

PUBLIC UTILITIES COMMISSION

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January 8, 2015

Tom Johnson
PG&E Environmental Compliance Lead
Pacific Gas & Electric
245 Market Street, N10A
San Francisco, CA 94105

RE: Cressey-Gallo 115 kV Power Line Project (C-G): Notice to Proceed (NTP) #2 ---- REVISED ----

Dear Mr. Johnson,

On December 11, 2014, Pacific Gas and Electric Company (PG&E) submitted a Notice to Proceed (NTP) request to the California Public Utilities Commission (CPUC) for the following:

- Installation of four tubular steel poles (TSPs): two at the State Route (SR)-99 crossing, one TSP at the 90-degree turn and crossing of Mercedes Avenue, and one TSP west of Cressey Substation;
- Pulling of the power line (conductor) across SR-99;
- Construction of the re-routed power line north of Arena Way after the line crosses the existing irrigation canal (Livingston Canal) to follow the eastern property line of Assessor's Parcel Number (APN) 140-190-051;
- Construction of the power line within two areas within Swaison hawk's buffer areas; and
- Construction of the power line along APN 140-170-021.

The project is located in the San Joaquin Valley, Merced County, California. PG&E provided the *Biological Survey Memorandum for Proposed Re-Route Section for the PG&E Cressey-Gallo 115 kV Power Line Project (December 5, 2014)* and will be providing additional biological survey data for locations not previously surveyed, as well as cultural surveys for locations not previously surveyed. They will also be providing additional engineering reports as highlighted in the conditions of NTP Approval.

The PG&E Cressey – Gallo 1150 kV Power Line Project was evaluated in accordance with the California Environmental Quality Act (CEQA). The mitigation measures and applicant-proposed measures (APMs) described in the Final Mitigated Negative Declaration (MND) were adopted by the CPUC as conditions of project approvals. The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) to ensure compliance with all mitigation measures imposed on the Cressey – Gallo 115 kV Power Line Project during implementation. The CPUC voted on January 16, 2014 to approve the Final MND for the PG&E Cressey – Gallo 115 kV Transmission Project (Decision D.14-01-003) and a Notice of Determination was submitted to the State Clearinghouse (SCH#2013021061).

The Cressey – Gallo Project will be constructed in at least 3 phases and NTPs will be issued for each phase. This is a typical process for transmission line projects. Given that the Cressey – Gallo Project has been approved by

the CPUC, this phased construction review process allows PG&E to proceed with individual project components where compliance with all applicable mitigation measures and conditions can be documented.

This letter documents the CPUC's thorough evaluation of all activities covered in this NTP, including the mitigation compliance table provided with the subject NTP. The evaluation process ensures that all mitigation measures applicable to the location and activities covered in the NTP are implemented, as required in the CPUC's Decision.

NTP #2 for the TSP work, the re-route, the pulling of the SR-99 line crossing, and the construction of the line in specified areas as noted within is granted by the CPUC based on the factors described below.

PG&E NTP Request

The CPUC has carefully reviewed the NTP request submitted by PG&E and all pre-construction compliance documents, and verified that they incorporate compliance with all applicable mitigation measures and APMs. Excerpts from the PG&E NTP request dated December 11, 2014 are presented as follows (indented):

As previously discussed with the CPUC, PG&E intends to construct the project in several phases to accommodate construction phasing, environmental restrictions, land rights acquisitions, and implementation of the pre-construction mitigation measures. PG&E began construction on the project under Notice to Proceed #1 (NTP#1) on November 18, 2014.

Tubular Steel Pole Installation

A total of four additional tubular steel poles (TSPs) will be installed at the following locations (Figure 2): two TSPs at the State Route 99 (SR-99) crossing; one TSP at the 90-degree turn and crossing of Mercedes Avenue [...]; and one TSP west of Cressey Substation to facilitate the power line entering the substation. TSP heights will be approximately 80 to 90 feet above ground, and the TSP concrete footings will be approximately 15 to 30 feet deep. Concrete footings will be approximately between 5 and 5.5 feet in diameter, and will be constructed prior to TSP installation using a specialized excavation and foundation work crew. TSP work is tentatively scheduled to begin January 2015 to be completed in June 2015, or as soon as possible after construction begins. [...]PG&E proposes to install / pull power line (conductor) across SR-99 as part of NTP#2. [...] Caltrans encroachment permit and UPRR easement would be obtained prior to commencing any line stringing, work over SR-99 and UPRR.

Power Line Re-Route Area

The re-route portion of the line will extend approximately 870 feet south from Mercedes Avenue along the easterly boundary line of APN 140-190-051 to the north side of Livingston Canal, and then west (north of the canal ROW) approximately 480 feet within an almond orchard to the Arena Way alignment and then south to the southerly property line. The alignment will include the removal of approximately 10 almond trees (in coordination with the farmer / landowner pursuant to MM AG-1a), installation of five light duty steel (LDS) poles, three self-supporting strain poles, and one anchor and stringing of conductor using approximately six pull sites. [...] Work within the re-route area is tentatively scheduled to begin January 2015, or as soon as all necessary plans and approvals are in place, and be completed by June 2015 (or as soon as possible after construction begins).

Construction of Single Circuit 115 kV Pole Line within Swainson's Hawk Buffer Areas

Pole line construction will include the installation of wood and light-duty steel (LDS) poles, stringing conductor, and removal of the distribution wood pole along the north side of Magnolia Avenue alignment for approximately 1.75 miles to Howard Avenue (Figure 3).

Pulling Conductor

This portion of the project includes two distinct construction areas: the first initiating at the terminus of work previously released under NTP#1 near the intersection of Howard Avenue and Magnolia Avenue to a point approximately 1,300 feet to the east (including a portion of the first Swainson’s hawk buffer), and a second beginning at a point approximately 650 feet east of the intersection of Washington Boulevard and Magnolia Avenue (i.e., the western-most edge of APN 047-240-014) to a point approximately 6,590 feet to the east at the eastern-most edge of APN 047-260-089 (including a portion of the second Swainson’s hawk buffer) (Figure 3).

Pole line construction in these areas will include the installation of wood and LDS poles, stringing conductor, and removal of approximately 20 distribution wood poles. Work areas for the installation of new wood or LDS poles will be located approximately every 300 to 350 feet within the new ROW. Work areas will typically be 100 feet long by 40 feet wide and include the adjacent paved private road in addition to the PG&E ROW. Work areas will be accessed from adjacent paved roads. Some vegetation removal or tree trimming may be required for vehicle access and to minimize safety risks. Gravel or rock may be added to the side of the road as needed due to weather conditions or to reduce dust from construction equipment. Construction of the area’s pole line segments will begin approximately January 2015, and are currently scheduled to be completed by approximately July 2015.

Construction of Single Circuit 115 kV Pole Line within APN 140-170-021

PG&E will construct a single-circuit 115 kV Pole Line along those portions of the project alignment within Assessor’s Parcel Number 140-170-021 (aka Slimmer TSP Property). Specifically, the construction areas will consist of the project alignment along the south side of Mercedes Avenue from the TSP (MM V-2: Install Slimmer Light Gray Tubular Steel Pole) westward for approximately 1,300 feet to the intersection of Mercedes Avenue and Santa Fe Drive (County Highway J7) (Figure 2). Pole line construction in this area will be similar to what has been described above including the installation of wood and LDS poles, stringing conductor, and removal of approximately 6 distribution wood poles. Construction of the area’s pole line segment will begin approximately January 2015, and is currently scheduled to be completed by approximately July 2015.

Pulling Conductor

Pull and tension activities may include crossing structure installation, equipment staging, temporary wood pole and anchor installation, and pulling and tensioning equipment while stringing the electrical line. Most pull and tension work areas will likely be located within the ROW and may be located approximately 0.5 to 2 miles apart as required by the final design. Pull and tension work areas will typically be the width of the ROW (40 feet) and approximately 200 feet in length. Vehicles and equipment will be staged or parked within the project ROW or alongside access roads (although in some cases, vehicles may be outside the ROW where pulling around angles or at the start of a new direction of the route). Conductor pulling will begin approximately January 2015, and will continue through the length of the project.

CPUC Evaluation of Preconstruction Mitigation Implementation

All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and are required to be implemented prior to and during construction where applicable. For biological resources, those additional conditions are discussed and defined in this section. The Compliance Status Table in PG&E’s NTP request provides preconstruction compliance information for the other issue areas addressed by the Cressey-Gallo MND. All pre-compliance reports and submittals were reviewed carefully by the CPUC to ensure they meet the mitigation measure requirements.

Following the discussion of biological, cultural, paleontological, water resources, and land use/sensitive receptors, a list of bulleted conditions is presented to define additional information and clarifications regarding outstanding requirements. In some cases, these items exceed the requirements of the Mitigation

Measures and Applicant Proposed Measures, and are based on specific site conditions. In these cases, the conditions will not appear in the NTP mitigation compliance table.

Biological Resources: This section presents a background for biological resources that occur, or could occur, along the project length associated with the work described in the NTP #2 request. Additionally, PG&E will provide an updated biological survey for areas not previously surveyed. This summary of biological issues is based on information provided in the *Cressey-Gallo Swainson's Hawk Survey Results* (June, 2014), *Western Red Bat Survey Memorandum for PG&E's Cressey-Gallo 115 kV Power Line Project*, *Biological Survey Memorandum for Proposed Re-Route for the PG&E Cressey-Gallo 115 kV Power Line Project*, the project MND and a field verification site visit conducted on September 18, 2014 by Aspen Environmental Group (Aspen).

Construction activities associated with the NTP #2 would occur on lands adjacent to paved roadways, along an area with an existing distribution line, and along an existing almond orchard. The Biological Resource Technical Report (November 2012) identified the following vegetation along the NTP #2 alignment: ruderal, other cropland, planted trees, landscaped areas, vineyards, orchards, and a ponded area west of the work proposed along Mercedes Avenue.

During the Swainson's Hawk Survey conducted during the 2014 nesting season, six occupied raptor nests were observed within the survey area. Two Swainson's hawk nests are within the NTP #2 work area. No burrowing owls or burrow signs were identified during the surveys; however, additional biological surveys will be conducted on areas not previously studied. Although project construction work would begin after the 2014 nesting season ended, it would extend through the 2015 nesting season at which time Mitigation Measure B-7 would be implemented.

During the preliminary survey for western red bat, no definitive western red bat calls were detected. One bat call belonging to either Yuma myotis (*Myotis yumanensis*), California myotis (*Myotis californicus*), or western red bat (*L. blossevillii*) was detected, but the recorded call was partial so the species could not be determined.

Although impacts to special-status plants and wildlife are not anticipated, PG&E would implement APMs and Mitigation Measures to ensure that impacts are minimized and/or avoided. These would include additional surveys along areas not previously surveyed, pre-construction surveys as required, environmental awareness training, construction monitoring, minimizing noxious weeds, avoiding impacts to nesting birds, and avoiding impacts to roosting western red bats.

Cultural: Based on the *Cultural Resources Inventory and Evaluation Report for the Cressey-Gallo 115 kV Power Line Project* Report (October 2011), there are nine documented cultural resources including a railroad, a building, historic artifacts, and portions of the Merced Irrigation District [MID] Historic District that encompasses the boundaries of the work that would be completed under NTP #2. The proposed MID Historic District was recommended eligible to the NHRP and the CRHR in 2010 and is composed of dams, reservoirs, hydroelectric facilities, ditches, canals, lateral, wells, and pumping plants over a large portion of Merced County. The other resources were outside of the areas that would be impacted by the project, found ineligible or recommended ineligible during the CEQA evaluation for the Proposed Project.

Several additional areas that were not surveyed for cultural resources will be completed pursuant to MM C-1 (Conduct Preconstruction Cultural Resources Surveys for Areas Not Previously Surveyed). These areas were not included in the original project environmental documents due to their confidential nature. Survey results will be submitted to the CPUC during the review period for NTP#2.

PG&E would implement APMs and Mitigation Measures to ensure that impacts are minimized and/or avoided. These include environmental awareness training and construction monitoring. In the event of an unanticipated discovery of archaeological materials within the work completed under NTP #2, all work would be halted within 100 feet of the discovery as required by APM CU-2, and appropriate management of the unanticipated discoveries would be followed.

Paleontological Resources: The *Paleontological Resources Assessment Cressey-Gallo 115 kV Power Line Project Merced County, California* (February 2011), identified no formations in the NTP #2 work areas with high paleontological sensitivity. All formations within the work areas were found to have either low or moderate sensitivity with a low potential for impact. PG&E will implement APMs to reduce any impacts to paleontological resources, including environmental awareness training and actions to take if an unanticipated paleontological resource is discovered.

Water Resources. PG&E has prepared an Erosion and Sediment Control Plan as part of a Stormwater Pollution Prevention Plan (SWPPP), which was approved by the State Water Resources Control Board on September 19, 2014. The Regional Water Quality Control Board has issued a Waste Discharge Identification (WDID) number for the Project (WDID# 5F24C370979). Erosion control and pollution prevention measures in the SWPPP address elements such as track-out controls, stock-pile handling, dewatering discharge, drain inlet protection, and replacement of any disturbed pavement or landscaping.

Sensitive Land Uses/Noise. The work proposed under NTP #2 would be located near residences and along cropland, orchards, and vineyards along most of the proposed work areas. Construction notifications were provided to the public with construction dates and locations, types of work anticipated, and contact information regarding where the public can get additional information.

Mitigation Measure N-1, PG&E Construction Hours, requires PG&E to limit grading, scraping, hole augering and pole installation to daylight hours. Exceptions for work outside of these hours shall be allowed for project safety or to take advantage of the limited times when the power line can be taken out of service. If nighttime work is needed because of clearance restrictions on the power line, PG&E shall take appropriate measures to minimize disturbance to local residents through APM NO-5 to inform them of the work schedule and probable inconveniences. The construction work would be required to follow County Noise Ordinances for construction.

~~Section 10.60.030 of the Merced County Ordinance Code (Merced County, 2009) states the following regarding noise limits:~~

~~A. No person shall cause, suffer, allow, or permit the operation of any sound source on private property in such a manner as to create a sound level that results in any of the following, when measured at or within the real property line of the receiving property:~~

~~1. Exceeds the background sound level by at least ten (10) dBA during daytime hours (seven a.m. to ten p.m.) and by at least five dBA during nighttime hours (ten p.m. to seven a.m.). The background sound level for purposes of this section shall be determined as set forth in Section 10.60.060; or~~

~~2. Exceeds sixty five (65) dBA Ldn on residential real property or seventy (70) dBA Ldn on nonresidential real property; or~~

~~3. Exceeds seventy five (75) dBA Lmax on residential real property or eighty (80) dBA Lmax on nonresidential real property.~~

~~B. The following are exempt from the sound level limits of Section 10.60.030(A):~~

~~5. Noise from construction activity, provided that all construction in or adjacent to urban areas shall be limited to the daytime hours between seven a.m. and six p.m., and all construction equipment shall be properly muffled and maintained.~~

Conditions of NTP Approval

The conditions noted below shall be met by PG&E and its contractors:

- All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
- Copies of all relevant permits, compliance plans, and this NTP #2 shall be available on site for the duration of construction activities. PG&E will obtain a Caltrans encroachment permit and UPRR easement prior to commencing any line stringing, work over SR-99 and UPRR. PG&E will adhere to all safety requirements within the Caltrans encroachment permit and UPRR's overhead crossing conditions.
- In accordance with Mitigation Measure V-2 (Install Slimmer Light Gray Tubular Steel Pole Treated with CrysCoat (or equal) and Vegetative Screening at Mercedes Avenue Crossing), PG&E shall submit an engineering sketch of the pole, and report landowner requests and PG&E's responses to the CPUC prior to the start of construction of the pole.
- In accordance with Mitigation Measure B-1, PG&E will complete biological resources surveys in areas not previously surveyed and provide the results to the CPUC for review.
- Conduct biological monitoring in compliance with APM BIO-1, and monitor for compliance with all APMs and MMs during active use of the subject site.
- In accordance with Mitigation Measure B-7, between February 1 and September 15, preconstruction survey for nesting birds would occur on a regular basis, as required by the measure. If active nests are found, a ½ mile buffer for Swainson's hawk and white-tailed kite, a 500-foot buffer for raptors, and a 250-foot buffer for passerine birds would be established around the nest. No activities will be allowed within the buffer unless reduced on a case-by-case basis until the young have fledged from the nest or the nest fails. Requests to reduce standard buffers must be submitted to the CPUC independent avian biologist(s) to be reviewed in coordination with the California Department of Fish and Wildlife (and USFWS as appropriate). All nests with a reduced buffer shall be monitored on a daily basis during construction activities by a qualified wildlife biologist until the biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends within the reduced buffer (whichever occurs first). ~~The Biological Monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails.~~ The biological monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. ~~The buffer may be adjusted with the approval of CDFW and USFWS, and CPUC designated avian biologist(s).~~
- A focused preconstruction survey for burrowing owl will be completed no more than 30-days prior to ground disturbing activities as required by MM B-7 and specified under the *1993 Ca Burrowing Owl Consortium Guidelines*. Results of this survey would be provided to Aspen/CPUC as part of the preconstruction requirements required prior to beginning activities authorized under NTP #2.

- In accordance with Mitigation Measure B-3, design construction to avoid wetlands including ponded areas.
- In accordance with Mitigation Measure B-6, a qualified biologist (approved by CPUC) shall conduct preconstruction surveys for western spadefoot toad, Blainville's horned lizard, and western pond turtle no more than 7 days prior to construction in suitable habitats within the project work areas.
- In accordance with Mitigation Measure B-8, a survey for roosting bats or maternity roosts was performed by a qualified biologist along the entire length of the power line. Additionally, a survey for roosting bats or maternity roosts will be performed within seven days of the start of construction for the proposed NTP #1 work areas. If active roosts are found, a buffer would be established around the roost and no activities will be allowed within the buffer unless reduced on a case-by-case basis. The biological monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFW and CPUC designated avian biologist(s).
- In accordance with Mitigation Measure C-1, PG&E will complete cultural resources surveys in areas not previously surveyed and provide the results to the CPUC for review.
- As required by Mitigation Measure C-2, Avoid Known Historical Resources, the portions of historical resources that cross into or are immediately adjacent to the project area (i.e., within 25 feet) shall be marked with visible flagging tape to create a 10-foot buffer around the site. The construction crews shall be instructed that no vehicle access, travel, equipment staging, storage, or other construction-related work shall occur outside the flagged areas to ensure that known historic resources are not inadvertently damaged during implementation of the project.
- In the case of an unanticipated cultural resources discovery, the CPUC EM shall be notified in a timely manner immediately and the find shall be managed in compliance with APM CU-2 and APM CU-3.
- In the case of an unanticipated paleontological resources discovery, the CPUC EM shall be notified in a timely manner immediately and the find shall be managed in compliance with APM PR-3.
- All crew members shall be Worker Environmental Awareness Program (WEAP) trained prior to working on the Project. A log shall be maintained on-site with the names of all crew personnel trained. All participants will receive a hard-hat sticker for ease of compliance verification.
- A copy of the SWPPP or Erosion Control Plan was provided to the CPUC prior to beginning work identified in NTP #1. The project SWPPP or Erosion Control Plan includes erosion control and sediment transport BMPs to be used during construction. The identified BMPs will be installed in accordance with the SWPPP or Erosion Control Plan prior to construction.
- As required in Mitigation Measure AG-1, PG&E gave at least 30 days advance notice of the start of construction-related activities. Notification shall be provided by mailing notices to all properties within 300 feet of the project route. The notification included contact information for a point of contact for complaints related to construction activities.
- As proposed by APM TT-1, PG&E will follow its standard safety practices, including installing appropriate barriers between work zones and transportation facilities, posting adequate signs, and using proper construction techniques.

Cressey-Gallo 115-kV Power Line Project
NTP #2

- Construction activities shall abide by Mitigation Measure N-1 ~~County Noise Ordinance~~, as noted above.

Sincerely,



Billie Blanchard
CPUC Environmental Project Manager

cc: V. Strong, Aspen