
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 19, 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) #3

Dear Mr. Johnson,

On March 9, 2015, Pacific Gas and Electric Company (PG&E) submitted a Notice to Proceed (NTP) request to the California Public Utilities Commission (CPUC) for installation of remaining single circuit 115 kV poles and pulling of conductor along the project route not covered by previous NTPs. A revised NTP request was submitted on March 13, 2015.

The PG&E Cressey – Gallo 1150 kV Power Line Project, located in the San Joaquin Valley, Merced County, California, 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 #3, for the construction of single circuit 115 kV pole lines and pulling of conductor in remaining locations along the project route 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 March 13, 2015 are presented as follows (indented):

As previously discussed with the CPUC, PG&E is constructing 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, followed by continued construction under Notice to Proceed #2. This letter serves to request a third Notice to Proceed (NTP#3) for all remaining work locations and activities as described in the sections that follow (including attached NTP #3 Overview Map).

Construction of Single Circuit 115 kV Pole Line within remaining locations between Cressey and Gallo Substations

Construction of the single circuit 115 kV Pole Line will occur in various line segments along the project route. Work will begin on the northeast section of alignment at the Cressey Substation, where poles are expected to be sited at designated locations.

In the northeast section of the project route, poles will be installed on private property along the west side of West Lane, the north side of Palm Avenue, south through agricultural lands/orchards, and the south side of Mercedes Avenue. In the central-eastern section of the project, poles will be installed on the east side of Arena Way and the north side of Magnolia Avenue. The central portion of the project is located on Magnolia Avenue where poles will be installed in areas outside the areas as identified in NTP #2. See NTP #3 Overview Map figure (attached), for details of the above-described areas.

Pole line construction in these areas will include the installation of wood and LDS poles, stringing conductor, and removal of 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 and/or road franchise (as applicable). 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 on or before March 16, 2015, and 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 continue through the length of the project.

Land Acquisition

PG&E has secured the majority of easements from landowners within the project alignment for NTP#3 areas, with the exception of 21 parcels affecting 12 property owners. PG&E is currently negotiating with these remaining landowners to obtain easements and will not conduct work on their parcels until agreements are in place, or right of access is granted through eminent domain (as necessary). A list of the remaining properties is provided below and is identified by the Assessor's Parcel Number (APN). For details of acquired land rights, see attached NTP#3 Overview Map.

- APN 140-170-011
- APN 140-170-023
- APN 143-190-012
- APN 143-050-005 & 008
- APN 143-050-009

- APN 140-170-020
- APN 047-260-029, 039, 090, 093 & 094
- APN 143-140-044
- APN 143-210-053, 054, 055, 056 & 074
- APN 047-240-014
- APN 047-280-015
- APN 047-280-009

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 #3 request. 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*, and 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 #3 will occur on lands adjacent to paved roadways, along an area with an existing distribution line. The Biological Resource Technical Report (November 2012) identified the following vegetation along the NTP #3 alignment: ruderal, other cropland, planted trees, landscaped areas, vineyards, orchards, elderberry bushes and seasonal ponded areas.

During the Swainson's hawk survey, conducted during the 2014 nesting season, six occupied raptor nests were observed within the survey area, but only one red-tailed hawk nest was within 500 ft of NTP #3 work areas. Construction is anticipated to occur through the 2015 nesting season, during which Mitigation Measure B-7 will 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 will implement APMs and Mitigation Measures to ensure that impacts are minimized and/or avoided. These will be 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 will be completed for the Cressey-Gallo Project. 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 either outside of the areas that will be impacted by the project, found ineligible, or recommended ineligible during the CEQA evaluation for the Proposed Project.

PG&E will 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 #3, all work will be halted within 100 feet of the discovery as required by APM CU-2, and appropriate management of the unanticipated discoveries will 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 #3 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 #3 will 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.

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 #3 shall be available on site for the duration of construction activities.
- As noted above, PG&E is currently negotiating with 12 remaining property owners, affecting 21 parcels, to obtain required easements for project construction. PG&E will not conduct work on the subject parcels until agreements are in place, or right of access is granted through eminent domain (as necessary). PG&E shall provide notifications to CPUC as easements/right of access are obtained.
- In accordance with Mitigation Measure B-1, PG&E will complete biological resources surveys in areas not previously surveyed (as necessary) 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-3, design construction to avoid wetlands including ponded areas.
- In accordance with Mitigation Measure B-5, a qualified biologist shall flag, fence or by other highly visible means identify buffer zones at least 20 feet wide surrounding the drip line of each potential valley elderberry longhorn beetle host plant (any elderberry shrub with at least one stem with a diameter of one inch or greater).
- 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-7, between February 1 and September 15, preconstruction survey for nesting birds will 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 will 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 be responsible for documenting the results of the surveys and the ongoing monitoring.
- 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*.
- 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 #3 work areas. If active roosts are found, a buffer will 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).

- 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 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 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 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.
- Construction activities shall abide by Mitigation Measure N-1 as noted above.

Sincerely,



Billie Blanchard
CPUC Environmental Project Manager

cc: V. Strong, Aspen