

Dustin Joseph
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LS Power Grid California, LLC
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May 3rd, 2023

Boris Sanchez Project Manager California Public Utilities Commission 505 Van Ness Avenue, 4th floor San Francisco, CA 94102

Re: Minor Project Refinement No. 1 for the Gates 500 kV Dynamic Reactive Support Project

Mr. Sanchez:

LS Power Grid California, LLC (LSPGC) is hereby requesting approval of Minor Project Refinement No. 1 (MPR-1) from the California Public Utilities Commission (CPUC) for the Gates 500 kilovolt (kV) Dynamic Reactive Support Project (Orchard Substation or Project). Approval of MPR-1 will authorize the reconfiguration of temporary work areas within the approved Project site boundary in order to accommodate additional space for parking, equipment and materials storage and construction staging activities. The reconfiguration and addition of the temporary work areas will result in approximately 118,100 square feet, or 2.7 acres of additional temporary disturbance to previously disturbed, fallow agricultural lands. Please refer to **Attachment B, MPR-1 Figures** and **Attachment C, MPR-1 Site Photographs** to view the MPR-1 work areas.

Attachment A: MPR-1 Refinement Form

Attachment B: MPR-1 Figures

Attachment C: MPR-1 Site Photographs

Preconstruction Requirements and Permit/Approvals

The activities described above will not change the conditions set forth in the Initial Study/Mitigated Negative Declaration (IS/MND), nor will it change the type of equipment, number of construction personnel, or the status of any Mitigation Monitoring Compliance and Reporting Plan pre-construction requirements. No new permits are required for activities that are proposed within MPR-1.

MPR-1 Request for Approval

LSPGC respectfully requests approval of MPR-1 to reconfigure the temporary work areas within the Project site boundary as described within this MPR-1 request by May 5, 2023. Should you

have any questions or need additional information, please do not hesitate to contact me at DJoseph@lspower.com.

Sincerely,

Dustin Joseph

Director of Environmental Permitting

cc: Michael Manka, ESA David Wilson, LSPGC Emily Critchfield, KPE

ATTACHMENT A MPR-1 Form



Gates 500 kilovolt (kV) Dynamic Reactive Support Orchard Substation Project CPUC Minor Project Refinement Form

Minor project refinements are strictly limited to changes that will not trigger an additional permit requirement, do not substantially increase the severity of a previously identified significant impact, create a new significant impact, would clearly and strictly comply with the intent of the IS/MND mitigation measures, and that don't conflict with any applicable law or policy.

Date Requested: N	May 3, 2023	Report No.: 1
Date Approved: The	BD	Approval Agency: California Public Utilities Commission (CPUC).
Refinement No. 1 (I	(s): The proposed Minor Project MPR-1) components are located within fornia, LLC (LSPGC)-owned property.	Location/Milepost: The proposed MPR-1 components are located east of the planned Orchard Substation location and north of West Jayne Avenue in Fresno County, California.
vegetative cover proposed in MPR-	ative Cover: The land use and for the additional temporary areas 1 total approximately 118,100 square previously disturbed agricultural lands.	Sensitive Resources: None. See resource discussions below.
Modification From:	☐ Permit☐ Plan/Proce☐ Mitigation Measure☐ Other:	edure

LSPGC is requesting approval of MPR-1 to reconfigure the temporary work areas for the Gates 500 kilovolt (kV) Dynamic Reactive Support Project (Orchard Substation or Project).

The proposed changes are summarized as follows:

 The 160-foot by 160-foot staging area expansion. As described in the Project's approved Initial Study/Mitigated Negative Declaration (IS/MND), the staging area will be utilized as a refueling area for vehicles and construction equipment, equipment assemblage and storage, and parking for construction personnel. Security fencing will be installed around the perimeter of the staging area. Grading will take place as needed and gravel and base rock will be placed within the yard.

- The borrow area will be shifted approximately 160 feet north from its previous location (shown
 in the IS/MND). The borrow area would be used to build up the Orchard Substation pad and
 would be excavated to a depth of approximately 20 feet with an average slope of 3:1. The
 borrow area will be accessed via overland travel.
- Addition of a new temporary storage area east of the staging area which will be approximately 260 feet by 400 feet. The materials planned for storage within this work area are primarily substation components (stored on pallets) and topsoil. Temporary snow fence will be installed as needed to indicate the boundaries of the storage area, and no grading or placement of gravel is anticipated. The storage area will be accessed via overland travel.

The additional temporary work areas resulting from MPR-1 will total approximately 118,100 square feet (2.7 acres). Please see **Attachment B, MPR-1 Figures** for an overview of the proposed changes in comparison to the work areas approved in the IS/MND. Following completion of Project construction, the MPR-1 temporary work areas would be restored to pre-construction conditions in compliance with APM AE-1 and the Stormwater Pollution Prevention Plan (SWPPP).

Describe how project refinement deviates from current project. Include photos.

<u>Original Condition</u>: The MPR-1 work areas are located within the geographic study area of the IS/MND and therefore have been previously analyzed. There is no change to the original condition of the Project site, i.e., previously disturbed, fallow agricultural land, however the modifications in MPR-1 are being proposed in order to construct the Project as approved for the reasons described below.

Justification for Change: Following field constructability review, the construction contractor identified the need for the modifications to the temporary work areas proposed in MPR-1 in order to facilitate substation construction activities. The expansion of the temporary staging area was needed to safely accommodate construction staging and parking for construction personnel. This addition to the staging area encroached into the previously approved location of the borrow area, requiring it to be shifted approximately 160 feet north. In addition, the proposed temporary storage area located east of the staging area will allow for additional space to store the substation construction components which would otherwise be stored within the staging area. This will help keep the staging area as clear as practicable to support the safe operation of vehicles of equipment within the yard. Therefore, MPR-1 is proposing the use of the additional work areas that were not originally anticipated but are now necessary to construct the Project as described in Section 2.0 of the IS/MND.

<u>Maps & Figures</u>: Refer to **Attachment B, MPR-1 Figures**, for a map of the proposed MPR-1 temporary work area locations. Refer to **Attachment C, MPR-1 Site Photographs**, for pictures of the current conditions within the MPR-1 temporary work areas. Although the Project site boundary in **Attachment B, MPR-1 Figures** appears to be modified from the boundary represented in Figure 2-1 in the IS/MND, no modifications have been made to the site boundary, and it remains unchanged from what was approved by the CPUC in the Permit to Construct, IS/MND and Notice to Proceed #1.

¹ The Project's staging area (and proposed staging area extension) has a distinct purpose and specific requirements as described in Section 2.5.2.3 of the IS/MND. For the purposes of this MPR, the term "temporary work areas" is used to describe all of the proposed temporary MPR-1 components including the staging area with the understanding that the terms "work area" and "staging area" are not mutually exclusive.

<u>Environmental Impact</u>: Utilization of the MPR-1 temporary work areas would not change the nature or increase the severity of any impacts disclosed within the IS/MND; would not result in alteration to Applicant Proposed Measures (APMs) or existing Mitigation Measures (MMs); would not require new mitigation measures; and would not require new permits or new regulatory approval. The new temporary disturbance resulting from MPR-1 work areas is approximately 118,100 square feet combined (2.7 acres) located within the Project site boundary and in a disturbed area previously utilized for agricultural use. Specific discussions for each resource area are provided below.

<u>Concurrence (if appropriate)</u>: Concurrence is not required as the proposed work areas for MPR-1 are located immediately adjacent to previously approved Project components within the overall site boundary and are therefore within the geographic study area analyzed in the California Environmental Quality Act (CEQA) review process.

Resources:						
Biological		No Resources Present		Resources Present		N/A, Change would not affect resources
Previous Biological Survey Report Reference: Biological resources within the Project site boundary were studied, reviewed, and documented as part of LSPGC's application for a Permit to Construct (PTC) for the Project and Proponent's Environmental Assessment (PEA). Biological resources were also discussed within the CPUC-conducted CEQA review process. On April 23, 2023, the Project biologist verified that the current condition of the MPR-1 work areas is consistent with the results provided in previous biological studies. The MPR-1 temporary work areas are disturbed agricultural lands and do not contain any sensitive biological resources.						
fire mitigation. In accommonitoring, Compliance	ordar e, an ril 23	nce with APM BI d Reporting Progr , 2023 and was i	R-4 a am (l	ind APM BR-5 MMCRP), a pre-	within th	nporary work areas for ne Project's Mitigation tion nesting bird survey cluding raptor species,
Cultural		No Resources Present		Resources Present		N/A, changes would not affect resources
Previous Cultural Survey Report Reference: Cultural resources within the Project's study area (including the MPR-1 work areas) were studied, reviewed, and documented as part of LSPGC's application for a PTC for the Project and PEA. These resources were also discussed within the CPUC-conducted CEQA review process (see the Project's IS/MND, Sections 3.5 and 3.18). There are no known archaeological resources within the Project study area or within the MPR-1 work areas.						
Disturbance Acreage Changes: ☐ Yes ☐ No						
The new temporary work areas proposed in MPR-1 would increase the size of the Project's temporary work areas by approximately 2.7 acres. Please see below for a table summarizing the temporary disturbance acreage changes proposed in MPR-1 compared to what was shown in the IS/MND:						

Temporary Work	Acreage Approved in	Total Acreage	Total Increase in
Area	IS/MND	Proposed in MPR-1	Acreage
Staging Area	46,700 sf	65,600 sf	18,900 sf
Borrow Area	50,600 sf	45,800 sf	-4,800 sf
Temporary	N/A – Not included in	104,000 sf	104,000 sf
Storage Area	IS/MND		
Total:	97,300 sf	215,400 sf	118,100 sf
	(2.2 Acres)	(4.9 Acres)	(2.7 Acres)

The following table includes environmental analysis representative of the CEQA Appendix G Checklist Sections addressed in the IS/MND as it relates to MPR-1. The proposed MPR-1 modifications would have no potential to impact the following environmental resource areas, and therefore are not included in the table below: Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Utilities and Service Systems.

CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
Aesthetics	□ Y ⊠ N	The proposed MPR-1 work areas are located out of the public's view in an unpopulated area. The MPR-1 work areas are also temporary in nature and would not affect the design of the Orchard Substation. In addition, the areas would be stabilized and restored in accordance with the SWPPP and APM AE-1 following construction. Therefore, impacts would remain similar to those addressed in the Project's IS/MND, Section 3.1. No new or altered APMs or MMs would be required.
Agency Consultation?	□ Y ⊠ N	MPR-1 activities would not require agency consultation relating to aesthetics or visual resources.
Agriculture and	□ Y	As discussed in Section 3.2 of the Project's IS/MND, only the
Forestry Resources	⊠ N	permanent portions of the Project site will convert prime farmland to non-agricultural use. The temporary disturbance associated with the Project such as that proposed in MPR-1 would not be developed with permanent facilities and would remain available for potential future agricultural use following restoration of the temporary construction disturbance. In addition, the MPR-1 work areas are located within the Project site boundary which has been confirmed to not contain any land defined as forest land. Therefore, impacts would remain similar to those addressed in the Project's IS/MND, Section 3.2. No new or altered APMs or MMs would be required.
Agency Consultation?	☐ Y 図 N	MPR-1 activities would not require agency consultation relating to agriculture and forestry resources.

CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
Air Quality	N Y N	Although MPR-1 is proposing an increase in temporary disturbance for the Project, the ground disturbance proposed in MPR-1 associated with grading and the installation of the security fence at the staging area and the excavation of the borrow area was already anticipated as part of Project activities. There is also no change to the overall construction schedule that will result from the modifications proposed in MPR-1. Additionally, all MPR-1 activities would take place in accordance with air quality APMs in the MMCRP as well as the requirements in the Project's Dust Control Plan (DCP) including but not limited to; • Emissions and equipment tracking with monthly reporting to the CPUC in accordance with APM AQ-1, • Valley fever awareness training for all workers presented within the required Worker Environmental Awareness Program (WEAP) in accordance with APM AQ-3, • Utilizing water trucks to wet down dry areas prior to and during ground disturbing activities as well as wetting down access roads throughout construction, • Posting speed limit signs of not more than 15 miles per hour, and • Loading haul trucks such that the freeboard is not less than six inches when transported across any paved public road. Therefore, the use of the MPR-1 temporary work areas would not result in new significant impacts or a substantial increase in the severity of impacts analyzed and disclosed within the Project's IS/MND, Section 3.3. No new or altered APMs or MMs would be required.
Agency Consultation?	□ Y ⊠ N	The entire Project is subject to air quality thresholds maintained by the San Joaquin Valley Air Pollution Control District (SJVAPCD). However, the modifications proposed within MPR-1 would not require agency consultation relating to air quality as the Project would adhere to the requirements described above which are designed to keep the Project in compliance with said thresholds.
Biological Resources	□ Y ⊠ N	Due to the Project site's history of agricultural use, the site (including the MPR-1 work areas) is disturbed and does not contain any suitable habitat for special-status species as described in the Project's IS/MND Section 3.4. In addition, in accordance with MM BIO-1, the Project site is not considered

CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
		suitable habitat for San Joaquin Kit Fox as it has been cultivated within the past 12 months.
		Vegetation trimming may take place as needed during construction for fire mitigation. A pre-construction nesting bird survey was conducted in accordance with APM BIO-3 and APM BIO-4 on April 23, 2023 and was negative for nesting birds, including raptors, within 500 feet. Biological monitoring is not anticipated to be required for MPR-1 activities. Nest monitoring will take place if needed.
		Although no direct impacts to sensitive biological resources are anticipated as a result of the use of the MPR-1 activities, any indirect impacts that may occur to sensitive species in the vicinity of the work areas will be mitigated in accordance with biological APMs and MMs in the MMCRP. Therefore, impacts to biological resources would remain similar to those addressed in the Project's IS/MND, Section 3.4. No new or altered APMs or MMs would be required.
Agency Consultation?	□ Y⋈ N	MPR-1 activities would not require agency consultation relating to biological resources.
Cultural and Tribal Cultural Resources	□ Y ⊠ N	As described in Sections 3.5 and 3.18 of the Project's IS/MND, there are no known cultural or tribal cultural resources within the Project site, including the MPR-1 work areas. As such, cultural and tribal monitoring is not anticipated to be required for MPR-1 activities. Although no direct impacts to cultural or tribal cultural resources are anticipated as a result of the use of the MPR-1 activities, any indirect impacts that may occur will be mitigated in accordance with cultural APMs in the MMCRP. Therefore, impacts to cultural and tribal cultural resources would remain similar to those addressed within the Project's IS/MND, Sections 3.5 and 3.18. No new or altered APMs or MMs would be required.
Agency Consultation?	☐ Y	MPR-1 activities would not require agency consultation relating to cultural or tribal cultural resources.

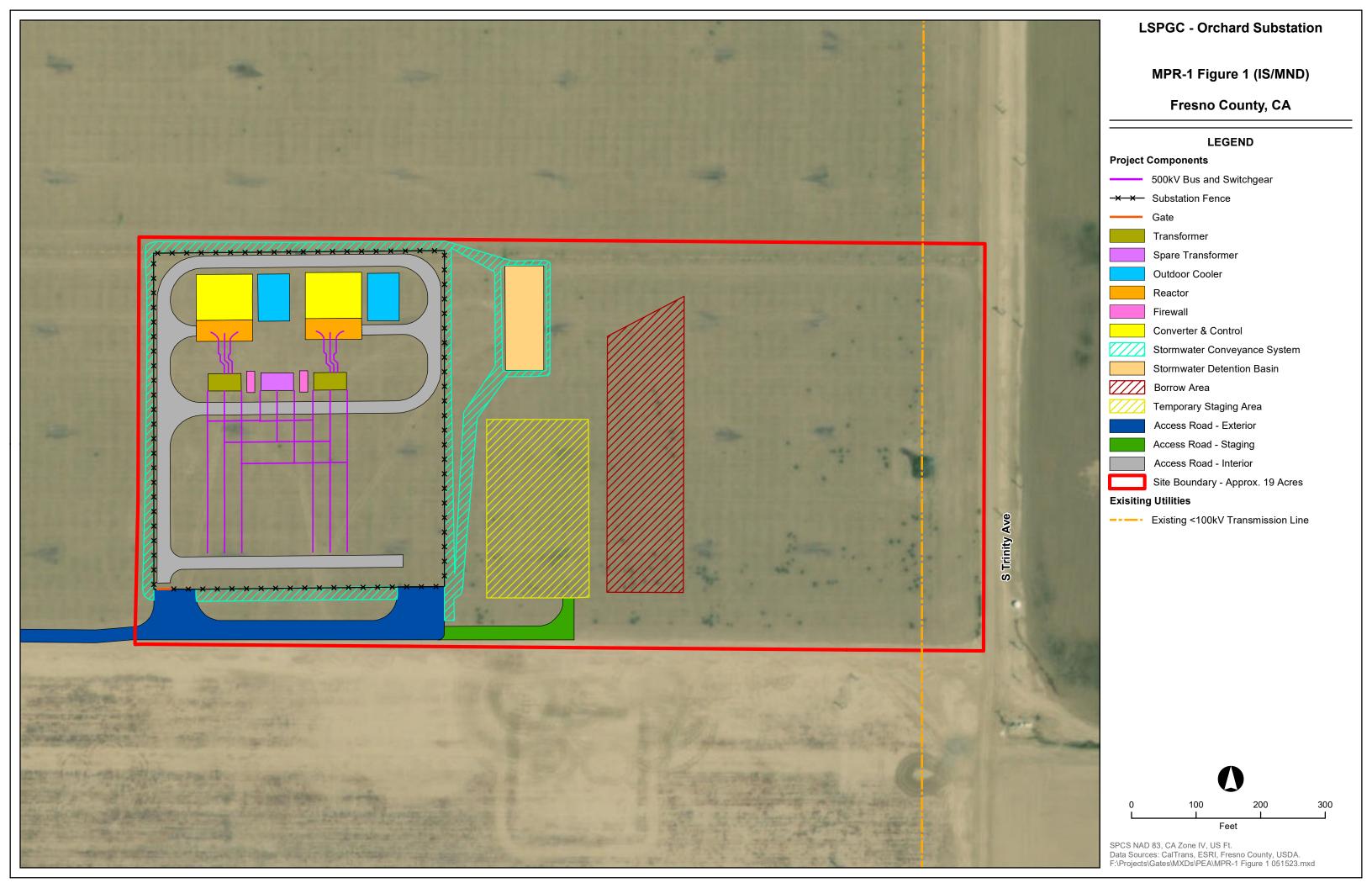
CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
Geology and Soils	□ Y	MPR-1 activities do not involve the installation of any new permanent facilities, performance of any new activities, nor does it propose new ground disturbance outside of the Project site boundary. Accordingly, approval of MPR-1 would not create any new geological related hazard not previously disclosed in the Project's IS/MND, Section 3.7. In addition, the SWPPP would be amended to include MPR-1 work areas and all MPR-1 construction activities will adhere to requirements in the SWPPP including the implementation of erosion control best management practices (BMPs).
	⊠ N	The Project site and the MPR-1 work areas are located within an area with low paleontological potential. As such, paleontological monitoring is not anticipated to be required for MPR-1 activities. Although no direct impacts to paleontological resources are anticipated as a result of the use of the MPR-1 activities, any indirect impacts that may occur will be mitigated with the implementation of paleontological APMs and MMs in the MMCRP, as well as the Paleontological Resources Monitoring and Mitigation Plan (PRMMP).
		Therefore, impacts to geology, soils, and paleontological resources would remain similar to those addressed within the Project's IS/MND, Section 3.7. No new or altered APMs or MMs would be required.
Agency Consultation?	□ Y⊠ N	MPR-1 activities would not require agency consultation relating to geology, soils, or paleontological resources.
Hazardous Materials	□ Y ⊠ N	MPR-1 does not involve the performance of any new construction activities or the use of any new equipment. Accordingly, utilization of the MPR-1 work areas would not require any new potentially hazardous materials to be used, would not create any new hazardous waste, would not expose any sensitive receptors not previously identified, and would not create any new hazard not previously disclosed in the Project's IS/MND, Section 3.9. Although no direct impacts relating to hazards or hazardous materials are anticipated as a result of MPR-1 activities, any indirect impacts that may occur will be mitigated in accordance with hazardous materials APMs in the MMCRP, as well as the implementation of the Hazardous Materials Management Plan (HMMP). Therefore, impacts related to hazardous materials would remain similar to those addressed within the Project's IS/MND, Section 3.9. No new or altered APMs or MMs would be required.

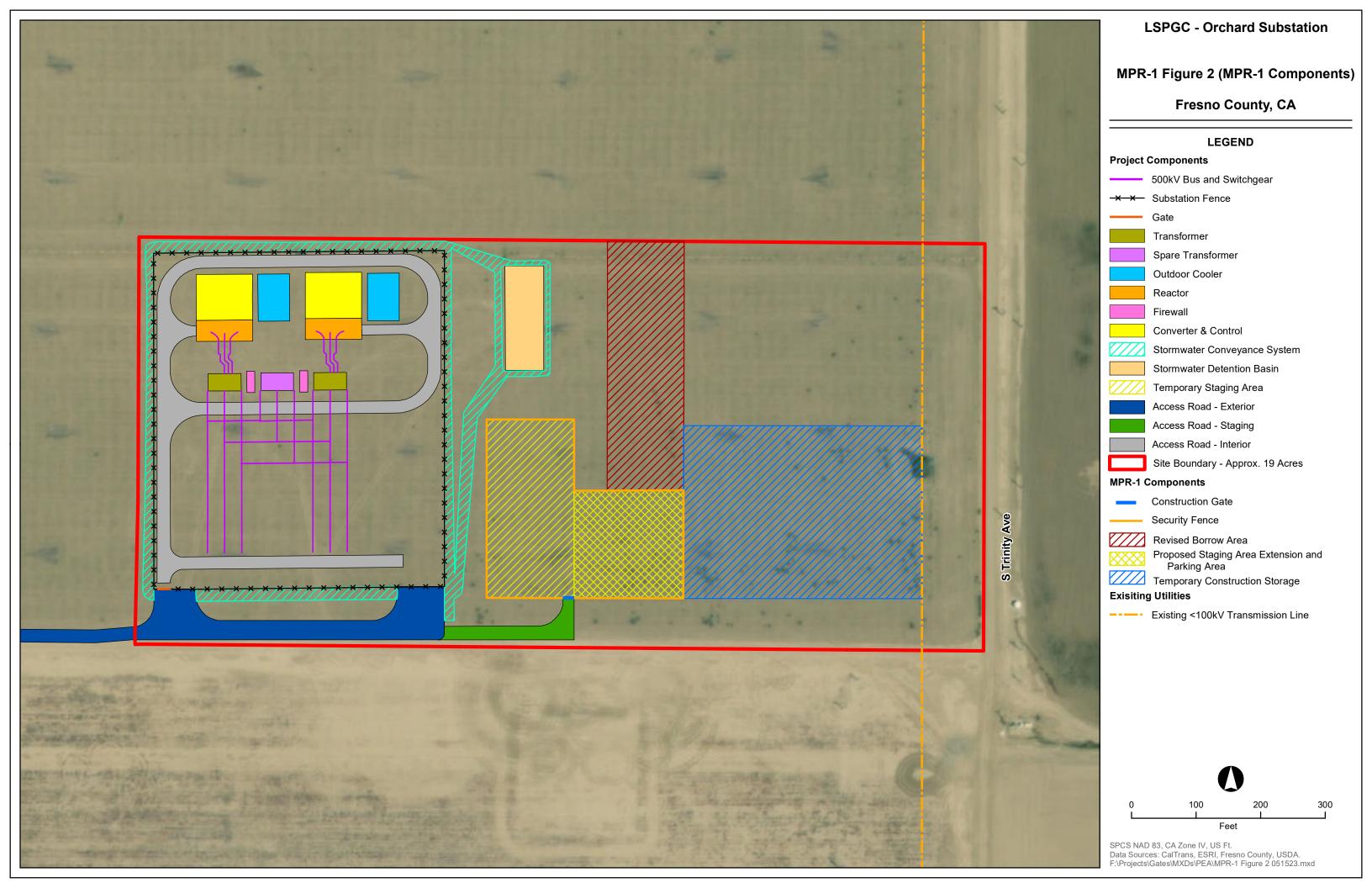
CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
Agency Consultation?	☐ Y☑ N	MPR-1 activities would not require agency consultation relating to hazards or hazardous materials.
Hydrology and Water Quality	☐ Y	There are no jurisdictional or non-jurisdictional drainages that would be affected by the use of the MPR-1 work areas. There are also no new permanent facilities being proposed. In addition, the SWPPP will be amended to include MPR-1 work
	⊠ N	areas and all Project activities would adhere to requirements and BMPs included in the SWPPP. MPR-1 activities would therefore not impede or redirect flood flow, alter the existing drainage pattern of the area, or otherwise result in hydrology and water quality impacts that would be different from the impacts addressed in the Project's IS/MND, Section 3.10. No new or altered APMs or MMs would be required.
Agency Consultation?	□ Y☑ N	MPR-1 activities would not require agency consultation relating to hydrology or water quality.
Noise and Vibration	☐ Y	Per Section 3.13 in the IS/MND, the closest sensitive receptor to the Project site (including the MPR-1 work areas) is approximately 1.8 miles northeast of the Project. MPR-1 does
	⊠ N	not propose any activities outside of the Project site, nor would it involve the performance of any new activities or installation of any new permanent facilities. Accordingly, utilization of the MPR-1 work areas would not be expected to create any new impacts relating to noise and vibration not already analyzed and disclosed within in the Project's IS/MND, Section 3.13. No new or altered APMs or MMs would be required.
Agency Consultation?	□ Y⊠ N	MPR-1 activities would not require agency consultation relating to noise and vibration.
Traffic and Transportation	_ Y	As stated in Section 3.17 of the IS/MND, peak construction would be anticipated to include 20 workers, with worker trips primarily anticipated to originate from the greater Fresno area. The peak daily vehicle trips during the construction period would be approximately 45 trips per day. MPR-1 is not proposing any new activities be performed or new permanent facilities be installed that would change the amount of workers or number of trips beyond what was analyzed and disclosed in Section 3.17 of the IS/MND. There are also no changes to the construction schedule that would result from the modifications proposed in MPR-1.
	⊠N	

CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
		Additionally, there are no modifications to access roads proposed in MPR-1 and all applicable Project activities would follow the designated Traffic Control Plans in accordance with APM TRA-1. LSPGC would also coordinate construction activities with local law enforcement and protection agencies as required by APM PS-1. Accordingly, traffic and circulation impacts resulting from MPR-1 would remain similar to those disclosed in the IS/MND, Section 3.17. No new or altered APMs or MMs would be required.
Agency Consultation?	⊠ Y	LSPGC will coordinate with local emergency response agencies during Project construction, including the use of the MPR-1 work areas. Emergency access will be maintained throughout construction.
Wildfire	□ Y □ N	The Project site and MPR-1 work areas are not located within a CPUC High Fire Threat District (HFTD) or an area otherwise considered to be of high fire risk. LSPGC and its contractors will conduct all activities in accordance with the Project's Construction Fire Prevention Plan (CFPP) and APM HAZ-4 requirements including but not limited to; • All construction/maintenance crews and inspectors shall be provided with radio and cellular telephone access that is operational to allow for immediate reporting of fires, • All fires shall be reported to the fire agencies with jurisdiction in the area immediately upon discovery of the ignition, • All construction/maintenance personnel shall be trained in fire-safe actions, initial attack firefighting, and fire reporting, • All construction/maintenance personnel shall carry at all times a laminated card and be provided a hard hat sticker that lists pertinent telephone numbers for reporting fires and defining immediate steps to take if a fire starts, • Construction/maintenance personnel shall have fire suppression equipment on all construction vehicles, and • Pre-activity tailgate meetings shall be conducted that include fire safety discussions. Therefore, potential impacts related to wildfire resulting from MPR-1 would be similar to those disclosed in the IS/MND, Section 3.20. No new or altered APMs or MMs would be required.

CEQA Section	Applicable	(Y) Defne potential impact or (N) briefly explain why CEQA section isn't applicable. If (Y), describe original and new level of impact, and avoidance/minimization measures to be taken.
Agency Consultation?	⊠ Y □ N	LSPGC will coordinate with local emergency response agencies such as fire departments and police during Project construction, including the use of the MPR-1 work areas. Emergency access will be maintained throughout construction.

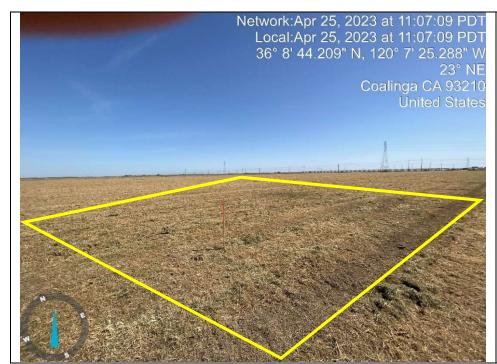
ATTACHMENT B MPR-1 Figures





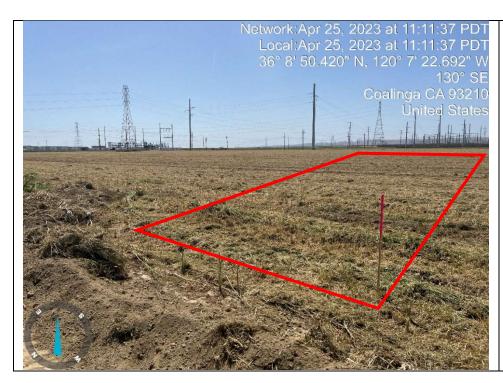
ATTACHMENT C MPR-1 Site Photographs

MPR-1 PHOTO LOG



Photograph 1:

View of the proposed additional staging area and parking area (yellow polygon) requested for MPR-1. The proposed work area is east of and contiguous with the previously approved location of the temporary staging area.
Facing: Northeast.



Photograph 2:

View of the proposed borrow area (red polygon). The proposed borrow area is shifted slightly north of the previously approved borrow area. Facing: Southeast.

MPR-1 PHOTO LOG

