along existing roads.

LADWP stated that the project will start as soon as an exemption is granted by the Commission and an encroachment permit is secured from Caltrans. Construction is expected to take approximately 30 days and will only be conducted in daylight hours. There is no need for joint trenching or telephone, water, gas, or sewer line installations.

This addition will be a permanent deviation.

#### Local Government Recommendation

Since the exemption process requires the Commission to consider the opinion of local government, LADWP has requested a recommendation from Inyo County. By a letter dated March 7, 2011, Inyo County Planning Department concurs with the findings of the Addendum and supports the overhead alternative.

### Visibility, Aesthetics, and Environmental Impact

The designated scenic portion of Highway 395 is 20.1 miles long, and includes the segment from Fish Springs to Fort Independence, California (post miles 76.5 – 96.6). There are 11 existing power lines within this scenic portion of highway, as well as large AC and DC transmission towers and lines in the immediate vicinity of Highway 395 and the proposed 4.8kv line. While the new power lines will be visible by travelers and those in the immediate area, the ½” diameter conductors will not obstruct views of the surrounding mountains, significantly alter the aesthetics of the scenic area, or substantially damage existing scenic features. Therefore, the addition of the 4.8kv power lines will have a less than significant impact on the scenic highway.

Photographs and project drawings submitted by LADWP showing the proposed additions indicate little adverse impact on visibility and aesthetics of the highway.

Cultural resources were identified throughout the project area under a CEQA evaluation in 2010, and LADWP adopted seven mitigation measures in the MND to bring potential impacts to these resources to a less than a significant level for installing overhead power lines. Then another CEQA evaluation for the Addendum to the MND identified several additional sensitive cultural resources sites. LADWP indicated that it is highly likely that one or more of these sites would be disturbed and impacted during partial or full undergrounding of power lines.

LADWP prepared and submitted a Notice of Determination (NOD) to the Inyo County on June 2, 2010. The NOD declared that the proposed project using aerial lines will not have a significant effect on the environment.

### Economic feasibility

LADWP submitted the following cost estimates to the Commission on March 14, 2011.

<i>Options</i>	<i>Cost of Proposed Project (5,700 Feet of Aerial and 2,300 Feet of Underground)</i>	<i>Cost of the Project with 8,000 Feet of Aerial Cables</i>	<i>Comparative Cost Ratio</i>
Aerial Portion, 5,700 Feet	\$129,273.12	\$129,273.12	1:1
Underground Portion, 2,300 Feet	\$460,000.00	\$52,182.84	8.8:1
Others (Pump, Pipes, etc.)	\$52,716.59	\$52,716.59	1:1
Total	\$641,989.70	\$234,172.55	2.74:1

LADWP's estimated total cost to install 5,700' of aerial cables and 2,300' of underground cables is \$641,989.70. The estimated cost of putting the entire project overhead (8,000 feet

of cables) is \$234,172.55.

The cost ratio is 2.74 to 1, and undergrounding at the highway crossing would increase the total project cost by \$407,817.16.

### Summary

Since the factors discussed above favor the placement of overhead cables instead of undergrounding at the highway crossing; the Commission should approve and grant this deviation; but construction work associated with this deviation is granted only through the end of 2012.

### COMMENTS

Public Utilities Code section 311(g)(1) provides that this resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Section 311(g)(2) provides that this 30-day period may be reduced or waived upon the stipulation of all parties in the proceeding.

All parties in the proceeding have stipulated to waive the 30-day waiting period required by PU Code section 311 (g)(1) and the opportunity to file comments on the draft resolution. Accordingly, this matter will be placed on the Commission's agenda directly for prompt action.

### FINDINGS

1. The Commission administers Section 320 of the Public Utilities (PU) Code requiring undergrounding of utilities lines along designated Scenic Highways, and considers letter requests for deviations.
2. The applicant must show that undergrounding would not be economically feasible, technically practical, or would be inconsistent with sound environmental planning.
3. By letter dated March 14, 2011, LADWP requested authority for deviation from the undergrounding requirements of Section 320 of the Public Utilities Code.
4. This project involves adding approximately 8,000 feet of aerial power lines, across Highway 395, and terminates at Well 355. The cable is ½" in diameter, gray color, approximately 35 feet above ground. The new power lines will be supported by approximately 40 treated wood poles (14" – 16" in diameter).
5. LADWP plans to begin construction as soon as an exemption is granted by the Commission and an encroachment permit is secured from Caltrans and complete the project in approximately 30 days.

6. This addition will be permanent.
7. There are 11 existing power lines within this scenic portion of highway, as well as large AC and DC transmission towers and lines in the immediate vicinity of Highway 395 and the proposed 4.8kv lines. Hence, overhead facilities would remain visible from the highway even if we deny LADWP's request.
8. LADWP does not expect that the added facilities will be significantly more visible to the residences, businesses, and travelers along Highway 395 after the completion of this project.
9. The cost of the partial overhead option at this location would exceed placing the entire project (8,000' of power lines) overhead by 2.74:1.
10. By a letter dated March 7, 2011, Inyo County Planning Department concurs with the findings of the Addendum and supports the overhead alternative.
11. LADWP indicated that it is highly likely that one or more of these sites would be disturbed and impacted during partial or full undergrounding of power lines.
12. LADWP prepared and submitted a Notice of Determination (NOD) to the Inyo County on June 2, 2010. The NOD declared that the proposed project using aerial lines will not have a significant effect on the environment.
13. The Commission should approve and grant this deviation; but construction work associated with this deviation is granted only through the end of 2012.

**THEREFORE, IT IS ORDERED THAT:**

1. The City of Los Angeles Department of Water and Power's (LADWP) request to add approximately 8,000 feet of aerial power lines and approximately 40 treated wood poles, across Highway 395, and terminates at Well 355 is approved. Construction work associated with this deviation is granted only through the end of 2012.
2. This Resolution is effective today.

I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on October 20, 2011. The following Commissioners voting favorably thereon:

/s/ Paul Clanon

Paul Clanon  
Executive Director

MICHAEL R. PEEVEY  
PRESIDENT  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J. K. SANDOVAL  
MARK J. FERRON  
Commissioners