



# **Aspen** *Environmental Group*

## **Project Memorandum PG&E Northeast San Jose**

**To:** Roosevelt Grant, CPUC  
**From:** Vida Strong, Project Manager  
**Date:** July 1, 2002  
**Re:** Weekly Report #5: June 24, 2002 – June 30, 2002

**CPUC Environmental Monitor (EM):** Jody Fessler

### **Summary of Activity:**

On Monday, June 24, CPUC EM conducted site visit of Los Esteros sub-station site with Essex EI and Essex Biologist. Essex EI and biologist were looking to see which nests, in the structure to be demolished, were inactive and which were active. They were removing the inactive nests so that no more birds will start nesting. While moving a ladder close to one nest, two fledglings flew out of the nest. One of the fledglings was developed enough to fly away, but the other one could not get any lift with his feathers. CPUC EM picked up the fledgling, climbed up the ladder, and placed it back in the nest where it stayed. Another nest appeared to be inactive. Essex Biologist got up on a ladder and used a stick with a mirror on the end of it to look into the nest. No hatchlings or eggs were observed and so she knocked it down. When it fell, four eggs were also knocked down and cracked. Photos were taken.

CPUC EM contacted California Department of Fish and Game, Region 3 Headquarters and spoke with Larry Wyckoff, Biologist, about the incident. He spoke with Lt. Dan Andreen and they decided there did not need to be any formal notification made to CDFG since there was no malicious intent and PG&E/Essex is protecting the other nests and fledglings at the site.

Left message with US Fish and Wildlife contact, Don Hankins, since it was a house finch nest and they are protected under the Federal Migratory Bird Act.

Essex EI and Essex Biologist discussed reducing buffer zone around structure with CPUC EM.

CPUC EM conducted site visit of Laguna Creek in the afternoon. Crews were filling in and paving the south bore pits. Water from underground was seeping into the north bore pit because of high tide. There was a small generator placed in the ROW on the north side of the creek. The Construction Superintendent said they would be moving it soon when they could get the bigger generator hooked up.

CPUC EM conducted site visit of Laguna Creek bore site in the evening. The night crew was just getting there and setting up. The day crew was compacting soil in the north bore pit with a big-rig compactor. Crews were moving cement pilings (K-rails) to block off traffic at the new bore site which will be in the middle of the road on the south side of the creek. Crews were paving the other south bore pit.

CPUC EM noticed that the Baker tank was full to the top and some water was spilling over. Mentioned this to Essex EI and he called Northern Linelayers' Safety Inspector. Pumps had been shut off earlier in the day and also the valve releasing water into the storm drain. When the pumps were turned back

on in the evening, someone forgot to open up the valve. The valve was opened right away so that water could continue to flow through the Baker tanks and into the storm drain.

All equipment and materials were within the ROW.

On Tuesday, June 25, CPUC EM conducted site visit of Laguna Creek in the early afternoon. South bore pit was completely paved and crews had directed traffic over it and started working on a new bore pit in the middle of the road on Cushing Parkway on the south side of Laguna Creek. Traffic was diverted on either side of the new bore pit. Crews had excavated the pit about 6 feet and were starting to put in the shoring materials as they excavated.

Essex EI showed CPUC EM around the site. The storm drain pipe that crews ran into in the trench going north of the north bore pit is causing some problems. The storm drain pipe is in the way of where the crews need to lay their pipes.

Spoke with Anne Sweet of Aspen EG and she said Ron of PG&E spoke with someone from USFWS in Portland and they said house finches do not need a buffer zone because they are use to human activity.

CPUC EM conducted site visit of Los Esteros sub-station site in late afternoon. Crews were watering dust down after they graded and moved soil. Walked over to the building structure and looked at the nests. There was still a baby bird in a nest on the west end of the building. It was very close to fledging. CPUC EM called Anne Sweet of Aspen EG back and told her she thought there needs to be some kind of buffer around the building. CPUC EM called Vida Strong of Aspen EG and Megan Bracker of Essex and left messages with them regarding this issue.

Megan Bracker of Essex returned call to CPUC EM and was told that there should be some kind of buffer zone around the building (about 15 to 20 feet). Megan Bracker felt comfortable with this and said she would include it in their variance request.

On Wednesday, June 26, CPUC EM conducted site visit of Laguna Creek in the early afternoon. Crews were still excavating new bore pit and had dug about 20 feet deep. Crews were also working on shoring trench north of north bore pit. They are going to remove the storm drain pipe temporarily in order to lay their pipes.

CPUC EM conducted site visit of the Los Esteros sub-station site. Crews were keeping site well watered and dust control was in compliance. CPUC EM met with Essex EI out at the site. Conducted site visit of the building structure at Los Esteros and observed nesting birds. Essex biologist arrived on site around 3:00 PM to assess bird status. Three baby hatchlings were found dead on the ground inside the building structure. It was concluded that they either fell out of their nest or were pushed out by another bird. A song sparrow fledgling was also found flapping around inside the building structure and another one in a thistle right outside of the building. Essex Biologist placed the fledgling that was in the building outside with the other fledgling under the thistle so it would have more cover.

CPUC EM conducted site visit of Laguna Creek bore site in early evening. New bore pit was almost complete. Crews were still excavating some dirt from pit. Dave Turkington of Black & Veatch spoke to CPUC EM about using the extra work space at the corner of Cushing Parkway and Fremont Boulevard that was approved in the NTP. CPUC EM confirmed that they were allowed to use this space now.

CPUC EM conducted site visit of Laguna Creek bore site later in the evening. Crews were just finishing new bore pit. A welder came on site and started welding the ladder cage together for access into the pit. Construction management says they will start boring under creek tomorrow evening. Crews began excavating the north trench and were planning on removing the storm drain pipe. As they were excavating, shoring on the trench failed because of wet sandy soil. The failed trench sides were excavated. No environmental problems.

CPUC EM observed an American avocet, killdeer, Canadian geese, mallard ducks, and a great blue heron in Laguna Creek. Also observed a barn owl and several black-crowned night herons fly over site.

**Environmental Compliance:**

The destruction of the house finch nest on June 24 was not in compliance with the Federal Migratory Bird Act. USFWS and CDFG were contacted.

CPUC EM observed that construction was in compliance with mitigation measures adopted in the EIR.

**Notices to Proceed (NTP):**

**Variance Requests:**