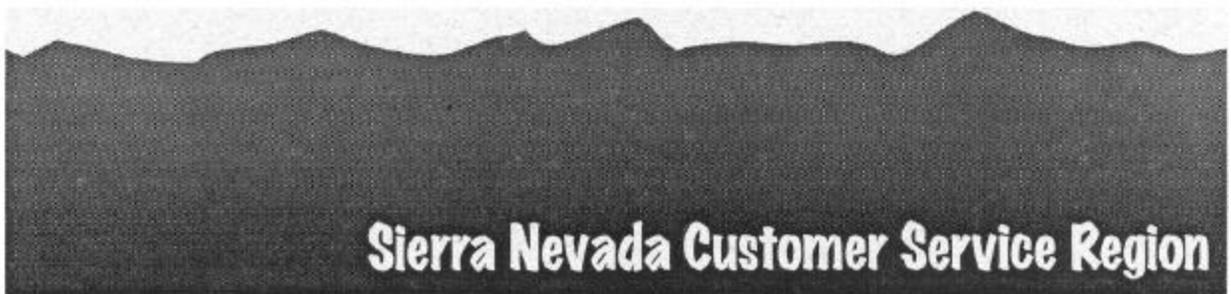


**Public Comment
on the
Draft EIS**



CHAPTER 5

PUBLIC COMMENT ON THE DRAFT EIS

5.1 INTRODUCTION

This section includes Western Area Power Administration's (Western) responses to comments received on the *Draft Environmental Impact Statement (Draft EIS)*. The comments are presented in the following three categories:

- Comments made at public hearings (Sec. 5.2).
- Written comments from governmental agencies (Sec. 5.3).
- Written comments from interested citizens and private organizations (Sec. 5.4).

5.2 SUMMARY OF COMMENTS MADE AT PUBLIC HEARINGS

Public comments on the *Draft EIS* were made at public hearings conducted by the California Energy Commission (Commission) and Western on November 2, 10, and 16 and December 1, 1998. The November 16, 1998, meeting served as Western's National Environmental Policy Act (NEPA) hearing. All comments received during the hearings have been considered. Public comments were received from the following people at the hearings:

Amarel, Bob, Jr.	Jaeger, Bill
Amarel, Cooky	Jansen, Andy
Berg	Kitchens, Jim; Pres. Yuba/Sutter Chamber of
Booth, Larry	LaPerle, George
Boyce, Lewis	LaPerle, Wilma Creps
Broadwell, Ann; CURE	Layman, Henry
Bronson, Ron; Mgr. for Air Gas of Yuba City	Massey, David
Burke, Jerome	Mitchum, Nadine
Carpenter, George; Sutter Community Services	Russell, Paul; Sutter Extension Water District
Creps, Irene	Schroeder, Kevin
Christiansen, Walt	Shannon, Mike
Cole, Loren; Duck Club & Farming	Stevenson, Ray
Danna, Steve	Tomai, Ed
Donaldson, Donald; resident	Turner, Alex
Foster, Brad; Yuba-Sutter Farm Bureau	Turner; Hollis, Duck Club Owner
Foster, Rosie	Valkowsky
Gonzalez, Bert	Williams, Larry; Sutter National Wildlife
Henson, Mary	Woods, Mary
Henson, Leonard	Young, Russell; Yuba-Sutter Farm Bureau

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A complete record of public testimony (comment) is contained in the transcripts of the evidentiary hearings. These transcripts are available on the Commission's website (<http://www.energy.ca.gov/sitingcases/sutterpower>) or can be requested from Western or the Commission. These transcripts are not duplicated in this section. Western has grouped the verbal comments according to the issues addressed in the sections of the *Draft EIS*. In summary, Table 5.1 lists these issues, the number of comments received per issue, and as a percentage of the total number of comments, i.e., relative concern.

TABLE 5.1 ISSUES AND RELATIVE DEGREE OF CONCERN

Issue #	Issue Areas	Comments ¹	% of Total
1	Alternatives Analysis	45	13.6%
2	Need Conformance	5	1.5
3	Air Quality	37	11.2
4	Public Health	4	1.2
5	Worker Safety and Fire Protection	5	1.5
6	Transmission Line Safety (Inc. EMF)	24	7.3
7	Hazardous Material Management	2	0.0
8	Waste Management	0	0.0
9	Land Use and Recreation	33	10.0
10	Traffic and Transportation	5	1.5
11	Noise	8	2.4
12	Visual Resources	39	11.8
13	Cultural Resources	0	0.0
14	Socioeconomic Resources	60	18.1
15	Biological Resources	8	2.4
16	Soil and Water Resources	30	9.1
17	Paleontological Resources	0	0.0
18	Facility Design	3	0.9
19	Powerplant Reliability	0	0.0
20	Powerplant Efficiency	0	0.0
21	Transmission System Engineering	13	3.9
22	Facility Closure	7	2.1
23	Compliance Monitoring	3	0.9
	Total Verbal Comments by Members of the Public	331	100.0%

¹ Represents the number of verbal comments received at seven public hearings. It does not include written comments.

5.2.1 ALTERNATIVES ANALYSIS

5.2.1.1 Comments

About 14 percent of the comments were related to alternatives. Fifteen people generally voiced nonsupport for the Sutter Power Project, indicating the plant was not wanted, was not needed in their area and was not appropriate to the area; it was not placed where it belongs.

Seven people were concerned that the applicant's preferred alternative was the only alternative being given in-depth analysis and consideration.

Several people voiced concern with the screening criteria used in the alternatives analysis. One issue was the elimination of an alternative site due to its proximity to areas of medium-to-heavy population density. It was suggested this practice would tend to place all such plants only in rural areas. In addition, some commentators said areas that already had numerous transmission lines might not be as sensitive to visual impact caused by more such lines. Two people wanted to know if mitigation offered at the applicant's proposed site were used in the analysis of the alternative sites.

Numerous people asked clarifying questions, reiterated certain features of the various alternatives, questioned the completeness of analysis, expressed concern over the lack of a selected transmission line route and verified that the proposed plant would provide needed support to the electrical system in general.

Several people noted corrections or oversights in the *Draft EIS* such as incorrect transmission line and gas pipeline lengths, incomplete maps, mislabeling of dwelling vacancy, incorrect distances to nearest available fire protection services and incomplete references to flood plains.

5.2.1.2 Response

The alternatives analysis is in Appendix I, which provided corrections to the items such as transmission line lengths, distances, etc. Table 4.1 shows the comparison of the alternatives.

The description of the alternatives and criteria used in its analysis was discussed on p. 16 of the *Draft EIS*. In addition to the Sutter Power Project (SPP) alternative, the no action alternative and 11 other alternative sites were examined. The *Draft EIS* noted that not all alternatives received the same level of analysis; some sites were outside a reasonable range of alternatives, as described beginning on p. 17 of the *Draft EIS*. All sites were subjected to a set of four screening criteria, which were used to eliminate seven alternatives from consideration (*Draft EIS* pp. 22 and 28). It was then determined if Calpine could reasonably acquire the four remaining sites. The O'Banion Road site was eliminated in this step, but later retained based on public interest. Next, the four alternatives were compared against the proposed site. Only

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those alternatives that were judged as equal to or better than the proposed site were retained for further analysis (*Draft EIS* pp. 30 and 33). All alternatives, including the project alternative, were analyzed with no consideration of any mitigation proposed to reduce or avoid environmental impacts. The comparison of these alternatives was shown in Table 4.1 of Chapter 4. None of the screening criteria used to eliminate sites were based on proximity to medium-to-heavy population density. However, population density contributes to impacts for several of the technical areas analyzed, including air, socioeconomics, public health, hazardous material management, waste management, land use, public health, traffic and transportation, noise, visual and biological resources. For example, the impact on public health in the event of an accident would be greater for heavily populated areas than more rural areas, as more people would be affected.

In addition, see responses to Purpose and Need, Sec. 5.2.2 and Land Use and Recreation, Sec. 5.2.9 for comments on support to the electrical system and General Plan Amendment.

5.2.2 NEED CONFORMANCE

5.2.2.1 Comment

Approximately two percent of the comments pertained to a questioned need for the proposed plant. One individual wondered if the state really needed the electricity, and if so, could it be generated by other plants and/or other companies in other locations and then transmitted through the existing major transmission lines. One person asked what would happen if, after construction, the plant were not needed. A second individual said that the hydroelectric generating units at Shasta and Oroville are being reconstructed and questioned the need for extra plants. A concern about more power lines and more powerplants was expressed.

5.2.2.2 Response

Western's statement of purpose of and need for the SSP was presented on p. 13 of the *Draft EIS* and the Commission's need conformance discussion was presented on pp. 75 and 76.

In response to a public comment during the evidentiary hearings, Mr. Moore, a California Energy Commission Commissioner, stated that "this document (*Draft EIS / Final Staff Assessment (FSA)*) reflects a changing responsibility for us that's more in line of does it meet and satisfy environmental constraints. Can we keep it from doing damage as opposed to — we're not in a position to ask will it strictly fit in with the system. We don't have authority to basically control that anymore." Mr. Moore's response reflected the new deregulated energy market in which "merchant" plants are not necessarily responding to growth in the need for electricity but are responding to a growing market for electricity. As a "merchant" plant, the SPP will succeed or fail

based upon its ability to sell electricity more cheaply than other sources. In addition, studies performed by professional transmission planning groups, such as the Sacramento Area Transmission Planning Group, indicate that the SPP would provide much needed voltage stability in the Sacramento area (*Draft EIS*, p. 21). The California Independent System Operator, in a letter to Western (Appendix Q), agreed with that analysis and stated that “Resources near the load centers will go a long way in eliminating the risk for a system-wide collapse and defer the need for new transmission lines.” The Commission states (*PMPD* p. 296) that “the SPP provides significant power to the Sacramento Valley area, would help mitigate local system voltage problems and provides moderate power for load growth.” If the SPP were not built, other reinforcement options would be necessary to avoid system reliability problems. However, no other options were identified and advanced to address the reliability of the Sacramento Valley electrical system.

Additionally, while improvements to the hydroelectric generating units at Shasta (Federal), Oroville (state) and other dams contribute to the electrical system, they do not in and by themselves solve the reliability issues of the Sacramento Valley.

5.2.3 AIR QUALITY

5.2.3.1 Comment

Approximately 11 percent of the comments related to the potential impacts to air quality from the proposed SPP.

Emissions

Almost half of the verbal comments on air quality addressed the various types of emissions from the SPP. The Greenleaf 1 Plant was cited as being “dirty” and several commentors maintained that even with the low emission level, the SPP would still make too much air pollution. Emissions of PM₁₀ were addressed for two main reasons. It was noted that even though the acreage of rice fields being burned each year had decreased, there had not been an improvement in air quality. Also, a few people questioned how the PM₁₀ calculations for dust from Boulton Road were performed; one individual questioned if the calculation method benefited Calpine. One individual wondered if his son’s cancer was attributable to the Greenleaf 1 Plant. Another commentor stated that the SPP would double all existing emissions in the County and that “what goes up comes down somewhere.”

Emission Reduction Credits (ERCs)

Approximately one fourth of the air quality comments pertained to Emission Reduction Credits (ERCs). Several people wondered if Calpine would be using up all or most of the available ERCs in the region. These commentors were concerned that there wouldn’t be adequate ERCs for other uses, such as burning rice stubble or for

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some future industries that could benefit the county. Also, one individual questioned if ERCs would need to be purchased every year that the SPP were to operate.

Another commentor asked how the SPP's ERCs compared with those used on a ranch. One person asked how the pollution credits were issued and another asked how credits from out of county affected the number of burn days in county.

Existing Air Quality Standards and Air Quality

One individual questioned when was the last change in air quality standards. It was noted that the county did not achieve air quality standards now and several people questioned why more pollution was being allowed. One person said that most of the pollution came from Sacramento or the Bay Area and that the inversion layer made the pollution more apparent. Lastly, one individual stated that the SPP should not contribute to the deterioration of air quality in the region.

Farming Practices

A few comments were made about the effect of the SPP on burning rice stubble and the number of available burn days. The effect of heavy pollution on crops was also noted. One individual wondered if the SPP would have any effect on his ability to farm on inversion days.

Compliance

Two people questioned what would happen to the SPP if, after construction and initial operation, it could not make its permit requirements.

5.2.3.2 Response

These issues were covered in the *Draft EIS*, the Air Quality Supplement to the *Draft EIS*, dated November 17, 1998, and its associated Errata, dated November 30, 1998 (Supplement and its Errata), as shown in Table 5.2. The *Draft EIS* was modified to incorporate the requirements in the Feather River Air Quality Management District (FRAQMD) Final Determination of Compliance (FDOC) dated November 13, 1998. These three documents are Appendices F, G and H.

TABLE 5.2 AIR QUALITY

	Draft EIS	Supplemental Testimony 11/17/98	Errata 11/30/98
Laws, Ordinances, Regulations and Standards (LORS)	pp. 78-81	pp. 2-5	pp. 2, 5
Existing Ambient Air Quality and Attainment Status	pp. 87-92	pp. 11-15	N/A
Estimated Project Emissions	pp. 93-101	pp. 17-24	p. 22
Operation Mitigation Measures	pp. 106-108	pp. 29-31	p. 30
Offset Requirements	p. 108	pp. 31-33	N/A
Conditions of Certification	N/A	pp. 33-49	pp. 42-48

The SPP would need to be constructed and operated within the requirements of the LORS for air quality, which specify the limits of emissions. The Commission has set specific Conditions of Certification, which define criteria to meet the LORS, emission limitations, construction and operation mitigation measures, as well as the ERC requirements.

The issue of establishing a baseline PM₁₀ measurement during rice harvest was raised during the hearing by one of the interveners. The Commission responded by adding a new Conditions of Certification (*PMPD* pp. 45-46; AQ-44, Appendix O) that directs Calpine to re-measure traffic on the roads during a nonharvest period. Review of the new measurements would determine if there should be a change in the PM₁₀ mitigation requirements.

The FRAQMD provided testimony on the ERC's available to the county for future development after SPP (*PMPD* p. 44). The testimony indicated that there would be sufficient credits available to the county for another project of this size. The FRAQMD also stated that credits issued to the SPP would have no effect on whether rice burning were allowed since the SPP would not have the type of emissions used to declare no burn days.

In response to the question concerning the overall air quality, there was discussion in the hearing that while the air quality might not have improved [over a 5- or 10-year period], it might not have worsened either. Through the use of the ERC's, new developments in the area would be cleaner. However, this would be offset by the area's growth, with increasing population bringing in more vehicles and more air pollution. Thus, the area would remain in a nonattainment status. Concerning what would happen if the SPP could not make its permit requirements, the Commission determined that the plant could not start up without meeting its Conditions of Certification. If after start up the plant did not meet its requirements, Calpine would have to resubmit information to the Commission for review, and the Commission would ultimately decide whether the plant could continue to operate.

5.2.4 PUBLIC HEALTH

5.2.4.1 Comment

Approximately one percent of the comments concerned public health. One individual questioned if the people living in the town of Sutter would have a higher health risk because they are downstream of the prevailing wind. Another individual questioned whether the existing Greenleaf 1 Plant had caused his son's Hodgkin's disease and was worried that the proposed Sutter plant would cause cancer in his children and/or grandchildren. One person questioned the SPP's opponents because he considered that the SPP's air emissions would cause less public health risk than the methylbromide used in farming practices.

5.2.4.2 Response

The Public Health section was located on pp. 111-134 of the *Draft EIS*. The Noncancer Hazard and Cancer Risk for the Project Specific Impacts are discussed on pp. 122 and 123 of the *Draft EIS*. For Cumulative Impacts, discussions about the Noncancer Health Effects and Cancer are on p. 124. In its Conclusions and Recommendations, the *Draft EIS* found “operation and construction of the SPP is not expected to result in atmospheric emissions of noncriteria pollutants sufficient to cause adverse public health consequences.” This means that the local residents, including the community of Sutter would not be subjected to health-threatening atmospheric emissions. One person pointed out that the residents might be facing more health effects from the use of pesticides and herbicides in use in modern farming practices. While Western is sympathetic to the family whose child has contracted Hodgkin’s disease, this person’s question was answered at the hearing on December 1, 1998. There is simply no way to assign a causal agent that might have been generated at the existing plant that could explain this one instance of disease. And the emissions of criteria pollutants for SPP would be at such a small level that there would be no reason to believe that the SPP would be contributing to any additional incidence of disease.

5.2.5 WORKER SAFETY AND FIRE PROTECTION

5.2.5.1 Comments

About two percent of the total verbal comments concerned worker safety and fire protection. In response to a recent near miss involving hitting an underground gas pipeline, two people asked about the local gas distribution company’s safety practices especially regarding construction; did the practices exist, who was responsible for any problems and who had control of the gas company. Two people asked who had financial responsibility for fire, hazardous material spill and pollution cleanup and related expenses. Lastly, one person voiced concern about static electricity buildup during vehicle fueling operations

5.2.5.2 Response

The Worker Health and Safety section was located on pp. 135-146 of the *Draft EIS*. LORS related to worker safety and fire protection (*Draft EIS* pp. 135-136) include both standards for construction activities as well as for normal operations and maintenance activities.

According to the Conditions for Certification (*Draft EIS* pp. 144-145, Appendix O):

- The SPP owner shall submit to the Compliance Program Manager at least 30 days prior to the start of construction, a Construction Injury and Illness Prevention program, a Construction Fire Protection and Prevention Plan, a Personal Protective Equipment Program and a letter from the Sutter County Fire

Department stating they have reviewed and accept the Construction Fire Protection and Prevention Plan and the Personal Protective Equipment Program. (Safety-1)

- The SPP owner shall submit to the Compliance Program Manager at least 30 days prior to the start of construction, a copy of the Project Operation Safety and Health Program that must include (1) the Operation Injury and Illness Prevention Program, (2) the Emergency Action Plan, (3) the Operation Fire Protection Plan and (4) the Personal Protective Equipment Program as well as a letter from the Sutter County Fire Department stating they have reviewed and accept the Project Operation Safety and Health Program. (Safety-2)
- Lastly, the SPP owner shall design and install all exterior lighting to meet the requirements contained in the Visual Resources Conditions of Certification and in accordance with the American National Standards Practice for Industrial Lighting, ANSI/IES-RP-7. (Safety-3)

The SPP owner would also be required to sign an agreement with Sutter County to pay for needed improvements in fire protection and emergency services capabilities.

The SPP owner would be responsible for all facilities owned by Calpine. Any utilities brought into the site would be owned and maintained by the utility (such as Pacifica Gas and Electric Company (PG&E) for the gas lines). The utility owners would be subject to similar worker safety stipulations as part of their normal business.

5.2.6 TRANSMISSION LINE SAFETY

5.2.6.1 Comment

About seven percent of the total verbal comments concerned transmission line safety. Of these comments, most were related to the safety of agricultural flight operations in the vicinity of the proposed transmission line route. Others were related to electromagnetic fields associated with the transmission line itself.

One person, a semi-retired "crop-duster," testified on behalf of Calpine that the proposed transmission line would not significantly increase the risks of an accident during aerial application operations when compared to the present situation. However, he did indicate that the proposed suggestion of angling the transmission line at the corner of O'Banion Road and South Township Drive to reduce the visual impacts at this location would result in an increased hazard for those pilots using biplanes. He further stated there were few places where aerial application could not be done and that costs for aerial application services were very variable. He could not say that it would be more expensive to fly east to west rather than north to south.

Two people voiced concern with the above testimony. They believed the witness had little recent experience and cited his example related to chemicals that were no longer

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in use. They asserted that his flight examples related to use of older and slower aircraft. One of these people indicated that the flight patterns proposed in the previous testimony, as being acceptably safe flight alternatives, would probably cause extensive crop damage in adjacent fields. The other person noted the current use of fast planes would not allow a pilot to get as close to the line as testified and consequently there would either be increased risk of pilot accident and or less field coverage.

In response to comments about flying under the transmission line conductors, one person said there would likely be to little room between the conductors and the orchard trees in the adjacent fields. Another person commented that it was illegal to fly under the conductors.

Two people noted concern with heavy equipment or agricultural equipment working near or under the lines. Some of this equipment is very tall and the transmission line should be built to ensure proper clearances would be maintained from the conductors. One person was concerned with financial responsibility should vandals somehow run his agency's equipment into the transmission line conductors or poles.

Two commentors noted incidents of receiving electrical shock from touching equipment working under a transmission line.

Three people expressed concerns over electromagnetic fields. One indicated he did not know if it would be safe for him any longer since he had a pacemaker and a defibrillator. The second indicated concern about receiving conflicting information concerning the dangers of such fields. The last indicated the transmission line owner representative was very careful in his remarks about there being no proven health effects due to such fields.

5.2.6.2 Response

These issues were covered in the *Draft EIS* on pp. 147-158. In relation to aerial spraying, the *Draft EIS* states (p. 148):

“...an FAA [Federal Aviation Administration] “Notice of Proposed Construction or [Alteration]” will not be required for the proposed line according to the noted regulatory criteria relative to height, distance from the nearest runways, and slope of the imaginary line from the end of the nearest runway to the top of line related structures. While the line will not pose a significant hazard to general aviation in the area, it would, by its very presence in an agricultural area, pose (as do similar lines in the area) some inevitable obstruction hazard to aircraft involved in crop-dusting operations in the immediate vicinity. All the Safety Officers in the area crop-dusting companies that were contacted by [Commission] staff, expressed their concern about such possible hazard. They noted that such a hazard could limit the effectiveness of their operations to a potentially significant degree.”

In addition, on the same page, the *Draft EIS* notes:

“There are no specific, collision-related regulations on the safety of crop-dusting operations in the area around overhead power lines. According to the pilots contacted by [Commission] staff, each pilot is responsible for the level of care necessary to avoid collision with power lines during crop-dusting-related flights. Addition of the proposed line to the area network of power lines would increase the level of care involved. One of Calpine’s reasons for choosing the present route for the line is to avoid significant impacts on two nearby air strips presently used for area crop-dusting operations (Calpine 1998b [Supplemental filing to Change Electric Transmission Line Route. May 11, 1998]).”

As noted in the Condition for Certification, (TLS&N-1, *Draft EIS* p. 156; Appendix O):

“The SPP owner shall construct the proposed transmission line according to the requirements of [General Order] GO-95 and Title 8, Section 2700 *et seq.* of the California Code of Regulations.”

The line must also be designed to meet applicable design requirements such as the National Electrical Safety Code (NESC), American National Standards Institute (ANSI), Institute of Electrical and Electronic Engineers (IEEE), American Society for Testing and Materials (ASTM), American Society of Civil Engineers (ASCE) or the National Electric Code (NEC). Western would inform farmers of the clearance and restrictions associated with working around the conductors. In the case of operations such as canals, Western would determine equipment height limitations, such as for dredging operations, and design the line to provide the necessary conductor clearances.

As noted in the Condition for Certification (TLS&N-6, *Draft EIS* pp. 157-158; Appendix O), Western would provide full protection for stray electric shocks by grounding all fences, gates, etc. Western would also provide a notice prior to the operation of the line and provide information should the farmer wish to add new buildings, fences, gates, etc., and a recommendation on refueling in the vicinity of transmission lines.

In regards to electromagnetic fields, “no exposure-related limits have been established by regulatory agencies with regard to human exposure to electric and magnetic fields from power lines or other common sources. The perceivable effects of power line fields have been noted, and will always be important in the design and operation of modern power lines. The increased concern about power line fields in recent years has not been about these perceivable effects but about the potential for significant health effects in humans exposed around power lines and other sources” (*Draft EIS* p. 152). The available evidence has not established a link between electric and magnetic fields and significant health hazards.

5.2.7 HAZARDOUS MATERIAL MANAGEMENT

5.2.7.1 Comment

Approximately one percent of the comments related to concerns about hazardous material management. One commentor asked who prepared the Risk Management Plan and if there would be training for local residents in case of a leak and the potential for a cloud of anhydrous ammonia. This commentor was concerned because the area was not urban and a farmer on a tractor could be at risk.

5.2.7.2 Response

Hazardous material management was discussed in the *Draft EIS* on pp. 159-172. The LORS related to hazardous material management were noted on pp. 157-158 of the *Draft EIS*. The project-specific impacts and the cumulative impacts were discussed on pp. 159-162 of the *Draft EIS*. A general discussion of the proposed mitigation measures was included on p. 162 of the *Draft EIS*. Specific Conditions of Certification, which defined specific criteria, can be found on pp. 163-164 of the *Draft EIS*, and in Appendix O.

Calpine would prepare a Risk Management Plan and Process Safety Management Plan to the Sutter County Fire Department and the Commission for review and approval. The plans would also be submitted to the EPA and the California Occupational Safety and Health Administration. Calpine would not be required to train local residents to react during a spill or release. However, they would be required to store, operate and dispose of hazardous materials in accordance with their plans. For anhydrous ammonia, the material would be held in a 12,000-gallon double walled tank, with secondary containment. Calpine would upgrade the County's fire and emergency management departments and provide proper equipment, personnel and training. However, the risk of a leak from the anhydrous ammonia would be less than one in one million.

5.2.8 WASTE MANAGEMENT

5.2.8.1 Comment

No comment received.

5.2.8.2 Response

No response needed.

5.2.9 LAND USE AND RECREATION

5.2.9.1 Comment

Approximately 10 percent of all comments were related to land use and recreation. Some comments related to concerns about the inconsistency with the current land use designation of the 77-acre parcel. A request had been made for an amendment to Sutter County's General Plan. Citizens were concerned that the rezoning would result in a loss of agriculture land, which the Sutter County's General Plan had been written to protect.

Other comments were specific to the impacts to agricultural activities. Other comments were made regarding the limited ability to apply aerial application of agricultural products to farmland and the inability to perform agricultural activities with heavy equipment around the transmission poles.

The remaining comments concerned the recreational duck-hunting club located on the O'Banion Road site. Approximately 50 hunters come to this area for seasonal hunting from mid-October to mid-January. The clubhouse contains about 25 or more people three nights per week. Three individuals were concerned that the proposed SPP would destroy the duck club.

5.2.9.2 Response

Calpine submitted an application for a General Plan Amendment and rezone on December 26, 1997. In its application to Sutter County, Calpine included a site plan for all existing and proposed development for the entire 77-acre parcel. The *Draft EIS* discussed land use issues on pp. 183-214, and specifically discussed the conversion of agricultural land to industrial uses on pp. 195-196. The issues surrounding aerial spraying and agricultural practices were discussed in the response to comments on Transmission Line Safety (see Sec. 5.2.6.2 above).

Following the release of the *Draft EIS*, the Sutter County Community Services Department submitted comments and recommendations on the SPP to the Sutter County Planning Commission (Appendix E). The Community Services department recommended that the Planning Commission approve the General Plan Amendment and rezone with additional conditions. The Planning Commission voted down the amendment on December 2, 1998, on a 4-3 vote, on the grounds that the project is inconsistent with the General Plan (i.e., agricultural use). Calpine appealed this decision to the Sutter County Board of Supervisors on December 9, 1998. Calpine noted that the county is able to amend its General Plan up to four times a year. The amendment and rezone would simply conform the property's land-use designation to the existing use of the property (the Greenleaf 1 powerplant, located on the site has been in commercial operation for nine years). The Sutter County Board of

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Supervisors met on March 30, 1999 and approved the General Plan Amendment and rezone of the SPP site.

The Sutter County Community Services Department comments and recommendations included an opinion that the 77-acre parcel owned by Calpine was zoned industrial, not agricultural, since the Greenleaf 1 plant was constructed in 1984. Since that time, that property has not been actively farmed. The planning staff recommended that the plan amendment be granted because there would be no loss of agricultural land.

The issues surrounding impacts to agricultural practices were discussed in the *Draft EIS* and in the hearings. It was concluded that the transmission lines would not significantly impact farming activities, ". . . though a small amount of farmland would be lost due to the transmission line" (Figure 5.1). Specifically the issue surrounding aerial applications was discussed in the *Draft EIS*, and in the evening hearing on November 11, 1998. Two aerial applicators testified, one indicated no impacts on operations, and one indicated major impacts. In the *PMPD*, the Commission concluded that aerial operations would not be significantly impacted.

Western was sensitive to the concerns of the owners of the duck club at the end of O'Banion Road. During the hearing on November 11, testimony was presented that suggested that the duck club could be avoided by placing the switchyard east of the PG&E 500-kV transmission line. While this option had not been specifically studied, it is within the area that was studied for all other project alternatives and was not seen as a new alternative. However, should the switchyard be placed in the location of the duck club, the owners would be compensated for the fair market value of the property, and it would not preclude the owners from establishing a duck club on any other part of their property.

5.2.10 TRAFFIC AND TRANSPORTATION

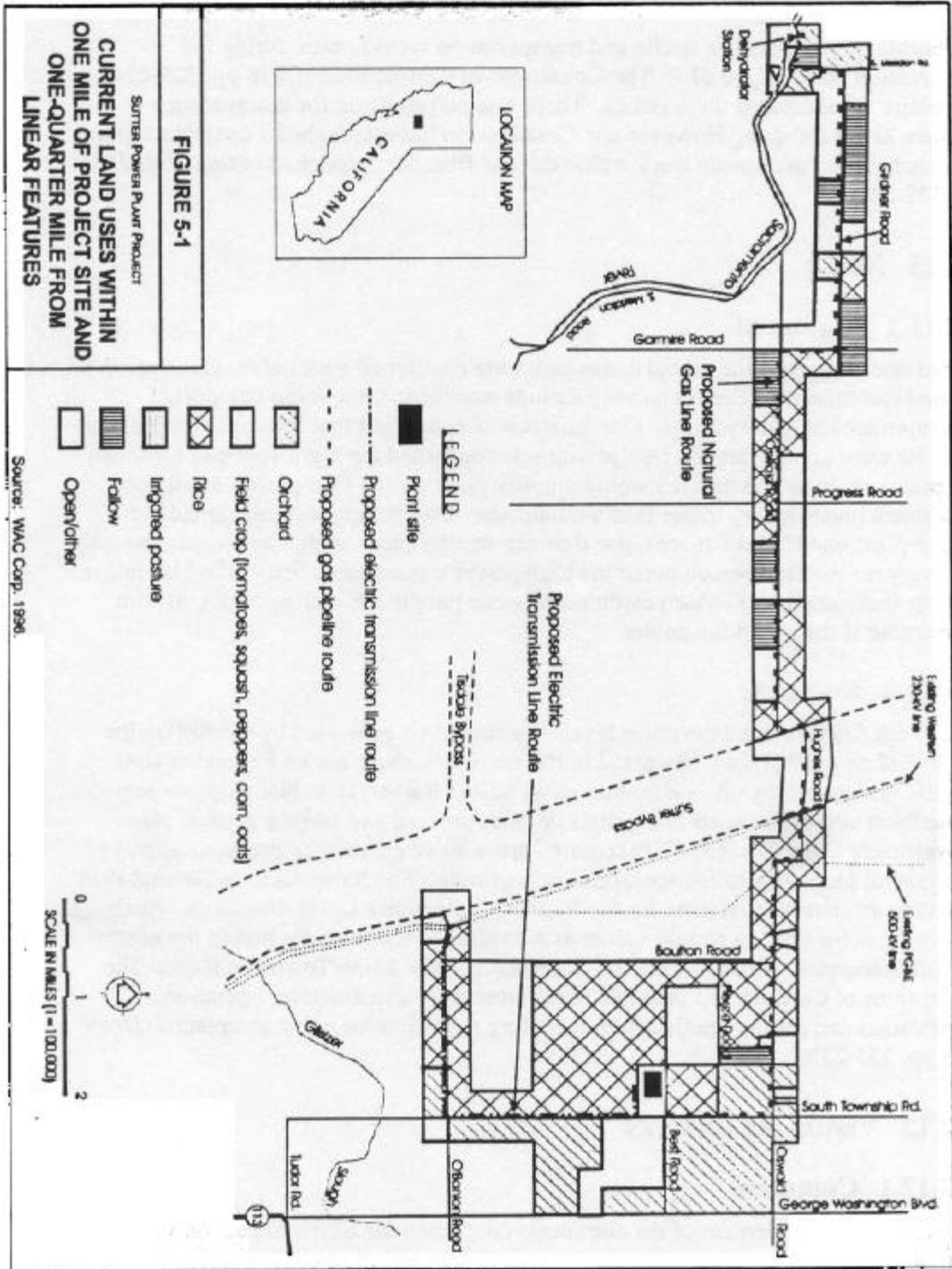
5.2.10.1 Comment

About two percent of the verbal comments were concerned with traffic and transportation. Two people noted a concern with keeping trucks to their designated route plan and suggested that these routes be mandatory and someone have the authority to enforce the plan, where the resident could assist in a watchdog position.

5.2.10.2 Response

Traffic and transportation issues were discussed in the *Draft EIS* on pp. 215-226. The Sutter County Public Works Department requires a transportation permit for oversized vehicles using a county road and an encroachment permit for any opening or excavation in any county highway (*Draft EIS* pp. 216-217). Additionally, the Sutter County General Plan, Policy Document Section 2 states that the county shall require all new development projects to analyze their contribution to increased traffic and implement improvements necessary to address the increase. In general, the most

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noticeable SPP impacts on traffic and transportation would occur during the construction phase of the SPP. The Conditions of Certification (DEIS pp. 223-224; Appendix O) addressed these issues. There was no provision for designating a resident as a watchdog. However, the Commission has established a complaint forum that citizens can use should truck traffic deviate from their assigned routes (*PMPD* pp. 322-324).

5.2.11 NOISE

5.2.11.1 Comment

About two percent of the verbal comments were concerned with noise. One person wanted Conditions of Certification to include mandatory, not voluntary, noise measurements with dBa limits. One person was concerned that the cumulative effects of noise were not examined. One person was concerned the eight-foot pad on which the plant was to be constructed would amplify plant noise. One person questioned how much noise the dry tower fans would make. One person was concerned the bigger plant would make more noise than the smaller plant, which he already thought was very noisy. One person noted the high power transmission line behind his house did not make any noise. One person noted some people are willing to put up with plant noise if they need the power.

5.2.11.2 Response

The *Draft EIS* discussed the noise levels that would be generated by the SPP in the *Draft EIS* on pp. 227-244. As noted in the *Draft EIS*, there are no Federal or state regulations governing off-site (community) noise. Rather, state-planning law requires those local authorities such as counties or cities prepare and adopt a general plan. Government Code Sec. 65302(g) requires that a noise element be prepared as part of the general plan to establish acceptable noise limits. The Sutter County General Plan has such an element that includes the Sutter County Noise Level Standards, which limits the noise level to certain values as measured at the property line of the nearest sensitive receptor — in this case the residence at 4879 South Township Road. The Conditions of Certification included requirements for construction, operation, verification and resident notification including provision for noise complaints (*Draft EIS* pp. 235-239).

5.2.12 VISUAL RESOURCES

5.2.12.1 Comment

Approximately 12 percent of the comments concerned the SPP's impact on visual resources.

Views from Residences

Approximately one-fourth of the comments in this subject area were focused on concerns about views of the powerplant and transmission line from nearby residences. Questions were asked about the staff analysis of impacts; specifically, there were concerns that the photographs used in the analysis were taken at roadsides adjacent to orchards. Several commentors noted that some of the homes were two-story, were built on a pad and/or were not directly adjacent to orchards. These individuals expressed that the homes had better views and would, therefore, be more impacted than views from the roadside. Many speakers said that the views of the Sutter Buttes would be impacted. One commentor noted that the plant was not a desirable thing to look at, even if you're not looking at the Buttes. Another commentor questioned how a visual impact's worth was decided and how to reimburse those people who were impacted.

Vegetation and Screening

Approximately 20 percent of the comments in this subject area were related to the effectiveness of a vegetative screen of the plant. Most of the speakers were skeptical that the proposed trees would live due to high groundwater levels. One individual asked what measure the locals could take to get a screen in place if these trees did not survive. This same commentor noted if the trees did live, that they would take 20-30 years to grow to screening height and the economic life of the plant is also 30 years. Another commentor did not believe that the expected height of the grown trees would provide an effective screen. One individual suggested that any trees would pose another hazard to crop-dusting airplanes. One commentor asked about the percentage of view of the Sutter Buttes that would be lost at a specific location.

Transmission Line

One commentor noted that a tree adjacent to a pole was deciduous and also asked about the visual impact of a double-circuit line versus a single-circuit line. This same commentor noted that duck hunters used a field that was adjacent to the proposed transmission line for access, and wondered if the impact on the hunters was considered. Another commentor said that 4 miles of 105 feet of transmission lines would spread the visual impact of this project over a wider area. A third commentor noted that the steel poles in a nearby area were huge and very noticeable.

Outdoor Views by Farmers

Most of the commentors noted that farmers spend their time outside, not just in their homes; they questioned if this was considered in the analysis. One commentor noted that when pruning orchards, the farmer spends more than half of the time above the treeline.

Height of SPP and Lighting

Two speakers were concerned about how much higher the proposed SPP plant would be compared to the Greenleaf 1 Plant. One commentor thought the Greenleaf 1 Plant looked like a Christmas tree at night and was concerned that the proposed SPP plant would be even more lit up.

Miscellaneous

One commentor noted that several orchards had been removed in Sutter County since the visual analysis was performed, including an 88-acre orchard near the project area. This commentor noted that the Greenleaf plant was now visible from a specific location. This commentor also questioned if the Sutter Buttes were the logo of Sutter County. Another speaker asked where the steam plume would be discussed. A third speaker stated that the proposed SPP plant “is against the general plan because ... the visual aspects of the county natural resources should be protected.”

5.2.12.2 Response

The impacts on visual resources were addressed in the *Draft EIS* on pp. 245-361. Additionally, there was a considerable amount of information discussed during the hearings, and a brief on visual resource impacts was developed by the Commission (Appendix K) for presentation to the Commissioners on December 9, 1998. Four transmission lines routes were considered for the SPP (Figure 5-2). Two of these routes were discussed in the Visual Resources section of the *Draft EIS*, the proposed route and the route which proceeds directly south on South Township Road to the Sutter Bypass. The other two routes were also discussed in the hearings to determine the route with the least visual impacts. "The LORS related to visual resources were noted on pp. 245-246 of the *Draft EIS*. The project specific impacts and the cumulative impacts were discussed on pp. 260-270 of the *Draft EIS*. A general discussion of the proposed mitigation measures was included in pp. 272-278. Specific Conditions of Certification, which define specific criteria to meet LORS and to mitigate the impacts of the SPP during construction and operation, can be found on pp. 282-288 of the *Draft EIS*, and in Appendix O.

The *Draft EIS* stated that there were significant visual resource impacts at five of the seven key observation points established. These impacts were due to the transmission line, the plant and plumes from the plant blocking views of the Sutter Buttes and/or Sierra Nevada Range. During the hearings, much discussion centered on whether or not these impacts were significant. Calpine presented testimony at two hearings from their own expert witness. His conclusions, based generally on the methodology normally used in wildlands visual assessments, asserted that there were no significant visual impacts from the plant or from the transmission lines. The brief on visual resource impacts was essentially a rebuttal of this testimony by the Commission staff.

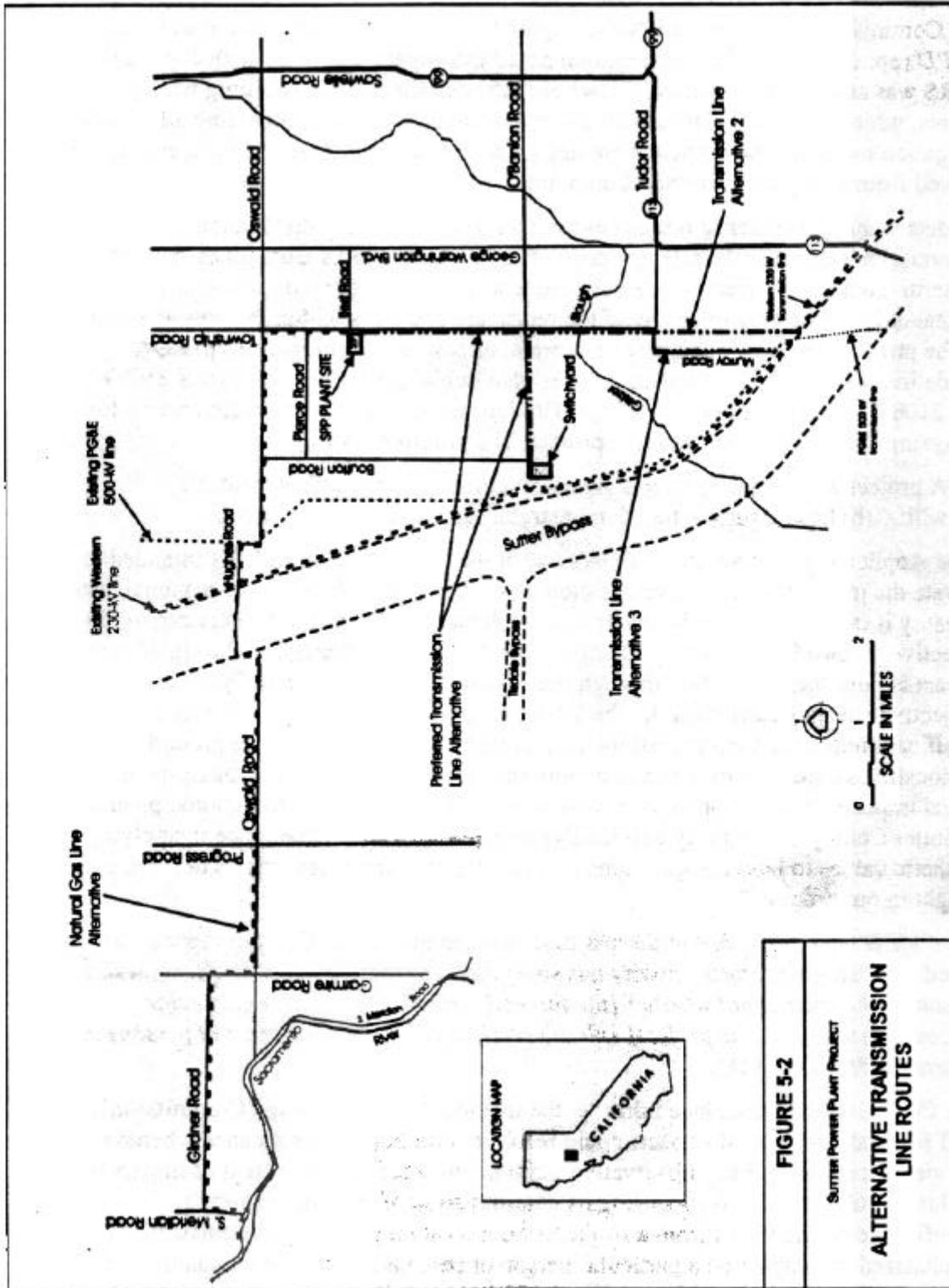


FIGURE 5-2
SUTTER POWER PLANT PROJECT
ALTERNATIVE TRANSMISSION
LINE ROUTES

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The Commission resolved the issue on significant impact to visual resources in the *PMPD* (pp. 106-128). The Commission noted that legal conformity with applicable LORS was not an issue. Rather, "...we are left with the issue of deciding whether the project, which is in compliance with all applicable law, and after including all feasible mitigation measures, nevertheless creates visual impacts which are 'significant' as viewed from a single key observation point.

"In determining whether or not an environmental impact is significant, the Commission examines the relevant portions of CEQA. CEQA Guidelines interpret the term 'significant effect on the environment' as 'a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including...objects of historical or aesthetic significance.' [CEQA Guidelines Sec.s 15002(g) and 15382; see also Public Resources code Sec.s 21083 and 21087.] Appendix G of the CEQA Guidelines sets forth the relevant criteria for analyzing the visual impacts of this project. The criterion states:

A project will normally have a significant effect on the environment if it will:...(b) have a substantial, demonstrable negative aesthetic effect.

"The Applicant points out that CEQA's use of the term 'demonstrable' is intended to elevate the inherently subjective question of visual impacts from one of personal taste ('beauty is in the eye of the beholder') to an element that decision makers can use in objectively considering the impacts of a project....In the instant case, the significant impact is only 'demonstrable' through the extremely complex and ultimately subjective analysis carried out by the Commission staff. This conclusion of a significant impact is contravened by the Applicant's expert whose background demonstrates extensive experience in both the practical and academic analysis of visual impacts. Staff's conclusion is also contrary to that of the professional planners of Sutter County Community Service Department, who have experience in applying aesthetic values to land use questions in Sutter County and whose views deserve great weight in our process."

The *PMPD* then proceeded to discuss case law and quotes the Court of Appeal, which stated that "all government activity has some direct or indirect adverse effect on some persons. *The issue is not whether [the project] will adversely affect particular persons but whether [the project] will adversely affect the environment of persons in general*" (*PMPD* p. 124).

The Commissioners concluded that "...the methodology used by the Commission's staff for analyzing visual impacts could result in a finding of significance whenever the view from a single key observation point is impacted and the extent of impact is evaluated subjectively. By focusing its determination of an entire project's significance on the views from a single key observation point, the commission staff emphasized the impact on a particular person or persons rather than evaluating the environmental impacts on a broader scale. If the single key observation point selected was one which itself involved large numbers of the public, an argument could be

made that a substantial adverse impact at that point amounted to an entire project imposing a significant adverse impact. However, such is not the case before us.” And, “...it is our determination that even a marked visual intrusion on this limited number of persons does not constitute the basis for a finding that the project will impose a significant visual impact on the environment.”

Western, created in 1977, currently owns and/or maintains more than 17,000 miles of high voltage lines in 16 western states. As a result, Western has considerable experience with evaluating the impacts of transmission lines. Visual impacts are just one of the issues reviewed when planning system changes and additions. Western has avoided or mitigated visual impacts to less than significant in most cases. In this particular situation, Western is faced with competing expert opinions on the significance of the visual impacts of the transmission line. Nonetheless, after all the information is weighed, the visual impacts associated with the SPP would not rise to a level of significance, as defined by either NEPA or CEQA. Therefore, Western is in agreement with the Commissioners determination.

As mentioned by the Commission, the SPP would be required to conform to all the Conditions of Certification that minimize the visual impact to the greatest extent possible. For the powerplant (including the Greenleaf 1 Plant) these include shielding of night lighting, painting the plant a neutral gray, elimination of the vapor plume through dry cooling (SPP only), and adding perimeter berms planted with trees and shrubs. For the transmission line impacts, mitigation would include dulling the reflective metal surfaces of the transmission line poles, using nonspecular conductors and placing poles to avoid view obstructions.

5.2.13 CULTURAL RESOURCES

5.2.13.1 Comment

No comment received.

5.2.13.2 Response

No response needed.

5.2.14 SOCIOECONOMIC RESOURCES

5.2.14.1 Comment

Approximately 18 percent of the spoken comments referred to socioeconomic resources concerns. Approximately two-thirds of the comments within this subject

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area related to impacts from the powerplant and approximately one-third related to impacts from the transmission line. A few commentors were concerned about impacts from the switching station.

Effects on Farming

Almost one-fourth of the comments in this subject area pertained to comments about the effects of the transmission line, the powerplant and/or the switching station on farming.

The majority of the comments on farming were focused on the transmission line. These concerns included the belief that the project would have a significant negative economic impact, a decrease in crop production and an increase in incident weed seeds. In addition, there was concern expressed that the land was already used for rice production. Three individuals made comments regarding crop-dusters. The concerns were that they would not be able to use specific pesticides if a 5-mph crosswind existed because it would impact adjacent orchards; they would have difficulty flying between the tops of orchards and under the transmission lines; and they would not be able to get to application height because of the transmission lines. Two individuals questioned if the SPP could cause them to lose their ability to farm. One individual stated that no more farmland should be taken out of production.

One comment was made that a farmer stores his equipment, during flooding in the bypass, in the location of the proposed switching station. Another commentor questioned if farmers could be put out of business if Calpine's coolers were to plug up due to the farmers' dust.

Employment

The majority of the people who commented on the SPP's effect on employment spoke in favor of the SPP, since it would provide construction, maintenance and operation jobs in a community that had high unemployment. One commentor suggested that an increase in jobs would help alleviate some social problems such as suicide and spousal abuse.

Two individuals questioned if there would truly be any increase in jobs. One commentor said that the union draws workers from five or six surrounding counties and the second commentor stated that if this plant were to put Greenleaf 1 out of business, there would be no net increase in jobs. Two people stated that the SPP's benefits to the county could still be realized even if the SPP were sited elsewhere in the county.

Effects on County and Community

Over half of the commentors suggested that the overall effects would be positive. The region is one of the poorest in the state, union members contribute to local health care system, union pensioners spend locally and the SPP would be a positive

opportunity for the community as a whole. Two commentors noted the tax contribution to the county including the schools.

Another commentor said that the fees paid by the SPP for the schools would be a one-time capital improvement and that there would be no net increase for the schools' operating budget because it is determined by the state. One individual stated that the SPP would impact the quality of life for those living adjacent to the plant. One commentor noted that the people opposing the plant were local, whereas the people supporting the plant were from elsewhere.

One person questioned if there would be an auditor to verify that the county got the amount that it was supposed to receive in terms of construction and maintenance costs.

Change in Property Values

Almost all of the commentors that addressed property values expressed concern property values would be diminished, either by the powerplant or by the transmission line. Two individuals stated they believed the powerplant would significantly reduce the value of their properties. One individual expressed concern that the analysis was inadequate. One commentor noted that even though their property was 1/4 to 1/2 mile from the transmission line, they would still be adversely impacted. Another commentor referred to a local banker who told them that farmland was significantly diminished if a transmission line were nearby.

One other commentor stated that PG&E recently built a transmission line behind their house and it had no effect on the property value.

Effects on Business Community

Two commentors said that the SPP would create additional commerce for the community and be a boost for the local economy. Three individuals expressed concern about what message would be sent to the business community as a result of the SPP. Two of these individuals suggested that the SPP should be sited according to the general plan, which would confirm that further development should occur according to the general plan and zoning requirements. The other individual suggested that other businesses would interpret the county as either open or closed for further development depending on the decision made on this specific project.

Supports Project

Five individuals commented that they supported the SPP; some of the specific commentors were from companies that anticipated work from the SPP. One individual worked for Calpine and commented that Calpine had tried to address the concerns of the surrounding community.

Duck Club

One commentor said that their duck club was adjacent to the proposed switching plant and that no one would come to use the club. Another individual expressed concerns about the impact of the SPP on the duck hunters.

Potential Expansion in the Future

One commentor was concerned there would be additional power lines in the future and another commentor was concerned that another powerplant could still be built on the site in the future.

5.2.14.2 Response

The Socioeconomic Resources section was located on pp. 401-424 of the *Draft EIS*. The LORS related to socioeconomic resources were noted on p. 401 of the *Draft EIS*. The project specific impacts and the cumulative impacts were discussed on pp. 409-419 of the *Draft EIS*. A general discussion of the proposed mitigation measures was included on pp. 419-420. Specific Conditions of Certification, which define specific criteria to meet LORS and to mitigate the impacts of the SPP during construction and operation, can be found on pp. 420-421 of the *Draft EIS*, and in Appendix O.

Farming impacts were also discussed at some length in the hearings. The Commission presented supplemental testimony on the impacts to the agricultural economy (Appendix I), especially in terms of the impact due to the transmission line. A worse case scenario was assumed, where the entire right-of-way (125 feet wide) would be lost from production, though clearly this would not be the actual loss. Through analysis, it was determined that the transmission line would reduce the county production of rice by .015 percent, at an estimated cost of \$42,137 for lost crop product. Taken from the county as a whole, the Commission concluded this was not a significant impact. The total land taken out of production would be much less than that of the entire right-of-way. Most of the right-of-way would not be located in crop production areas. Farming practices could continue with few restrictions around individual transmission structures and the landowner would be compensated for any necessary easements.

Impacts to property values were also discussed in the *Draft EIS* and were addressed in the supplemental analysis done by the Commission staff. The *Draft EIS* indicated it would be nearly impossible to determine whether a transmission line could significantly impact property values; the supplemental analysis was not able to develop data to address the question. Western, with its extensive experience in the construction, operation and maintenance of transmission lines, had not found any evidence that transmission lines negatively impact property values. This was supported by a recent study conducted by the Bonneville Power Administration. An extensive study of home sales in the Seattle and Vancouver, Washington, areas and in Portland, Oregon, indicated that adjacent transmission lines had a minimal impact (JR

Cowger, Steven Bottemiller, and James Cahill, *Transmission Line Impact on Residential Property Values: A Study of Three Pacific Northwest Metropolitan Areas, Right Of Way* 1996).

In much the same way as other property owners, duck clubs owners expressed concern over lost revenues. Western appreciated the concern of those in the community who own the duck club. Based on the analysis in the *Draft EIS* and hearing testimony, there would be no significant impacts to the migratory fowl; and therefore, revenues for the duck club would not be impacted. Should the switchyard be located on the duck club property, the landowner would be compensated for any necessary land purchase.

In terms of additional transmission lines or future developments at the plant site, Western could not address the need for additional transmission lines in the SPP area since there were no plans for additional lines to be built. Future developments at the plant site appeared unlikely since Calpine had informally agreed with Sutter County to set aside all remaining portions of the 77-acre site not needed for the SPP. This land would not be available for expansion or other development. This was part of the recommendations made by the County Community Services Department staff to the Planning Commission on the SPP (see Appendix E). Specifically, under this recommendation, Calpine would grant to the County all development rights and an open area easement for the remaining land. This land would not be available for expansion or other development. [Refer also to Condition of Certification LAND USE-2 in Appendix O.]

5.2.15 BIOLOGICAL RESOURCES

5.2.15.1 Comment

Approximately two percent of the comments referred to biological resources. Most of the comments within this subject area related to concerns about bird mortalities caused by collision with or electrocution by the transmission line(s). Although ducks were the primary subject of concern, one individual stated that all groups of birds, including Federally listed or state-listed threatened species such as the peregrine falcon, the bald eagle, the Aleutian Canada goose, and the Swainson's hawk, would also be impacted. A secondary concern about the potential of the carcasses potentially serving as substrate for avian botulism bacteria was noted.

One commentor spoke about a study by the FWS and the California Department of Fish and Game on the giant garter snake. Lastly, one speaker was concerned about weeds from the plant invading adjacent farmland.

5.2.15.2 Response

The Biological Resources section was on pp. 425-464 of the *Draft EIS*. The LORS related to biological resources were noted on pp. 425-428 of the *Draft EIS*. The project specific impacts and the cumulative impacts were discussed on pp. 435-441 of the *Draft EIS*. A general discussion of the proposed measures to avoid or minimize impact to the giant garter snake, the Swainson's hawk and migratory birds during construction and operation was included in pp. 443-445. Specific Conditions of Certification, which define specific criteria to meet the pertinent LORS and to mitigate the impacts of the SPP during construction and operation, were on pp. 450-460 of the *Draft EIS*, and are in Appendix O.

In April of 1998, Western initiated formal consultation with the FWS under Section 7 of the Endangered Species Act (Chapter 1, Sec. 1.5). [Also refer to the Commission's Conditions of Certification BIO-6 (Appendix O).] In response to Conditions of Certification BIO-12, Calpine submitted a Final Draft of the Biological Resources Mitigation Implementation and Monitoring Plan, dated December 1998, to the Commission (Appendix J). The plan described how Calpine would implement the mitigation measures developed by Calpine and/or the Commission to reduce project impacts to less than significant levels.

In addition, Conditions of Certification BIO-10 (Appendix O) addressed measures to mitigate or avoid project impact to migratory birds. These included construction of transmission lines to avoid raptor collision, installation of bird flight diverters, screening any evaporation ponds, elimination of wastewater discharge and monitoring the stacks and transmission lines for avian collision and/or electrocutions.

5.2.16 SOIL AND WATER RESOURCES

5.2.16.1 Comment

Approximately nine percent of the comments pertained to the potential impacts to water resources from the proposed SPP. None of the comments related to soil resources impacts.

Groundwater

Almost half of the comments in this subject area related to the impact of the SPP on the groundwater. Many commentors expressed concern about drawdown of the aquifer, particularly during drought conditions. In addition, specific questions and comments arose about the recharge of the aquifer, priority between agriculture and industry for groundwater, the reliability of California Department of Water Resource's studies about the aquifer, the conflicting analyses of two hydrologists and the potential increase in salinity of the groundwater. One individual noted that the groundwater was more polluted by herbicides and insecticides than any potential pollution from the proposed SPP.

Flooding and Drainage

Two speakers suggested that the site would be 8 feet under water if a levee were to break; one person questioned how the site would be accessed. Two people questioned the current ownership of the proposed easements for the drainage water. Two other people expressed general concern with the drainage from the SPP.

Consequences

One individual questioned if there would be a governmental agency to represent landowners if pollution was caused by the SPP. Another individual asked about an alternate water supply if the brackish water were to cause problems to a water supply. A third commentor suggested that if the local wells were to go dry, there would be inadequate redress.

Ponds

One commentor asked if the concentrated brine retaining ponds would be clay-lined. Another individual wondered how the retention pond would keep brackish water in the pond when the entire area is under floodwater.

Discharge

One individual expressed concern with the quality of the water discharged from the site and stated that all runoff should meet state and Federal clean water regulations. A second individual concurred with those comments. Another individual expressed concern about leakage from the canal where the transmission line poles were located.

5.2.16.2 Response

Soils and water resources were covered on pp. 465-486 of the *Draft EIS*. The laws, ordinances, regulations and standards related to soil and water resources were noted on pp. 465-467 of the *Draft EIS* and included both standards for construction activities as well as for normal operations and maintenance activities. The project specific impacts and the cumulative impacts were discussed on pp. 471-479 of the *Draft EIS*. A general discussion of mitigation measures was presented on pp. 480-481. Specific Conditions of Certification were presented on pp. 482-484 of the *Draft EIS*, and in Appendix O.

The dry-cooling option discussed on p. 6 of the *Draft EIS*, would reduce the use of groundwater by 95 percent. This alternative would effectively eliminate concerns over groundwater and water discharges (*Draft EIS*, pp. 474-477); the plant would be a zero-effluent discharge facility. No discharge permit would be required for this plant.

On February 26, 1999, in a letter to the Commission (Appendix M), Calpine outlined the processes to be used for process water generated from the SPP. Make-up water for the steam cycle would be derived in a manner that would negate the need for the

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acid and caustic storage and handling system on the site; demineralized water would be held in a tank with over 24 hours of storage. Wastewater would mostly be recycled. That not recycled would be treated and sent to the zero discharge system, which would include an evaporator, thus an evaporation pond would not be required. The effluent from the evaporator would be converted into a cake by a crystallizer. The cake would be sent to a hazardous or nonhazardous landfill to be determined by the hazard content.

The brine ponds were discussed in some detail on p. 477; it was assumed that these ponds would be lined with an impervious material that would prevent them from leaking. However, clay lining was not specifically mentioned. Testimony also indicated that Calpine could use a crystallizer — used to distill water from the brine — or they could haul the brine offsite (*PMPD* p. 189). Conditions of Certification Soil & Water-7 (Appendix O) requires that, should Calpine select to use an evaporation pond, Waste Discharge Requirements would need to be obtained from the Regional Water Quality Control Board.

Facility design takes into account the fact that the facility would be built in a floodplain. The project area would be protected from a 100-year flood by levees. The SPP site averages 36 feet above sea level, and the flood level resulting from a levee break was estimated by Calpine to be 6-8 feet, which coincided with the commentors' estimate. The plant design had the floor of the plant at 44 feet above sea level, with the floor of the plant at the highest water level. The Commission contended that this would be adequate protection from floods. The Commission did require specific on-site retention of stormwater during periods of high runoff to ensure that the project would not contribute to drainage problems in the area (Soil & Water-6; Appendix O).

5.2.17 PALEONTOLOGICAL RESOURCES

5.2.17.1 Comment

No comment received.

5.2.17.2 Response

No response needed.

5.2.18 FACILITY DESIGN

5.2.18.1 Comment

About one percent of the comments was concerned with the facility design in the area of security, especially in relation to vandalism.

One commentor asked why would an underground pipeline, (electrical line, not gas line) have to have so many manholes?

5.2.18.2 Response

Facility design was covered in the *Draft EIS* on pp. 509-536. The *Draft EIS* (p. 513) discussion on site lighting indicated the site lighting system would provide personnel with illumination for the performance of general yard tasks, safety and plant security.

The question regarding manholes arose during discussions of building the transmission line underground and the need to build an access point about every 1/4 mile. An underground transmission line required splicing of the shorter lengths of cable and/or pipe be done in a clean dry area, hence the requirement for the number of access points. Each splice point would take place within a concrete vault, 12 feet by 16 feet and buried 6 feet in the ground, with a manhole above ground for access. The manhole might have to be elevated above the ground surface to be above the water level in any field. The total length of cable or pipe that could be ordered on a reel determined the number of manholes. Currently, solid dielectric cable comes on 1600-foot reels and the pipe-type cable comes on 2000-foot reels. Therefore, there would be a need to construct a vault about every 1/4 mile.

5.2.19 POWERPLANT RELIABILITY

5.2.19.1 Comment

No comment received.

5.2.19.2 Response

No response needed.

5.2.20 POWERPLANT EFFICIENCY

5.2.20.1 Comment

No comment received.

5.2.20.2 Response

No response needed.

5.2.21 TRANSMISSION SYSTEM ENGINEERING

5.2.21.1 Comment

About four percent of the comments received involved transmission line engineering. One person wanted to know the diameter of the transmission line tower at its base. Others wanted to put the transmission line underground and discussed the various financial, technical and farming operation reasons to do it. They also proposed various routing alternatives and considerations for co-locating the electrical conductors and gas pipelines should the various easements and engineering allow this to happen.

5.2.21.2 Response

Transmission system engineering was discussed on pp. 553-570 of the *Draft EIS*. In terms of the diameter of the base of a typical transmission structure, the actual diameter of the structure is typically determined at the time of structure design. Often the footprint of the structure depends on several factors, such as the price and availability of steel at the time it is acquired. It was noted that the structure diameter at the base was never given in the pertinent sections of the *Draft EIS*, nor was it presented in the AFC by Calpine, probably for these reasons. However, to make estimates of impacts to land use, it was estimated by Calpine in its supplement to the AFC that the diameter would be approximately 3-3.5 feet (Calpine 1998 Supplement, p. S-28). This also appeared in the biological section of the supplement in order to estimate the amount of habitat loss by the transmission line. The figure appeared then in the *Draft EIS* section on biological resources (p. 434).

The interest in building the transmission line underground was noted; however, as noted above in Sec. 5.2.18.2, considerable information was presented to the public by Calpine, in consultation with Western, about the drawbacks of undergrounding a high voltage line (transcripts of the evening hearing, November 2, 1998). Mr. James L. Dykes conducted a study on undergrounding and concluded that the impacts and costs far outweighed the environmental benefits. These systems tend to be very expensive to install, expensive to maintain and expensive to repair. Western has no experience in maintaining underground transmission lines, and it would require considerable expense to train line crews for the new technology. [See Sec. 3.4.16, Transmission System Engineering for further discussion on undergrounding the transmission line.]

5.2.22 FACILITY CLOSURE

5.2.22.1 Comment

About two percent of the comments made at public hearings were related to plant closure issues. One person asked how could removal of a bankrupt SPP be guaranteed without a closure fund. One person noted a local example of a plant

where the site was abandoned and left with environmental hazards. The person asked the Commission to protect them from a recurrence of such an event.

5.2.22.2 Response

These issues were covered in the *Draft EIS*, pp. 571-578. As noted in the *Draft EIS*, there are Federal and state regulations governing the management of hazardous materials and solid waste as well as mandates related to removal of abandoned electrical facilities. These would apply in the event of a unplanned or planned closure of the SPP. The Conditions of Certification (pp. 575-578; Appendix O) included requirements regarding contingency plans in case of unplanned closure, which must include site security, removal of hazardous materials and wastes, drainage of chemicals from storage tanks and the safe shutdown of all equipment. The SPP owner would notify the Energy Commission Compliance Program Manager in the event of an unplanned closure and take all necessary steps to ensure there was no immediate danger to health, safety or the environment from materials on the site. In the event of a planned closure, the SPP owner would file a proposed closure plan with the Energy Commission. The Energy Commission could decide to hold workshops to allow the Sutter County Planning Department and interested agencies and parties to comment on the proposed closure plan.

In regard to the specific question concerning a closure fund, Calpine provided an explanation in the hearings on the morning of November 10, 1998. Essentially, facility closures funds are normally provided in cases where there will be a potentially dangerous situation should a facility close and the potential environmental hazards are not controlled. This should not be the case with a gas-fired generation plant. Calpine also mentioned the fact that closure funds were provided where there would be a "salvage liability;" in other words, the facility would be so contaminated that the remaining equipment would have no value and would be costly to clean up. This also would not be the case with a gas-fired plant. Calpine did not find a single instance of a gas-fired plant that had closed, even due to bankruptcy.

5.2.23 COMPLIANCE MONITORING

5.2.23.1 Comment

About one percent of the comments were related to compliance issues. Two people noted the design change to a dry-cooling tower but asked if this process did not operate correctly would the applicant revert to wet cooling and the pumping of groundwater. Another person expressed the need of local residents to assume a watchdog position, making sure the Conditions for Certification of the SPP were met. One person asked for detail on the Commission permitting process that would be used should a major amendment to the SPP be sought.

5.2.23.2 Response

The Commission (or other agencies to which it may have delegated authority for compliance verification) would have to agree to any changes in the design or operation of the plant. As evidence of meeting the verification requirements of each Conditions of Certification, the SPP owner would be required to provide monthly compliance reports during construction as well as an Annual Compliance Report to the Compliance Project Manager showing the status of all open Conditions of Certification. As noted in the *Draft EIS* (p. 587), any person or agency may file a complaint alleging noncompliance with the Conditions of Certification.

If there were any change to the design or any change that might take place during construction or operation, the SPP owner would have to come to the Commission and formally request to change the SPP. The Commission would then initiate its full process and proceedings, including a look at the change by all the technical areas from an environmental, systems, and engineering standpoint; review the analysis; and coordinate with local agencies regarding any of the impacts due to those changes. The Commission would then hold workshops and eventually hearings on the change. The change would finally go to the full Commission for a review and a decision.

5.3 WRITTEN COMMENTS FROM GOVERNMENTAL AGENCIES

The governmental agencies, noted in Table 5.3, submitted written comments on the *Draft EIS*. Scanned copies of these letters are enclosed. Additionally, the letter received from the Department of the Interior is included in Appendix J, and is not included in the scanned letters, as the agency had no comments on the *Draft EIS*, and the letter was received after close of public comment. Western's responses to the issues raised in these letters are shown on the right side of the scanned letters.

TABLE 5.3 COMMENTS FROM GOVERNMENTAL AGENCIES

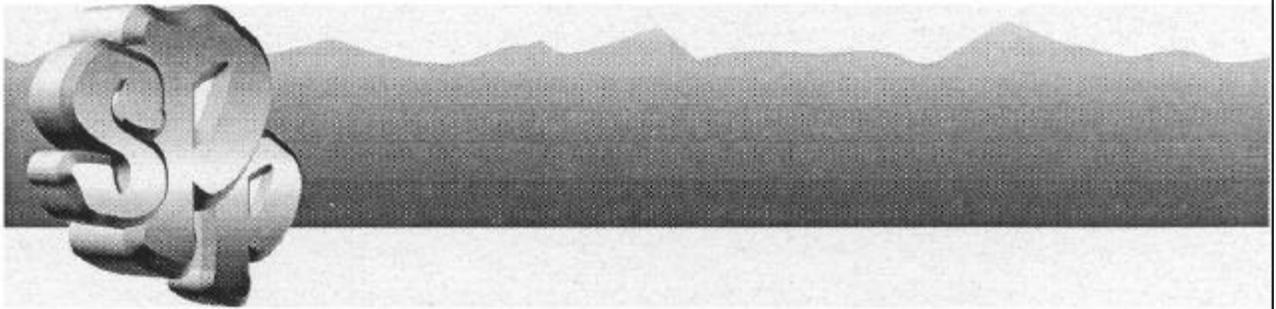
Affiliation	Individual or Signatory	Date Received
California Department of Fish and Game – Region 2	David S. Zezulak, Environmental Specialist IV, Supervisor	22 Oct. 98
U.S. Environmental Protection Agency	Deanna M. Wieman, Deputy Director, Cross-Media Div.	11 Dec. 98
U.S. Department of the Interior, Office of Environmental Policy and Compliance	Patricia Sanderson-Port Regional Environmental Officer	6 Jan. 99

5.4 WRITTEN COMMENTS FROM INTERESTED CITIZENS AND PRIVATE ORGANIZATIONS

The interested citizens and private organizations, noted in Table 5.4, submitted written comments on the *Draft EIS*. Scanned copies of their letters are enclosed. Western’s responses are shown on the right side of the scanned letters. Also, included are statements of the California Unions for Reliable Energy (CURE), an intervenor.

TABLE 5.4 COMMENTS FROM INTERESTED CITIZENS AND PRIVATE ORGANIZATIONS

Code	Individual or Signatory	Affiliation	Date Received
12	Marilyn Kenyon	Resident	18 Oct. 98
11	Lorne M. Cole	C&P Duck Company	23 Oct. 98
10	Nadinen Mitchum	Resident	24 Oct. 98
9	Charlie Onstott	Onstott Duster, Inc.	25 Oct. 98
8	Harry B. Hunt	Resident	25 Oct. 98
7	Charles E. Roberts	Roberts Consulting Engineering	26 Oct. 98
6	Patricia Luther	Resident	28 Oct. 98
5	Richard L. Thurn	Gray and Thurn, Inc.	29 Oct. 98
4	Wilma Creps LaPerle	Resident	9 Nov. 98
3	Richard L. Thurn	Gray and Thurn, Inc.	30 Nov. 98
13	George Van Ruiten, Pres.	Yuba/Sutter Farm Bureau	30 Nov. 98



**Government
Agency
Comments**

Sierra Nevada Customer Service Region

STATE OF CALIFORNIA
AGENCY

THE RESOURCES

Memorandum

To : Mr. Paul Richins,
Project Manager
California Energy Commission
1516 Ninth Street, MS - 15
Sacramento, California 95814

Date : October 22, 1998

A. Comment noted.

From : Department of Fish and Game - Region 2

Subject : Consultation for Calpine Corporation's Sutter Power Plant (97-AFC-2)

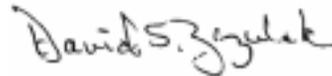
The California Energy Commission (CEC) submitted a Staff Assessment of Calpine Corporation's Application for Certification of the Sutter Power Plant (97-AFC-2) and of the power plant siting. The proposed plant is a natural gas fired plant producing 500 megawatts of electricity and requires a four mile transmission line, a 14.9 mile gas pipeline, a 2.9 acre switching station and would be sited on 16 acres of grassland and wetland habitats.

The CEC participated fully in informal consultation with the Department of Fish and Game (DFG) to evaluate the potential of this project to jeopardize the continued existence of any endangered or threatened species, pursuant to Fish and Game Code § 2093 and 2094. The Staff Assessment notes that the following state listed species could be affected by the project: bald eagle, American peregrine falcon, winter-run chinook salmon, giant garter snake, Swainson's hawk, greater sandhill crane, and several Species of Special Concern.

During consultation CEC and DFG staff from headquarters and from Region 11 made site visits, attended workshops, and coordinated with the U.S. Fish and Wildlife Service. CEC staffs participation in this consultation process and inclusion of measures to reduce the impacts of this project to special status species have effectively reduced the potential impacts to these species and their habitats. Consequently, if the project is built as proposed and the Commission's Conditions of Certification are fully implemented, this project will not jeopardize the continued existence of the above state listed species. The Department further finds that the proposed project will not result in the taking of any endangered or threatened species, nor will it result in the destruction or adverse modification of habitat essential to the continued existence of those species incidental to the completion of the proposed project.

Thank you for working with our staff to minimize the impacts of this project to the state's wildlife resources. Please call (916) 358-2919 if the DFG may be of further assistance.

PROOF OF SERVICE (REVISED _____) 1
ORIGINAL MAILED FROM SACRAMENTO ON.



David S. Zezulak, Ph.D.
Environmental Specialist IV, Supervisor

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105
 REC 11 APR

Loreen McMahon
 Environmental Project Manager
 Sierra Nevada Region
 Western Area Power Administration
 114 Parkshore Drive
 Folsom, CA 95630

Dear Ms. McMahon:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Sutter Power Plant Project, Sutter County, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

The DEIS evaluates the environmental effects of the proposed construction, and operation of a power plant, and related transmission lines, linking the proposed facility to the Western Area Power Administration's (Western) high voltage transmission system. The Proposed Action is a 500 megawatt natural gas fueled, combined cycle, electric generation facility; a new 5.7 mile 230-kilovolt (230-kV) generation tie-line; a transmission line switching station; and a 12-mile (16 inch) natural gas pipeline. Alternatives to the Proposed Action presented in the DEIS include the No Action alternative, and four additional power-plant site alternatives (selected from an initial set of eleven potential sites). Analysis of alternative transmission line routes or gas pipeline routes are not systematically presented; however, alternative routes for the proposed transmission line and gas pipeline are discussed in various media-specific sections of the DEIS. The transmission line and pipeline aspects of the project are also discussed in the alternatives analysis of the four additional potential power-plant sites.

Western has not identified a preferred alternative in the DEIS, thus requiring EPA to rate alternatives individually, according to our Policy and Procedures Manual for Review of Federal Actions Impacting the Environment (EPA Manual 1640). The No-Action alternative (alternative 1) is rated LO (Lack of Objections). The Proposed Action is rated EO-2 (Environmental Objections-Insufficient Information). The other power plant alternatives and various mentioned alternative transmission line/gas pipeline routes are not rated, because there is insufficient information presented in the DEIS to do so. However, based on the provided information we are in agreement with Western that the O'Banion Road alternative site could be environmentally preferable over the Proposed Action. The basis of the "EO" portion of our rating reflects the potential for significant environmental degradation that could be corrected by project modification or other feasible alternatives. Furthermore, we question whether the Proposed Action, as described, would be consistent with requirements of the Clean Air Act and Clean Water Act. The

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A. Comment noted.

B. EPA is correct that the *Draft EIS* (p.31) indicated that the O'Banion Road site may appear environmentally preferable, based upon an analysis of those critical issue areas identified in the draft. However, as stated on p. 17 of the *Draft EIS*, "It is premature to consider the environmentally preferred alternative presented at the end of this chapter [p.31] as Western's environmentally preferred alternative; Western will wait until all information from the public and interested parties is received and analyzed prior to announcing its selection. The alternative presented at the end of the chapter is the one that the Commission staff believes is the least damaging but, as stated above, it does not factor in any of the mitigation at the proposed site that may reduce impacts to less than significant." Western identifies the preferred alternative in this *Final EIS* (Chapter 1, Section 1.6); "Western believes that the SPP would not have any significant impact on the human environment provided that Calpine follows the Conditions of Compliance imposed by the Commission and detailed in the Presiding Members Proposed Decision (PMPD). Western supports the proposed action, with the dry-cooling alternative and the transmission line alternative along O'Banion Road, as the preferred alternative." Western has included in this *Final EIS* additional presentation of the Alternatives Analysis so that the alternatives can be compared more easily. Please see Section 4.2 for this discussion.

The Commission and Calpine have been working with the Air Division of EPA Region IX extensively during the certification process. Additionally, Calpine has submitted an application to the U.S. Army Corps of Engineers for a Clean Water Act permit. There are specific Conditions of Certification presented in the PMPD related to air quality (Appendix O) and water quality that assures compliance with the Clean Air Act and Clean Water Act (*Draft EIS* p. 482-484).

REC 11 1998

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"2" portion of our rating is based on the serious need for additional information and clarification in the EIS on alternatives analysis, construction related air impacts, impacts to wetlands and flood plains, and cumulative impacts. A detailed explanation of our rating system is attached. Presentation of additional information in the Final EIS (FEIS), and adoption our recommendations, as identified and explained in our attached detailed comments, could alleviate our objections.

EPA Region IX received the copy of the DEIS more than three weeks after beginning of the review period, and consequently in our December 1, 1998 letter we requested an extension of the review time to fully accommodate our statutory review obligations. Our request was denied. As noted in our letter, one important consideration when filing an EIS with EPA Headquarters is that the lead Federal agency should have completed the distribution of the EIS by the time the Notice of Availability appears in the Federal Register (in this case, October 30). In a follow-up phone conversation, you explained that our request for an extension was denied because the schedule for this analysis has been set both by the California Energy Commission (CEC) and by the Western Area Power Administration (Western) and is intended to meet the legal requirements of the CEC for a 12 month process, thus necessitating completion of a Final EIS (FEIS) by the end of December, 1998. Based on your information, EPA is very concerned that the "short time line" NEPA process that Western has undertaken may not be consistent with NEPA to insure that the EIS "... shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decision already made." (40 CFR 1502.2(g)). We are also concerned that decision makers may not have all the necessary information available before decisions are made and actions taken (40 CFR 1500.1(b)).

We appreciate the opportunity to review this DEIS. EPA intends to work with you to resolve our objections, ensure incorporation of additional data into the DEIS, and clarify issues. We will contact you to set up a meeting to implement the resolution process to our objections. Two copies of the Final EIS should be sent to this office, attention David Farrel, at the letterhead address (mail code CMD-2) when it is officially filed with our Washington, D.C., office. For any questions, please contact Karl Kanbergs, of my staff, at 415-744-1483, or David Farrel (Federal Activities Office Chief) at (415)744-1584.

Sincerely,

Deanna M. Wieman, Deputy Director
Cross-Media Division

003194/98-301
Enclosure

cc: Paul Richins, California Energy Commission, Sacramento
Chief, Regulatory Branch, U.S. Army Corps of Engineers, Sacramento

- C. Western notes that the process used to inform EPA's Region IX office of release of the *Draft EIS* did not meet the expectations of EPA nor Western. Our process has been revised to include direct distribution to your department. Additionally, Western will prepare a lessons learned document, which will address improvements to the joint process for future use. This document will include distribution of documents and requests for extension protocols.
- D. Western regrets that EPA had such a short time to finalize comments before the close of the comment period, and has worked with your office to assure that comments by EPA have been addressed in this *Final EIS*. In our discussions on Jan. 12, 1999, your concern over the 45-day public comment period centered on whether the general public had had enough time to respond to the *Draft EIS*. As discussed, one of Western's purposes in the joint process was to provide the public with the maximum input. The Commission's process allows the decision makers (both the Commissioners and Western) greater opportunity for interaction with the public than is normally possible under NEPA. The hearings allow interested parties to interact with the decision makers and have their concerns addressed. On several occasions cross-examination and/or supplemental analysis were performed as a direct result of public input. Thus, the Commission's process enhances, rather than compromises the NEPA process. Neither the Commission nor Western received comments from citizens other than those who appeared at the hearings.

Western has considered all the information offered but has not arrived at any decision on this project, nor do we intend to make a decision prior to the release of our ROD. Western has not finalized any decision concerning the request from Calpine to interconnect with Western's system. The *Draft EIS* is not the decision document for Western's action; it is intended to be informational.

- E. Comment Noted.

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SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION**Environmental Impact of the Action****LO-Lack of Objections**

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EI-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement**Category 1-Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analysis, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analysis, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

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NEPA ALTERNATIVES ANALYSIS

The alternatives analysis presented in the Draft Environmental Impact statement is seriously insufficient. The alternatives analysis is the heart of the environmental impact statement and should "present the environmental impacts of the proposal and the alternatives, in comparative form (emphasis added), thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public" (40 CFR 1502.14). We do not consider that the level of alternatives analysis presented in the DEIS defines issues or provides a clear basis for choices. For example, while the environmental consequences for the proposed action receive great attention, they are not sufficiently contrasted against the No Action alternative, by media category. The no action alternative is described and summarized in less than three pages of text and does not appear to meet the NEPA intent of "rigorous" and "objective" evaluation (40 CFR 1502.14(a)). A more systematic analysis comparing and contrasting the environmental consequences of the NoAction alternative against the other selected alternatives should be presented in the FEIS. Additionally, baseline conditions presented through discussion of a No Action alternative serve to facilitate the analysis of cumulative impacts.

The DEIS analyzes four power plant alternatives in moderate detail, but again, not in a rigorous manner that would demonstrate "scientific integrity of the discussion and analysis" as required by NEPA (40 CFR 1502.24). For example, Western acknowledges that the O'Banion Road alternative site could have less adverse environmental impacts than the Proposed Action. However, Western goes on to say that "although staff has identified the O'Banion Road site as environmentally preferable among the studied alternatives, staff does not have sufficient basis to conclude that the O'Banion Road site is environmentally preferable to the SPP project site." (In the DEIS, Western identifies the Environmentally Preferable alternative, referring to NEPA requirements, as the No Action alternative.) We note that the O'Banion Road site would not impact wetlands and would not require construction of any significant length of transmission lines, and overall could be better or equivalent to the Sutter site (Proposed Action). Since Western has not determined the feasibility of this site, and it would currently appear to meet Western's Purpose and Need, we strongly recommend that a detailed alternatives analysis of the O'Banion Road site be included in the Final Environmental Impact Statement (FEIS), or additional information be provided in the FEIS indicating why further analysis of the site would be unreasonable in the context of feasibility or Purpose and Need.

A more rigorous alternatives analysis of various technical options available at the Sutter site is also recommended. EPA recognizes the benefits of the project proponent's (Calpine) proposal to use a 100 percent dry cooling technology, thus sharply reducing potential water consumption, PM₁₀ impacts, and establishing a zero-discharge facility. We are left with the distinct impression that the option to use the dry cooling technology was added late in the EIS preparation process. (See page 449 of the DEIS-- "Recent changes in project design and lack of complete information

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- F. Western does not agree that the alternatives analysis is "seriously insufficient." However, we do agree that the analysis was not presented in a comparative format. To clarify this requirement, Western included in this document, in Section 4.2, additional discussion of the alternatives, the process used and the alternatives in a comparative format.
- G. The "no action" alternative in a NEPA analysis is normally used as the benchmark by which other alternatives, including the proposed project, is measured. For this project, the only significant environmental concern (socioeconomic) of the no-action alternative is the need for additional electricity in the Sacramento Valley within the next six years (see Section 4.2, Table 4.1). This means that a powerplant will need to be built somewhere to support the increased demand for electricity within the next few years. The Commission's process determines which is the best location to site a plant, and thus analyzes the alternative sites against the proposed site. This is done after it is determined the need for electricity (need conformance) has been established. In the case of SPP, the Commission has determined that all environmental impacts can be mitigated to less than significant.
- H. Western disagrees that the analysis performed was not rigorous enough; it was presented in a format unfamiliar to EPA. Table 4.1, in Section 4.2, provides a format that can be used to compare the alternatives and includes information from the *Draft EIS* and the supplemental testimony. The O'Banion Road site was specifically determined to not be a reasonable alternative for the reasons given in the *Draft EIS* (p.33), the supplemental alternatives analysis (Appendix I) and discussed in the PMPD (p.245-257) and summarized in Section 3.4.15 of the *Final EIS*.

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regarding final project design...") The dry cooling option is called a mitigation measure (DEIS, pg. 477). EPA strongly recommends that in the FEIS, Western distinguish this option as a distinctive on-site alternative and then compare it against the same project, but with a more conventional water cooling system (e.g., "Proposed Action" vs. "Proposed Action with Dry Cooling"). The addition of this alternative and comparison of various media-categorized impacts (water, air, construction, etc.) would allow the public and decision makers to clearly view the various impacts generated between the two alternatives. For example, we note that the dry cooling facility could potentially impact more wetlands than the original design. (Please refer to our comments under "Water Issues"). A matrix-type table comparing impacts and proposed mitigation measures is a recommended format. This information should be presented in a way that compares impacts between the various alternatives.

AIR ISSUES

On page 102 of the DEIS (Table 14), Western notes that the estimated suspended particulate matter (PM₁₀) and NO₂ impacts from the proposed project's construction activities would be "very high." The 24 hour averaging time PM₁₀ concentration ("maximum impacts") is projected to be 699.3 µg/m³, well above the National Ambient Air Quality Standard (NAAQS) of 150 µg/m³. Western states that the "staff will further discuss these analyses and the modeling results in the FSA." (The FSA is the Final Staff Assessment by the California Energy Commission.) While this may meet CEC requirements, we did not find any further information in the DEIS to explain the modeling or the legal framework discussing how the high levels of PM₁₀ would not violate the Clean Air Act regulations. Additional clarification and modeling information should be presented in the FEIS, along with clarification of construction-related permit requirements and consistency with air regulations. Including such information in the Environmental Impact Statement prepared by the lead-federal agency (Western) is clearly required by CEQ Regulations (40 CFR 1502.14, 1502.16 and 40 CFR 1502.2(d), 1502.25(b)).

The project will require a Prevention of Significant Deterioration (PSD) permit from the EPA. EPA region IX, Air Division, expects to continue working with Calpine, Western and other agencies to ensure that the proposed power plant fully complies with Clean Air Act requirements during the operational phase. Please note that PSD increments are highly protective of air quality in Class I areas such as wildernesses and national parks. The FEIS should identify any Class I PSD areas located within at least 100 kilometers of the proposed project site, and by conducting appropriate modeling, show potential impacts to such areas. Class I areas even further away could potentially be affected as well. Western should consult with the Bureau of Land Management, U.S. Forest Service and other federal agencies, as appropriate, for a determination of which areas could be adversely affected by the proposed action. Potential impacts to Class I PSD areas, including visibility impacts, should be discussed.

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I. The Alternatives Comparison Matrix (Table 4.1, Section 4.2) includes the Sutter site with conventional plant operations.

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J. Western and the Commission released the *Draft EIS* before the FRAQMD finalized their Final Determination of Compliance on the impacts associated with project on Nov. 13, 1998 (Appendix F). A revision to the air quality section was prepared once the FDOC was submitted (Appendix G and H). Calpine has proposed to offset the impacts of the construction-related activities for PM₁₀ through the use of emission reduction credits and other mitigation measures. This would result in the project complying with the National Ambient Air Quality Standards.

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K. Western acknowledges and understands the stringent nature of the Prevention of Significant Deterioration (PSD) permit process. The Commission and Calpine have been working throughout the certification process with the Air Division of EPA Region IX toward complying with all permit requirements. Prior to the completion of the *Draft EIS*, a PSD permit was submitted to the EPA and the application has been deemed complete (*Draft EIS*, pg. 105). As the project proponent, that permit is the responsibility of Calpine.

Calpine identified in their AFC (pg. 8.1-41) that there were no Class I areas within 100 kilometers of the proposed project site. Western and the Commission did not include this information in the *Draft EIS* because there appeared to be no need. The AFC document is referenced throughout the *Draft EIS* and is available from Calpine, Western or the Commission upon request.

Additionally, the Commission included 33 Conditions of Certification for air quality in the PMPD (pp.48-62). These are included in Appendix O for your reference.

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The DEIS states that to fully mitigate the proposed facility's potential emission increases, Calpine will need to provide emission reduction credits. To the greatest extent possible, the FEIS should present the final recommendations regarding criteria air pollutant impacts, per discussions presented on page 125 of the DEIS, and based on the Final Determination of Compliance (DOC).

WATER ISSUES

Western notes that the Proposed Action, assuming the dry cooling system, would require an individual Clean Water Act Section 404 permit issued by the U.S. Army Corps of Engineers (Corps). Calpine has requested authorization to fill 5.83 acres of wetlands. EPA strongly recommends avoidance of waters of the United States, and believes that the described project could offer flexibility in siting of facilities. However, in cases where an individual permit is required, EPA will review the project for compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the Clean Water Act. Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the DEIS should discuss alternatives to avoid those discharges. The discussion of alternatives should be rigorously done to show compliance with the CWA 404 "Guidelines."

If a discharge to Waters of the U.S. cannot be avoided, the DEIS should discuss how the impacts would be minimized and mitigated. This discussion should include (a) assessment of the area impacted by type, function and habitat, (b) acreage and habitat type and function of waters of the U.S. that would be created or restored; (c) water sources to maintain the mitigation area; (d) the revegetation plans including the numbers and age of each species to be planted; (e) maintenance and monitoring plans, including performance standards to determine mitigation success; (f) the size and location of mitigation zones; (g) the parties that would be ultimately responsible for the plan's success; and (h) contingency plans and financial assurance that would be enacted if the original plan fails. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation. This comports with CEQ Regulations which state that an EIS should, "to the fullest extent possible" be prepared concurrently and integrated with other environmental review laws (40 CFR 1500.4(k), 1502.25(a), 1506.4).

The Sutter project alternative described as the Proposed Action would be located within a 100-year flood plain and, as noted above, would impact wetlands. In the FEIS, Western should describe how the proposed action is consistent with the intent of Executive Order No. 11988 and Western's (DOE) Flood plain/Wetlands environmental review requirement regulations at 10 CFR

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L. Section 1.7 discusses Western's Floodplain/Wetland Statement of Finding. Specifics of how the impacts would be minimized and mitigated were included in the Draft EIS in the Biological Resources section, pp. 425-461. The final Conditions of Certification (Appendix O) specifically describe these measures.

M. The discussion of wetland impacts for the proposed action occurs under the biological resources section of the *Draft EIS*. The type, function and habitat can be found on pg. 430-433. The specific impacts to wetlands are discussed on pp. 435-436. Mitigation measures (Conditions of Compliance) are discussed on pg. 457-460, including specific mitigation for wetlands, and are also listed in this document as Appendix O. Two of these conditions stipulate that Calpine agreed to provide in-kind replacement of wetland habitat, mentioned above, and that Calpine would establish an account to provide for perpetual maintenance (p. 457). Calpine would also provide funds to Wildlands, Incorporated who would acquire and manage the replacement wetlands, at approximately \$52,000 per acre (pg. 459).

As required by 10 CFR 1022.15, Western is required, should it determine that there is no practicable alternative to the disturbance of wetland, to publish its findings either in the *Final EIS* or in the Record of Decision. Western has included this information in Sections 1.7 of this *Final EIS*.

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1022. Part 1022.12 of these regulations specifically requires a description of the affected Flood plain/wetland, including potential direct, indirect and long and short-term effects from the Proposed Action— and an analysis of alternatives to the proposed action. In light of the alternatives analysis required by the CWA 404(b)(1) alternatives analysis guidelines, required NEPA alternatives analysis, and the requirements of your own regulations, we strongly encourage you to include this data, information and analysis in the FEIS.

CUMULATIVE IMPACTS

The DEIS insufficiently analyzes cumulative impacts. The Council on Environmental Quality's (CEQ) regulations for implementing NEPA define cumulative effects as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other action (40 CFR § 1508.7).

For additional clarification and reference on Cumulative Impact analysis we refer you to the CEQ publication *Considering Cumulative Effects Under the National Environmental Policy Act* (CEQ, January 1997). The complete document may be down loaded from the following URL address: <http://ceq.eh.doe.gov/nepa/ccenepa/ccenepa.htm>. According to the CEQ, the principles of cumulative impacts analysis are: inclusion of past, present and future actions, inclusion of federal, nonfederal, and private actions, focus on each affected resource, ecosystem, and human community, and focus on truly meaningful effects.

Additional cumulative impact analysis of potential air impacts should be provided in the FEIS. On page 104 of the DEIS, Western states that "the major component of the protocol required Calpine to include in the modelling all known future projects within six miles of the SPP." "(Since) ...there are no planned facilities within the six miles that are eligible for modelling ...cumulative impact analysis was unnecessary." (See our comments under "Air Issues".) The NEPA implementing regulations require the analysis to also consider past and present actions, and the CEQ guidelines recommend varying the geographic scope of the analysis commensurate with the resource being analysed. For air impacts, the appropriate analysis would be to discuss the entire airshed (also see our comments under PSD, above), and to include other potential past, present, or potential future air-related impacts within the airshed. For instance, expected growth-related impacts as they apply to air quality within Sutter County and other nearby areas should be included in the FEIS. The FEIS should discuss any planned future home developments and/or other construction activities that may directly or indirectly bear on future air quality, when combined with the projected emissions from the Proposed Action.

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N. The *Draft EIS* discusses the cumulative impacts of the proposed project on the air quality. Used as background in the preparation of the *Draft EIS*, Western and the Commission consulted the AFC prepared by Calpine. In that document (pp. 8.1-1 through 18), the existing conditions of the regional airshed are described in some detail. This airshed may be defined as the Sacramento Valley Air Basin, which consists of an area bounded by the Coast Ranges on the west, the Sierra Nevada Range on the east, the Cascade Range to the north and the San Joaquin Air Basin to the south. This includes roughly 25,000 square miles of Northern California, encompassing agricultural lands, forests and urban areas. It would be nearly impossible to compare the impacts of the SPP to past, present and future air impacts in a region so diverse. Developments of all kinds have occurred, are being developed and are proposed for this region. Currently in place in this region are a variety of electrical generators, including hydropower, solar and geothermal plants that are low or nonpolluting. There are also more polluting plants in place that burn oil or gas, biomass municipal solid waste as fuel. One new plant is planned for this region, some 160 miles north of SPP. Two new plants are planned just outside the region to the south and west.

Air quality due to development in the airshed is also discussed at some length in the *Draft EIS*. The southern portion of Sutter County is included in the Sacramento Air Quality Maintenance Area due to projected development adjacent to the municipal area of Sacramento. Essentially the Sacramento area has the worst air quality in the region, primarily in the areas of ozone and particulate matter (PM10). This can be seen as the results of increased vehicle use over the years, and California has probably had the strongest program in the nation to combat these air issues. Some of the PM10 impacts are due to agricultural activities in the rest of the area. The SPP would emit ozone precursors that would be mitigated by energy reduction credits purchased by Calpine from both within the immediate air quality district and from the adjacent Sacramento district. This should lead to cleaner air and it would not cause a cumulatively negative effect.

*Sutter Power Project, DEIS
EPA Comments – December, 1998*

Similarly, we found the cumulative impact analysis of water-related resources to be insufficient. We recommend that the analysis presented in the FEIS should focus on a watershed or river basin (or parts thereof), and summarize the current impairment/adverse effects of water resources, water quality, and related ecosystems in the study area. In essence, additional analysis is needed in the FEIS to establish a baseline for the affected environment. In particular, the FRUS should emphasize the potential impacts to wetlands, and incremental cumulative wetland impacts.

GENERAL NEPA REQUIREMENTS

The DEIS does not follow the general recommended format for an EIS. The standard format should be followed, unless the agency determines that there is a compelling reason to do otherwise (40 CFR 1502.10). While the regulations allow a different format, in the FEIS, Western should explain why the standard format was not followed and must include an index, and a list of agencies, organizations and persons to whom copies of the statement were sent (requirements of 40 CFR 1502.10). Under environmental consequences, NEPA at 40 CFR 1502.16 requires discussion of "the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resource which would be involved in the proposal should it be implemented." While Western acknowledges in its Purpose and Need Statement (pg. 13) that these discussions will be addressed in the DEIS, we could not find these sections in the document. These discussions should be included in the FEIS.

Of particular relevance to energy projects are the requirements of 40 CFR 1502.16(e) and 1502.16(f), to respectively discuss energy requirements and conservation potential of various alternatives and mitigation measures, and natural or depletable resources requirements and conservation potential of various alternatives and mitigation measures. These topics should be presented and summarized in the FEIS. EPA recommends that to broaden and enhance the above discussion, Western reference and incorporate applicable material into the EIS (40 CFR 1502.21). The Sutter Power Project DEIS should be tiered to any previous Western resource or energy planning NEPA documents, and these earlier document(s) should be made available to the public and other agencies (40 CFR 1502.20).

As the DEIS states, Western is undergoing the process of consultation with Fish and Wildlife Service ("Section 7" Consultation) and the required consultation with the State Historic Preservation Officer ("Section 106" consultation). The results and conclusions of these consultations should be presented in the FEIS as recommended in the regulations at 40 CFR 1502.25(a).

1

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O. The regional water basin is described in the *Draft EIS* on pp. 465-470; cumulative impacts are discussed on p. 479. The wetlands are discussed on pp. 430-433 and cumulative impacts on pp. 441-442. The Sacramento Valley in general shows the effects of more than 100 years of efforts to tame floodwaters and reclaim farmland. While the area is technically floodplain, the area is classified as Zone X, which is protected from 100-year flood events by levees. The historic drainage patterns have been extensively altered by the construction of these levees and drains. The impact of the SPP site on stormwater drainage is discussed in Section 4.2.16.2. Since SPP would have no impact on surface water, it should have no cumulative impact on water resources.

Calpine has indicated the wetlands on the SPP site are man-made seasonal wetlands as the result of the construction of the existing Greenleaf I plant. This property was under rice cultivation for the 100 years prior to the plants construction in 1986. Some of the pools were borrow areas or mosquito abatement trenches excavated during construction. One area appears as a natural low area that remains from the rice cultivation. These depressions are developing wetlands as wetland indicator species are moving into these depressions. This entire area, prior to the water control activities initiated in the late 1800s, were low marshes and swampland. Of the 395,000 acres of farmable land in Sutter County today, only 17,000 acres were farmable in the late 1850s. The seasonal wetlands at the SPP most likely represent a recolonization by wetland species into an area allowed to rest. Calpine has proposed to replace the impacted wetlands at a ratio of 1:1, based upon consultation with the FWS and the U.S. Army Corps of Engineers (see Appendix J – Biological Resources Mitigation Implementation Plan). The project would not impact historical remnant wetlands, and the mitigation would ensure that there would be no long-term cumulative negative impact

P. Western agrees that the format of the *Draft EIS* did not follow the recommended format outlined at 40 CFR 1502.10 through 1502.18. See Section 1.3 for additional discussion of the joint Commission/Western process. [Comment responses continued on next page.]

- Q. Much of the discussion on the efficient use of resources that would respond to the concerns of the EPA can be found in the section on Power Plant Efficiency (pp. 545-551). Also a short discussion on the permanent loss of productive land appears in the section on Land Use *Draft EIS* (see pg. 195-199). In summary, none of the project alternatives would result in less or more consumption of any natural resources. The use of 100 percent dry cooling would result in a significant saving of groundwater, though the water use would be neither irreversible nor irretrievable. The use of natural gas resources is discussed in some detail in the *Draft EIS* (pg. 546). This project would not cause a depletion of the natural gas supply nor would it cause the development of new sources of gas. Finally, there would be no loss of prime agricultural land because the land at the plant site was converted from agricultural use in 1986. The potential loss of agricultural land from the electrical transmission line is seen as negligible.
- R. The *Draft EIS* indicates that the Energy Commission has considered energy conservation in a previous document (see footnote on pg. 16 of the *Draft EIS*). The Draft does not address the efforts Western has committed to in response to the 1992 Energy Policy Act in terms of energy conservation. Western has spent considerable efforts on energy conservation issues as addressed in Western's Energy Planning and Management Program Environmental Impact Statement (EPAMP; DOE EIS-182, June 1995). Western's EPAMP promotes the most efficient and economical use of electricity by our customers, and encourages our customers to use demand-side management and supply-side alternatives, including renewables, in their planning processes. The program requires customers to use various methods to ensure that resource planning incorporates energy efficiency and conservation. The results of the EPAMP EIS process also stresses that while the program will result in energy savings and efficiencies, there is a limit to what conservation efforts can achieve, and as growth in our population centers continues, there will be a continuing need for more electricity. However, the SPP couldn't address energy efficiency or conservation at the user end since it would be a merchant plant. The sole purpose of the SPP is to generate electricity in order to generate revenues. All of the risk and all of the benefits belong to Calpine. It was not intended to respond to the energy needs of any particular load but would respond to the needs of the market. Calpine intends that the SPP would replace older, dirtier and more expensive generation with its cheaper, cleaner and more efficient generation. While it could have an impact on the demand for electricity, the nature of that impact cannot be determined beforehand.
- The electrical industry is still responding to deregulation and the outcome is not known.
- S. Section 1.5 discusses Western's consultations with other agencies.
- T. Western believes that environmental justice concerns were adequately covered in the *Draft EIS* (pg. 401-403). In response to the specific questions, the policy of the Department of Energy (issued in 1995) reaffirms that NEPA is a proper vehicle for integrating environmental justice into the activities of the Department. Guidance is currently in development, but it generally will adhere to the Executive Order on Environmental Justice (12898), and the guidance provided by the CEQ and EPA.
- Following the draft guidance, there are two areas of concern. The first is the public participation process. There has been considerable community outreach in the process of analyzing the impacts of the SPP, which is documented in the *Draft EIS* (pg. 2-3). This does not include the many hearings on the *Draft EIS* that were held in the community. However, no one has come forward to identify himself as a member of a concerned minority.
- Western understands that a specific concern of the EPA was with the potential of a migrant farm labor force in the project area that would be disproportionately impacted. Western recognizes that even the best methods of community outreach may miss minority members who may not wish to come forward, either because of language barriers or other fears. Western also recognizes that there may be impacts to minority populations even if the minority population is well below the levels of the EPA Guidelines. For instance, the population figures for Yuba City (pg. 403 of the *Draft EIS*) show that Hispanics make up 18% of the local population. However, the Sutter County Agricultural Commissioners were consulted and it would appear that the county does not track information on the number and seasonality of a farm migrant labor force.

Agricultural products grown in the immediate project area are rice and orchard crops. Rice is mechanically sown, cultivated, fertilized and harvested, so no seasonal labor force is needed for this crop. It could be assumed some form of manual labor would be needed for harvesting orchard crops, but the harvest season is relatively short in duration and would not include a great number of laborers. In any Agricultural products grown in the immediate project area are rice and orchard crops. Rice is mechanically sown, cultivated, fertilized and harvested, so no seasonal labor force is needed for this crop. It could be assumed some form of manual labor would be needed for harvesting orchard crops, but the harvest season is relatively short in duration and would not include a great number of laborers. In any event, it would be unlikely that any migrant population would

outnumber the local resident population for any significant period. event, it would be unlikely that any migrant population would outnumber the local resident population for any significant period.

The second area of concern is impact analysis. A review of the chapter on socioeconomics indicates that the only socioeconomic impacts associated with the project would be with fire and police protection. The mitigation planned for this impact could result in a beneficial impact to the local community by increasing the readiness and skill of the local fire department (see pg. 411). There would be negligible impacts to housing, employment, property values, schools, utilities and the local economy in general. As the EPA points out, the property where the plant would be located is zoned agricultural, but it is not now under active cultivation. The parcel was reclaimed from a rice field in 1986 when the Greenleaf 1 plant was built (see pg. 188), so there would be no loss of agricultural jobs by constructing the plant. Other potential impacts to environmental variables would be either not significant or have been mitigated to a less than significant level. It would appear that the proposed project would not have a significant impact on the human environment; and therefore, couldn't have a significant impact on any single population.

Sutter Power Project, DEIS
EPA Comments - December, 1998

ENVIRONMENTAL JUSTICE AND TRIBAL RELATIONS

On page 462 the DEIS states that "according to the guidelines, a minority population exists if the minority population percentage of the affected area is fifty percent of the affected area's general population." The "guidelines" referred to are EPA NEPA Compliance Guidelines. In the FEIS Western should use its own (DOE's) NEPA compliance guidelines and state how the project is consistent with its Environmental Justice (EJ) Policy. The EPA NEPA guidelines provide a numeric standard as one measure in screening for potential Environmental Justice issues. The same guidance goes on to say that "it is important that the...NEPA analyst consider both the circumstance of any group residing within the affected area, as well as the percentage of the affected community that is composed of minority peoples." We also strongly recommend that Western complete its outreach to potentially affected minority communities during the NEPA process. For the most applicable and up to date reference on conducting an Environmental Justice Analysis, we refer you to *Environmental Justice Guidance Under the National Environmental Policy Act* (CEO, December 10, 1997), available for download at the following URL address: <http://ceq.eh.doe.gov/nepa/regs/ej/ej.pdf>. The DEIS indicates that the immediate surrounding area is zoned agricultural. We have some concerns that minority farm workers could be disproportionately impacted by construction and/or related impacts from the Proposed Action. The FEIS should include a thorough discussion of these issues.

Page 373 of the DEIS discusses Native American Contacts. The DEIS indicates that certain Native Americans were contacted by a consultant for Calpine. For the NEPA process, Western should have initiated its own Government to Government consultation process with potentially affected tribes, per President Clinton's memorandum for the heads of executive departments and agencies, April 29, 1994, on "Government-to-Government Relations with Native American Tribal Governments." This memorandum was written to ensure that the rights of sovereign tribal governments are fully respected, and includes the requirements that a federal agency shall operate within a government-to-government relationship with federally recognized tribal governments. The Memorandum goes on to state that "each executive department and agency shall assess the impact of Federal... projects... on tribal trust resources and assure that tribal governments' rights and concerns are considered during the development of... project(s)...activities." Western should incorporate this process into its NEPA analysis and summarize results in the FEIS.

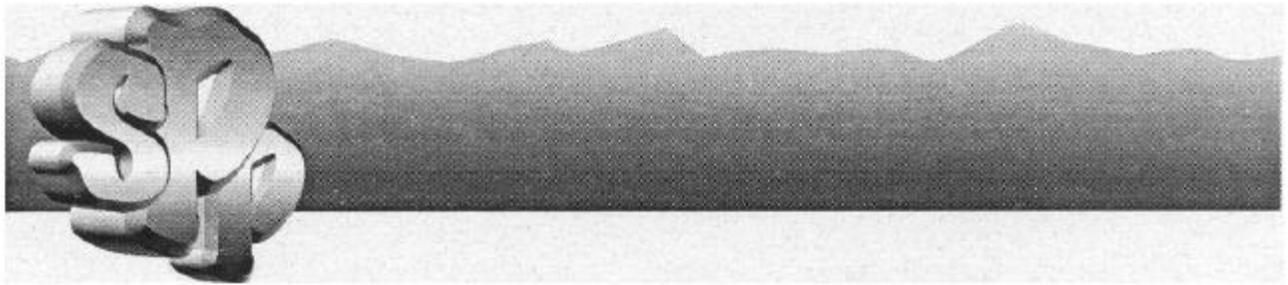
1

T

U

U. Prior to the release of the *Draft EIS*, Western relied upon a contractor to obtain information on contacts with Indian tribes that may have a concern for resources in this project area. This was discussed in Section 1.5.2. No responses were received from the direct mailing (project description, map and interest request form, Appendix R) sent to each of the 16 tribal contacts. If any group had contacted Western or the Commission concerning issues with the project, Western would have initiated talks with the group in a government-to-government relationship.

Western made several attempts to directly contact each of the tribes after the release of the *Draft EIS*. Western believes that it has acted in concert with the intent and letter of the Presidential Memorandum (Government-to-Government Relations with Native American Tribal Governments, dated April 29, 1994), as well as with Executive Order 13084. There are no tribal lands in the project area, there are no known "trust resources" within the project area and there are no tribal interests within the areas likely to be impacted by the project. Western took this information into account when considering the likely impacts to resources of concern to tribes. Each tribe will receive a *Final EIS* directly from Western.



Response to Public Comment



Sierra Nevada Customer Service Region

October 18, 1998

12

Paul Richins
Project Manager, California Energy Commission
1516 Ninth Street
Sacramento, California 94814

Re: O'Banion Rd. #21-240-019, #21-240-020, #24-070-003
vs. Calpine

Dear Mr. Paul Richins:

I am part owner of a property on O'Banion Rd. (parcel #21-240-019, #21-240-020, #24-070-003).

I was very distressed to hear that Calpine Corporation is planning to build a switching station next to our property. I am retired and depend on the income off this land for farming income.

If the transmission lines of this station are not out underground, it will not be economically feasible to farm this land. We use aircraft to seed and fertilize this land. These lines will be a huge hazzard.

Calpine will eliminate our income. As a results it will also decrease the value of this property. The farmers of this property will not be able to use this land to grow rice as it is not row-crop land.

With the future income that Calpine will derive from this project they certainly could pay for underground transmission lines or find another route that will not adversley effect the adjacent propertys.

This ranch has been in my family for two generations and I had hoped to pass this land on to the third generation.

The property is excellent farmland for growing rice and only rice, and not feasible for other crops.

By allowing Calpine to build a switching station you will have eliminated another 500 ac. of prime land.

Is it fair that Calpine takes from us:

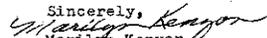
- 1. Our family income- now and in the future.
- 2. The right to farm our land and deny the third generation of farmers.
- 3. Decrease the value of this property.
- 4. Elimination of 500 ac. of prime land.

A
B
C
D
E
F
G

- A. Comment noted
- B. Refer to Section 5.2.14 for a discussion related to socioeconomic resources. Refer to the section on transmission system engineering in the *Draft EIS* concerning the feasibility of undergrounding the transmission line. Also see the discussion in Section 5.2.21.
- C. The impact of the SPP on local property values is discussed on pp. 414-418 of the *Draft EIS*. Additional information on property values is presented in Section 5.2.15.2.
- D. See the discussion under B.
- E. Comment noted.
- F. Approximately 2 acres will be used in the proposed switching station.
- G. Comment noted.

12

I'm not against progress, but why do you have to
destroy ones livelihood to accomplish this progress.
Is it because of big money talks louder ?

Sincerely,

Marilyn Kenyon

c.c. Mr. Larry Combs
c.c. Mr. Richard Hall

11

C&P Duck CO
Lorne M Cole
2031 Grove rd
Yuba City CA 95993

October 23, 1998

Paul Richins
California Energy Commission
1516 9th ST
Sacramento CA 95814

Dear Sir:

We are writing to you to express our extreme displeasure and concerns for the transmission Line for the CalPine Sutter Power Plant project. It will effect our ability to farm and hurt our farming income and it will have a devastating negative impact on our duck club busines.

A

A. Refer to Section 5.2.14 for a discussion related to socioeconomic resources.

We own and farm rice on 313 acres on the west side of Boulton road. Our property is parcel number 21-240-006 and 21-230-022. We do all of our application of seed, fertilizer, chemicals for weed control and pests by air. We already have power poles on the west side of the field. The crop duster must fly north and south to service our fields. If there are new power poles put on the north side of the field it would impact our ability to farm this property efficiently, if at all. To make the situation worse the map shows more power poles would be put along our west border. We already have power poles in the fields, along that border. Additional poles would literally make farming along that border impossible. We would have to abandon farming, approximately 1/4 of our fields.

B

B. Refer to Section 5.2.6 for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities.

C&P Duck CO established this property as a duck club in 1987. We currently lease over 1,200 acres besides the 313 that we own. This all falls within the immediate proximity of the proposed power lines. There are over 4,000 acres of successful duck clubs in the area. The Sutter National Wildlife Refuge borders the west side of the proposed sites. This area has history of being managed to become a very productive waterfowl environment.

C

C. Comment noted.

PROOF OF SERVICE (REVISED) FILED WITH ORIGINAL MAILED FROM SACRAMENTO ON 10/30/98

11

Power lines crossing this area would directly impact waterfowl usage. The proposed route would cut across an established flyway. Waterfowl follow stable flight patterns. The birds will avoid the power poles thus changing flight routes. In cases of extreme weather conditions the birds are often forced into the wires and killed. These birds fly between Sutter National Refuge and Dingville on a daily basis. We have worked hard for many years to make this property part of an appealing fly way for the birds. The power poles that Calpine wants to install would seriously impact waterfowl usage.

C&P Duck CO was formed in 1985. All that we have become is due to our hard work establishing rice farms that are waterfowl friendly. We have carried the burden of many additional costs to enhance this area for waterfowl. The ground that we own is all ground that we have purchased and made great sacrifice for. We have worked very hard for 13 years to build this company. Nothing was handed to us. Our distress over the proposed power poles and its negative impact on the environment and our financial investment must be taken into consideration.

Sincerely
Lorne M. Cole
Lorne M. Cole
President

D

D. Refer to Section 5.2.6 for a discussion related to transmission line safety. The Conditions of Certification in the *Draft EIS* (p.456) defines measures intended to mitigate or avoid impacts to migratory birds.

E

E. Comment noted.

ORIGINAL MAILED FROM SACRAMENTO ON ~~10/20/98~~

Attention Paul Becken Oct 24, 1998

10

Paul,
This letter is a notice why we can't
allow Capline to bring their line behind our
rice field #21-230-009

A

1. First, they would be putting it on private
owned land.

B

2. Second, we would be unable to fly our
fertilizer, chemicals, seed & more. There will
fly moth & soaks on this field. We
would be unable to fly anything on.
Flying is very important part of our
operation, as it is the only way to apply
the above materials. (fertilizer, chemicals, etc on)

C

3. Third, we have a duck club on the field
& the ducks will not fly around lines. This
& fourth, it would make our rice line
values go down.

D

Most of all this is the way we & our
neighborhood make our living.

E

The noise is trouble from the past now &
can not see how a bigger plant would benefit
our family or our neighbors. Only Capline

F

Most of the landowners think we should
hire a lawyer in our behalf.

G

Also sending a letter from our crop doctor
Charlie Amstutz.

We hope you & your staff will read
our letter & take in consideration our future
in this noise.

Thank you
Dennis Smith 530-674-
(11)

A. Comment noted.

B. Refer to Section 5.2.6 for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities.

C. Refer to Section 5.2.6 for a discussion related to transmission line safety. The Conditions of Certification in the *Draft EIS* (p. 456) defines measures intended to mitigate or avoid impacts to migratory birds and are discussed in Section 5.2.15.2.

D. The impact of the SPP on local property values is discussed in the *Draft EIS* (pp. 414-418). Additional information on property values is presented in Section 5.2.15.2.

E. Refer to Section 5.2.14 for a discussion related to farming impacts under socioeconomic resources.

F. Refer to Section 5.2.11 for a discussion related to noise.

G. Comment noted

9

Onstott Dusters, Inc

Sutter County Airport
P.O. Box 709
Yuba City, CA 95992
(530) 673-1313

Mr. Paul Richens
State of California
California Energy Commission

October 25, 1998

Re: Sutter County Calpine Project

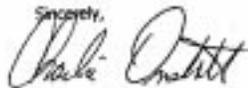
Dear Mr. Richens,

This letter is in regards to the proposed Calpine Project, specifically, the power lines proposed to run across farmlands. In particular, the power lines that will run at the south end of Harry Hunt's rice field. Mr. Hunt is a customer of our arial application business in which we apply rice seed, pesticides, and fertilizers to his farm.

We are strongly opposed to these power lines, as they will cause great dangers and difficulties in applying materials properly to Mr. Hunt's property. We work under restrictions, regulated by the State Food and Agriculture Department, in which we cannot disperse certain herbicides over ten feet above the ground. These power lines will not allow us to apply materials to the crops, thus creating great problems in raising the crops to a productive level.

These power lines do not need to be run through this rich agricultural farmland. There are other alternatives that need to be taken on this project.

Thank you for your consideration in this matter.

Sincerely,


Charlie Onstott
President and Owner
Onstott Dusters, Inc.

COPIES OF SERVICE RECEIVED _____ FILED 10/28/98
SER. NO. MAILED FROM SACRAMENTO ON 10/28/98

A

A. Comment noted.

B

B. Refer to section 5.2.6 for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities.

C

C. Refer to Section 5.2.1 for a discussion related to alternatives.

8

Oct. 25 - 1998

PROOF OF SERVICE (REVISED _____) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 10/20/98

Paul Richins,
 Dear Sir,

This is a letter about Calpines proposals. One problem we have is the possible routing transmission line west of proposed plant, along two sides of my rice field. That would be very unsafe for Crop Dusters, and would also mean an area around the line would not get good application of seed, fertilizers, Herbicides and etc. The transmission line across our fields would de-value farm land all around the line. I still think the whole thing should be built near By Pass, under Westerns line. The line would likely cause problems for ducks + Goose Hunters also.

The California Energy Commission notice sent out 10-19-98 indicated for a General Plan Amendment for a zoning change on 77 acres.

A
B
C
D
E

- A. Refer to Section 5.2.6 for a discussion related to transmission line safety.
- B. Refer to Section 5.2.3 for a discussion related to air quality.
- C. Refer to Section 5.2.1 for discussion related to alternatives.
- D. Refer to Section 5.2.15 for a discussion related to biological resources.

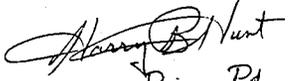
8 We have been told to expect a
 Industrial zone of 15 acres. Of
 E Course we feel this is ^{all} farm country
 since it has been for 69 years that
 I have lived here. Just a foot in the air
 Calpine tells how clean this new
 plant is going to be = 2.5. Right now
 F it is - 0 - and should remain so.
 The Appeal Democrat ^{has glowing stories}
 about how great it is. I really
 don't know what 2.5 of 500 meg.
 generator is but I don't want it
 raining down poison in my back
 yard, my sons back yard, or my
 Grandchildrens yards, which is
 located 1/2 mile north of Calpine.
 Prevailing wind comes right to us.
 G My Son already has Hock kind -
 Cancer that is - who is to say that
 might be caused from the ^{Greenleaf}
 Generator Plant - Calpine already

E. Refer to Section 5.2.9 for a discussion of the needed general plan amendment. Also refer to Section 5.2.14 for a discussion of the future development of the SPP site.

F. Refer to Section 5.2.3 for a discussion related to air quality.

G. Refer to the discussion on public health risks in Section 5.2.4.

8
H has there. Of course the noise
is and issue though not as serious
but we would sure like our
country sounds back.
"quite"

Sincerely,
The Hunt Family

4596 Pices Rd
Yuba City Ca 95993
530-673-1097

H. Refer to Section 5.2.11 for a discussion related to noise.

Roberts Consulting Engineering
336 Broadway Suite #7 • Chico, CA 95928 • (530) 894-8801
E-mail: cj@r-c-e.com & Website: http://www.r-c-e.com

7

October 26, 1998

Mr. Paul Richins
California Energy Commission
1516 9th Street
Sacramento, CA 95814

Dear Mr. Richins,

I am writing to express our concerns with the CalPine Sutter Power Plant project. The construction of the power plant and the associated power lines greatly impacts farming, wildlife and duck club operations in the area.

A

INTRODUCTION

Our family currently farms 300 acres of rice and duck clubs on Bolton Road. The properties are known as the "King Ranch Trust", APN 21-230-006 & 21-230-008 and "The Rooster Club", APN 21-230-021. We have run duck clubs on the property since the late 1960's and have farmed the lands for many years before that. It has been in the family for a long time and we intend for this tradition to continue.

B

We have several points of concern over this project that have not been answered.

- The placement of power lines over the South end of the Rooster Club will impact the application of chemicals and fertilizers by airplanes, the quality of duck hunting and wildlife that feed in the area.
- Air pollution credits used for the project may impact any future consideration for burning rice stubble.
- Noise from the plant and how it will interfere with the tranquil wildlife area around has not been addressed.

C

D

E

RICE PRODUCTION IMPACT

The application of chemicals and fertilizers are generally done by airplane in our area. At present our property is bordered to the West by the 500 kV PG&E lines, which permits us to fly in the North-South direction for application of the chemicals and fertilizers. Adding lines to the South of our property will restrict the aviator from covering the South end of the Rooster Club, a loss of about 1/4 of that field. The alternatives are ground rigs or helicopters. These options are far more costly.

F

PROOF OF SERVICE (REVISED) FILED WITH 18720198

- A. Comment noted.
- B. Comment noted.
- C. Refer to Section 5.2.6 for a discussion related to transmission line safety. The Conditions of Certification in the *Draft EIS* (page 456) defines measures intended to mitigate or avoid impacts to migratory birds. Section 5.2.15 also discusses impacts to migratory birds.
- D. Refer to Section 5.2.3 for a discussion on the availability of ERCs.
- E. The Commission has set specific Conditions of Certification for noise (*Draft EIS*, p. 235-239) that provide assurance that noise levels are at less than significant levels. Additional information on the noise impacts on wildlife can be found in a study by Memphis State University prepared for the EPA ("Effects of Noise on Wildlife and Other Animals," 1971). It was reported that birds adapt to continuous noise, even their own distress calls. A study of impacts on birds near an airport indicated that birds accustomed to jet noise were not startled by the noise. It would appear that birds adapt to harsh noises (jets) and would not be affected by noise associated with SPP. Refer to Section 5.2.11 for a discussion related to noise.
- F. Refer to Section 5.2.6 above for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities

Roberts Consulting Engineering
336 Broadway Suite #7 • Chico, CA 95928 • (530) 894-8801
E-mail: cj@r-c-e.com & Website: http://www.r-c-e.com

DUCK HUNTING IMPACTS

The hunting on our property is considered superb. Hunters avidly pursue this area because it is truly great. There is a waiting list to get on the property and we have plans to improve the hunting more. The hunting on this property has been carefully cultivated over the last 30 years through experiment, trial & error and a lot of lengthy discussions. There is a great duck hunting business opportunity here due to shrinking wildlife areas, the present quality of the shooting and the expanding human population. The impact of the power lines on the duck hunting, both to the quality of the hunt and to any perceived reduction in hunt quality by our customers, must be addressed properly by all parties involved.

WILDLIFE IMPACTS

Any construction encroachment onto a wildlife area must be considered carefully. The impact upon the wildlife was not given adequate consideration when the 500 kV PGE transmission lines were installed and are evidently not being considered for this project. Thousands of birds are killed each year by the lines and only the hunters and farmers seem to notice. In other venues, like the recent oil spill near San Francisco, killing less than 100 waterfowl was a major issue. The existing lines kill far more birds than the recent oil spill.

The wintering waterfowl have *imprinted* upon the neighboring farmlands for the grain portion of their diet. The "imprinting" is a rapid learning process that takes place early in life for any social animal, like our waterfowl, and establishes a behavior pattern. This pattern of behavior is due to their natural affinity they have for the waste grains in the field and the proximate location of the field to their sanctuary. Waterfowl rest in the sanctuaries during the day and at night seek out familiar feeding grounds for grain. One of the sanctuaries at the Sutter Wildlife Refuge lies directly to the West of our property. Many of us enjoy watching and listening to the birds as they invade the fields each night. They come in with a fervor and even walking out in the field does not stop them. When they are fed and dawn approaches they return to the sanctuaries, even on days when we don't enter the field to hunt. Unfortunately many of the birds, sometimes in mass, collide with the 500 kV PGE lines either being killed instantly or being severely wounded. Adding additional lines through any of the feeding grounds has a devastating impact upon the environment and requires the appropriate study, via an Environmental Impact Report.

AIR POLLUTION IMPACTS

Air pollution credits are very complex and most people are either thoroughly confused by their use or are unaware of them entirely. The mass consumption of the credits by the power plant affects the ability of the county to develop additional businesses and for farmers to burn crop stubble. The farmer's opinion is simply to avoid anything that further constrains our ability to be farmers.

7

G

G. Comment noted.

H

H. Comment noted. See the discussion in Section 5.2.15 on the measures being taken to mitigate impacts to migratory birds by the transmission line.

I

I. Comment noted.

J

J. Refer to Section 5.2.6 above for a discussion related to transmission line safety and Section 5.2.15 on the measures being taken to mitigate impacts to migratory birds by the transmission line. The Conditions of Certification in the *Draft EIS* defines measures intended to mitigate or avoid impacts to migratory birds (*Draft EIS* p.456). The *Draft EIS/FSA* is an Environmental Impact Report.

K

K. Comment noted.

L

L. Refer to Section 5.2.3 above for a discussion on the availability of ERCs for future development.

M

M. Comment noted.

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7

NOISE POLLUTION IMPACTS

Noise pollution is a far more difficult subject. What effect there is on residents will be up to industry standards, promises made by the license applicant, (CalPine), and the actual resulting noise. Will the noise affect wildlife? How has this been addressed? Will the noise deter duck hunting business? How has this been addressed? Our family built a homestead on the King Ranch Trust many years ago and the home has since burned down. We have in recent years discussed re-building the home that was destroyed. Will the noise make building a home more attractive? No it will not. Will the noise affect the tranquil nature of the area and the dreams we have of re-building? It could ruin those dreams.

CONCLUSION

This project has been all about CalPine's dreams of quickly constructing a profitable power plant in the soon to be deregulated power market. Getting to the market quickly and making a profit is their goal. We as local farmers, aviators and duck club businesses also have dreams and goals. Our goals are written down, we have worked hard for them and we are determined to see them come true. Our great-grandfather owned this property and we will not stand by idle to see this destroyed. We are against the power lines running near our property as we are against them running near any wildlife feeding area. The additional issues of noise and pollution simply go further to prove the point that the commercial power plant does not fit into a pristine wildlife and farming area.

Calpine to our knowledge has not offered anything in return for the losses that the local economy will suffer as a result of their construction and operation of the plant. If they want to be our neighbor they should offer solutions to these problems or compensate the farmers for their losses. They have offered neither.

Thank you in advance for your consideration. Please contact me at the address and number above if we can be of any help in your decisions or if you have any questions.

Sincerely,

Charles J. Roberts, PE

N

N. The Commission has set specific Conditions of Certification for noise (*Draft EIS*, p. 235-239) that provide assurance that noise levels are at less than significant levels. Additional information on the noise impacts on wildlife can be found in a study by Memphis State University prepared for the EPA ("Effects of Noise on Wildlife and Other Animals," 1971). It was reported that birds adapt to continuous noise, even their own distress calls. A study of impacts on birds near an airport indicated that birds accustomed to jet noise were not startled by the noise. It would appear that birds adapt to harsh noises (jets) and would not be affected by noise associated with SPP.

O

O. Comment noted.

P

P. Comment noted.

6

October 28, 1998

Paul Richins
Project Manager, California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Re: Public Notice to Land Owners
Consideration of an Alternative Transmission Line Route
Sutter Power Plant Project, Application for Certification [97-AFC-2]

Dear Mr. Richins,

I am a part owner of a property on O'Bannion Road [parcel #21-240-019, #21-240-020 and #24-070-003]. I am writing to protest the proposed transmission line route on O'Bannion Road because aircraft will not be able to fly in to seed and fertilize our land. The land is used to grow rice, and it is not feasible to grow other crops. Since it is not economical to seed and fertilize without the use of aircraft, our income would be eliminated.

A

I urge you to reconsider this route.

Sincerely,



Patricia A. Luther

c.c. Mr. Larry Combs
c.c. Mr. Richard Hall

DOCKET 98-AFC-2
DATE OCT 28 1998
RECD. NOV 3 1998

- A. Refer to Section 5.2.6 for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities.

PROOF OF SERVICE (PRINTED) [unclear]
FILED WITH ORIGINAL [unclear] [unclear]
SACRAMENTO, CA 11/3/98

5

LAW OFFICES OF
GRAY AND THURN, INC.
 1000 CALIFORNIA DRIVE
 SACRAMENTO, CALIFORNIA 95814
 TELEPHONE (916) 442-1887
 TELEGRAMS (916) 442-0447

October 29, 1998

DOCKET
 97-110-3
 DATE OCT 29 1998
 RECD NOV 04 1998

California Energy Commission
 1516 Ninth Street
 Sacramento, CA 95814-5512

Attention: Paul Richins, Jr., Project Manager

Re: Sutter Power Project Proposed on the West Side of
 South Township Road, South of Best Road, Yuba City
 (Application for Certification)

Dear Mr. Richins:

Our law firm represents the owners of agricultural rice land in Sutter County that will be adversely impacted if a project transmission line is placed on the north end of our clients' property on O'Banion Road in Sutter County.

A

A. Comment noted.

On behalf of our clients we object to the placement of the proposed transmission line on O'Banion Road.

Our clients are the owners of Assessor's Parcel Nos. 21-240-019; 21-240-020; and 21-070-003 in Sutter county which property borders south of O'Banion Road. Our client's property has been used since the early 1930's for growing rice and continues to be so farmed. The placement of a transmission line upon O'Banion Road will severely impact the ability of our clients to farm their property by reason of the need for aerial seeding and fertilization of their crops. For your information I am enclosing a map of our client's property showing it bordering on O'Banion road.

B

B. Comment noted.

Our clients and their ancestors have been tax paying farmers of Sutter County for more than sixty (60) years and supporters of the community. Above ground transmission lines placed on O'Banion Road will greatly disturb the farming of the property.

C

C. Refer to Section 5.2.6 for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities.

Our clients intend to be present at the hearing in November on this matter, but we would like it "of record" that they oppose

D

D. Comment noted.

E

E. Comment noted.

RECORD OF SERVICE REQUESTED _____ FILED NOV 11 1998
 ORIGINAL MAILED FROM SACRAMENTO ON 11/2/98

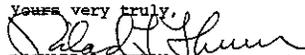
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October 29, 1998
Page Two

the transmission line on the basis that it would severely impact their ability to farm their property which they have done so for a very long time as stated above.

F

F. Comment noted.

Yours very truly,

RICHARD L. THURN
OF GRAY AND THURN, INC.

RLT/bp

cc: Sutter County Community Service Department
Larry Combs, County Administrative Officer
1160 Civic Center Boulevard
Yuba City, CA 95993

Sutter County Community Service Department
Richard Hale, Director
1160 Civic Center Boulevard
Yuba City, CA 95993

Prichins - OPPOSITION TO PROPOSAL, CALPINE USE CREPS' LANDS Page

From: wccc <wccc@raidn.lightspeed.net>
To: HeadQuarters.HqPo1(Prichins)
Date: 11/9/98 12:44PM
Subject: OPPOSITION TO PROPOSAL, CALPINE USE CREPS' LANDS 4

Wilma Creps LaPerle
 958 Fairway Drive
 Bakersfield, California
 (805) 397-1202

November 9, 1998
 Via U.S. Mail
 California Energy Commission
 1516 Ninth Street, MS-15
 Sacramento, California 95814

Hand Out
 e-mail: prichins@energy.state.ca.us

Atten: Paul Richins, Jr., Energy Commission Project Manager

Re: Opposition to Alternate Proposal to Locate Any Calpine Facility On Creps et al 56 Acre Parcel O'Banion Road, Sutter County, CA

Dear Sir:

We, David Creps, Irene Creps and Wilma Creps LaPerle, the owners of 2/3rds (66-2/3%) interest in the 56 acre parcel on O'Banion Road are totally and inalterably opposed to the location of any Calpine facility on our property. A

A. Comment noted.

This property is vital to the 1000 acres we farm adjacent to it within the Sutter By-Pass. We have owned all of our acreage since before the By-Pass was built in the 1920s. Because of the flooding conditions in the By-Pass, the 56 acre parcel is the only land we own where we can store our farm equipment. B

B. Approximately 2 acres will be used in the proposed switching station. Responses to similar comments have been provided in Section 5.2.14.2.

In addition, the Sutter Basin Duck Club facilities have been located on this property for at least 70 years. The Duck Club facilities include a club house where meals are served to the members. Because many of the members are from the San Francisco Bay Area, they park their trailers adjacent to the club house facilities and sleep there during the hunting season. They do not come to the country to be next to power facilities. C

C. Comment noted.

We grow rice on all of the 56 acres that is not occupied by farm equipment storage facilities and the duck club facilities. D

D. Comment noted.

In 1941, our ranch in Yuba County was condemned and taken for Camp Beale when we were small children, one year after our father had died. The creation of the Sutter By-Pass has taken mineral rights from our lands and placed restrictions on our farming operations within the By-Pass area. E

E. Comment noted.

This parcel on O'Banion Road is crucial to us. Surely you can use an alternate location for the Calpine switching facility that won't sever our lands and destroy our Duck Club and farming operation. F

F. Refer to Section 5.2.1 and 4.2 for a discussion related to alternatives and 5.2.14 for impacts to agricultural activities.

50888 - OPPOSITION TO PROPOSAL, CALPINE USE CREPS' LANDS Page

4

Very truly yours,

Wilma Creps LaPerle

F:\delight\wcreps4

cc: California Energy Commission
Sutter County Planning Commission
Department of Fish & Game
Sutter National Wildlife Refuge
David Creps
Irene M. Creps

3

CHARLES F. GRAY, JR.
RICHARD L. THURN
ROBERT F. WHITWORTH

LAW OFFICES OF
GRAY AND THURN, INC.
195 CADILLAC DRIVE
SACRAMENTO, CALIFORNIA 95825

TELEPHONE
916/920-2800
TELECOPIER
916/920-3409

November 30, 1998

DOCKET
97-AFC-2
DATE NOV 30 1998
RECD DEC 07 1998

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Attention: Paul Richins, Jr., Project Manager

Re: Sutter Power project Proposed on the West Side of
South Township Road, South of Best Road, Yuba City
(Application for Certification)

Dear Mr. Richins:

Our law firm represents the owners of the agricultural rice land affected by the above project and we have previously written to you on October 29, 1998 concerning our client's objection to the proposed transmission line on O'Banion Road in Sutter County.

In reviewing with our client their objections, two more reasons for the objections are as follows:

1. Impact of airport landing field.
2. Impact on flyaway of ducks and geese.

Our clients have advised us that they have an airstrip on their property which airstrip would be directly affected by the proposed power line since the runway lines up with the proposed poles and lines. As you can well imagine, this would create a danger to the pilots landing and taking off from that runway. In addition, I am sure that our clients have certain easement rights for the landing field going back over fifty years. If the line is built in its present position and if there is an accident with an airplane hitting the towers or the lines this would certainly create a liability on behalf of the State and the owners of the transmission lines.

With respect to the ducks and geese, I am informed that the transmission line would be directly in the fairway of the geese and ducks and this would impact each area, not only our client's property but other property in the flyaway. As you know, each blind or gun can be rented out on lands that are in the flyways of ducks and geese for up to \$1,500 per year and in some cases

A
B
C
D
E

- A. Comment noted.
- B. Comment noted.
- C. Refer to Section 5.2.6 for a discussion related to transmission line safety. In addition, the January 1999 presiding Member's Proposed decision (PMPD) on 87 in Condition of Certification LAND USE -4 must build a new landing strip to county specifications.
- D. Liability is a question of fact that would be determined pursuant to the act (FTCA 28 U.S.C.)
- E. The impact of the SPP on local property values is discussed on pp. 414-418 of *Draft EIS*. The last paragraph of this section of the *Draft EIS* states "Based on the findings of the Kinnard-Dickey paper and the Crockett analysis, Energy Commission staff believes that the potential for the proposed transmission line route to significantly diminish property values would be difficult, if not impossible to prove."

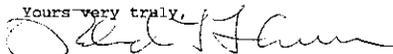
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November 30, 1998
Page Two

even higher. This again would impact the property value and earnings of our clients.

We trust that you will bring these matters up at the public hearing and consider them and the placement of the line transmission as it is now proposed. F

Yours very truly,



RICHARD L. THURN
OF GRAY AND THURN, INC.

RLT/kt
cc: Darrell Dettling
Jennifer Bittner

F. Comment noted.



YUBA-SUTTER FARM BUREAU
475 Flora Avenue • Yuba City • California 95991
673-6550 • Fax 671-5836

November 30, 1998

13

Honorable Larry Munger, Chairman
Sutter County Board of Supervisors
1160 Civic Center Blvd., #A
Yuba City, California 95993

Dear Supervisor Munger: RE: Calpine Power Plant Project

The Yuba-Sutter County Farm Bureau strongly opposes the proposed amendment to the General Plan that would allow the siting of a 500 megawatt natural gas fueled power plant on the west side of Township Road, south of Best Road. This area is an exclusive agricultural zone, with 80 acre minimum parcel sizes, and rezoning this property to permit this industrial use would violate numerous Sutter County General Plan policies.

A

A. Comment noted.

We also firmly reject the Energy Commission's staff evaluation that this project is "a good candidate for agricultural land conversion" as well as the planning staff's efforts to downplay the enormous consequences that this new facility will have on Sutter County.

B

B. Comment noted.

We would like to offer the following specific comments for your consideration:

AIR QUALITY:

Although the Final Staff Assessment (FSA) is still incomplete as of this writing, we urge you to consider the potential impact that this proposed facility could have on future economic development in Sutter County. A large number of Emission Reduction Credits will be necessary to offset the toxic pollutants emitted from the plant, including ammonia, volatile organic compounds, and nitrous oxides. The plant would also exacerbate the Feather River Quality Management District's attempts to keep the air quality basin in

C

C. The Commission supplemented their *Final Staff Assessment* with the Final Determination of Compliance (FDOC) from the FRAQMD on Nov. 13, 1998 (Appendix F). The Commission updated the air quality section based on the FDOC on Nov. 17, 1998 (Appendix G and H). See the discussion of ERC use for SPP in Section 5.2.3.

13

HONORABLE LARRY MUNGER
NOVEMBER 30, 1998
PAGE TWO

attainment for particulate matter because PM 10 emissions could be as high as 547 lbs. per day.

Farm Bureau believes that it would be short- sighted for the county to approve this General Plan amendment when it would seriously impair your ability to approve future projects that could provide countless more jobs and generate significantly more economic activity for Sutter County residents.

SOIL AND WATER RESOURCES

We also want to express our concern about the increase in impervious surface area in an area that already suffers from localized flooding during heavy storms. The original FSA contained language requiring Calpine to provide on-site storm water retention, the production of the report on the potential impacts of project runoff, and verification or coordination of public and private entities that own or maintain facilities downstream from the project. Since the FSA was changed, apparently at the county staff's request, to delete the requirement that approval be obtained from those public and private entities, Sutter County could be liable if the on-site water retention facilities fails. We also believe that neighboring private entities could be subject to higher insurance costs due to new storm water runoff threat.

VISUAL RESOURCES:

Farm Bureau is particularly concerned about the significant visual impacts of this project. Despite the county staff's attempt to downplay the substantial unmitigated visual impacts of both the power plant and the transmission lines, we believe that the only way to mitigate these impacts is to require relocation of the plant to the existing industrial zone in South Sutter County. This would not only be more appropriate for the location of the facility, it would be

D

D. Comment noted. See Section 5.2.3 concerning the availability for emission credits for future development.

E

E. The issue of stormwater control is discussed in Section 5.2.16. Specifically, the Commission has directed Calpine to comply with two provision concerning stormwater. On pp. 193-194 of the PMPD, Calpine would be required to comply with the provisions of the General Industrial Stormwater permit, and they would provide on-site retention of stormwater during periods of high runoff, defined as 10-year, 24-hour storms or greater. The intent was to ensure that stormwater from the facility would not impact adjacent properties.

F

F. Refer to the discussion of visual resource impacts in Section 5.2.14.

13

HONORABLE LARRY MUNGER
NOVEMBER 30, 1998
PAGE THREE

consistent with the General Plan and eliminate the need for many miles of visually disruptive high-power transmission lines.

LAND USE:

We most strenuously disagree that an industrial use of this magnitude in an agriculturally-designed area can be considered consistent with the General Plan 6. A-1. This policy reads:

"The County shall preserve agriculturally-designated areas for agricultural uses and direct non-agricultural development to areas designated for urban/suburban growth, or rural communities and/or cities."

According to the November 12, 1998 Planning Commission staff report, the site was converted to an urban/industrial use in 1984 "based on the finding that the project was consistent with the General Plan by allowing full development of natural resources located in the county." While it may be true the original finding was accurate because the Greenleaf 1 power plant utilized the county's natural resources, the proposed project will not and would, therefore, be inconsistent with the General Plan.

We would also like to call to your attention the staff's circular logic that produces the conclusion that rezoning this parcel to an M-2 General Industrial, District is consistent with the General Plan. Just because the proposed project was determined to be consistent with an industrial zoning designation does not justify the proposed change in zoning from exclusive agriculture. Such a change would be inconsistent with the General Plan because the natural gas resources are not located in the county.

G

G. Refer to Section 5.2.9 for discussions of the needed general plan amendment.

H

H. Comment noted. The Sutter County Board of Supervisors will need to resolve this issue. Western has no decision to make concerning the general plan amendment.

I

I. Comment noted.

13

HONORABLE LARRY MUNGER
NOVEMBER 30, 1998
PAGE FOUR

SAFETY:

Although not discussed in the county staff report, we would like to call to your attention the significant negative impact that the proposed transmission lines will have on the county's agricultural operations. The location of such lines across farmers' rice fields would be totally unacceptable due to the necessary reliance on aerial applications of seed, fertilizer and pesticides. Allowing the creation of such a hazardous situation would be inconsistent with General Plan Policy 1. F-1 that states:

"The county shall require that new development adjacent to agricultural acres be designed to minimize conflicts with adjacent agricultural uses."

Farm Bureau sincerely hopes that the Board of Supervisors will protect the integrity of our Sutter County General Plan and require this project be located in a preexisting industrial zone. To do otherwise would cause serious damage to our county's agricultural sector.

Yours truly,



George Van Ruiten
President

cc: Members, Sutter County Board of Supervisors

J

J. Refer to Section 5.2.6 for a discussion related to transmission line safety and to Section 5.2.14 for a discussion of socioeconomic impacts related to farming activities.

K

K. Comment noted.

STATE OF CALIFORNIA
**Energy Resources Conservation
and Development Commission**

In the Matter of.)
)
Application for Certification of the)
Sutter Power Plant Project)
_____)

Docket No. 97-AFC-2

A. Comment noted.

**STATEMENT OF
CALIFORNIA UNIONS FOR RELIABLE ENERGY (CURE)**

October 22, 1998

Ann Broadwell
Marc D. Joseph
Lizanne Reynol&
Adams Broadwell & Joseph
651 Gateway Blvd., Suite 900
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile

Attorneys for California Unions for
Reliable Energy

c1105-038

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:)
Application for Certification of the) Docket No. 97-AFC-2
Sutter Power Plant Project)
_____)

STATEMENT OF CALIFORNIA UNIONS FOR RELIABLE ENERGY (CURE)

October 22, 1998

I. INTRODUCTION

CURE files this 'statement regarding the Sutter Power Plant in response to the Notice of Evidentiary Hearings.

CURE has been participating in these proceedings as an Intervenor. CURE is a coalition of unions whose members build, operate and maintain power plants. CURE has been concerned about the proposals for new power plants in California as a result of the deregulation of the electrical energy market. CURE's concerns are that the power plants will degrade the environment and will not provide benefits for the local economy.

Many of CURE's members depend upon continued construction, because they earn their living performing construction work. They have seen that large construction projects that degrade the environment can cause a backlash against continued construction, when people suffer the adverse effects of poorly planned projects. Approval of power plants that minimize

c1105-038

environmental impacts is more likely to lead to sustainable economic and construction growth.

Additionally, CURE's members live and work in the areas proposed for construction of the power plants. They and their families suffer the same adverse impacts of poor air quality, water degradation and water shortage and other adverse impacts as everyone else.

CURE's members can provide the skills to build, operate and maintain the power plants in a safe and professional manner. CURE's members have been participating in these proceedings to advocate approval of environmentally and economically beneficial projects.

Many of CURE's concerns have been addressed through the Commission's public participation process. As a result, CURE anticipates presenting testimony only on socioeconomic impacts. As discussed below, CURE's major environmental concerns have now been addressed by the Applicant.

II. ENVIRONMENTAL BUTIGATION MEASURES

CLTRE has participated in the workshops, focussing mainly on air quality and water resources impacts.

A. Water Quality

CURE has been concerned that the plant would have an adverse impact on water resources due to groundwater pumping and discharge of wastewater into agricultural drainage ditches and canals, and eventually into the wildlife refuge. The water discharge had the potential to degrade water quality in the Sutter National Wildlife Refuge to the detriment of the wildlife that use the refuge. It **also** had the potential to degrade water in the agricultural ditches. Consultants to CURE participated in the workshops and focussed on these issues, raising questions about the basis for the Applicant's conclusions about impacts to water resources.

CURE met with representatives of Calpine to advocate resolving these potentially significant adverse environmental impacts. Eventually, Calpine agreed to use 100% dry cooling, instead of wet cooling. Dry cooling does not require cooling towers. This will eliminate the discharge into the ditches and canals from the cooling towers. Dry cooling requires less water use, and reduces groundwater pumping. Using dry cooling also eliminates concerns about the cooling tower drift, which could create a negative impact on air

c1105-038

quality. CURE supports this resolution of the issues and appreciates Calpine's willingness to adopt this measure.

B. Air Quality

CURE has also been concerned about air quality impacts. Under the federal Clean Air Act, there is only room for a limited amount of growth, because the Clean Air Act limits the amount of pollution that can be added to the air. The power plant would emit nitrogen oxides, which are precursors to ozone and could worsen the air quality in the area.

Calpine originally proposed that the power plant's nitrogen oxide ("NO_x") emissions would be limited to 3.0 parts per million. Calpine expressed its belief that it could not reduce its NO_x emissions any lower, because of the need to respond to energy demand quickly. Calpine was concerned that it could not maintain the lower emission rate during the times that the plant's output was increasing or decreasing.

CURE spoke with the vendors of the air pollution control equipment for the power plant. All of the vendors stated that they could guarantee lower NO_x limits during periods of increasing or decreasing operation. They provided CURE with written statements to that effect. CURE then provided the statements to Calpine, to the U.S. Environmental Protection Agency, to the California Air Resources Board and to the CEC staff.

CURE met with Calpine to discuss the need to reduce air emissions below 3.0 parts per million. Calpine ultimately agreed to reduce the power plant's NO_x emissions to 2.5 parts per million. CURE appreciates Calpine's resolution of this issue.

Calpine has responded to the two environmental concerns about which CURE has been most adamant. Calpine's response has been substantial and significant.

III. SOCIOECONOMIC BENEFITS OF THE WORKFORCE

Approval of the Sutter Power Plant will provide socioeconomic benefits. The members of CLTRE who will build, operate and maintain this plant are highly skilled. They provide high quality construction work and receive wages and benefits that are commensurate with their skills. They spend and invest their wages and benefits in their local communities in California. They are a stable workforce, composed of people with roots in their communities.

CURE anticipates filing testimony regarding socioeconomic impacts of the Sutter Power Plant. The Staff, the Applicant and the Hearing Officer have all agreed that this testimony may be filed on November 2, 1998. CURE also plans on presenting a witness at the evidentiary hearing on socioeconomic issues on November 10, 1998. CURE estimates that the oral presentation by the witness on November 10, 1998 will take approximately 15 minutes. The witness will be a representative of CURE.

IV. CURE'S PARTICIPATION IN EVIDENTIARY HEARINGS

Because the Applicant has responded substantially and significantly to the air quality and water resources and issues that CURE has raised in these proceedings, because the power plant will provide significant socioeconomic benefits, and because other issues have been resolved with other parties (e.g. transmission line relocation and land use restriction on remainder of parcel), CURE will not dispute any of the issues that may remain. CURE does not plan to provide any testimony or evidence, except as to socioeconomic issues. CURE will not undertake any cross-examination of witnesses.

V. CONCLUSION

CURE believes that the Energy Commission proceedings have thus far produced significant and substantial environmental mitigation measures, have resolved questions and concerns about the construction and operation of the power plant and have allowed for extensive and worthwhile public participation. CLTRE appreciates having the opportunity to participate.

Dated: October 22, 1998


 Ann Broadwell
 Marc D. Joseph
 Lizanne Reynolds
 Adams Broadwell & Joseph
 651 Gateway Blvd., Suite 900
 South San Francisco, CA 94080
 (650) 589-1660 Voice
 (650) 589-5062 Facsimile

Attorneys for California Unions for
 Reliable Energy

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)	
)	
Application for Certification of the)	Docket No. 97-A.FC-2
Sutter Power Plant Project)	
_____)	

A. Comment noted.

**TESTIMONY OF
ROBERT CARE, FRANK SECREET, CHUCK CAKE and ERIC WOLFE
ON BEHALF OF
CALIFORNIA UNIONS FOR RELIABLE ENERGY (CURE)
ON
SOCIOECONOMIC IMPACTS OF THE PROJECT**

November 2, 1998

Ann Broadwell
 Marc D. Joseph
 Lizanne Reynolds
 Adams Broadwell & Joseph
 651 Gateway Blvd., Suite 900
 South San Francisco, CA 94080
 (650) 589-1660 Voice
 (650) 589-5062 Facsimile

Attorneys for California Unions for
 Reliable Energy

c1105-036

They are a stable workforce, composed of people with roots in their communities.

A. Skills and Training

The construction trade unions that are members of CLTRE are able to train and mobilize a skilled, efficient, professional workforce. The union training programs are privately funded from the total wage and benefit package for each construction project. The amount is based on the total hours worked on the project. The following are three examples of union training programs.

1. Pipefitters

Calpine estimates that at its peak, the project will employ 45 pipefitters on this job. Over the course of 17 months, the project will employ an average of 16 pipefitters per month. Plumbers and Steamfitters U.A. Local 228 in Yuba City is a member of CURE and will provide workers for this project.

Members of Local 228 are skilled workers. A worker first joins Local 228 as an apprentice. An apprentice must complete both on-the-job training and classroom training. The apprenticeship-training program takes five years. It includes 8,500-10,000 hours of on-the-job training and a minimum of 1,080 hours of related classroom instruction. The program is divided into one-year segments. The instructors themselves must complete a 200-hour program before becoming certified instructors. The apprenticeship-training program includes both basics, such as mathematics and drawing, and advanced training leading to qualification in specialties such as pipefitter, plumber and steamfitter.

Local 228 in Yuba City has a new training center that houses equipment and computers that are used to train apprentices in modern construction techniques. Currently Local 228 has 6 trained/credentialed instructors and 32 apprentices. The apprentices are trained in safety, CPR and drug and alcohol awareness. They are also required to serve a minimum number of community hours each year.

In addition to apprenticeship training, Local 228 provides advanced training to journeymen. In 1998-1999, local 228 will offer nine different journeyman classes that include HAZ-NUT certifications, CPR and Medical Emergency courses, environmental construction **classes** and CAD computer classes.

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2. Electrical Workers

Calpine estimates that at its peak, the project will employ 84 electricians. Over 17 months the project will employ an average of 32 electricians per month. International Brotherhood of Electrical Workers (IBEW) Local 340 in Sacramento will provide workers for this project.

Local 340 has an apprenticeship-training program that requires 5 years of classroom study and on-the-job training. Apprentices work 40 hours a week, and also attend school at night. To attain journey person status, an apprentice must attend 1,000 classroom hours and participate in a minimum of 8,000 hours of on-the-job training.

The classroom study includes blueprint reading, conduit fabrication, electrical theory, mathematics, the requirements of the National Electrical Code, OSELA/Safety Awareness, Health & Safety Awareness, transformers, electrical ground, electronics, motors, systems analysis, repair and certification, digital electronics, fiber optics, air conditioning, fire alarm, instrumentation, intelligent wiring systems, local area network systems, low voltage systems, programmable controllers, security systems and telecommunications.

On-the-job training covers all aspects of the work of an electrician, including project layout and planning, reading and interpreting specifications, coordination between crafts, engineers and architects, layout feeders, risers and branch circuits. The training also covers underground installation, thin wall conduit raceway systems, rigid conduit raceway systems, installing services, switchboards and panels, floor duct installation, motor control center installation, installing, splicing and terminating wires and cables, cable tray installation, lighting system installation, testing and troubleshooting feeders, motors and branch circuits, fire alarm installation, motor installation, control system installation, installing and programming programmable logic controllers, installing instrumentation and process control systems, security system installation, installing sound and communication systems, installing and terminating transformers, installing fiber optics cable, welding and brazing, service and troubleshooting, material handling and pre-fabrication and safety awareness. All on the job training is performed under the supervision of a Journeyman Wireman.

3. Boilermakers

Calpine estimates that at its peak the project will employ 15 boilermakers. During the project, Calpine will employ an average of 11 boilermakers per month. This estimate is very likely too low, because it was

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based upon an earlier design of the project. Boilermakers Local 549 has a Construction Boilermaker Apprenticeship program. It requires 6,000 hours of on-site training, over a period of 3 Y2 to 4 years, including three classroom sessions of eight weeks each. Training includes the use of hand and power tools, layout, measuring devices, blueprint interpretation, rigging and moving, plate fabricated structures, tanks and penstocks, refineries and industrial plants, nuclear plants, welding and cutting, mathematics and material strengths. Safety practice and procedures are also emphasized. Once the training is complete, the apprentice must successfully pass a certification examination.

The Journeyman Upgrade Program includes courses in HAZMATIBAT training, leadership training, First Aid/CPR, safety awareness, rigging, welding, exchangers, blueprint reading, layout and tube rolling.

Local 549 has also established a program in cooperation with contractors to test and certify welders in advance of hiring. Contractors have agreed on a joint testing program. Passing the test qualifies a welder to work for any of the participating contractors, without having to take a separate qualifying test for each contractor. This allows contractors to bid more competitively, because they do not need to include the costs of testing for every job.

Local 549 has established a program through a joint labor management trust, that includes a Safety and Hazard Recognition Program. The program uses OSHA-certified instructors and teaches safety practices based on federal regulations governing general industry, the construction industry and process safety management.

B. Wages

Construction workers travel from job to job. The availability of work is always uncertain and often short-term. In the absence of adequate wages, construction workers become itinerant workers, never able to settle in a community, not spending their money in the local area. Without adequate wages, they cannot afford to acquire the skills necessary to perform safe and efficient construction work. It is very important to workers and to local communities that adequate wages be paid to skilled workers. Such wages allow workers to settle in their communities and to spend their money there. Such wages are also necessary for high quality construction work.

Calpine has agreed to pay such wages. This means that skilled workers in the Sutter County/Sacramento County area will be able to work on the project and continue to participate as members of their communities.

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Wages will stay in the area and in California. The quality of construction work on the power plant will be high.

C. Benefits

Construction workers do not have a single employer who can provide benefits such as health care or a retirement plan. Construction workers are always moving to a new job with a new employer. Therefore, it is critical to them that construction employers pay into multi-employer benefit programs. These benefit programs include health and welfare benefits, as well as pension benefits.

Members who receive these benefits spend them locally. For example, Local 228 estimates that its members spend about \$300,000 - \$350,000 in the local health care system annually. The average pension paid to a retired member of Local 228 in Sutter and Yuba counties is \$45,000, which is also spent locally. The benefit programs are funded from the total wage and benefit package that is paid on a construction job, and is based on the number of hours worked. Not only do workers benefit by having health care and a pension plan, but the local economy benefits.

D. Efficiency

CURE has agreed with Calpine that the work on the power plant will be performed on an expedited schedule, if Calpine elects to do so. CURE has agreed that there will be no strikes during the construction of the plant. Workers will work 10-hour shifts, at Calpine's option. Because the workers are trained and skilled, this project should proceed smoothly without construction delays.

E. Local Employment

The unions that are members of CLTRE have local workers. For example, Plumbers & Steamfitters U.A. Local 228 has 450 members, of whom 125 live in Sutter County, 100 in Yuba County and 80 in Butte County. Hiring these workers benefits the local community, not only through the spending of wages and benefits locally, but because union members donate their time to community projects. In 1997, Local 228 estimates that its apprenticeship-training program donated \$80,000 in volunteer work. For example, the local installed a major sprinkler system at Live Oak High School in 1997, using donated materials and volunteering its members' time. Local 228 will dispatch workers to this project from its hiring hall in Yuba City.

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IBEW Local 340 has approximately 850 members who live in Sutter, Yalo, Placer, Yuba, and Sacramento counties. These members spend their wages and benefits in their local communities.

Boilermakers work on large construction projects, constructing not only boilers but also pressure vessel assemblies, huge storage tanks and components of hydroelectric power stations and nuclear power plant reactors. These projects are widely scattered in California and the west and boilermakers must often travel to their jobs. However, Boilermakers Local 549 has members who live in the greater Sacramento area, including in the counties of Sutter, Yuba, Butte, Yolo and Sacramento. Approximately 40 - 45 members live in these counties, and will likely spend their wages and benefits in their local communities.

F. Plant Operation

Calpine estimates that it will employ approximately 12 operators and 4 maintenance technicians. International Brotherhood of Electrical Workers (IBEW) Local 1245 has approximately 300-400 members who live in the counties around the Sutter Power Plant site. Local 1245 will be able to refer operators and maintenance technicians to Calpine who have extensive training and experience. Many have been trained by PG&E.

Local 1245 has an apprenticeship program that trains machinists, electricians and operators. The apprenticeship program is a three year program. Operators require an additional two and a half years of training, including 400 hours of classroom training. The training includes safety and emergency procedures. Operators are trained on power plant control-room simulators. Training includes simulating emergencies, so that operators are trained to respond quickly and accurately.

III. WITNESSES**A. Robert Carr**

Robert Carr is the Business Manager of Plumbers & Steamfitters Local 28 in Yuba City.

B. Chuck Cake

Chuck Cake is the Business Manager of IBEW Local 340 in Sacramento.

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)
)
Application for Certification of the)
Sutter Power Plant Project)
_____)

Docket No. 97-AFC-2

A. Comment noted.

**CONCLUDING BRIEF
OF
CALIFORNIA UNIONS FOR RELIABLE ENERGY (CURE)**

December 9,1998

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Reliable Energy

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STATE OF CALIFORNIA
**Energy Resources Conservation
 and Development Commission**

In the Matter of:)
)
 Application for Certification of the) Docket No. 97-
 A.FC-2)
 Sutter Power Plant Project)
)

**CONCLUDING BRIEF
 OF
 CALIFORNIA UNIONS FOR RELLA33LE ENERGY (CURE)**

December 9, 1998

I. INTRODUCTION

CURE supports approval of the Sutter Power Plant because the Applicant has significantly addressed the potentially significant impacts of its project on air quality and on water quality and because the Project will provide significant local economic benefits, including jobs for local construction workers and for operators of the plant.

CURE is a coalition of unions whose members build, operate and maintain power plants, and CURE has been participating in these proceedings as an intervenor. CURE is concerned about the impact on the California economy and environment of all of the power plants that are being proposed for construction in the near future.

Many of CURE's members earn their living performing construction work, and they depend upon continued growth in the construction industry. While construction of many new power plants will provide construction jobs

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in the short term, poorly planned and environmentally detrimental construction threatens jobs in the long term. Large construction projects that degrade the environment and do not provide local economic benefits can cause a backlash against continued construction. When such projects threaten the water supply, degrade air quality, cause traffic congestion, or other similar problems, then they can lead to construction moratoriums. Approval of power plants that minimize environmental impacts and provide local economic benefits is more likely to lead to sustainable economic and construction growth.

Additionally, CURE's members live and work in the areas proposed for construction of the power plants and are concerned about potentially adverse environmental impacts. They and their families suffer the same adverse impacts of poor air quality, water degradation and water shortages, and other adverse impacts as everyone else.

CURE's members can provide the skills to build, operate and maintain the power plants in a safe and professional manner. As discussed below, the CURE union members undergo lengthy and rigorous apprenticeship training programs that last 3 - 5 years and include 8,000 - 10,000 hours of classroom instruction. Additionally, employment of local construction workers will provide local economic benefits.

Many of CURE's concerns about economic and environmental impacts have been addressed through the Commission's public participation process, as discussed in more detail below. Therefore, CURE supports approval of the Sutter Power Plant.

II. ENVIRONMENTAL IMPACTS

A. Air Quality

CURE raised several issues during the workshops regarding air quality impacts. CURE's goal was to ensure that the air pollution emissions from the power plant were minimized to comply with all federal, state and local air quality requirements. Significant degradation of air quality adversely affects the people in the area and also can limit future growth.

The federal, state and local air quality requirements provide that a new source of air emissions, such as a power plant, must use the best available control technology to limit air pollution emissions. Calpine originally proposed to use control technology to Emit nitrogen oxide ("NO_x") emissions to 3.5 parts per million. NO_x is a precursor to ozone, and can be a significant air pollutant.

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CURE carefully reviewed the potentially adverse impacts of the project on air quality. CURE participated in the workshops on air quality issues and hired a consultant and reviewed the materials submitted by the Applicant. CURE became convinced that the NO_x emissions from the project could be reduced. CURE's consultant spoke with the vendors of air pollution control equipment and determined that NO_x emissions from the plant could be reduced to 2.5 parts per million averaged over one hour, or 2.0 parts per million averaged over three hours.

CURE then presented this information to the California Energy Commission and to Calpine, as well as to the U.S. Environmental Protection Agency, the California Air Resources Board, and the Feather River Air Quality Management District.

Calpine ultimately agreed to reduce its NO_x emissions to 2.5 parts per million averaged over one hour. This is a very significant reduction in NO_x emissions. Calpine's willingness to address this issue has resulted in a substantial reduction in air pollutant emissions.

B. Water Quality

As originally proposed, the project would have used an enormous amount of groundwater, mostly for use in the cooling towers that were proposed to cool the steam from the turbines. The proposed project would have had to discharge the waste water from this use into agricultural drainage ditches, which lead eventually into the Sutter National Wildlife Refuge.

CURE participated in the workshops on water quality, raising questions about the potentially adverse impacts of the water use and water discharge. CURE hired consultants to analyze the potential impacts of the water discharge to the canals and to the Refuge. CURE sent numerous data requests to the Applicant regarding the discharge and participated in the workshops involving water issues. CURE's consultants obtained information from outside sources about the water issues.

After reviewing the project and gathering information from its consultants, CLTRE met with representatives of Calpine to advocate resolving these potentially significant adverse environmental impacts.

Eventually, Calpine decided not to use cooling towers. Instead, Calpine decided to use 100% dry cooling, which does not require water for cooling. Instead, fans are used. Because water is not used for cooling, the

groundwater pumping will be greatly reduced, as will the discharge of waste water into the agricultural drainage ditches. Using dry cooling also eliminates concerns about the cooling tower drift, which could create a negative impact on air quality.

The decision to use dry cooling instead of wet cooling significantly and substantially reduces the projects impacts on water resources. CURE appreciates Calpine's willingness to address these issues and to reduce the water impacts.

III. SOCIOECONOMIC IMPACTS

Approval of the Sutter Power Plant will provide socioeconomic benefits. The members of CURE who will build, operate and maintain this plant are highly skilled. Many live in Sutter County and in the surrounding counties. They provide high quality construction work. They receive wages and benefits that are commensurate with their skills. Their wages and benefits will be spent in Sutter County and in the surrounding local communities. They are a stable workforce, composed of people with roots in their communities.

A. Plant Construction

The construction trade unions that are members of CURE are able to train and mobilize a skilled, efficient, professional workforce. As discussed in the written testimony that was presented on the socioeconomic impacts of the project, the union training programs are privately funded from the total wage and benefit package for each construction project. The amount is based on the total hours worked on the project.

The Pipefitters, Boilermakers and Electrical workers who presented written testimony all described the extensive apprenticeship training programs that are required for their workers. They require between 6,000 and 10,000 hours of on-the-job training and about 1,000 hours of classroom instruction. They also provide training for journey-level workers to maintain and update their skills.

Calpine will hire the best-trained and most highly-skilled workers and will pay its workers adequate wages and benefits. The benefit programs include health and welfare benefits, as well as pension benefits. Members who receive these benefits spend them locally. For example, Local 228 estimates that its members spend about \$300,000 - \$350,000 in the local health care system annually. The average pension paid to a retired member of Local 288 in Sutter and Yuba counties is \$45,000, which is also spent

locally. The benefit programs are funded from the total wage and benefit package that is paid on a construction job, and is based on the number of hours worked. Not only do workers benefit by having health care and a pension plan, but the local economy benefits.

CLTRE has agreed that there will be no strikes during the construction of the plant. Workers will work 10-hour shifts, at Calpine's option. Because the workers are trained and skilled, this project should proceed smoothly without construction delays.

CLTRE's best estimate is that construction of the power plant will require one million hours of work. At an average wage and benefit package of \$30 per hour, this work would add \$30 Million to the local economy.

Construction of the power plant will provide significant socioeconomic benefits to the local economy and to the members of CURE who will build the plant.

B. Plant Operation

Operators and maintenance workers will be referred to Calpine by the International Brotherhood of Electrical Workers (IBEW) Local 1245. Local 1245 has approximately 300-400 members who live in the counties around the Sutter Power Plant site. The workers who will be referred have extensive training and experience. Many have been trained by PG&E.

Local 1245 has an apprenticeship program that trains machinists, electricians and operators. The apprenticeship program is a three year program. Operators require an additional two and a half years of training, including 400 hours of classroom training. Calpine will have access to skilled, trained operators and maintenance workers.

C. Plant Maintenance

The power plant will be maintained by members of the unions that belong to CURE. As discussed above, these union members are skilled, trained workers. They will provide high quality work and will maintain the power plant in a safe and efficient manner.

IV. CONCLUSION

CURE has been an active participant in the Energy Commission proceedings, attending workshops, submitting data requests, employing its own consultants to perform independent investigation of air quality and

water quality issues, and providing written and oral testimony in the evidentiary hearings on socioeconomic impacts. As a result of its participation, CURE has become convinced that this project will provide genuine and significant economic benefits to the local economy while minimizing its impacts on air quality and water quality.

CLTRE supports approval of this project and urges the Commission to grant Calpine's application for a license.

Dated: December 1, 1998



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