



Aspen *Environmental Group*

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

To: Jensen Uchida, CPUC
From: Vida Strong, Aspen Project Manager
Date: August 4, 2005
Subject: Weekly Report #69: July 24, 2005 – July 30, 2005
CPUC Environmental Monitors (EMs): Anne Sweet and Jenny Slaughter

Notice to Proceed (NTP) #6 was issued by CPUC for portions of Phase Three construction on June 29, 2005. Under NTP #6, construction of the following Phase Three components can occur: all roadway and vault pad grading, construction of the overhead transmission line and transition station, and preparation of the 0.33-acre mitigation area. NTP #7 was issued by CPUC on August 4, allowing construction of the underground component to commence and preparation of the 0.94-acre mitigation area. Opus Environmental will be providing the Environmental Inspectors for PG&E (PG&E EIs). Opus will provide environmental, as well as biological monitoring and oversight, including conducting environmental training of all new crew personnel. Road grading is being conducted by Granite Construction. The tower work is being conducted by PG&E.

Summary of Phase Three Activity:

Weather was clear and hot throughout the subject week. The CPUC EMs toured the Phase Three sites on July 26, 27, 28, and 29. During the subject week, the PG&E EIs conducted environmental trainings as new crew members joined the project.

The project mitigation measures require 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.

During the previous subject week, the CPUC EM raised concerns over the lack of regular monitoring and environmental training of the PG&E tower crews working on the project. A communication protocol and general permit and mitigation measure overview meeting was planned for July 27.

On July 26, the CPUC EMs found that a drainage off Manning Road was bridged by steel plates and the area upslope of the bridge had been graded up to and possibly within the drainage without an approved CDFG Streambed Alteration Agreement (SAA) (see Figure 1). This area had not been cleared for work by the CPUC EM as required in the NTP. A large piece of equipment was staged within 100 feet of the resource (drainage). The CPUC EMs left the site to tour other areas and returned after a couple of hours and had found that the heavy equipment had been moved to the other side of the drainage across the steel plate bridge. Per Opus, the crews had been informed that they could not cross equipment over the drainage. The Environmental Supervisor provided information that the CDFG had been informed about the bridging of the drainage and CDFG responded that only small vehicles could pass over. In addition, the bridge needs to be elevated out of the resource and gravel installed per RWQCB and the pending CDFG SAA requirements. The PG&E EI placed a “No Project Access” sign on the fence leading to the drainage. A Non-Compliance Report (NCR) was issued documenting the events which had occurred. On July 28, during regular monitoring, the PG&E EI discovered that crews had returned to the drainage area and had graded upslope on the opposite previously undisturbed side of the drainage. The CPUC EM toured the site and issued another NCR for repeated non-compliance events.

On July 26, the CPUC EMs toured construction at Towers 9, 10, 11 and 12 (previously referred to as 39, 40, 41, and 42). This construction and the use of associated access roads were started prior to the CPUC EM verifying that proper flagging and exclusion fencing had been installed as required by project mitigation measures. Directly upslope of a California tiger salamander/California red legged frog (CTS/CRLF) breeding pond, burrow clusters were not fenced off, and the site was left unmonitored, although construction was occurring within 200-ft of the pond (see Figure 2). In addition, crews were using new access routes which were not previously surveyed or approved. An NCR was issued and photos of the area and a recounting of events were sent to CDFG and USFWS. The NCR corrective actions required that the new access roads be surveyed and that proper flagging be installed and maps provided showing sites, access roads, and resources.

A communication meeting occurred on July 27. Attendees included the CPUC EMs, Opus, CH2MHill, and PG&E. Issues discussed included notification protocol, mitigation measure and permit conditions, necessary flagging, access roads, and recent NCRs. Opus submitted a communication protocol memo. After the meeting, the CPUC EMs toured the access road leading to Towers 9, 10, 11, and 12. The landowner wanted project vehicles to use a different access road than was originally proposed. The new access road was primarily graveled and it was decided that a Temporary Extra Work Space (TEWS) request could be submitted to cover the new access road area, until a Variance Request could be submitted and approved (see Figure 3).

The CPUC EM, and Opus Environmental Supervisor and Program Manager joined Mary Hammer of the USFWS in a conference call which occurred July 27 to discuss the Project Biological Opinion and how to interpret the permits conditions as applied to the current field work. A similar follow-up conference will occur prior to the start of the rainy season.

On July 28th, the CPUC EM verified that flagging and signage had been installed on access roads leading to Towers 9 through 11. Because sensitive aquatic resources were within 30-feet of the access roads, a PG&E Biological Monitor was present to survey the areas in advance of construction traffic as they passed by the resources.

On July 29, CPUC EM attended morning meeting with Opus, Granite, and PG&E. The CPUC EM reiterated the need for approvals prior to use of new areas. A new map was submitted by Opus showing several owl sightings. The CPUC EM looked at Access Roads 5, 6, and 7 (see Figure 4) and walked the areas. The EM found equipment staged outside work area beyond Access Road 5 (see Figure 5). The CPUC informed the crew that they needed to move it to approved areas. The PG&E EI/Biologist surveyed an area within proposed Access Road 7 (see Figure 6) and they moved the equipment. The CPUC reiterated to the EIs, crews, and Environmental Supervisor, that the roads could not be used until the flagging was installed and verified by the CPUC EMs. The CPUC EM also reminded crews to keep all construction related equipment within the approved right-of-way.

The Granite Supervisor informed the CPUC EM that a pick up needed to cross the drainage bridge off of Manning Road to get to a slide area for the geologist to survey. The Environmental Supervisor said that an EI/Biologist would have to accompany the geologist because they would need to travel on an access road not yet approved, and the new map showed that burrowing owls were seen near the slide area.

ENVIRONMENTAL COMPLIANCE:

On July 26, a drainage off Manning Road was bridged by steel plates and the area extending upslope from the bridge has been graded up to and possibly within the drainage without an approved CDFG Streambed Alteration Agreement (SAA) (see Figure 1). This area had not been cleared for work by the CPUC EM. A large piece of equipment was staged within 100-ft of the resource. The bridge needs to be elevated out of the resource and gravel installed per RWQCB and the pending CDFG SAA requirements. The PG&E EI placed a "No Project Access" sign on the fence leading to the drainage. An NCR was issued. On July 28,

during regular monitoring the PG&E EI discovered that crews had returned to the drainage area and had graded upslope on the opposite previously non-disturbed side of the drainage. The CPUC EM toured the site and issued another NCR for repeated non-compliance events.

On July 26, the CPUC EMs toured construction at tower location 9, 10, 11 and 12. This construction and the use of associated access roads were started prior to the CPUC EM verifying that proper flagging and exclusion fencing had been installed as required by Project mitigation measures. Directly upslope of a CTS/CRLF breeding pond burrow clusters were not fenced off and the site was left unmonitored though construction was occurring within 200 feet of the pond. In addition crews were using new access routes which were not previously surveyed or approved. An NCR was issued, and corrective actions required that the new access roads be surveyed and that proper flagging be installed and maps provided showing sites, access roads, and resources.

A communication meeting occurred on July 27 attendees included the CPUC EMs, Opus, CH2MHill, and PG&E. Issues discussed included notification protocol, mitigation measure and permit conditions, necessary flagging, access roads, and NCRs issued.

Previously, the PG&E EI and biologist identified a barn owl nest containing a nesting pair and fledglings 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. The PG&E EIs must monitor the nest closely to see if the birds appear harmed or harassed.

The CPUC EM observed that all other Phase Three construction activities were in compliance with mitigation measures adopted in the EIR and other permit requirements.

Three Non-Compliance Reports (NCRs) and one Project Memorandum (PMs) have been issued for the Phase Three portion of the project through July 28 (see Table 1).

TABLE 1
ENVIRONMENTAL COMPLIANCE STATUS
(Updated 07-28-05)

Project Memo or NCR	Date Issued	Description	Follow-Up Activities
PHASE THREE			
Project Memorandum	7/20/05	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 after repeated requests. 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 were made to the PG&E EI. 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.	
NCR	7/26/05	A drainage off Manning Road was bridged by steel plates and the area extending upslope from the bridge had been graded up to and possibly within the drainage without an approved CDFG Streambed Alteration Agreement.	CDFG notification required

Project Memo or NCR	Date Issued	Description	Follow-Up Activities
NCR	7/26/05	Construction at Pole location 9, 10, 11 and 12 and use of associated access roads were started prior to the CPUC EM verifying that proper flagging and exclusion fencing had been installed as required by Project mitigation measures. Directly upslope of a CTS/CRLF breeding pond burrow clusters were not fenced off and the site was left unmonitored though construction was occurring within 200 feet of the pond. Crews were using new routes which were not previously surveyed or approved.	PG&E must properly flag and fence the work and access areas, and provide maps and survey results. Burrow clusters must be fenced for exclusion.
NCR	7/29/05	Crews graded the other side of the drainage referred to in an NCR issued 7/26/05. Note that a CDFG Streambed Alteration Agreement has not been issued for the site.	CDFG notification required

AGENCY PERSONNEL CONTACTS:

The CPUC EM sent an e-mail with information and photographs regarding the NCR issues to CDFG and USFWS.

The CPUC EM, and Opus Environmental Supervisor and Program Manager joined Mary Hammer of the USFWS in a conference call which occurred July 28 to discuss the Project Biological Opinion and how to interpret the permits conditions as applied to the current field work. A similar follow up conference will occur prior to the start of the rainy season.

NOTICES TO PROCEED (NTP):

Table 2 presents the NTPs issued by the CPUC for the Tri-Valley Project to date.

**TABLE 2
NOTICES TO PROCEED
(Updated 8-4-05)**

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 Three: Construction of the overhead transmission line, the transition station, all roadway and vault pad grading, and preparation of 0.33-acre mitigation area.
#7	August 4, 2005	Phase Three: Underground construction and preparation of the 0.94-acre mitigation area.

VARIANCE REQUESTS:

A Variance Request for use of staging areas was submitted July 28. The requested areas have been reviewed and were incorporated into NTP #7

Table 3 presents the Phase Three Variance Requests reviewed to date.

TABLE 3
VARIANCE REQUEST STATUS
(Updated 8/4/05)

Variance Request #	Date Submitted	Description	Status	CPUC Approval Date
PHASE THREE				
11	7/7/05	Variance to allow travel through home-stead archaeological site C-Livermore-1H.	Completed	7/8/05
12	7/15/05	Variance to allow the use of staging areas as outlined in road plan drawings along the Phase 3 alignment.	Completed	7/26/05
13	7/29/05	Variance to use three staging areas. Two are located along the Moller Ranch Road. The last is located adjacent to the Cayetano Substation.	Incorporated into NTP #7.	

Photographs



Figure 1 – Bridged drainage off Manning Road. Note the grading near/possibly within the resource. Phase Three, July 26, 2005.



Figure 2 – CTS breeding pond. Note the construction occurring within 200 feet of the resource. Phase Three, July 26, 2005.



Figure 3 – Access road approved by TEWS 7-27-05. Note the pond to the right of the road. Phase Three, July 28, 2005.



Figure 4 – View from Tower #4 location showing cleared areas for Towers 5 and 6. Phase Three, July 28, 2005.



Figure 5 – Equipment staged outside ROW near Access Road 5. Phase Three, July 28, 2005.



Figure 6 – Access road to reach Towers 7 and 8. Phase Three, July 28, 2005.