



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
RECEIVED



June 26, 2006

JUN 29 2006

CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565

Ken Strelow
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

Subject: Trans Bay Cable Project
SCH#: 2004082096

Dear Ken Strelow:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on June 23, 2006. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2004082096) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
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June 22, 2006

File Ref: SCH# 2004082096

Ms. Nadell Gayou
The Resources Agency
901 P Street
Sacramento, CA 95814

City of Pittsburg
ATTN: Ken Strelo
65 Civic Avenue
Pittsburg, CA 94565

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JUN 23 2006
CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVENUE, PITTSBURG 94565

Dear Ms. Gayou and Mr. Strelo:

Subject: Trans Bay Cable Draft Environmental Impact Report (EIR)

Staff of the California State Lands Commission (CSLC) has received the above referenced draft EIR. Under the California Environmental Quality Act (CEQA), the City of Pittsburg is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. Thus, such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the CSLC. An application has been received from Trans Bay Cable LLC, for this project.

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General Comments:

- 1. Of particular concern are the wetland alterations mentioned under Impact TBIO-3 and the mitigation measure listed as TBIO-3d. In short, the potential alterations to and filling of wetland and stream areas are not adequately described. 8-2
- 2. In addition, the DEIR makes mention, in TBIO-2a and TBIO-3b, of temporary fencing used to protect sensitive areas as a mitigation measure, but the removal of said fencing is only implied. All temporary construction materials should be explicitly removed from around sensitive areas, leaving such areas in as close in condition as possible to what they were prior to arrival. 8-3
- 3. Also, in relation to the visual impact mitigation planned for the San Francisco and Pittsburg facilities (listed as VIS-1b, VIS-1c and VIS-3), the staff of the CSLC recommends the use of native or endemic plants for any planned landscaping. It is believed that the establishment even of small communities of native flora can provide a long-term enhancement to the general area. Over time, new sources of native seeds can help establish colonies in a wide area around their origin, and thus would help to enhance the general areas of these sites. 8-4
- 4. The Peaker Power Project needs to be described within the cumulative impacts section. It is already described in Section A.8.3.5.12 as a complementary project occurring within close proximity and timing to the Trans-Bay Cable project, and is also mentioned in the TRAFFIC-4 impact. No significant cumulative impacts are necessarily suspected, but the project and any reasonably foreseeable cumulative impacts must be described to a reasonable extent within section 7 of the DEIR. 8-5
- 5. There are two potential concerns that need to be addressed concerning the heat generated by the buried 400W cable. Though Section 4.6.3.3.2 is in most ways thorough, the equations there and in Appendix F do not take into account upward flow of heated water and assumes radiated heat is equivalent in all directions. The upward bias that should be represented may well be negligible, but should be examined. Additionally and possibly more critically, bacteria and similar organism populations may still be influenced by localized heat if water is exchanged between areas (that is, heated areas near the cable may become a breeding ground for simple organisms that may then migrate elsewhere). Again, chance of impact may still be negligible, but if there is any interchange between heated and unheated areas it bears serious consideration given the marine presence of potentially hazardous organisms such as cholera bacteria and toxic dinoflagellates. 8-6
- 6. There is also some concern regarding the toxic and hazardous substances likely to be encountered by workers during the project's implementation, listed most completely in Tables 4.14-1 and 4.14-2. As is, the DEIR does not fully address worker and public safety when the mitigation of toxics is discussed in that section. Proper safety equipment needs to be provided along with worker training, and particular care 8-7

8-7 | must be taken if the hazards are such that certified personnel are required (OSHA or otherwise). Additionally, as an issue of jobsite safety, appropriate warning and hazard signs should be posted as a precaution both for workers and for the general public.

8-8 | 7. There are also some issues with the noise generated by the San Francisco facility during its operation, insofar as it is described within the DEIR. Although noise levels are demonstrated to be acceptable within an M-1 zone, no specific projection of ambient noise levels at nearby R zones is presented. This is surprising given the noise samples taken at ST-3 and ST-4 as listed on Table 4.11-2, which would imply that an impact of some amount is expected at nearby residential areas. If there would be no resultant change to noise levels at those locations, it needs to be explicitly shown how such a conclusion is reached, particularly to demonstrate that any and all overlapping local, State and Federal regulatory requirements are met. (For example, this may be as simple as showing by equation that an expectable noise at the property line will decay to allowed values before residential areas are reached, which the noise contour maps in Appendix G seem to indicate, but do not explicitly show). Also, the current use in a few places of an averaged statistic for day and night combined noise values should be avoided in favor of showing day, evening and night values separately, owing to the distinctions in regulatory levels at different times.

Specific Comments:

A brief review of the Trans Bay Cable Draft Environmental Impact Report by the CSLC engineering staff yields the additional following geotechnical and geophysical issues that require further clarification.

- 8-9 | 1. Page 4.3-6: Pittsburg-Kirby Hills Fault: Please expand the discussion by indicating the reason for the fault rupture hazard investigation conducted at Mariner Walk (1.1 miles west of Standard Oil site), and please indicate what observations were recorded. Does the field evidence indicate that the fault is inactive or was the evidence inconclusive?
- 8-10 | 2. Page 4.3-11: Offshore DC Cable Route: Proximity to mineral resources is not recognized. Is the cable route located within or adjacent to present or potential State-owned mineral resources (including sand and gravel deposits)? Please define mitigative measures to avoid State's potential loss of income and use of strategically located and valuable mineral resources.
- 8-11 | 3. Page 4.3-15: Mitigation Measure GEO-2:
- 8-12 | a. ...site would be reviewed by a *California Licensed Engineering Geologist* (please add) to identify areas....
- b. The Asbestos Dust Mitigation Plan would address the following:
- i. *Identification, by a California Licensed Geologist, of asbestos-form minerals and particulate size that are expected to be present and asbestos-form minerals and particulate size actually encountered.* (Please add).

If there are any questions about the concerns listed in this letter, please contact Nanci Smith via email at smithn@slc.ca.gov or by telephone at (916) 574-1862. Thank you for reviewing our comments, and we look forward to the Trans Bay Cable final EIR.

Sincerely,



Marina R. Brand, Assistant Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Nanci Smith, CSLC
Peter Strait, CSLC
Richard Greenwood, CSLC MRM Longbeach