



Aspen *Environmental Group*

Project Memorandum – PG&E Northeast San Jose

To: Roosevelt Grant, CPUC
From: Vida Strong, Aspen Project Manager
Date: September 17, 2002
Subject: Weekly Report #16: September 9, 2002 – September 15, 2002
CPUC Environmental Monitor (EM): Jody Fessler

Summary of Activity:

On Tuesday, September 10, the CPUC EM conducted several site visits of Fremont Boulevard construction. Traffic controls were set up around the last bore at USD Lagoon #4 creek where crews were digging the bore pit south of the creek and putting in support plates. A large Baker tank was set up at that location off to the side of the road. Traffic controls were also set up around man-hole vault #5 on the left line where the pit had been dug and support plates put in place. Crews were planning on installing the man-hole vault at around 10:00 PM that evening. Some traffic controls (k-rails), which had been set up around the Agua Caliente Creek staging area, had been removed. However, the CPUC EM observed that Fremont Boulevard and sidewalks from approximate Station 50+50 on the right line north to the Agua Caliente Creek staging area were still dusty and dirty. The CPUC EM contacted the Essex Environmental Inspector (EI) regarding the issue. He said he would report it to construction management. Later in the evening, the CPUC EM observed that area in front of the business park had been swept and watered from approximate Station 50+50 on the right line to Agua Caliente Creek. Crews were also removing trench plates from approximate Station 38+64 south to man-hole #4 at approximate Station 46+70 on the left line. Crews also started trenching on the left line from Station 38+64 north towards Cushing Parkway.

The CPUC EM conducted a site visit of the Los Esteros Substation site in the early evening. The area where dump trucks drive to dump their soil from Fremont Boulevard trenching activities had been well watered. The CPUC EM inspected the 160-foot buffer zone established for the burrowing owl siting. A white-tailed kite and an American kestrel were observed perching on the property fence. In addition, starlings, mourning doves, and crows were observed. Around 9:30 PM, the CPUC EM and the Essex EI conducted a site visit of the burrowing owl exclusion zone and noted that crews had dumped four loads of soil within approximately 100 feet of the burrowing owl burrow. The Essex EI immediately stopped dump truck drivers from entering the environmental buffer zone and put up new exclusion tape. He also called the Black & Veatch's Project Manager who came out to assess the situation. The CPUC EM informed the CPUC Lead EM and Aspen Project Manager of the incident.

On September 11, the CPUC EM issued the following Non-Compliance Report regarding the dumping of spoils with the established burrowing owl buffer zone.

On September 10, during the night shift, dump truck driver(s) removed exclusion tape, entered an environmentally sensitive buffer zone, and dumped soil within the buffer zone. PG&E had established a 160-foot buffer zone, around a known burrowing owl location, based on CDFG burrowing owl protocols. CDFG and CPUC were informed by PG&E that a 160-foot buffer zone would be maintained until they were told otherwise by CDFG. On September 10, prior to this event, CDFG confirmed that the 160-foot buffer zone was appropriate. This is the second time that crews have crossed marked exclusion tape and entered an environmentally sensitive area. A third incident will be very seriously considered by the CPUC.

At the Los Esteros Substation site, the CPUC EM observed the burrowing owl by its burrow on the west side of the foundation for the old building structure. The CPUC EM noted that exclusion fencing and signs had been re-established around the burrow. The American kestrel and a white-tailed kite were sited again by the CPUC EM.

The CPUC EM conducted a site visit of Fremont Boulevard construction during the night where crews were working at man-hole vault #5. The entry bore pit at USD Lagoon #4 creek was complete with gravel placed on the bottom of the pit. Crews were pot-holing where the receiving pit will be on the left line just north of USD Lagoon #4 creek. The CPUC EM noted that the Agua Caliente Creek staging area had been well watered. Crews were trenching north on Fremont Boulevard from approximate Station 37+00 to approximate Station 33+00 on the left line.

On September 12, the CPUC EM conducted a site visit of the Los Esteros Substation site in the evening. The CPUC EM met with the Essex EI and his vacation fill in, an Essex Lead EI. The CPUC EM noted more tape and signs posted around the buffer zone for the burrowing owl.

The CPUC EM conducted a site visit of Fremont Boulevard construction later in the night where crews were trenching north on the left line from approximate Station 33+00 to Station 31+00. Crews were shoring the trenches, placing conduit, pouring cement slurry, and paving the road as they went. One crew member was observed placing road markers on the road adjacent to Agua Caliente Creek where crews had repaved. The receiving pit for the USD Lagoon #4 creek bore on the left line is almost complete. Crews were backfilling man-hole vault #5 on the left line with gravel fill. At man-hole vault #10 at the south end of Fremont Boulevard, the crane crew was setting the vault in the pit.

Environmental Compliance:

On September 10, the CPUC EM observed construction crews entering an environmentally sensitive buffer zone at the Los Esteros Substation site. Construction along Fremont Boulevard was in compliance with mitigation measures adopted in the EIR and permitting requirements, with the exception of some dust and dirt along the roadway and sidewalks near Station 50+50 on the right line north to the Agua Caliente Creek staging area.

On September 11, the CPUC EM issued a Non-Compliance Report for last night's activities at the Los Esteros Substation site. The CPUC EM observed that all other construction was in compliance with mitigation measures adopted in the EIR and permitting requirements.

On September 12, the CPUC EM observed that all construction was in compliance with mitigation measures adopted in the EIR and permitting requirements.

Notices to Proceed (NTP):

No NTPs were issued during the subject week.

Variance Requests:

On September 6, Variance Request #6 was submitted to change the location of the permanent access road to the Los Esteros Substation. Inquiries regarding the request were made to Essex on September 12 and 16. This request is under review, pending the submittal of additional information.

TABLE 1
VARIANCE REQUEST STATUS TABLE
(Updated 9-10-02)

Variance Request #	Date Submitted	Description	Status	CPUC Approval Date
1	6/11/02	Disposal of excavated material, corner of Fremont Boulevard and Cushing Parkway, Fremont.	Completed	6/11/02
2	6/13/02	Material/equipment yard, 42400 Boyce Road, Fremont.	Completed	See Underground NTP
3				
4	6/26/02	Reduce biological buffer from 250 to 15-feet at existing structure, Los Esteros Substation.	Completed; 25-foot buffer approved.	7/5/02
5	7/9/02	Extra work space area for Line F bore, west of Fremont Blvd.	Completed	7/12/02
6	9/6/02	Change the location of the permanent access road to the Los Esteros Substation.	Under review.	