

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



January 29, 2014

Mr. Greg Parker
Pacific Gas and Electric Company
Principal Land Planner
1455 E. Shaw Avenue
Fresno, CA 93710

Subject: Shepherd Substation Project – Notice to Proceed #2

Dear Mr. Parker,

On January 23, 2014, Pacific Gas and Electric Company (PG&E) requested California Public Utilities Commission (CPUC) authorization to remove vegetation along the power line segment of the Shepherd Substation Project (project). CPUC adopted a Final Initial Study/Mitigated Negative Declaration (IS/MND) for the project in accordance with the California Environmental Quality Act (CEQA) on May 23, 2013 (Decision No. 13-05-019), as amended. The IS/MND includes applicant proposed measures (APMs) and mitigation measures (MMs) that were adopted as conditions of project approval. CPUC also adopted a Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) to ensure compliance with all APMs and MMs during project implementation. The MMCRP describes the CPUC Notice to Proceed (NTP) process, which requires PG&E to obtain an approval letter from CPUC, authorizing PG&E to initiate project construction.

NTP Request #2

PG&E proposes to remove nine trees and trim additional trees at ten locations along the power line segment of the project, north of the Shepherd Substation site. PG&E proposes to initiate the vegetation removal in February, 2014 in order to minimize potential impacts to nesting birds during the breeding season. The proposed work locations are shown in NTP Request #2, Attachment A.

Review of NTP Request #2

CPUC reviewed NTP Request #2 for compliance with applicable preconstruction requirements listed in the IS/MND, MMCRP, and permits. Preconstruction requirements and current status are summarized by category in Table 1, required Plans and current status is summarized in Table 2, and pre-construction survey requirements are listed in Table 3.

Table 1: Applicable Permits, Authorizations, Notifications, and Requirements

Permit or Authorization	Requirement	Submittal Dates	Status
CPUC Permit to Construct	General Order 131-D, Section III.B	Due: N/A	Complete CPUC authorized a Permit to Construct for the project on May 23, 2013, as amended.
NTP Request for proposed actions (Construction of the substation)	MMCRP	Due: Prior to December 1, 2013 Received by CPUC: November 29, 2013	Complete PG&E's NTP Request #1 and an updated version of the Mitigation Monitoring Program Table (Appendix B from the MMCRP) is attached to this letter.
Incidental take of special-status species in the project area	Endangered Species Act, Section 10 CDFW Code, Section 2081	Due: Prior to construction Received by CPUC: April 10, 2012	Complete The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) verified incidental take coverage for special-status species under PG&E's San Joaquin Valley Operations & Maintenance Habitat Conservation Plan on March 28, 2012 and April 6, 2012, respectively.
Notify landowners within 300 feet of the project area of project activities, and residents in areas with heavy construction noise.	MM Land Use-1 APM Noise-7	Due: 30 days prior to work (MM Land Use-1 only) Received by CPUC: January 10, 2014	Pending <i>(Condition of Approval #1)</i> PG&E sent notification on January 10, 2014. Work cannot start until at least 30 days after notice was sent to property owners, February 9, 2014.
Seasonal wetland/vernal pool flagging	APM Bio-20 AMM 15 AMM 30	Due: Prior to Activity within 250 feet of the seasonal wetland/vernal pools	Pending <i>(Condition of Approval #2)</i>
* Measure(s) specify a due date of at least 30 days prior to construction.			

Table 2: Applicable Plans and Programs

Plan or Program	Requirement	Submittal Dates	Status
Cultural Resource Awareness Program	MM Cultural-1	Due: December 21, 2013* Received by CPUC: December 4, 2013	Approved
Environmental Training Program (ETP), and an Environmental Compliance Management Plan (ECMP)	APM Bio-6 AMM 1 MM Hazards-2**	Due: December 21, 2013* Received by CPUC: November 27 (ECMP) and December 4, 2013	Approved
Site Safety Plan (PG&E titled "Health & Safety Plan")	MM Hazards-1	Due: December 21, 2013* Received by CPUC: December 4, 2013	<i>Approval Pending (Condition of Approval #3)</i>
Stormwater Pollution Prevention Plan (SWPPP), including an Erosion and Sediment Control Plan (ESCP)	APM Geo-1/WQ-1	Due: Prior to January 21, 2014 Received by CPUC: December 4, 2013	Approved

Notes:

* Measure(s) specify a due date of at least 30 days prior to construction.

** MM Hazards-2 specifies implementation of an Environmental Training and Monitoring Program. PG&E has clarified that an Environmental Training Program will be developed to address worker training, and a separate Environmental Compliance Management Plan will be developed to address monitoring requirements.

Table 3: Applicable* Preconstruction Surveys

Resource	Requirement	Submittal Dates	Status
California tiger salamander survey	AMM 17	Due: Prior to construction activities Received by CPUC: <i>Pending</i>	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(a))</i></u>
Nesting bird survey	MM Bio-4 AMM 22	Due: Within 30 days prior to ground and vegetation disturbing activities during the avian nesting season (February 1 to September 15) Received by CPUC: <i>Pending</i>	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(b))</i></u>
Burrowing owl survey	MM Bio-3	Due: Within 30 days prior to construction activities Received by CPUC: <i>Pending</i>	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(c))</i></u>
Kit fox survey	MM Bio-5	Due: Within 30 days prior to construction activities Received by CPUC: <i>Pending</i>	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(c))</i></u>
Molestan blister beetle survey	MM Bio-2	Due: Within 30 days prior to construction activities Received by CPUC: <i>Pending</i>	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(c))</i></u>
American badger survey	MM Bio-6	Due: Within 30 days prior to construction activities Received by CPUC: <i>Pending</i>	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(c))</i></u>
Dwarf downingia survey**	MM Bio-1	Due: Between March and May and prior to disturbance in suitable habitat areas	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(d))</i></u>
Succulent owl clover survey**	MM Bio1-1	Due: Between April and May and prior to disturbance in suitable habitat areas	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(d))</i></u>
Spiney-sepaled button celery survey**	MM Bio-1	Due: Between April and May and prior to disturbance in suitable habitat areas	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(d))</i></u>
San Joaquin Valley orcutt grass survey**	MM Bio-1	Due: Between April and September and prior to disturbance in suitable habitat areas	<u><i>Pending</i></u> <u><i>(Condition of Approval #4(d))</i></u>

Notes:

* Surveys only address work areas associated with the proposed actions listed in this NTP.

** Special-status plant surveys can only be conducted during the blooming period.

Authorization of NTP #2

CPUC authorizes NTP #2 with conditions of approval. PG&E may commence with the proposed actions as described in the IS/MND and this letter when the conditions of approval have been completed. PG&E must obtain additional NTP authorizations for all other actions that are not addressed in this letter. The following conditions of approval apply to NTP #2.

Conditions of Approval

Notification

1. PG&E shall not begin construction under NTP #2 prior to February 9, 2014 (30 days after notification was mailed to property owners near NTP #2 work areas).

Flagging/Avoidance Areas

2. PG&E shall flag appropriate exclusion zones for seasonal wetlands and vernal pools near access roads and vegetation trimming activities. The exclusion zone for vernal pools shall extend 250 feet from the vernal pool. Work will not occur within vernal pool exclusion zones after the first significant rain until after June 1 or until the pools remain dry for 72 hours. Tree felling work areas will avoid the exclusion zones.

Plan Deficiencies

3. PG&E shall address CPUC's comments on the applicable plans listed in Table 2, to the approval of CPUC, prior to the start of construction.

Preconstruction Surveys

4. PG&E shall conduct applicable preconstruction biological surveys in all work areas associated with the proposed actions as described in Table 3.
 - a. The results of a California tiger salamander survey shall be submitted to the USFWS, CDFW, and CPUC prior to commencing the proposed actions.
 - b. The results of a nesting bird survey conducted within 30 days of the nesting season (February 1 – September 15) shall be submitted to CPUC prior to starting work.
 - c. The results of the burrowing owl, molestan blister beetle, San Joaquin kit fox, and American badger surveys shall be submitted to CPUC prior to any construction activities in suitable habitat.
 - d. The results of special-status plant surveys conducted during the appropriate blooming period shall be submitted to CPUC prior to any ground disturbing activities in suitable habitat.

Conclusion

PG&E is authorized to commence vegetation removal activities specified in NTP Request #2, provided that the conditions described in this letter have been met. All project APMs, MMs, permit conditions, and other CPUC requirements shall be implemented as described in the IS/MND and MMCRP.

Mr. Greg Parker
January 29, 2013
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Please contact me if you have any questions.

Sincerely,

Michael Rosauer
CPUC Project Manager

cc: Chris Howard, PG&E
Tom Johnson, PG&E
Zack Parker, PG&E
Brooke Langle, Terra Verde
Susanne Heim, Panorama
Aaron Lui, Panorama

Attachments

Attachment A: PG&E's NTP Request #2
Attachment B: PG&E's updated Mitigation Monitoring Program Table