



Aspen *Environmental Group*

PROJECT MEMORANDUM PG&E – TRI-VALLEY 2002 CAPACITY INCREASE PROJECT

To: Jensen Uchida, CPUC
From: Vida Strong, Aspen Project Manager
Date: July 14, 2005
Subject: Weekly Report #67: July 10, 2005 – July 16, 2005
CPUC Environmental Monitor (EM): Anne Sweet

The major build activities of the Phase One section of the Tri-Valley Project are complete and the line was officially released to operations July 2003. However, in January, 2004, sinkholes, slumping, and compaction issues throughout the Phase One alignment were identified at vault locations and along the entire length of the New Vineyard Road trench line. PG&E called Mueller (the original contractor) back to the site to restore the areas. The New Vineyard Road and trench line sinkage restoration work was completed April 8, 2004.

Phase Two, including the Cayetano Substation and the 230 kV line, was energized on December 3, at which time the Phase Two segment was officially released for operations. On December 19, 2003 PG&E took over environmental inspection responsibilities for Essex Environmental.

A Notice to Proceed (NTP) was issued by CPUC for Phase Three construction on June 29, 2005. Opus Environmental won the contract for the last phase of construction, and will be providing the Environmental Inspectors (EI) for PG&E. Opus will provide environmental as well as biological monitoring and oversight, including conducting environmental training of all new crew personnel. Work will begin with road grading and tower installation. The road grading will be conducted by Granite Construction. The tower work will be conducted by PG&E.

Summary of Phase Three Activity:

Weather was clear and hot throughout the subject week. The CPUC EM toured the Phase Three sites on July 15th. The PG&E/Opus Principal Environmental Inspector (PG&E EI) and biologist on the project is Bill Fischer, who initially will be on-site Tuesdays through Thursdays and in August he will be working Monday through Friday. Through July, Sara Higgins will be the PG&E EI on Mondays and Fridays. As work picks up, Opus will bring on additional inspectors in order to meet the monitoring requirements outlined in the USFWS Biological Opinion (BO). During the subject week, the PG&E EI conducted environmental trainings as new crew members joined the project.

The NTP for Phase Three requires that the CPUC EM field validate the flagging of the right-of-way and resource exclusion boundaries prior to the start of construction. Per PG&E, gaps will need to be left in the fence to allow pasturing cows to move through the area. On July 6, the CPUC EM agreed to the gaps as long as “No Project Access” signs were placed on posts to inform crews of sensitive resources and project boundaries. Road grading has begun throughout the area.

Per Opus on Friday July 8th, a California tiger salamander (CTS) was sighted at the northern portion of the Moller access road near the planned 0.33-acre wetland mitigation site (see Figure 1). The CTS was found hiding in a crack in the soil in an area under the bridge in a sink hole at the edge of the road. Exclusion fence was erected around this location to protect the CTS and construction crews were redirected away from the area. The CDFG and USFWS were notified. Continued consultation regarding protection of the CTS has occurred. A 500-exclusion zone has been set up around the CTS burrow area.

On July 14, the Opus Project Manager called the CPUC EM with notification that one of the operators was not aware of the 500 foot-exclusion zone and a 400-foot by 20-foot area was scraped within the zone coming within 100 feet of the CTS borrow. The site Foreman when he realized what was occurring immediately stopped the operator. Opus notified Mary Hammer of the USFWS in an e-mail. PG&E EI, Bill Fisher, surveyed the area after the incident and did not find any dead or injured sensitive species. To compensate for the impacted burrows, PG&E proposed to survey the road construction area for 20 other areas (approximately 20 square feet each) with multiple burrows and flag these burrows for avoidance. The incident was documented as a non-compliance in the weekly report prepared by Opus.

PG&E EI, Sara Higgins, informed the CPUC EM that crews had sprayed the burrow area with water the night of the 14th in hopes that the CTS would come out of the burrow; however, early morning surveys conducted on July 15 were unfruitful. The PG&E EIs have been approved by USFWS to relocate the CTS. PG&E plans to repeat the exercise on July 18. If the CTS does not come up, USFWS has requested the burrow area be hand excavated prior to construction restarting in the area.

On July 15, The CPUC EM and PG&E EI, Sara Higgins, toured the Moller access road. The Tassajara Creek bank stabilization will occur south along this area. Crews have installed exclusion fencing as well as sediment fencing in areas with potential for spoils to slide in to sensitive areas. Numerous gaps were left in the fencing to allow moving cows. However, no exclusion signs have been installed in the gaps. The CTS exclusion zone was toured and again no sensitive resource or exclusion signs to notify crews were installed, instead the 500-ft boundary was marked with a couple of traffic cones and lath. The CPUC EM informed the PG&E EI and put a call into the Opus Project Manager notifying her that no signs have been installed.

While driving along the Moller Ranch Road, the CPUC EM noticed that a grader was producing copious amount of dust (see Figure 2). The PG&E EI said that the crews have been good about watering the area and that she'll look into this dust production.

Along the Moller access road, PG&E has designated numerous staging and lay down areas which extend outside of the project right-of-way. The CPUC EM told the PG&E Planner that a Variance Request will need to be prepared to allow use of the locations. On July 15, a variance request was submitted by Opus.

Previously, the PG&E EI and biologist identified a barn owl nest containing a nesting pair and fledgling along the right-of-way. Subsequent correspondence with the CDFG has occurred. A 250-foot exclusion zone has been set up. Limited vehicle traffic will be allowed to progress through the area; and as agreed, a hay bale wall has been built to shield the nest (see Figure 3). The PG&E EIs must monitor the nest closely to see if the birds appear harmed or harassed.

On July 15, the CPUC EM toured the Manning Road area with the CH2MHill Construction Supervisor. Some construction fencing had been installed, but no sediment fencing nor exclusion signs had been installed. The CPUC EM informed the Construction Supervisor that she could not approve the area for construction (as required by the NTP) until the sediment fencing and signs have been installed. The CPUC EM was also informed that Granite Construction wanted to start culvert installation in the stream zone along Manning Road. The CPUC EM asked the CH2MHill Construction Supervisor what the CDFG Stream Bed Alteration Agreement requires for the stream zone work. However, the Supervisor said that he did not have a copy of the permit. The CPUC EM informed him that it is required that he and the crew Foreman review the permit prior to commencing work and must also have the permit on-site at all times during the construction.

Agency Personnel Contacts: PG&E have made numerous contacts to both the CDFG and USFWS in regard to barn owl and CTS encountered along the project right of way.

NOTICES TO PROCEED (NTP):

Table 1 presents the NTPs issued by the CPUC for the Tri-Valley Project to date.

**TABLE 1
NOTICES TO PROCEED
(Updated 7-20-05)**

NTP #	Date Issued	Description
#1	September 12, 2002	Phase One: Construction on of six different sections of the underground portion of the Vineyard Segment, within the City of Pleasanton, City of Livermore, and unincorporated Alameda County.
#2	October 10, 2002	Phase One: Construction of six additional sections of the underground portion of the Vineyard Segment, within the Cities of Pleasanton, Livermore, and unincorporated Alameda County
#3	December 12, 2002	Phase One: Construct the final sections of the Phase One portion Tri-Valley 2002 Capacity Increase Project, within the City of Pleasanton.
#4	May 5, 2003	Phase Two: Construction of the new 5-acre Cayetano Substation located at the intersection of North Livermore Avenue and May School Road.
#5	July 14, 2003	Phase Two: Construction of 2.3 miles of underground transmission line installation extending from the Cayetano Substation to the North Livermore Transition Station to be constructed at the Contra-Costa-Newark Transmission Line Corridor
UAD NTP		Phase Two: Allow construction within the exclusion boundary of the May School road cultural resource discovery area.
#6	June 29, 2005	Phase 3: Construction of the overhead transmission line, the transition station , all roadway and vault pad grading, as well as the mitigation area.

ENVIRONMENTAL COMPLIANCE:

On July 14, an operator was not aware of the 500 foot CTS exclusion zone and a 400-foot by 20-foot area was scraped within the zone coming within 100 feet of the CTS borrow. The site Foreman, when he realized what was occurring, immediately stopped the operator. Opus notified Mary Hammer of the USFWS in an e-mail. PG&E EI/Biologist, Bill Fisher, surveyed the area after the incident and did not find any dead or injured sensitive species.

Crews have installed exclusion fencing as well as sediment fencing in areas with potential for spoils to slide in to sensitive areas. Numerous gaps were left in the fencing to allow moving cows. However, no exclusion signs have been installed in the gaps. In addition, the CTS exclusion zone was toured and no sensitive resource or exclusion signs to notify crews of the resource have been installed. Notifications have been made to the PG&E EI.

No Non-Compliance Reports (NCRs) nor Project Memorandums (PMs) have been issued for the Phase Three portion of the project to date (see Table 2).

TABLE 2
ENVIRONMENTAL COMPLIANCE STATUS
(Updated 7-20-05)

Project Memo or NCR	Date Issued	Description	Follow-Up Activities
Project Memorandum	8/27/03	August 27, the CPUC EM witnessed an unleashed dog on the project site; this is in violation to regulations outlined in the USFWS Biological Opinion as well as general project requirements. The dog was being ushered into a Kleinfelder Truck at the Cayetano Substation parking area. This marked the second time a loose dog had been observed on-site and a warning had been issued prior. A Project Memorandum was issued sighting the loose dog, as well as the lack of training of some project contractors working on-site.	
Project Memorandum	9/24/03	A CPUC Project Memorandum was written when on September 24, at the Cayetano Substation, crews had left the site with a trench unramped. The project USFWS Biological Opinion Conservation Measure 27 states: <i>To prevent accidental entrapment of San Joaquin kit fox during construction all excavated holes and trenches will be ramped, or escape boards will be placed in the trench to allow the animals to escape...</i> This issue marked the second instance that a CPUC EM observed compliance failure in regard to San Joaquin Kit Fox protection requirements	
Project Memorandum	1/2/03	Construction activities occurred on January 2, 2003, within the proposed extra workspace outlined in Variance Request 02, without variance or applicable agency approval. Work occurred on the south, east, and west sides of the north bore pit associated with the Arroyo del Valle jack-and-bore at approximate Stationing 300+00.	
Project Memorandum	1/13/03	At Station 55+00, a lane of the zone 7 Access road was blocked by operating equipment with out proper traffic controls or a flagger, and at Kalthoff Road, crews had the entire road way blocked. Repeated requests for proper traffic controls were made. The Memorandum documented the incidents and notifications made by the CPUC EM as well as issuing a request for a Traffic Control Plan (TCP) submittal and/or private road owner permission for usage. In response to the Memorandum, PG&E officially directed the contractor to provide traffic control in any situation where any portion of the traveled way is obstructed.	
Project Memorandum	4/17/03	On April 17, a project subcontractor truck and equipment was observed within the 250-foot exclusion zone of the identified Red Tail Hawk's nest active nest along the right-of-way at Station 61+00. This action was in violation of project Mitigation Measure B-5 and Applicant Proposed Measure 7.4. Note that sensitive resource signs delineated the exclusion zone.	

VARIANCE REQUESTS:

Variance Request #12 for use of staging areas along the Phase 3 alignment was submitted on July 15. The subject request is under review.

**TABLE 3
VARIANCE REQUEST STATUS
(Updated 7/20/05)**

Variance Request #	Date Submitted	Description	Status	CPUC Approval Date
1	10/3/02	Temporary storage of bore pit spoils on the north side of the Arroyo del Valle bore crossing Stations 304+00 to 306+00.	Completed	10/17/02
2	12/19/02	40 feet of extra work space was requested on the south, east and west sides of the north bore pit associated with the Arroyo Del Valle jack and bore to install a sound barrier around boring operations, so that 24-hour construction could occur.	Completed	1/6/03
3	01/29/03	Approximate 200' by 300' extra workspace area east of the Isabel Ave jack & bore.	Completed	2/18/03
4	01/29/03	Approximate 120' by 320' extra workspace area north of the Hwy 84 jack & bore, and an 80' by 200' area south of the Hwy 84 bore.	Completed	2/18/03
5	02/12/03	Approximate 2.6-acre expansion of the approved Mueller Contractor Yard, City of Pleasanton.	Completed	2/25/03
6	05/19/03	Approximate 2.5-acre laydown area adjacent to the north side of May School Road for equipment and materials storage and contractor staging for the Phase Two portion of the project.	Completed	5/23/03
6-Modification	06/06/03	Allow clearing and grading at the 2.5-acre laydown area adjacent to the north side of May School Road.	Completed	7/8/03
7	07/01/03	Variance of Mitigation Measure 7.3 trench cover requirements to protect the San Joaquin Kit Fox deferring to the protocol outlined in the USFWS Biological Opinion.	Completed	7/22/03
8	7/25/03	Variance of Mitigation 7.4 for adjustments to burrowing owl protection mitigation measures per site-specific recommendations made by CDFG.	Completed	8/4/03
9	8/11/03	Variance to extend the PSD laydown yard, requesting an additional 82' by 270' area to the north of the yard, for parking and materials storage for the Phase Two portion of the project.	Completed	9/5/03
10	3/24/04	Variance to use lattice towers instead of tubular steel pole structures for Phase Three construction.	Complete	6/3/04
11	7/7/05	Variance to allow travel through homestead archaeological site C-Livermore-1H..	Completed	7/8/05
12	7/15/05	Variance to allow the use of staging areas along the Phase 3 alignment.	Under Review	

Photographs



Figure 1 –CTS burrow, near the mitigation site, Phase 3, July 15, 2005.



Figure 2 – Dust produced by grading operations, Phase Three, July 15, 2005.



Figure 3 – Barn owl exclusion wall constructed along the Moller Ranch Road, Phase Three, July 15th.