

January 14, 2013

**VIA E-MAIL**  
**[DELTAPLANCOMMENT@](mailto:DELTAPLANCOMMENT@DELTA-COUNCIL.CA.GOV)**  
**[DELTA-COUNCIL.CA.GOV](mailto:DELTAPLANCOMMENT@DELTA-COUNCIL.CA.GOV)**

Mr. Philip Isenberg, Chair  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA, 95814

Re: Delta Plan: Comments of Pacific Gas and Electric Company on November 2012 Final Draft Delta Plan

Dear Chair Isenberg and Council Members:

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to comment on the Delta Stewardship Council's (Council) November 2012 Final Draft Delta Plan (Plan). PG&E generally supports the significant efforts of the Council and the many stakeholders involved to help craft a Delta Plan that meets the coequal goals of improved water reliability for California and the protection, restoration, and enhancement of the Delta ecosystem. As the owner and operator of gas and electric transmission and distribution facilities within the Delta, as well as many hydroelectric facilities in the upstream tributaries, PG&E has a significant interest in what occurs in the Delta.

### **Impacts of the Delta Plan on Electric and Gas Operations**

#### *Routine Operations and Maintenance of PG&E Facilities*

PG&E believes that its routine operations and maintenance for facilities within the geographic boundaries covered by the Delta Plan generally should not be affected. Representatives from PG&E's State Agency Relations and Land & Environmental Management teams met with Council staff in September 2012 to confirm that only major new projects proposed by PG&E may be subject to the new provisions of the Delta Plan. Council Staff agreed that the majority of PG&E activities in the Delta would not be considered a "covered action" under the proposed screening criteria, as PG&E work on existing facilities is covered under existing the California Public Utilities Commission (CPUC) approval or exemption process, and would not be considered to have a significant impact on the Plan's coequal goals. The draft Plan should be clear in stating that these types of activities are not covered actions.

#### *Prioritization of State Investments in Delta Levees*

While PG&E anticipates that the majority of its activities in the Delta would not be considered "covered actions," it is worth noting that one of the proposed policies (RR P1)—Prioritization of

State Investments in Delta Levees and Risk Reduction—states that “prioritization shall identify guiding principles, constraints, and strategic considerations to guide Delta flood risk reduction investments.... This analysis shall consider, but not be limited to values related to protecting: ... critical local, State, federal, and private infrastructure including electricity transmission lines...” As the owner and operator of gas and electric transmission and distribution facilities within the Delta and hydroelectric facilities in the upstream tributaries, we appreciate the Delta Plan’s emphasis on the importance of these facilities for consideration of Delta flood risk reduction investments. It is important that electric and natural gas infrastructure, defined broadly, should be protected under this prioritization, as safety and reliability of the electric and gas infrastructure<sup>1</sup> is a critical priority. Such protections should apply to relocation of existing infrastructure to accommodate any new Delta improvements, such as the water conveyance facilities, which will involve significant planning, engineering, land rights, and cost.

*Promote Early Coordination for Specific Proposed Projects and Minimize Permitting Redundancy*

While the Plan and its associated EIR largely do not address actions at the project level, it is important to note that upgrading, relocating or protecting utility infrastructure can be a complex, time-consuming, and costly undertaking. Upon adoption of the Plan, we strongly urge future project proponents to work closely with PG&E during the earliest planning phases of projects within the Delta. To the extent feasible, maps and prioritization schedules should be adopted for levee and flood control facility changes. Early consultation can help to evaluate and plan for impacts and identify the best options for addressing any affected facilities that maximize achievement of the coequal goals and minimize or avoid both environmental impacts and service disruptions to electric or gas customers.

In addition, to avoid redundant permit requirements and unnecessary permit approval delays, any newly introduced permitting requirements for covered projects should be closely coordinated with existing permit requirements such as CWA 401, 404, and existing habitat conservation plans.

Council has also begun the work of establishing an Interagency Implementation Committee. The purpose of this committee will be to formally coordinate the multiple agencies with management responsibility and jurisdiction for permitting activities within the Delta, in order to achieve the co-equal goals of the Delta Plan. State and local agencies will be formal members of the committee, and relevant federal agencies will be invited and encouraged to participate. PG&E plans to continue to monitor the development of this group and may seek to coordinate with the committee, if needed, to address conflicting agency direction on our activities within the Delta.

*Allow Mitigation Flexibility for Major New Electric, Gas, or Generation Projects*

Major new projects (such as new electric transmission facilities) proposed within the Delta, would require any state or local government entity needing to grant discretionary approval for

---

<sup>1</sup> For example, PG&E’s MacDonald Island gas storage facility is a critical facility requiring protection.

the project to also follow the new Certification of Consistency process proposed in the Delta Plan. This process, outlined in Policy GP 1 of the Final Draft Delta Plan “Detailed Findings to Establish Consistency with the Delta Plan,” essentially requires the approving agency to make findings showing the project is consistent with the provisions of the Delta Plan. The screening criteria are listed on Page 55 of the Final Draft Delta Plan (FDDP), along with a decision tree for state and local agencies on possible covered actions (Figure 2-3).

Lead agencies should be allowed flexibility in determining how to mitigate impacts of new infrastructure to be consistent with the Delta Plan, including for visual impacts from transmission towers. In a specific example, in the draft PEIR Section 8 Visual Resources (8.4.3.6.1 Mitigation Measure 8-1), the following mitigation measure was recommended, “Use single-pole electrical transmission towers instead of lattice-form towers for proposed large electrical transmission lines, and put transmission lines underground along areas with high visibility and high public use.” We strongly urge that this Mitigation Measure be amended or removed. The safety and reliability of the electric grid should be the paramount concern when designing and engineering support structures for electrical transmission lines. Any proposed Mitigation Measure must allow lead agencies flexibility to assess specific project proposals and cannot be a “one size fits all” approach to the design and, engineering of transmission towers and lines.

#### *PG&E’s Upstream Hydropower Facilities*

New proposed regulations updating the Delta Flow Objectives will require the State Water Resources Control Board (SWRCB) to update its flow objectives for the Bay-Delta Water Quality Control Plan (“Bay-Delta Plan”) by specific dates. Flow objectives for major upstream tributaries to the Delta would need to be adopted by the SWRCB by 2018. This process is already underway at the SWRCB, and PG&E is engaged in that process. The flow objectives within the Delta itself, to be completed by June 2013, have the potential to negatively impact the amount of hydropower produced at the State Water Project (SWP) and Central Valley Project (CVP). Any changes to the flow objectives for the Delta’s upstream tributaries could affect upcoming FERC relicensing and existing licenses of PG&E hydroelectric facilities located upstream of the Delta through imposition of minimum in-stream flow requirements and other conditions as part of Section 401 water quality certifications issued by the SWRCB. Any change to minimum in-stream flows requires significant coordination and negotiation between many agencies and stakeholders.

#### **Conclusion**

We appreciate your consideration of our remarks and look forward to continued participation in this important planning process. Please feel free to contact me if you have any questions.

Respectfully submitted,

/s/

Valerie Winn