7. Response to Comments

Introduction

This section presents responses to the comments received during the public review period for the Mitigated Negative Declaration (February 27, 2013 through March 29, 2013). A newspaper notice, including information on the Draft IS/MND, the project website address, and the dates of the comment period, was published in the Merced County Times on February 28, 2013 (see Appendix E for a copy of the notice).

The CPUC received three public comments from the various State and local agencies, the public, and the Applicant that were notified of the intent to adopt the Mitigated Negative Declaration.

Table 7-1 lists the persons and agencies that submitted comments on the Proposed MND. The individual comments are numbered, and responses immediately follow the comments. If revisions were made to the MND and supporting Initial Study based on the comments, the revisions are provided with the response to the specific comment and are indicated in the text of this Final MND with ~~strikeout~~ for deletions of text, and in underline for new text.

Table 7-1. Comments Received on the Proposed Mitigated Negative Declaration

Commenter	Date of Comment	Comment Set
Jeffrey Single Regional Manager California Department of Fish and Wildlife	March 18, 2013	A
Jeff Dickey	March 26, 2013	B
Tom Johnson Principal Land Planner, Land & Environmental Manager Pacific Gas & Electric Company	March 29, 2013	C

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Comment Set A
California Department of Fish and Wildlife

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

March 18, 2013

Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, California 94104-3002

Subject: Draft Initial Study/Mitigated Negative Declaration
Pacific Gas and Electric Company's Cressey-Gallo 115kV Power Line Project, Merced County, CA
SCH No. 2013021061

Dear Ms. Blanchard:

The California Department of Fish and Wildlife (CDFW/Department) has reviewed the Draft Initial Study (IS)/Mitigated Negative Declaration (MND) submitted by the California Public Utilities Commission (CPUC) for the above Project. Approval of the Project would allow for the construction of a new, approximately 14.4-mile-long, single-circuit 115 kV overhead power line to interconnect the Cressey Substation and the Gallo Substation by Pacific Gas and Electric Company (PG&E). The Project site is located in Merced County, near the City of Livingston, California. The 115-kV power line will be constructed west-to-east beginning at the Gallo Substation, located on the Gallo Winery property east of Livingston and continuing to the Cressey Substation, near the community of Cressey, intersecting State Route 99 southeast of Livingston. To support the new power line, PG&E is planning to install approximately 230 wood and/or light duty steel poles and approximately 10-15 tubular steel poles with concrete foundations. The Project also consists of modifications to the existing Cressey Substation within the existing property boundary and modifications to the Gallo substation that would require expanding the footprint southerly approximately 4,500 square feet. The new poles would be located on private property approximately five feet from the edge of the county road right-of-way and approximately four to seven feet from any existing distribution pole alignment, if present. Pull and tension work areas will be located approximately 0.5 to 2 miles apart and will be approximately 40 feet wide by 200 feet long. There will be one or two staging areas located within the Project area with a footprint of up to approximately 10 acres; however, the exact locations have not yet been determined.

The Department is concerned that Project-related activities could result in impacts to special-status species known to occur in the Project area including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*); the State fully protected white-tailed kite (*Elanus leucurus*); the State species of special concern burrowing owl

A-1

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Comment Set A, cont.
California Department of Fish and Wildlife

(*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), Western pond turtle (*Emys marmorata*), Western spadefoot (*Spea hammondii*), and Western red bat (*Lasiurus blossevilli*). The Draft MND recognizes the potential impacts to wildlife in the implementation of the Project and has proposed avoidance and minimization measures intended to reduce impacts to these species. However, some additional avoidance, minimization, and mitigation are warranted for these species. CDFW believes further mitigation measures, in addition to those listed in the Draft MND, are necessary to reduce the Project-related impacts to all the above species to less than significant levels. Therefore, the Department has the following recommendations to be incorporated into the Final MND.

A-1

Department Jurisdiction

A-2

Trustee Agency Authority: CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code).

Responsible Agency Authority: CDFW has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), CDFW may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001(c), 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080 and CESA.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected animal species is prohibited and CDFW cannot authorize their "take" for development. White-tailed kite (*Elanus leucurus*), a State fully protected species, occurs in the Project area. Additional comments regarding potential Project-related impacts to this species follows.

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California Department of Fish and Wildlife

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Other Sensitive Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. Burrowing owl, loggerhead shrike, Western pond turtle, Western spadefoot, and Western red bat could occur in the Project area.

A-2 cont.

Bird Protection: CDFW has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code sections that protect birds, their eggs, and nests include sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird). CDFW recommends appropriate avoidance and minimization measures for raptors and other nesting birds in the Project area be included in the CEQA document prepared for this Project.

Streambed Alteration Agreement: Pursuant to Fish and Game Code 1600 et seq., it is unlawful for any person to divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream or lake designated by CDFW without first submitting plans to CDFW for approval. If the Department determines that the Project may substantially and adversely affect fish or wildlife resources, then a Streambed Alteration Agreement would be required. If the proposed Project will cause impacts to canals and ditches that are hydrologically connected to the Merced River or other natural waterways, then notifying CDFW would be required. The CDFW as a Responsible Agency will make the determination if a waterway is jurisdictional based on information contained in the Lake and Streambed Notification, not the qualified biologist as stated in Mitigation Measure B-3.

A-3

Potential Project Impacts and Recommendations

Swainson's Hawk (SWHA): This State threatened species occurs within the Project area and has the potential to nest and forage within or near the Project site. To avoid potential project-related impacts to the species, CDFW recommends that the Lead Agency require a qualified avian biologist conduct surveys for nesting SWHA following the survey methodology developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC, 2000) prior to commencing Project-related activities. These surveys, the parameters of which were designed to maximize detectability, are necessary to reasonably assure CDFW that "take" of this species will not occur as a result of disturbance associated with Project implementation. CDFW concurs that additional pre-construction surveys for active nests be conducted by a qualified biologist as is stated in Mitigation Measure (MM) B-7. However, the Department also recommends that surveys for SWHA be conducted for a ½ mile radius around all project

A-4

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California Department of Fish and Wildlife

activities, not only "within the construction right-of-way and publicly accessible lands where PG&E has access rights", as stated in MM B-7 or "where access is available", as stated in APM BIO-3.

A-4 cont.

CDFW advises that a minimum no-disturbance buffer of ½ mile be delineated around active nests of SWHA until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. The minimum distance of 500-feet for a no construction buffer zone stated in MM B-7 for "Listed and other fully protected species" is not an adequate minimization measure to avoid "take". The Department advises the Lead Agency not to allow reductions in no-disturbance buffer size for SWHA or any listed bird species absent a compelling biological or ecological reason to do so. In the event that SWHA is detected during surveys, consultation with CDFW is warranted to discuss Project implementation and "take" avoidance. If "take" cannot be avoided, it is highly recommended that the Project proponents apply to the Department for an Incidental Take Permit (ITP) for Project-related incidental take of SWHA.

A-5

The agricultural land present in the Project site may provide foraging habitat for SWHA. Annual grasslands, pastureland, and other cropland (e.g., alfalfa, cereal grain crops (including corn after harvest), and other low-growing row or field crops) are all considered SWHA foraging habitat (CDFG 1994). Any trees, even those that are non-native and/or ornamental varieties, present near the Project site may be potential nest trees. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and it could also result in "take" under CESA. This is especially true with species such as SWHA that exhibit high site fidelity to their nest and nest trees year after year. Regardless of nesting status, CDFW urges the Lead Agency to require nest trees that are removed to be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat. Finally, the Department advises that mitigation measures for SWHA be fully addressed in the adopted Final MND.

A-6

White-tailed Kite: This State fully-protected species occurs in the vicinity of the Project site. To avoid potential project-related impacts to the species, CDFW recommends that the Lead Agency require a qualified avian biologist conduct surveys for nesting white-tailed kites prior to commencing Project-related activities to reasonably assure CDFW that "take" of this species will not occur as a result of disturbance associated with Project implementation. The Department again recommends that the surveys be conducted for a ½ mile radius around all project activities as with SWHA, not merely "within the construction right-of-way and publicly accessible lands where PG&E has access rights", as stated in MM B-7 or "where access is available", as stated in APM BIO-3.

A-7

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CDFW recommends that a minimum no-disturbance buffer of ½ mile be delineated around active nests of white-tailed kites until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. The Department advises the Lead Agency not to allow reductions in no-disturbance buffer size for white-tailed kites or any fully protected bird species absent a compelling biological or ecological reason to do so. In the event that white-tailed kites are detected during surveys, consultation with CDFW is warranted to discuss Project implementation and "take" avoidance. A-8

Burrowing Owl (BUOW): The Project has the potential to impact burrowing owl. BUOW are known to forage in agricultural crops and fallow land and have the potential to den near the Project site. To avoid impacts to the species, CDFW recommends the Lead Agency require focused surveys to be conducted following the methodology developed in the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012). The Department advises if Project-related activities are delayed or suspended for more than 30 days, the area be re-surveyed. If any ground-disturbing activities will occur during the burrowing owl nesting season (approximately February 1 though August 31), and potential BUOW burrows are present within the Project footprint, implementation of avoidance measures are warranted. In the event that nesting burrowing owls are found, CDFW recommends that impacts to occupied burrows be avoided by implementation of no-disturbance buffer zones of 656 feet for low disturbance activities and 1,640 feet for medium and high disturbance activities, unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement the recommended buffer zones could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure, in violation of Fish and Game Code and the Migratory Bird Treaty Act. A-9

Other Nesting Birds: Nesting birds have the potential to exist on the Project site. If Project-related activities will occur during the breeding season (February 1 through September 15), CDFW concurs that surveys for active nests be conducted as stated in MM B-7. The minimum no-disturbance buffers stated in MM B-7 (250 feet for passerines and 500 feet for raptors delineated around active nests) are consistent with CDFW recommendations; however, the buffer distances stated in APM BIO-3 are not adequate to minimize impacts. The Department recommends that MM B-7 include a list of the exclusion techniques to be used for construction equipment left unattended. Finally, CDFW recommends that, if nesting birds within a reduced buffer exhibit any signs of distress, the recommended buffers be reinstated. The Department is unclear how the qualified wildlife biologist would be able to determine if the stress is due to Project-related activities or other factors. A-10

Western Red Bats: This State species of special concern has the potential to roost in the Project vicinity. To minimize potential Project-related impacts to these species, the A-11

Comment Set A, cont.
California Department of Fish and Wildlife

Department recommends the Lead Agency require preconstruction surveys conducted by a minimum of two qualified bat biologists within a 250-foot radius of the Project area, not only in areas with public access. CDFW recommends that these surveys consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project work area within one 24-hour period. The Department also recommends that the biologists focus visual inspections on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering) and use bat detectors, bat call analysis and visual observations during all dusk emergence and pre-dawn re-entry surveys.

A-11 cont.

If Western red bats are found to occupy the Project site, the Department recommends implementation of the no-disturbance buffers of 100-feet for active roosts and 250-feet for active maternal roosts as stated in MM B-8. The Department does not recommend the Lead Agency allow buffer reductions or evicting the bats by incrementally trimming tree limbs. If avoidance of an active roosting bat or maternity roost is not practicable, consultation with CDFW is warranted to establish a sufficient buffer or exclusion plan.

A-12

Federally Listed Species: The Department also recommends consultation with the U.S. Fish and Wildlife Service (USFWS) on potential impacts to federally listed species including, but not limited to Federally threatened Valley elderberry longhorn beetle, prior to any site development and ground disturbance related to this Project. "Take" under the Federal Endangered Species Act (FESA) is more broadly defined than under CESA; "take" under FESA may also include significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation.

A-13

Thank you for the opportunity to comment on the draft Initial Study/Mitigated Negative Declaration for the Cressey-Gallo 115kV Power Line Project. More information on survey and monitoring protocols for sensitive species can be found at the Department website (www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). If you have any questions on these issues, please contact Sarah Bahm, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 306, or by electronic mail at Sarah.Bahm@wildlife.ca.gov.

Sincerely,

Jeffrey R. Single, Ph. D.
Regional Manager

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California Department of Fish and Wildlife

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cc: United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

Comment Set A, cont.
California Department of Fish and Wildlife

Literature Cited

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California Central Valley. Swainson's Hawk Technical Advisory Committee.

Responses to Comment Set A
California Department of Fish and Wildlife

A-1 The California Department of Fish and Wildlife (CDFW) expressed concern that the project could result in impacts to special-status species in the project area including Swainson's hawk, white-tailed kit, burrowing owl, loggerhead shrike, western pond turtle, western spadefoot, and western red bat.

The CPUC appreciates the CDFW comments on the Draft MND/IS. The CPUC recognizes that the CDFW is the State and Trustee agency with expertise regarding fish and wildlife resources. Though the March 18, 2013 letter does not acknowledge the extensive coordination, the CPUC worked closely with the CDFW throughout the drafting of the MND/IS and provided the CDFW multiple opportunities to comment on the Administrative Draft MND/IS and mitigation measures as described below:

- CPUC provided CDFW with the Administrative Draft of the biological resources section including the mitigation measures for review in April 2012, CDFW provided comments to CPUC in May 2012 regarding timing of pre-construction nesting surveys, and adequate buffer distances for raptors, burrowing owls, and other nesting birds and the comments were incorporated by the CPUC.
- During discussion with PG&E regarding the mitigation measures, PG&E informed the CPUC that PG&E was contacting the CDFW and discussing mitigation measures with the CDFW during the summer of 2012.
- On October 1, 2010 the CDFW sent the CPUC an email with a new version of the nesting bird management plan mitigation measure with buffer distances that were not the same as originally recommended.
- After reviewing the new measure, the CPUC held further discussion with PG&E in October 2012 and the CPUC discussed the revised mitigation measure with the CDFW and held additional conference calls with the CDFW in November and December 2012 to provide them with an opportunity for additional comments and recommendations.
- The CDFW provided additional input including some of the same original recommendations regarding nesting birds and western red bat. The CPUC incorporated the additional recommendations to the mitigation measures.
- To finalize the document, the CPUC held discussions with PG&E regarding the revised biological mitigation measures and made some final revisions prior to publication.

CDFW notes that the Draft MND recognizes the potential impacts and proposes mitigation but provides some additional avoidance measures and recommendations. Each individual recommendations provided by the CDFW is addressed in responses to comments A-2 through A-13.

A-2 This comment provides a brief description of CDFW roles as a Trustee Agency and a Responsible Agency. The comment also describes CDFW's regulatory authority over projects that could result in "take" of any species listed by the State as threatened or endangered pursuant to Fish and Game Code Section 2081, and CDFW jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish (Fish and Game Code Sections 3511, 4700, 5050, and 5515), and jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds (Fish and Game Code Sections 3503, 3503.5).

Additionally, the comment notes that species of plants and animals need not be officially listed as endangered, rare or threatened by state or federal agencies to be considered endangered, rare, or threatened under CEQA. Further, the comment states that CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impacts threatened or endangered species.

The Draft MND's discussion of CDFW's roles and responsibilities is consistent with this comment. CDFW's roles as a Trustee Agency and a Responsible Agency are described in Section 5.4.1, Environmental Setting: Regulatory Setting, at page 5-104 of the Draft MND. Discussion on pages 5-104 and 5-105 includes a description of the CDFW responsibilities under the California Endangered Species Act and the Native Plant Protection Act. Section 5.4.1 also describes the CDFW responsibilities regarding fully protected species, birds, and the California Species of Special Concern. The Draft MND also considered and evaluated potential impacts to "special status" species; as discussed at pp. pp. 5-111 – 5-112, "special status" species include species which meet the CEQA definition of endangered, rare or threatened in CEQA Guidelines §15380. As noted in the Response to Comment A-1, the CPUC recognizes that the CDFW is the State agency with expertise regarding fish and wildlife resources and worked closely with the CDFW throughout the drafting of the MND/IS and drafting of the mitigation measures.

A-3 This CDFW comment notes that it is unlawful for any person to divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream or lake designated by CDFW without first submitting plans to the CDFW for approval. The comment further indicates CDFW would make its own determination as to whether the Proposed Project may substantially and adversely affect fish or wildlife resources. The comment notes that if the proposed Project will cause impacts to canals and ditches hydrologically connected to the Merced River or other natural waterways, notification of the CDFW is required and that the CDFW would determine whether a waterway is jurisdictional, not the qualified biologist as stated in Mitigation Measure B-3.

The CPUC recognizes that CDFW asserts jurisdiction over stream beds, channels, and banks under Fish and Game Code Section 1602, and includes a provision in mitigation measure MM B-3 to ensure that CDFW permits will be required for impacts to waters under CDFW jurisdiction. Specifically, the third bullet point in MM B-3 indicates that no CDFW waters shall be impacted before obtaining appropriate permits. In response to this comment, the last paragraph of this mitigation measure (under "Irrigation Canals") has been revised as follows to clarify that CDFW must be notified prior to activities which may be subject to its streambed jurisdiction:

> **Irrigation Canals.** A qualified biologist approved by the CPUC shall determine appropriate buffer distances/setbacks and/or other protective measures (e.g., erosion control best management practices such as those included in APM WQ-1) to be implemented to minimize the impacts of project construction activities on at-grade irrigation canals. All plans related to work within 10 feet of irrigation canals shall be evaluated by the qualified biologist and submitted to CDFW to determine if the canal is subject to CDFW streambed jurisdiction. If it is determined that the CDFW has jurisdiction and the project may result in direct impacts to a stream subject to CDFW jurisdiction, a Streambed Alteration Agreement may be required.

A-4 This CDFW comment notes that Swainson's hawk has the potential to nest and forage within or near the Proposed Project's site and recommends incorporating requirements for a qualified avian biologist to conduct surveys for nesting Swainson's hawk following the Swainson's Hawk Technical Advisory Committee's survey methodology, and pre-construction surveys for active

Swainson's hawk nests as stated in MM B-7. The comment also recommends that the surveys for Swainson's hawk be conducted for a 1/2-mile radius around all projects activities, not only "within the construction right-of-way and publicly accessible lands where PG&E has access rights".

Consistent with the recommendations in this comment, MM B-7 has been revised to require surveys for Swainson's hawk be conducted for a 1/2-mile radius around all projects activities according to the Swainson's Hawk Technical Advisory Committee ("TAC") (2000) suggested protocol.[1] The TAC's recommended methodology includes use of high quality optical equipment (high-quality binoculars and a high-quality scope), as well as good maps, and GPS units. The TAC's recommended methodology is not rigid; various survey techniques may be used and the TAC recommended methodology explains, for example, why driving ("windshield") surveys are usually preferred to walking surveys, when walking surveys are useful, the value of multiple observation points for subject trees, and appropriate timing for surveys. Mitigation Measure B-7 requires a 1/2-mile survey radius around all project activities for the Swainson's hawk but also acknowledges that PG&E does not have right of entry to private land where PG&E does not have easements or rights of use. However, consistent with the TAC's recommended methodology, high quality optical equipment will be used from accessible observation points and will allow surveys for Swainson's hawk to effectively cover a 1/2-mile radius.

A-5 This comment advises that a minimum no-disturbance buffer of 1/2 mile be delineated around active nests of Swainson's hawk during the breeding season and that the minimum distance of 500-feet for a no construction buffer zone stated in MM B-7 is not an adequate minimization measure to avoid "take". The comment recommends not allowing reductions in buffer size absent compelling biological or ecological reason to do so, and that in the event that a Swainson's Hawk is detected during surveys the CDFW be consulted. The comment also indicates that if "take" cannot be avoided, that the Project proponent should apply to CDFW for an Incidental Take Permit for Swainson's hawk.

The CPUC consulted with the CDFW during the MND/IS process and the nesting bird measure provided to the CPUC by the CDFW via email October 1, 2012 included a buffer distance of 500 feet for raptors. The Swainson's Hawk Technical Advisory Committee's "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" May 31, 2000, indicates a range of buffer distances may be appropriate depending on the location of the nest (e.g., already near a roadways, or other areas that have high human use), and the type and timing of construction activities. The TAC's recommendations identify levels of risk to nesting Swainson's hawks associated with various combinations of buffers (ranging from 50 yards to 200 yards), nest locations, and type and timing of project activities. The 500-foot no-construction buffer zone for raptors required in MM B-7, based on a project-specific analysis, is near the high end of nest buffer distances (i.e., 200 yards or 600 feet) described in the TAC's recommendations for Swainson's hawk.

Consistent with the recommendation in this comment, MM B-7 requires that any request to reduce standard buffers must be based on "compelling biological or ecological reasoning", and must be submitted for review in coordination with the CDFW. Also consistent with the recom-

[1] "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley," Swainson's Hawk Technical Advisory Committee, May 31, 2000. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/swain_proto.pdf. Accessed April 16, 2013.

mendations in this comment, MM B-7 has been revised to require surveys to be conducted according to the Swainson's Hawk Technical Advisory Committee ("TAC") (2000) methodology. The TAC methodology states that "if active nesting is identified within the 1/2-mile survey radius, consultation is required" and ensures that CDFW will be consulted if active nesting in an area susceptible to disturbance from active construction is identified within the 1/2-mile survey radius. (Please see Response to Comment A-4 for additional discussion.) Nevertheless, MM B-7 is revised to clarify the requirements for pre-construction surveys, and disturbance buffers for Swainson's hawk. Compliance with these measures ensures that PG&E will consult with the CDFW to avoid take. Please see Response to Comment A-10 for the revised text of mitigation measure MM B-7.

A-6 This CDFW comment notes that the agriculture land present in the Project site may provide foraging habitat for Swainson's hawk and that any tree may be potential nest trees. The CDFW states that it considers removal of known raptor nest trees, even outside of nesting season, a significant impact under CEQA and recommends the nest trees that are removed to be replaced with an appropriate native tree species planted at a 3:1 ratio in an area that would be protected in perpetuity. Although the comment does not define "nest trees", the reference to nest trees is understood to mean trees with "active" raptor nests. CDFW's 2010 Swainson's hawk protocol states that nest sites are considered active if used at least once during the past five years. (Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California. June 2, 2010, p. 3) [2]

As noted in Section 5.4.1, Environmental Setting, the Proposed Project is located in an agricultural setting that is not considered sensitive habitat. Within the 600-foot-wide corridor centered along the project route, there are 377.7 acres of orchards, 359.9 acres of croplands, and 127.7 acres of vineyards. As noted in Section 5.2.1, Agriculture and Forestry Resources: Environmental Setting, Merced County has over 1.2 million acres of agriculture land. As noted in Section 4.10.5.2, Work Areas, removal of trees will be limited and orchard trees would be avoided where feasible, although some tree removal is expected. The tree removal would be minimal and is considered a less than significant impact given the large acreage of orchard trees in the area. Habitat mitigation would not be required for the loss of orchard trees. Nevertheless, MM B-7 is revised to be consistent with the recommendation that additional mitigation for loss of nest trees should be provided. Specifically, MM B-7 is revised to require requests to remove trees with active Swainson's' Hawk nests be submitted to the independent avian biologist to be considered in coordination with CDFW. (Please see Response to Comment A-10 for revised MM B-7.)

Impacts to nesting birds and nesting Swainson's hawk are addressed under APM BIO-3 and MM B-7. MM B-7 incorporates the CDFW recommendations and supersedes APM BIO-3. As discussed in Responses to Comments A-4 and A-5, the requirements of MM B-7 is consistent with the commenter's recommendations. MM B-7 is also revised to clarify and ensure consistency with CDFW recommendations. (Please see Response to Comment A-10 for revised MM B-7.) Further, although not mentioned in the comment, analysis and discussion at pages 5-113 and 5-114 shows that, of four CNDDB-recorded occurrences of Swainson's hawk within five miles of the project survey area, three were of active nests, and the closest of these is approximately 1.9

[2] This protocol is available at http://www.dfg.ca.gov/wildlife/nongame/docs/SwainsonsHawkProtocol6-2-10.pdf (accessed April 17, 2013.)

miles northwest of Mercedes Avenue. Suitable nest trees occur throughout the survey area; many of these are located adjacent to rural residences and the analysis concluded that Swainson's hawk has a moderate potential to nest in the survey area and vicinity.

A-7 The comment notes that the white-tailed kite has the potential to nest and forage within or near the Proposed Project site and recommends surveys for white-tailed kites prior to commencing project-related activities. The CDFW recommends that the surveys for white-tailed kite be conducted for a 1/2-mile radius around all projects activities, not only "within the construction right-of-way and publicly accessible lands where PG&E has access rights."

In response to this comment, MM B-7 is revised to require a 1/2-mile survey radius for preconstruction surveys for white tailed kite. (Please see Response to Comment A-10 for revised MM B-7.)

A-8 The CDFW advises that a minimum no-disturbance buffer of 1/2 miles be delineated around active white-tailed kite nests during the breeding season and that the minimum distance of 500-feet for a no construction buffer zone stated in MM B-7 is not an adequate minimization measure to avoid "take". The CDFW recommends not allowing reductions in buffer size absent compelling biological or ecological reasons to do so.

Consistent with the recommendations in this comment MM B-7 requires that any request to reduce standard buffers must be based on "compelling biological or ecological reasoning and must be submitted for review in coordination with the CDFW. In response to this comment, MM B-7 is revised to replace the 500-foot standard buffer with a 1/2-mile buffer for white tailed kite. (Please see Response to Comment A-10 for revised MM B-7.)

A-9 The CDFW notes that burrowing owl have the potential to den near the Project site and recommends burrowing owl surveys follow methodology developed in the CDFW's Staff Report on Burrowing Owl Mitigation. The CDFW notes that if nesting burrowing owls are found, the CDFW recommends a no-disturbance buffer zone of 656 feet for low disturbance activities and a 1,640 feet buffer for medium and high disturbance activities.

Consistent with the recommendations in this comment, mitigation measure MM B-7 requires a qualified wildlife biologist to survey for burrowing owls following the Burrowing Owl Survey Protocol and Mitigation Guidelines developed by The California Burrowing Owl Consortium. As discussed above, surveys will be conducted from vantage points where PG&E has legal access. It also requires that if any ground disturbing activities are planned during the burrowing owl nesting season avoidance measures shall include a no construction buffer zone of a minimum distance of 656 feet (as recommended by the CDFW for low disturbance activities). This minimum buffer distance is based on site- and project-specific analysis, and on the guidance provided in CDFW's March 2012 Burrowing Owl Staff Report. Construction activities associated with the project, which would include hauling, scraping and blading, vegetation removal, pole installation and wire stringing, were determined to cause low to medium disturbance to burrowing owls rather than the medium to high disturbance that would recommend a 1,640-foot buffer. If occupied burrows are closer than those distances to the nearest work site, the specified buffer size may be reduced on a case-by-case basis following protocol designed to avoid project-related "take" and that includes coordination with the CDFW.

A-10 The comment notes that nesting birds have the potential to occur on the project site and concurs that surveys for active nests be conducted as stated in MM B-7 and concurs with the minimum no-distance buffers for passerine and raptor species stated in MM B-7. The comment

indicates that the minimum buffer distances stated in APM BIO-3 are not adequate to minimize impacts. The comment recommends including a list of exclusion techniques to be used for construction equipment left unattended and recommends that if a nesting bird within a reduced buffer exhibit any signs of distress, the recommended buffers be reinstated.

As noted in MM B-7, all nests with a reduced buffer shall be monitored on a daily basis by a qualified wildlife biologist approved by the CPUC. Because daily monitoring is required during construction activities, the biologists would have baseline knowledge of the nest to use to assess which activities may cause distress to nesting birds. The mitigation measure does not require the biologist to determine that the stress is project-related, but that it appears to be project-related and not due to some other cause such as predation. This language is consistent with the nesting bird measure provided to the CPUC by the CDFW via email October 1, 2012. MM B-7 provides that exclusion techniques may be used for equipment left unattended for more than 24 hours. An example of an exclusion technique is to cover the equipment with tarps. In response to this comment, MM B-7 is revised to provide this example. Please note, however, if birds were to nest in the construction equipment the avoidance measures detailed in the mitigation would be implemented.

The following revisions to MM B-7 address the concerns identified in comments A-4 through A-10:

MM B-7 **Avoid impacts on nesting birds.** If construction activities occur during the avian nesting season (February 1 through September 15), a preconstruction survey for nesting birds shall be conducted by a qualified wildlife biologist (approved by the CPUC) within 7 days prior to the start of ground-disturbing construction or vegetation trimming or removal activities in any new work area. If there is no work in an area for 7 days, it will be considered a new work area if construction or vegetation trimming or removal begins again. Trees with raptor nests shall be evaluated by a qualified avian biologist to determine, in coordination with CDFW, whether the raptor nest is "active" (i.e., has been used within the past five years). Requests to remove trees with active raptor nests must be submitted to the independent avian biologist(s) to be reviewed in coordination with the CDFW.

No additional measures will be implemented if active nests are more than the following distances from the nearest work site: (a) 1/2 mile for Swainson's hawk and white-tailed kite, (b) 500 feet for raptors, or (c~~b~~) 250 feet for passerine birds. Buffers shall not apply to construction-related traffic using existing roads that is not limited to project-specific use (i.e., county roads, highways, farm roads, etc.).

All references in this mitigation measure to wildlife biologists refer to qualified biologists approved by the CPUC; these biologists may be PG&E employees or subcontractors. References to independent avian biologists refer to qualified avian biologists approved by the CPUC who report directly to CPUC.

Buffer reduction. The specified buffer sizes for birds may be reduced on a case-by-case basis if, based on compelling biological or ecological reasoning (e.g., the biology of the bird species, concealment of the nest site by topography, land use type, vegetation, and level of project activity) and as determined by a qualified wildlife biologist that implementation of a specified

smaller buffer distance will still avoid project-related "take" (as defined by Fish and Game Code Section 86). Requests to reduce standard buffers must be submitted to the independent avian biologist(s) to be reviewed in coordination with the California Department of Fish and Wildlife (CDFW). Requests to reduce buffers must include: the species, location, size and expected duration of proposed buffer reduction, reason for the buffer reduction, the name and contact information of the qualified wildlife biologist(s) who request the buffer reduction and will conduct subsequent monitoring. The independent avian biologist shall respond to PG&E's request for a buffer reduction within 24 hours.

Non-special status species found building nests within the standard buffer zone *after specific project activities begin*, shall be assumed tolerant of that specific project activity and such nests will be protected by the maximum buffer practicable (as determined by the qualified biologist). However, these nests shall be monitored on a daily basis during construction activities by a qualified biologist until the qualified biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends within the buffer zone (whichever occurs first). If the qualified biologist determines that the nesting bird(s) are not tolerant of project activity, the standard buffer shall be implemented. As appropriate, exclusion techniques may be used for any construction equipment that is left unattended for more than 24 hours to reduce the possibility of birds nesting in the construction equipment. An example exclusion technique is covering the equipment with tarps.

If nesting birds show signs of distress within a reduced buffer zone and that stress appears to be related to construction activities, the qualified wildlife biologist shall reinstate the recommended buffers. The recommended buffers may only be reduced again following the same process as identified above after the qualified biologist has determined that the nesting birds are no longer exhibiting signs of stress.

Monitoring and reporting. All nests with a reduced buffer shall be monitored on a daily basis during construction activities by a qualified wildlife biologist until the biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends within the reduced buffer (whichever occurs first). A monthly written report shall be submitted to CDFW and CPUC. Monthly reports shall include: all of the information included in buffer reduction requests in addition to duration of buffer reduction, and outcomes for nests, eggs, young and adults during construction within a reduced buffer. No reporting will be required if construction activities do not occur within a reduced buffer during any calendar month. A final report shall be submitted to CDFW and CPUC at the end of each nesting season summarizing all monitoring results and outcomes for the duration of project construction.

Burrowing owl. A qualified wildlife biologist shall conduct pre-construction surveys for burrowing owls within construction right-of-way and publicly accessible lands following the Burrowing Owl Survey Protocol and Mitiga-

tion Guidelines developed by The California Burrowing Owl Consortium (1993) where PG&E has access rights. If any ground disturbing activities are planned during the burrowing owl nesting season (approximately February 1 through August 31), avoidance measures shall include a no construction buffer zone of a minimum distance of 656 feet. If occupied burrows are closer than those distances to the nearest work site, the specified buffer size may be reduced on a case-by-case basis using the process outlined above for other nesting birds. Buffers may only be reduced after approval by the independent avian biologist. Reporting shall also follow the process outlined above for other nesting birds. If the nesting owls show signs of distress within a reduced buffer zone, and that stress appears to be related to construction activities, the qualified wildlife biologist shall reinstate the recommended buffers. The recommended buffers will only be reduced again after the qualified biologist has determined that the nesting owls are no longer exhibiting signs of stress and has submitted a buffer reduction request following the same process as identified above. Reporting regarding reduction of buffers will be documented in a written report and will follow the procedure described above.

Listed and fully protected species. A qualified wildlife biologist shall conduct pre-construction surveys for Swainson's hawk and for white tailed kite within 1/2 mile of project construction activities, and within 500 feet of work areas for other listed or fully protected species (from observation points within construction right-of-way and publicly accessible lands where PG&E has access rights) within 7 days of the start of construction. Surveys for Swainson's hawk will be conducted according with Swainson's Hawk Technical Advisory Committee (2000) suggested protocol. Where physical access to the entire survey area is unavailable, alternate, appropriate survey techniques should be used to compensate for limited physical access. If any construction activities are planned during the nesting season (approximately February 1 through ~~August 31~~September 15), avoidance measures shall include a no construction buffer zone of a minimum distance of 1/2 mile for Swainson's hawk and white-tailed kite, 500 feet for other raptors or 250 feet for passerine birds. If occupied nests are closer than these distances to the nearest work site, consultation with CPUC and CDFW (and USFWS as appropriate) shall be required to discuss how to implement the project and species avoidance measures to avoid "take".

California Avian Species of Special Concern. A qualified wildlife biologist shall conduct pre-construction surveys for California Avian Species of Special Concern from observation points within construction right-of-way and publicly accessible lands where PG&E has access rights. If any construction activities are planned during the nesting season (approximately February 1 through ~~August 31~~September 15), the avoidance measures for nesting birds detailed above will be implemented.

A-11 The comment states that western red bats have the potential to roost in the Proposed Project vicinity and recommends preconstruction surveys conducted by a minimum of two qualified bat biologists within a 250-foot radius of the Proposed Project area, not only in areas with public

access. The comment recommends that the surveys include one dusk emergence survey, one pre-dawn re-entry survey, and one daytime visual inspection on the Project work area within one 24-hour period and provides recommendations that the biologists focus on the identification of bat sign, use bat detectors, bat call analysis, and visual observations.

Mitigation measure MM B-8 is consistent with the recommendations in this comment. Consistent with the survey requirements recommended in this comment, MM B-8 requires bat surveys during the appropriate time of day to maximize detectability by a qualified biologist that is approved by the CPUC. Because the project is linear in nature and construction of the project would be staggered. MM B-8 also requires a survey for roosting bats or maternity roosts be performed within seven days of the construction start date for *each* proposed work area adjacent to appropriate roosting habitat. Because PG&E does not have right of entry to private land where PG&E would not have an easement or right of use, survey techniques may be adapted to account for limited access in some areas. However, in response to this comment, MM B-8 is revised to clarify that survey area covers a 250-foot radius and that appropriate techniques should be used to cover areas where physical access is limited. The measure also clarifies that, in the event evidence of a bat roost or maternity roost is developed in surveys, presence of the roost will be assumed for purposes of establishing buffers. Please see Response to Comment A-12 for revised MM B-8.

A-12 The comment states that if western red bats are found to occupy the Proposed Project site, the CDFW recommends implementing the no-disturbance buffers of 100-feet for active roosts and 250-feet for active maternal roosts as stated in MM B-8. CDFW states that it does not recommend buffer reductions or evicting the bats by incrementally trimming tree limbs. CDFW notes that when avoidance of an active roosting bat or maternity roost is not practicable, consultation with the CDFW is warranted.

Consistent with the recommendations in this comment, mitigation measure MM B-8 requires any request to reduce buffers or exclude bats be submitted to an independent biologist to review in coordination with the CDFW. The requests must include the proposed exclusion plan and techniques to passively vacate bats from roosts providing the CDFW the opportunity to comment on the exclusion plans. Mitigation Measure B-8 prohibits the removal of trees containing maternity roosts during the breeding season. In response to the comment that CDFW does not recommend incremental tree trimming as an eviction method, MM B-8 is revised to eliminate this as example method to passively evict bats from tree roosts.

MM B-8 **Avoid impacts to roosting western red bat**. Prior to start of construction, a survey for roosting bats or maternity roosts shall be performed by a qualified biologist (approved by CPUC) within seven (7) days of the construction start date for all proposed work areas adjacent to appropriate roosting habitat. ~~and~~ Areas accessible from public or project areas shall be surveyed during the appropriate time of day to maximize detectability. Western red bat roost and maternity roost habitat in the project area is mature riparian woodland, mature orchards, and mature ornamental trees. The survey shall include the ~~work~~ areas ~~and any publicly accessible roosts~~ within 250 feet of a work area. Where physical access to the entire survey area is unavailable, alternate, appropriate survey techniques should be used to compensate for limited physical access. If an active roost is found, or survey data provides evidence of an active roost, within 100 feet of a work area, or if a maternity

roost is found, or survey data provides evidence of a maternity roost, within 250 feet of a work area, the limits of the work area will be clearly marked and a qualified biological monitor shall be provided and shall remain on-site during construction activities within the vicinity of the roost or maternity roost. The biologist will ensure that construction activities to do not encroach upon the 100-foot buffer around an active roost or 250-foot buffer around a maternity colony site.

All references in this mitigation measure to biologists or biological monitors refer to qualified biologists approved by the CPUC; these biologists may be PG&E employees or contractors. References to independent biologists refer to qualified biologists approved by the CPUC who report directly to the CPUC.

Requests to reduce buffers or to exclude bats must be submitted to an independent biologist to be reviewed in coordination with California Department of Fish and Wildlife (CDFW). An independent biologist shall respond to requests to reduce buffers within 24 hours and shall respond to requests to exclude bats within 5 days. Requests to reduce buffers or exclude bats must include: location, size of buffer and expected duration of proposed buffer reduction, reason for the buffer reduction or exclusion, the proposed exclusion plan, and the name and contact information of the qualified biologist(s) who request the buffer reduction or exclusion plan and will conduct subsequent monitoring.

In addition, proposed exclusion plans shall describe all construction work that has the potential to affect bats, identify measures to be implemented to exclude bats from the work areas, and describe the features incorporated to minimize potential effects. The plan may include the following:

- If fall/winter hibernacula cannot be avoided, humane techniques may be implemented to passively vacate bats from roosts. Methods to passively evict bats from tree roosts ~~may include incrementally trimming limbs to alter the air flow and temperature around the roost feature where slight changes to the surrounding environment of roost features encourage bats to vacate roost features on their own~~ shall be developed in coordination with CDFW. Any trees with nesting birds would be subject to Mitigation Measure B-7.
- If a roost is lost, PG&E shall consult with the CDFW to see if additional compensation for loss of habitat is required. Required compensation may include planting new trees to provide roost habitat, as appropriate to ensure that adequate roost sites are available in the project vicinity, as determined by CDFW.

Trees containing maternity roosts shall not be removed during the breeding season (March 1 through August 31) to avoid disturbing females with young that cannot fly. No trees containing maternity roosts may be removed until the qualified biologist determines that breeding is complete and young are flying.

If buffer reductions are requested and approved, a monthly report shall be submitted to CPUC and CDFW with all of the information in the buffer reduction requests, monitoring results, effects on bats, bat exclusion activities, and bat behavior following implementation of the exclusion plan. Reports shall be submitted for the duration of construction activities within buffer areas.

A-13 The comment recommends consultation with the U.S. Fish and Wildlife Service (USFWS) on potential impacts to federally listed species, including the Federally threatened Valley elderberry longhorn beetle.

The CPUC did consult with the USFWS regarding the Federally threatened Valley elderberry longhorn beetle; Section 5.4.2.a (*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*) notes that the requirements in the elderberry shrub buffer measure were approved by the USFWS.

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Comment Set B
Jeff Dickey

March 26,2013

To whom this may concern:

My name is Jeff Dickey, I am writing to you to express my concerns in regards to the proposed project by PG&E called Cressey-Gallo 115kv pole line project A.11-11-020. B-1

PG&E states that the reason for this project is to improve service to the Cressey area. I have lived in this area since July of 1983. Since that time I can recall only very few times that power has been interrupted. The vast majority of those few times was due to someone hitting a power pole with their vehicle. So those interruptions were out of PG&E's control. With that said, that leaves PG&E with an exceptional track record in regards to power outages. The Cressey area has the population of about 300 people. PG&E is planning on spending thousands of dollars to accommodate few people when they already have an excellent record. This project is more about getting power to Gallo Winery at the expense of the visual pollution they will create by putting a power line through my property.

After reviewing the draft for this project prepared by the Aspen Group. I do not see any portions of the report that directly addresses my concerns, that were stated in a letter written in January 5, 2012. I also had a personal visit by Susan Lee, of the Aspen Group as well. One article I did find was in regards to the effect of electro magnetic field (EMF) on honey bee flight during pollination that I brought up in a meeting at the PUC office in San Francisco on June 27, 2012. B-2

As I stated in my letter we are in the process of building a house on our property, which we have since put on hold because of this project. These power lines would be almost in our front yard. We have already built a shop on the home site prior to knowing of this project, with the expectation of building our house after. But now this is not the case. I feel that PG&E has not been very understanding of my concerns and I feel they have not put much effort into an alternate plan. Basically my concerns is not their concerns. B-3

Along with the installation of the power poles, they will create some issues with my farming practices. Practices that we could use equipment will now have to be done manually at a higher expense. B-4

I am not totally against their project, just that I am against them disrupting my way of life. I have enclosed a copy of the letter dated January 5, 2012 voicing my concerns back then. B-5

In closing I feel that PG&E still has time to come up with an alternate plan. Therefor they can complete their project and it won't have a direct affect on my livelihood. Thank you very much for your time and consideration.

Sincerely
Jeff Dickey
Jeff Dickey

cc: Tom Johnson
PG&E Fresno
Principal Land Planning

Comment Set B, cont.
Jeff Dickey

January 5,2012

Dear Ladies and Gentleman of the CPUC:

I am writing to you to express my concern of the upcoming project by PG&E. It is being called Cressey-Gallo 115kv power line project. The application number for this project is A.11-11-020. I have property that will be directly effected by this project. I own 40 acres on Mercedes ave which this power line is going to pass near. B-6

My first concern, is the enormous devaluation of our property by the visual pollution of the huge power poles that will border my property. We have a future home site in our plans, which in my understanding the PG&E plan will be within 200 feet of the lines. We have already built a shop on the site, with the house to come shortly. Even though PG&E claims they will install the proper equipment to eliminate the electric and magnetic fields. I am not totally convinced the this will be possible, this is a health concern to me and my family. I, in particular, do not want to walk out of my new house and the first thing I see is an unsightly power pole. B-7

I also cannot believe that it is economically feasible for PG&E to run a line of power poles almost 15 miles. There has to be another alternative. It is my expectation that PG&E will just recoup their expenses through prices being increased to the general public. PG&E claims that this will help the citizens of the town of Livingston. But, by their map they barely come within a mile of the city. This project is all about supplying power to corporate America, namely Gallo Winery. At the expense of myself and the general public. B-8

Therefore, in closing, I am requesting that this application be denied for the reasons stated above. I would also not be opposed to attend a hearing regarding this project. Thank you for your time as well as your consideration for my request.

Sincerely
Jeff Dickey

Jeff Dickey
8670 N Santa Fe Dr
Winton, Ca. 95388
(209)756-8249

Responses to Comment Set B
Jeff Dickey

B-1 Mr. Dickey notes his concern regarding the Proposed Project, including concern about the expressed need for the project.

Mr. Dickey's concerns regarding the Proposed Project are noted. As noted in General Order 131 D Section IX(B)(1)(f), an application for a permit to construct does not need to include a detailed analysis of purpose and necessity nor a detailed estimate of cost and economic analyses other than what is required for CEQA compliance. PG&E's objectives for the project include a discussion regarding customer service interruptions in the area and are presented in Section 4.10.2, Project Objectives. More than 9,000 customers are currently served from Cressey, Gallo and Livingston Substations (including Gallo Winery and Dole Foods). Thus, the Proposed Project would improve reliability in north-central Merced County beyond just the Cressey area. Additionally, the California Independent State Operator 2012-2013 Transmission Plan, determined the Cressey-Gallo 115 kV project was needed for reliability purposes.[3]

B-2 Mr. Dickey notes that the IS/MND did not address his comments raised in a letter dated January 5, 2012. Mr. Dickey notes that the IS/MND addresses the effect of EMF on honey bee flight, which he raised as a concern in a meeting at the CPUC in June 2012.

Mr. Dickey's January 5, 2012 scoping comment letter raised concerns regarding the devaluation of his property due to impacts to visual resources, EMF, and alternative routes for the Proposed Project. In addition to the analysis in the IS/MND that addresses visual impacts, and EMF as well as a discussion regarding alternatives, each concern expressed in the January 2012 comment letter has been further addressed in responses to comments B-6 through B-8. As Mr. Dickey this comment indicates, impacts of EMF on honey bees was addressed in Agriculture and Forestry Resources, Section 5.2.2(e), Environmental Impacts and Assessment, (*Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*) and the impact was found to be less than significant.

B-3 Mr. Dickey notes that he is in the process of building a house on his property and that he has delayed the project because the power lines would cross in front of the house. Mr. Dickey notes that he has built a shop on the property prior to knowing about the Proposed Project and that PG&E has not been understanding about his concerns and has not put in an effort to find an alternate plan.

Mr. Dickey's concern is noted. CEQA review requires that an IS/MND include a description of the environmental setting in the vicinity of the project, known as the baseline physical conditions by which a lead agency determines whether an impact is significant. The baseline physical conditions at Mr. Dickey's property did not include a house and plans for the house had not been filed with the appropriate local agency. Therefore, for purposes of determining existing conditions, the IS/MND does not include a residence on the property.

As discussed in Section 4.10.10, Alternatives, the IS/MND does not include alternatives, because analysis in the IS/MND determined that changes in the project and mitigation measures made

[3] The California ISO 2012-2013 Transmission Plan, March 20, 2013. Available at: http://www.caiso.com/Documents/BoardApproved2012-2013TransmissionPlan.pdf

by or agreed to by PG&E will ensure that impacts are less than significant. However, Section 4.10.10 also discusses the alternatives PG&E considered when designing the Proposed Project; these alternatives were included in PG&E's application (http://docs.cpuc.ca.gov/PublishedDocs/EFILE/A/154375.PDF). During the drafting of the MND, the CPUC considered the feasibility of an alternative route for the Proposed Project along West Lane and requested additional information from PG&E regarding this alternative. PG&E has stated that to use the West Lane corridor would require one of four engineering design options described below (PG&E, 2012a).

- **West Lane Reroute Design Option 1** (Place the new line on the east side of West Lane) – This engineering design option would require the new power line to cross the existing line at two different locations, which would reduce the reliability and the effectiveness of the loop system. In addition, new easements would be required, two of which would be in the front yards of two residences along West Lane and two would be in front of two residences along Mercedes Avenue. This option would also require the removal of large shade trees in front of two homes on West Lane.
- **West Lane Reroute Design Option 2** (Move the existing pole line to the east side and build the new line on the west side of West Lane) – This option would require additional work and disturbance with relocation of the existing 115 kV line. Similar to the West Lane option above, this design would also require new easements from a number of property owners and the removal of large shade trees.
- **West Lane Reroute Design Option 3** (Replace the existing line with a double-circuit 115 kV line along West Lane) – This design option would reduce the reliability and effectiveness of the loop system as both circuits that serve Cressey Substation would be placed on the same poles. Unlike the double-circuit power line into Gallo Substation, this option would be adjacent to a public paved road, and therefore, more vulnerable to car accidents that would have the potential to take out both power lines into Cressey Substation.
- **West Lane Reroute Design Option 4** (Construct a new line west of the existing line along West Lane) – This design option would require construction of a new line in an orchard and pasture approximately 40 feet west of the existing power line. Therefore, the route would bisect 0.5 miles of agricultural land making access difficult from existing roadways and impacting farming operations. In addition, the northerly 0.25 miles of this route option would be located in a pasture that may have potential wetland/vernal pool issues.

In order to reduce reliability and operational agricultural resources concerns, undergrounding the proposed route along West Lane was also considered. However, undergrounding the proposed 115 kV line(s) along farmland adjacent to West Lane would not be compatible with local farming operations, because farmers use "ripper" equipment that goes 5 to 8 feet deep to rework the land for changing crops. As a result, there would be safety risks to underground lines. Undergrounding lines at a depth to avoid those safety concerns would create accessibility issues during operations and maintenance and would be cost prohibitive. Undergrounding the line(s) in the roadway itself would create greater temporary traffic, noise and air quality impacts.

Each of the West Lane design options was found to have greater engineering and reliability issues and/or land use and farming impacts so were not pursued further.

Under CEQA, the purpose of alternatives is to avoid or substantially lessen any of the significant effects of the project (CEQA Guidelines Section 15126.6.) The analysis of the Proposed Project

concluded that, with changes in the project and mitigation measures made by or agreed to by PG&E, impacts of the project will be less than significant.

B-4 Mr. Dickey notes that installation of the power poles would result in issues with his farming practices that would result in a higher expense.

Impacts to agriculture were analyzed in Section 5.2.2, Agriculture and Forestry Resources: Environmental Impacts and Assessment. Impact 5.2.2(a) (*Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as Shown on the Maps Prepared Pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to Non-agricultural use)* noted that the Proposed Project would require work on active agricultural land, which could temporarily interfere with active agricultural operations and would require some removal of orchard trees and possibly other permanent crops as well. With implementation of APM LU-1 and Mitigation Measure AG-1, PG&E will work with farmers and ranchers to provide advanced notice and schedule project work, to the extent feasible, around harvest and planting periods. Access across active fields will be negotiated with the farmer and/or landowner in advance of any construction activities. All complaints and strategies for resolving complaints will be documented in regular reporting to the CPUC. Finally, APM LU-1 and Mitigation Measure AG-1 state that in areas containing permanent crops (i.e., grape vines, orchard crops, etc.) that would be removed to gain access to pole sites for construction purposes, the Applicant would provide compensation to the farmer and/or landowner in accordance with PG&E's Project Damage Assessment and Resolution Program. With the implementation of these measures and other related APMs, impacts to active agricultural operations were found to be less than significant in the IS/MND.

B-5 Mr. Dickey notes that he has included a copy of his earlier letter dated January 5, 2012 and that PG&E still has time to come up with an alternate plan.

Comment noted. See Response to Comment B-3 regarding alternatives.

B-6 Mr. Dickey notes his concern regarding the Proposed Project especially regarding a devaluation of his property due to the visual impacts. Mr. Dickey also notes that he has a plan to build a house at his property and the Proposed Project would be within 200 feet of the Mr. Dickey's planned, future site for the house.

Mr. Dickey expressed concern regarding the potential impacts of power lines on property values due to visual impacts. CEQA Guidelines Section 15131(a) states that economic or social effects of a project shall not be treated as significant effects on the environment, and these effects only need to be considered in a chain of cause and effect if they would result in a physical change to the environment that was caused in turn by the economic or social changes. Therefore, property values are not discussed under CEQA as an environmental impact.

However, a perceived impact on property values generally results from visual impacts, or health and safety concerns such as EMF. EMF is discussed in Response to Comment B-7. Visual impacts are analyzed extensively in Section 5.1 (Aesthetics) of the IS/MND. Implementation of mitigation measures in the Visual Resources section, such as Mitigation Measures V-1 and V-2, would reduce the visual impacts of the project to less than significant.

Furthermore, where Proposed Project impacts in other issue areas that can contribute to reduction in property values are less than significant or have been mitigated to less than significant levels, then they would not cause considerable property value changes. Therefore, any associ-

ated property value impacts would also be less than significant. Likewise, there would be no or less than significant resulting physical changes in the environment.

It should be noted that landowners of any private parcels that would be crossed by the Proposed Project would be compensated by PG&E for use of its easement across the property based on the fair market value of the property taken.[4]

B-7 Mr. Dickey notes his concern regarding electric and magnetic fields (EMF) as a health risk to himself and his family.

As discussed in Section 4.10.9, there remains a lack of consensus in the scientific community in regard to public health impacts due to EMF at the levels expected from electric power facilities. Further, there are no federal or State standards limiting human exposure to EMFs from transmission lines or substation facilities in California. For those reasons, EMF is not considered in this IS/MND as a CEQA issue and no impact significance is presented. However, the CPUC has implemented, and recently re-confirmed, a decision requiring utilities to incorporate "low-cost" or "no-cost" measures for managing EMF from power lines. Specific design measures that have been applied to the Proposed Project to reduce magnetic field strength levels are discussed in Section 4.10.9.2.

B-8 Mr. Dickey states that he does not believe that the Proposed Project is economically feasible and that the need for the project is not to help the town of Livingston but the Gallo Winery. Mr. Dickey requests that the Proposed Project be denied.

Please see Response to Comment B-1 for discussion regarding project objectives, system reliability, and service areas. As noted in Response to Comment B-1, the California Independent State Operators identified the Proposed Project as needed for reliability reasons.

[4] "Fair market value" is a term defined by California Code of Civil Procedure section 1263.320(a) as "…the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." In addition, where the property acquired is a part of a larger parcel, the payment of severance damages may be required if the remaining property (remainder), after the portion acquired, has been diminished in market value when compared with the same remainder before the taking

Comment Set C
Pacific Gas & Electric Company

Pacific Gas and Electric Company

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March 29, 2013

Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco CA 94104-3002

RE: PG&E Cressey-Gallo 115 kV Power Line Project
Draft Initial Study/Mitigated Negative Declaration

Dear Ms. Blanchard:

Pacific Gas and Electric Company (PG&E) has reviewed the draft Initial Study/Mitigated Negative Declaration (IS/MND) and agrees that an MND is appropriate for this project. PG&E appreciates the effort expended by Commission staff and its consultant to prepare this environmental review in compliance with CEQA.

PG&E suggests the following minor revisions and corrections to the draft MND:

Section 1.3 Required Approvals, Table 1-1 Permits and Approvals Necessary for the Proposed Project, Page 1-3; and Section 4.10.7 Required Approvals, Table 4-5, Permits and Approvals Necessary for the Propose Project, Page 4-62. These MND sections list a County of Merced tree removal permit among the "required" approvals. Please delete all references to this permit, as the County of Merced does not have a tree removal permit requirement. C-1

Section 1.5 Applicant Proposed Measures and Mitigation Measures, Mitigation Measures for Land Use and Planning, MM L-1, Page 1-12; Section 5.10.2 Environmental Impacts and Assessment, Land Use Planning, MM L-1, Page 5-197; and, Section 6, Table 6-1 Mitigation Monitoring Plan, MM L-1, Page 6-24. For clarification, the edge of the PG&E easement will be contiguous with the southerly and easterly property lines and the power line itself will likely be located mostly in the second row of trees in from the property line, except for a short length at the southern end, as shown on the revised Figure 5-10-2, Mitigation Measure L-1 Re-route, which we have enclosed. The final route and pole locations will be determined upon final engineering. C-2

Section 4.10.3.1 Project Alignment, Page 4-4. With the sentence starting in the sixth line of the section, please include the text shown in underline below to provide clarification:
"North of the UPRR and SR-99 crossings, the line would be placed in the road right-of-way (ROW) on the east side of Arena Way <u>to Liberty Avenue, then continue on the east side on private property</u> and along the alignment of Arena Way when crossing orchard property without a road." C-3

Comment Set C, cont.
Pacific Gas & Electric Company

Section 4.10.4.3 Modification and Expansion of Substations, Pages 4-36 and 4-37. We have now determined that the existing control building within Gallo Substation will be removed as part of construction. Please update the last full sentence on page 4-36: "Figure 4-10 depicts an existing aerial view of the substation and Figure 4-11 shows an aerial view of the proposed expansion to Gallo Substation with the expansion plan diagram superimposed on the existing 115/12 kV equipment and control building that ~~would remain~~ will be removed during construction." See revised Figure 4-11 enclosed. In addition, the second sentence in the first full paragraph on page 4-37 should read: "The nearby existing control building, approximately 12 feet wide by 16 feet long, ~~would remain~~ will be removed during construction." C-4

Section 4.10.5.1 Staging Areas, Page 4-37. The fourth paragraph lists three substations in the vicinity of the project that PG&E may use as staging area. As indicated in the PEA in Section 2.8.7.1, PG&E may use other existing facilities in the area in addition to the listed substations. For example, Merced Substation may also be used as a staging area. Please add "Merced Substation and other existing PG&E facilities" as potential staging areas in the paragraph. C-5

Section 4.10.5.3 Access Roads and / or Spur Roads, Page 4-40. Please include the following language to capture any improvements that may be needed: "Road improvement work is not expected to be required, although rock and/or gravel may be added or other improvements may be made to facilitate use, reduce damage and control dust to existing dirt and gravel roads." C-6

Section 4.10.5.5 Vegetation Clearance, Figure 4-11, Page 4-49. Figure 4-11 displays a revised fence location for the new southern gate and south-east corner of Gallo Substation; we are enclosing revised Figure 4-11 with the revised placement of the fencing. C-7

Table 4-6, APM PR-2, Page 4-67; Table 5.5-1, APM PR-2, Page 5-149; Table 6-1, APM PR-2, Page 6-20. For clarity, please revise to read: "The ground anode installations at Cressey Substation are expected to reach a depth below ~~of~~ 100 feet, which is the approximate depth at which the Corcoran Clay is expected to begin at this location." C-8

Section 5.1.2.3 Local, Page 5-26. For clarity, please revise to read: "The project ~~complies~~ is consistent with the Merced County Year 2000 General Plan because a majority of the project will be located in existing utility corridors." C-9

Section 5.1.3.3 Project Component Dimensions, Table 5.1-4, Page 5-30. Please update the tubular steel pole count from "approximately 11" to "approximately 10 to 15" to be consistent with the pole count description on page 4-27. C-10

Section 5.2.2 Environmental Impacts and Assessment, *b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?* Page 5-85. Please add the following sentence before the last sentence of the last paragraph, "The Williamson Act also C-11

Comment Set C, cont.
Pacific Gas & Electric Company

recognizes that the erection of electric facilities is generally a compatible use within an agricultural preserve."

C-11 cont.

Section 5.2.2 Environmental Impacts and Assessment, *e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?* Page 5-85. We suggest including an additional conclusion from Kavet and Silva (2010) in the second paragraph to provide a broader perspective on honeybees and compatibility with power line EMF environments: "Recent environmental studies indicate that power line rights-of-way can offer excellent conditions for bee colonies to thrive and contribute to agricultural productivity."

C-12

Section 5.10.2 Environmental Impacts Assessment, *a. Would the project physically divide an established community?*, Page 5-197. To clarify, please revise to read: "To reduce this impact to less than significant levels, Mitigation Measure L-1 would be required to reroute the transmission line to the eastern edge of the property, with the utility easement contiguous with the existing property line along the southerly and easterly boundaries. The power line itself will likely be located mostly in the second row of trees in from the existing easterly property line, except on the southern end, with the final route and pole locations to be determined upon final engineering."

C-13

Section 5.10.2 Environmental Impacts Assessment, Figure 5.10-2, Mitigation Measure L-1 Re-route, Page 5-210. Please update Figure 5.10-2 with the enclosed revised Figure 5.10-2 that includes approximate locations for pull and tension sites along the re-route.

Section 5.18.1 Environmental Inspects and Assessment, Mandatory Findings of Significance table, Part A, Page 5-245. This table from Appendix G of the CEQA Guidelines should be updated to reflect a revision to Section 15065(a)(1) of the CEQA Guidelines, which now reads: "Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory."

C-14

Section 6, Table 6-1 Mitigation and Monitoring Plan, Page 6-8. Construction-Phase Air Quality, A-2 Facilitate Carpooling to Construction Sites – Monitoring Requirement. Please revise the monitoring requirement to be consistent with the fact that this measure will be implemented where feasible: "~~Ensure~~ Check implementation during construction to minimize GHG and criteria pollutant emissions."

C-15

Section 6, Table 6-1 Mitigation and Monitoring Plan, Page 6-15. *Special-Status Animal Species, B-5:* Protect valley elderberry longhorn beetle habitat. Because flagging and fencing may not be compatible with agricultural practices (such as organic dairy farming), please include the following edits: "*The qualified biologist shall flag, ~~and~~ fence or by other means identify buffer zones at least 20 feet wide surrounding the drip line of each potential valley elderberry longhorn*

C-16

Comment Set C, cont.
Pacific Gas & Electric Company

beetle host plant (any elderberry shrub with at least one stem with a diameter of one inch or greater). ~~Flagging and fencing~~ The buffer zones shall be monitored during the duration of construction by a qualified biological monitor (approved by CPUC)."

C-16 cont.

Section 6, Table 6-1 Mitigation and Monitoring Plan, Pages 6-19 and 6-20, APMs CU-2 and CU-3. Under the Monitoring Requirements, please delete the goals "No damage to archeological resources results from the project construction" and "No damage to human remains results from the project" as these are not monitoring requirements.

C-17

Section 6, Table 6-1 Mitigation and Monitoring Plan, Page 6-23. APM WQ-1: SWPPP or Erosion Control Plan Development and Implementation, Monitoring Requirement. For accuracy, please revise to read: "Ensure a SWPPP or Erosion Control Plan is developed to minimize construction impacts on surface water and groundwater quality ~~sedimentation is minimized~~."

C-18

Section 6, Table 6-1 Mitigation and Monitoring Plan, generally. In accordance with CEQA requirements, PG&E reviewed and agreed to certain mitigation measures before the draft IS/MND was issued. However, the draft contains language in the measures that is inconsistent with the language agreed to by PG&E and should be revised to reflect what was agreed upon. We have enclosed a list of the measures with the correct wording and page numbers shown.

C-19

Errata

Global. Suggest update "California Department of Fish and Game" to "California Department of Fish and Wildlife" and "CDFG" to "CDFW" to reference the Department's current name.

C-20

Section 5.2.1 Environmental Setting, Local, Page 5-77. Please correct the reference to the length of the project in the following sentence "The proposed 14.~~1~~4-mile 115 kV power line would be located primarily on or adjacent to agricultural land and pastureland."

C-21

Section 5.9.1 Environmental Setting, Applicant Proposed Measures, Table 5.9-1, Pages 5-186 and 187. To clarify the correct reference resource category, the table subheading above APM GM-1 should be changed from "Hazards and Hazardous Materials" to "Geology and Minerals" and the subheading above APM HM-1 should read "Hazards and Hazardous Materials."

C-22

Section 6, Table 6-1 Mitigation Monitoring Plan, Page 6-5. The mitigation measure listed as MM AG-1a is not consistent with the other MMs in the table. The other MMs do not use MM in front of the measure abbreviation.

C-23

Section 6, Table 6-1 Mitigation Monitoring Plan, Page 6-19. APM CU-1 and APM CU-2 Monitoring Requirements. The first sentences of each monitoring requirement for these two measures appear to be reversed. The sentence "Construction personnel sign an environmental

C-24

Comment Set C, cont.
Pacific Gas & Electric Company

training attendance sheet" appears to belong with APM CU-1, whereas the phrase "Avoid unanticipated cultural resources" appears to belong with APM CU-2.

C-24 cont.

Section 6, Table 6-1 Mitigation Monitoring Plan, Page 6-25. *MM N-1*, Monitoring Requirement. Please update the monitoring requirement language to, "Ensure implementation during construction; see APM NO-5."

C-25

As a final note, we wished to point out that the construction schedule dates throughout the document are incorrect since the schedule has slipped considerably. At this time, the revised schedule is unknown but construction activities will likely begin in 2014. Also, we wanted to add information about routine distribution switching that will be needed to accommodate construction activities; although the details of where and when such switching will occur is not known, the attached file provides typical, general information on PG&E's distribution switching operations that should be included in the MND.

C-26

PG&E appreciates the opportunity to provide these comments. Please feel free to contact me if further information or clarification is necessary.

Sincerely,

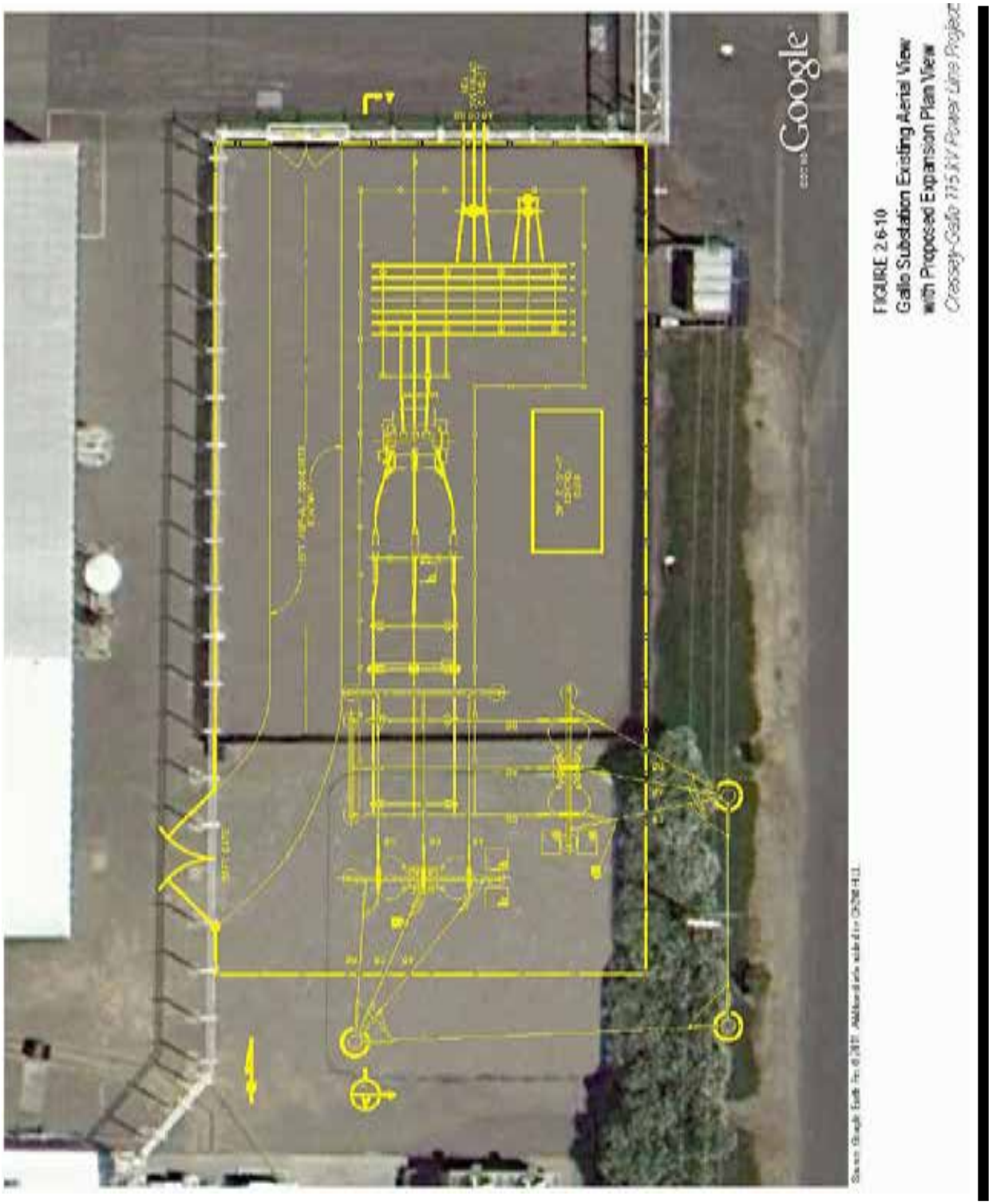
Tom Johnson
Principal Land Planner
Pacific Gas and Electric Company

cc:
David Kraska, Pacific Gas and Electric Company
Jo Lynn Lambert, Attorney for Pacific Gas and Electric Company
Bill Czabaranek, Pacific Gas and Electric Company
Sarah Gassner, Pacific Gas and Electric Company
Kevin Janik, Pacific Gas and Electric Company
Colleen Taylor, CH2M HILL
Emily Capello, Aspen Environmental Group

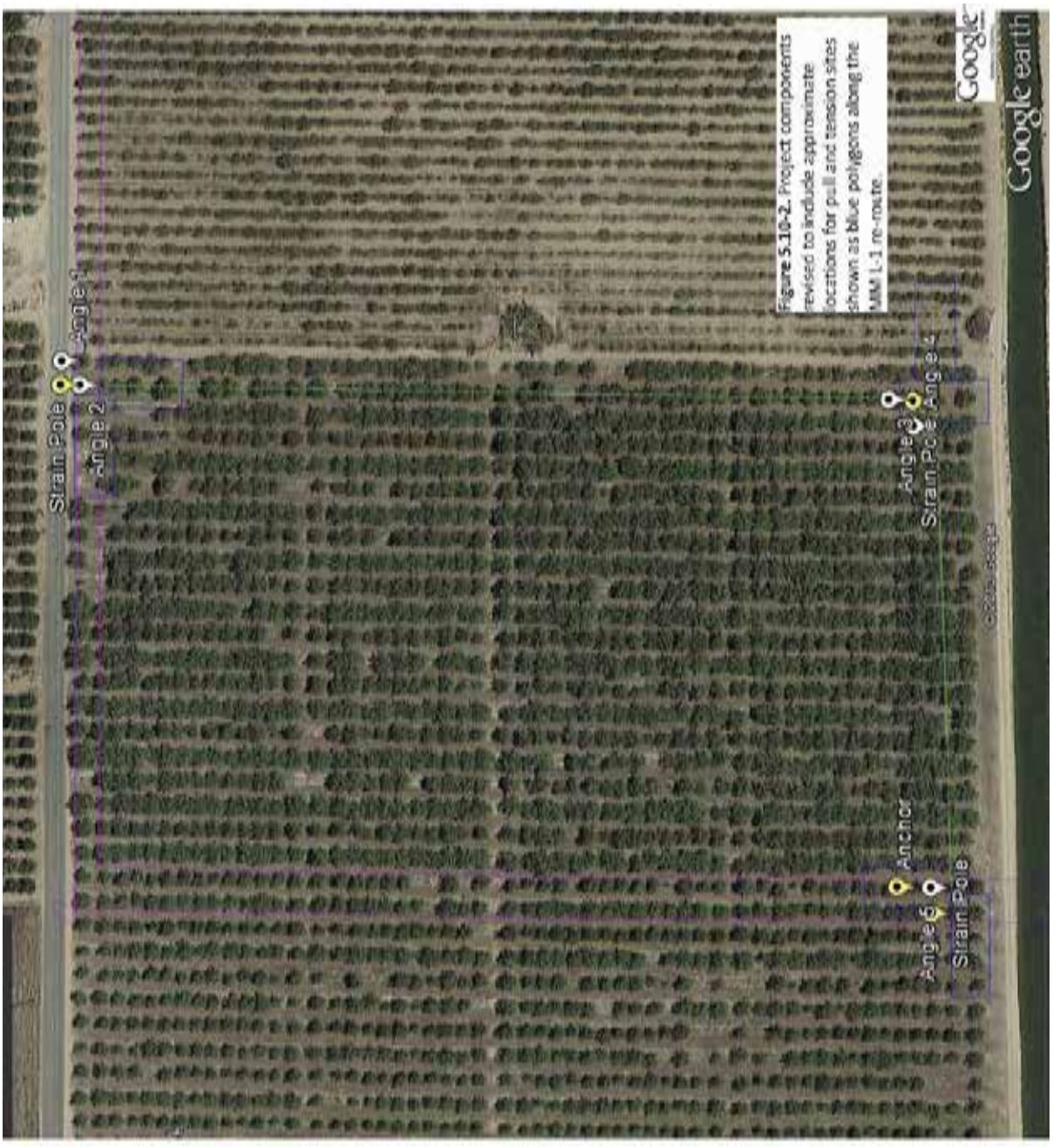
Enclosures
Figure 5.10-2 – project components update
Figure 4.11 – project components update
MND APM and MM wording consistency
Distribution Clearances Information

Comment Set C, cont.
Pacific Gas & Electric Company

C-27



Comment Set C, cont.
Pacific Gas & Electric Company



C-28

Comment Set C, cont.
Pacific Gas & Electric Company

Wording Consistency in APMs and MMs

APM AE-4 contains inconsistent language on pages 4-63, 5-29 and 6-4. The language in the draft MND Sections 4 and 6 is correct; please revise the last sentence of at page 5-29, as follows: C-29

> *"APM AE-4: Distribution Line Co-location. ... Where three or more distribution ~~poles~~ spans are located on the opposite side of the project route, the distribution line will be co-located on project poles and the existing distribution poles will be removed."*

This revision concurs with the project description text at page 4-26, which state "four or more poles."

MM V-2 - Please revise and conform as previously agreed at pages 1-4, 5-67, and 6-4 to read: C-30

> *"**MM V-2: Install Slimmer Light Gray Tubular Steel Pole Treated with CrysCoat (or equal) and Vegetative Screening at Mercedes Avenue Crossing.** At the 90-degree turn and crossing of Mercedes Avenue, the base of the tubular steel pole installed by PG&E shall be 27-inches or smaller in diameter with appropriate taper with a permanent surface treatment designed to render steel with a light gray color and a dulled non-reflective patina in the short-term and the long-term (CrysCoat or equal).*
>
> *Additionally, PG&E shall offer to the owner and/or tenant of 1925 Mercedes Avenue install additional vegetative screening to the owner and/or tenant of 1925 Mercedes Avenue to be installed, if desired, between the residence and the new pole at that location, consistent with feasibility and engineering requirements. Plant materials selected for screening shall be acclimated to the environment of the project area. PG&E shall submit an engineering sketch of the pole, and report landowner requests and PG&E's response to the CPUC prior to the start of construction of the pole."*

This language is needed to link the timing of the measure's implementation with the pole's construction. (Note that the heading to page 5-67 needs to be conformed with the others as well.)

MM A-2 – Please revise and conform as previously agreed at pages 1-5, 5-100 and 6-8 to read: C-31

> *"**MM A-2: Facilitate Carpooling to Construction Sites** (Proposed to supplement APM AQ-2 "Minimize Construction Exhaust Emissions"). To minimize GHG and criteria pollutant emissions during construction, PG&E shall identify a central place to meet, such as a substation, staging area or a service center, in the project vicinity and encourage construction workers to carpool to the work site to the extent reasonably feasible. The ability to develop an effective carpool program for the Proposed Project shall depend on the proximity of carpool facilities to the work site, the geographical commute departure points of construction workers, and the extent to which carpooling shall not adversely affect worker arrival time and the project's construction schedule. Crew transportation to the project site is addressed in Section ~~3~~5.16, Transportation and Traffic.*

Comment Set C, cont.
Pacific Gas & Electric Company

This language provides more flexibility during construction while achieving the intent of the measure to implement exhaust minimization practices. C-31 cont.

MM B-2 - Please revise and conform as previously agreed at pages 1-6, 5-127 and 6-13, third bullet, to read: C-32

> *"Project resource maps showing seasonal ponded areas, valley elderberry shrubs, active nests, and any special-status species identified during the biological surveys of the project site and the pre-construction surveys. Maps shall show all relevant buffer areas. Maps shall be updated as needed to show locations of any newly identified sensitive biological resources ~~nesting birds or special status species~~.*

This language clarifies for field staff where this measure needs to be implemented because not all nesting birds are covered under the MBTA.

MM B-3 - Please revise and conform as previously agreed at pages 1-7, 5-128 and 6-14, second bullet and last paragraph, to read: C-33

> *"An assessment of areas that may meet the definition of wetlands or jurisdictional waters according to the ~~USFWS~~ U.S. Army Corps of Engineers and CDFG shall be conducted by a qualified biologist approved by CPUC. ...*
>
> *Irrigation Canals. A qualified biologist approved by the CPUC shall determine appropriate buffer distances/setbacks and/or other protective measures (e.g., erosion control best management practices such as those included in APM WQ-1) to be implemented to minimize the impacts of project construction activities on at-grade irrigation canals."*

These revisions are provided to clarify implementation of the measure for field staff concerning agencies with jurisdiction over wetlands and waters and the description of existing conditions.

MM B-7 - Please revise and conform as previously agreed at page 5-133, eighth paragraph of MM B-7 (and as correctly shown at pages 1-8 and 6-15) to read: C-34

> *"**Listed and ~~other~~ fully protected species.**" A qualified wildlife biologist shall conduct pre-construction surveys for listed and fully protected species within 500 feet of work areas (within construction right-of-way and publicly accessible lands where PG&E has access rights) within 7 days of the start of construction. If any construction activities are planned during the nesting season (approximately February 1 through August 31), avoidance measures shall include a no construction buffer zone of a minimum distance of 500 feet for raptors or 250 feet for passerine birds. If occupied nests are closer than these distances to the nearest work site, consultation with CPUC and CDFW (and USFWS as appropriate) shall be required to discuss how to implement the project and species avoidance measures to avoid "take." ~~If any other fully protected species are determined to be nesting within 500 feet of the project activities, consultation with CPUC and CDFW (and USFWS as appropriate) shall be required to discuss how to implement the project and species avoidance measures.~~*

Comment Set C, cont.
Pacific Gas & Electric Company

This change is suggested so that MM B-7 is consistent throughout the MND. C-34 cont.

MM C-2 - Please revise and conform as previously agreed at page 5-151 (and as correctly shown at pages 1-12 and 6-22) to read: C-35

> *"Avoid Known Historical Resources. Known historical resources shall be ~~flagged and~~ avoided during construction. ~~In addition, at any known historical resource within 165 feet (50 meters) of the project area, the limits of the project area near the resource shall be marked with visible flagging tape prior to construction.~~ The portions of historical resources that cross into or are immediately adjacent to the project area (i.e., within 25 feet) shall be marked with visible flagging tape to create a 10-foot buffer around the site. The construction crews shall be instructed that no vehicle access, travel, equipment staging, storage, or other construction-related work shall occur within the flagged areas to ensure that known historic resources are not inadvertently damaged during implementation of the project."*

This change is suggested so that MM C-2 is consistent throughout the MND.

Comment Set C, cont.
Pacific Gas & Electric Company

C-36

Distribution Switching Operations to Accommodate Construction Activities

As an adjunct of its normal operating procedures, PG&E's Distribution System Operations group will coordinate taking the existing distribution lines out of service (also known as taking clearances) for any construction-related activities that require it. When Distribution System Operations receives requests from other company departments that require clearances, the group assesses how such clearances can be accomplished and identifies where and when clearances may need to occur, notifies customers being served by the distribution that power outages may occur, carefully manages and orchestrates the clearances themselves, and retains balance in the system by routing power to minimize customer outages.

To accomplish the clearances and maintain balance in the system, the Distribution System Operations group must turn switches on and off at locations along the distribution lines being taken out of service, or along other distribution lines that may be affected by taking a line out of service. Sometimes the switches are thrown at a central location such as a substation, and sometime switches are accessed remotely by System Operations. Other times, particularly in certain parts of the service area, the System Operations team must physically drive to a pole and throw a switch. Because switches may be located above ground-level on distribution poles, bucket trucks are often used to enable a troubleman to reach the switches. Turning a switch on or off takes a matter of minutes and the troubleman will return to other work once the switching is completed. These distribution switching activities take place throughout PG&E's service territory and are an integral part of PG&E's ongoing operational activities.

For this project, the power line will require that distribution lines crossing the power line or that will be co-located on the power line will be temporarily taken out of service along specific line sections. Taking clearances may require one of PG&E's operations troublemen to physically go to poles along the line or along other lines in the area to turn or flag switches on or off. The troublemen may need a bucket truck or other equipment to reach the switch. Advance notice of where this will occur is often not available. Any required switch work would be carried out by a member of PG&E's Systems Operations group as part of their daily operations processes.

Comment Set C, cont.
Pacific Gas & Electric Company

Pacific Gas and Electric Company

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April 11, 2013

Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco CA 94104-3002

RE: PG&E Cressey-Gallo 115 kV Power Line Project
Draft Initial Study/Mitigated Negative Declaration

Dear Ms. Blanchard:

Pacific Gas and Electric Company (PG&E) previously reviewed the draft Initial Study/Mitigated Negative Declaration (IS/MND) and submitted minor comments on March 29, 2013. We have one additional comment to add to the project description, as described below.

C-37

Section 4.10.4.3 Modification and Expansion of Substations, Cressey Substation, Page 4-36. For clarification, please add the following as a new paragraph after the third paragraph from the top of the page:

> One of the existing 21 kV distribution breakers and its associated equipment at Cressey Substation have been identified for replacement within the next few years, and PG&E has indicated that this distribution work might be timed to coincide with the Cressey Substation modifications associated with the Cressey-Gallo 115 kV Power Line Project. Although the two projects are unrelated, both projects could take advantage of the same clearances, thus providing efficiencies. All work on the distribution project would occur within the existing substation fence line.

PG&E appreciates the opportunity to provide this additional comment. Please feel free to contact me if further information or clarification is necessary.

Sincerely,

Tom Johnson
Principal Land Planner
Pacific Gas and Electric Company

cc:
David Kraska, Pacific Gas and Electric Company
Jo Lynn Lambert, Attorney for Pacific Gas and Electric Company

Comment Set C, cont.
Pacific Gas & Electric Company

Ms. Blanchard
April 11, 2013
Page 2

Bill Czabaranek, Pacific Gas and Electric Company
Sarah Gassner, Pacific Gas and Electric Company
Kevin Janik, Pacific Gas and Electric Company
Colleen Taylor, CH2M HILL
Emily Capello, Aspen Environmental Group

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Responses to Comment Set C
Pacific Gas and Electric Company

C-1 Pacific Gas and Electric Company (PG&E) notes that the County of Merced does not have a tree removal permit so this should not be listed as a "required" approval. Section 1.3, Required Approvals, Table 1-1, Permits and Approvals Necessary for the Proposed Project, has been revised as follows:

Table 1-1. Permits and Approvals Necessary for the Proposed Project

Permit, Approval, or Exemption	Purpose	Regulation Agency
Local		
Air Pollution Control District Permit	For conducting activities which may result in air pollution.	San Joaquin Valley Air Pollution Control District (SJVAPCD)
Encroachment Permit	For the use of local roads for purposes other than normal transportation.	County of Merced
~~Tree Removal Permit~~	~~For the removal of trees.~~	~~County of Merced~~

Project Description, Section 4.10.7, Required Approvals, Table 4-5, Permits and Approvals Necessary for the Proposed Project, has been revised as follows:

Table 4-5. Permits and Approvals Necessary for the Proposed Project

Permit, Approval, or Exemption	Purpose	Regulation Agency
Local		
Air Pollution Control District Permit	For conducting activities which may result in air pollution.	San Joaquin Valley Air Pollution Control District (SJVAPCD)
Encroachment Permit	For the use of local roads for purposes other than normal transportation.	County of Merced
~~Tree Removal Permit~~	~~For the removal of trees.~~	~~County of Merced~~

C-2 PG&E notes that the edge of the PG&E easement for the reroute associated with Mitigation Measure L-1, Re-route the proposed transmission to avoid dividing a parcel, would be contiguous with the southerly and easterly property lines and the power line itself would be located mostly in the second row of trees on the property.

Comment is noted, no changes to the mitigation measure were made. PG&E also provided an updated Figure 5.10-2 that illustrates the reroute. Figure 5.10-2, Mitigation Measure L-1 Re-route, has been updated with the revised figure provided.

C-3 PG&E provided clarification regarding the project alignment along Arena Way north of the UPRR and SR-99 crossings.

Project Description, Section 4.10.3.1, Project Alignment, has been updated to include this information as follows:

4.10.3.1 Project Alignment

PG&E has proposed to install the new 115 kV power line on private property starting at Gallo Substation. The proposed route would head south on the east side of the Gallo Winery vineyard access road, as a double-circuit line joining the existing Gallo Tap on new poles. The line would turn east and would become a single-circuit line along the north side of Magnolia Avenue for approximately 7.3 miles to Arena Way. At Arena Way, the route would turn north along the west side of Arena Way on private property to its crossing of the Union Pacific Railroad (UPRR) and SR-99. North of the UPRR and SR-99 crossings, the line would be placed in the road right-of-way (ROW) on the east side of Arena Way to Liberty Avenue, then continue on the east side on private property and along the alignment of Arena Way when crossing orchard property without a road.

C-4 PG&E notes that it has determined that the existing control building within Gallo Substation would be removed as part of the construction.

Project Description, Section 4.10.4.3, Modification and Expansion of Substation, has been revised to include this information as follows:

Gallo Substation

...

Figure 4-10 depicts an existing aerial view of the substation and Figure 4-11 shows an aerial view of the proposed expansion to Gallo Substation with the expansion plan diagram superimposed on the existing 115/12 kV equipment and control building that would be removed during construction ~~would remain~~. Figure 4-12 illustrates a typical substation profile. The expanded Gallo Substation would use an SBSB pattern. The substation would be modified to include permanent installation of two HVCBs, a new control and battery building, five CCVTs, and associated structures, switches, lighting, and busing. Permanently installed equipment would include four dead-end structures, six 115 kV switches, two 115 kV breakers, six bus and CCVT support structures, and structure-mounted lighting to maintain general and operational lighting levels.

The new control building would be approximately 11 feet tall, 16 feet wide, and 30 feet long. The nearby existing control building, approximately 12 feet wide by 16 feet long, ~~would remain~~would be removed during construction. The four main dead-end structures would be approximately 36 to 45 feet high and 20 to 32 feet wide. The three bus supports with insulators and bus would be approximately 20 feet high by 20 feet wide. The CCVT support structures are approximately seven feet high by 21 feet wide.

Removal of the control building would occur entirely within the existing Gallo Substation and would not require additional ground disturbance or result in changes to the analysis presented in the Draft MND. The equipment used to remove the control building would be similar in nature to the equipment used for construction of the project already included in the analysis of air quality impacts in Section 5.3.2 that conservatively over-states emissions from the anticipated construction equipment fleet. Because the control building removal would occur at the Gallo Substation site, some of the same construction equipment would be used reducing travel emissions. Noise from the equipment used to remove the control building would be similar to the equipment used for other aspects of the construction. As noted in Section 5.12.2, Noise, PG&E is required to limit work to daylight hours (MM N-1) and use portable barriers for small stationary equipment (APM NO-1). As noted in Section 5.17.2, Utilities and Service Systems,

construction debris would be recycled or properly disposed and there is adequate capacity at the Billy Wright landfill for the waste materials associated with the control building removal.

C-5 PG&E stated that Section 4.10.5.1, Staging Areas, lists three substations in the vicinity of the project as potential staging areas but left out other existing facilities in the area that would potentially be used as staging areas such as the Merced Substation. PG&E states this information was provided in Section 2.8.7.1 of the PEA.

PEA Section 2.8.7.1 describes "Pole Transportation" and is detailed in the Section 4.10.5.8 of the IS/MND, Power Line Construction. The IS/MND did not include the Merced Substation in the list of staging areas because the PEA Section 2.8.1 which describes the potential staging areas does not include the Merced Substation in the list of potential staging areas.

Section 4.10.5.1 of the IS/MND, Staging Areas, has been revised to include the updated information as follows:

4.10.5.1 Staging Areas

...

If temporary staging areas are not available during construction, PG&E would use either Livingston Substation located north of Westside Boulevard and west of Washington Boulevard in Livingston, ~~or~~ its General Construction Headquarters, currently located at Wilson Substation, 1717 Tower Road, Merced, CA, the Merced Substation, or other existing PG&E facilities.

Including the Merced Substation or other existing PG&E facilities as a staging area would not change the analysis presented in the Draft IS/MND because use of other existing PG&E facilities was described for pole transportation (see Section 4.10.5.8 of the Project Description) and therefore included in the analysis of the Proposed Project.

C-6 PG&E requested that the following language be included in Section 4.10.5.3, Access Roads and/or Spur Roads, to account for any improvements that may be needed: "Road improvement work is not expected to be required, although rock and/or gravel may be added or other improvements may be made to facilitate use, reduce damage and control dust to existing dirt and gravel roads."

Project Description, Section 4.10.5.3, Access Roads and/or Spur Roads, states that vegetation may need to be cleared, trees may be trimmed, and minor surface contouring may be required at some of the existing or new dirt roads. Additionally, the description already notes that rock and/or gravel may be added to existing dirt roads. The impact analysis for the project used this description for the analysis. As PG&E's requested revision did not describe the types of improvements that would be made, the CPUC held a follow up discussion with PG&E to clarify the request to confirm that the improvement activities would not be beyond the scope of the analysis in the MND. Based on the conversation, the following changes have been included in Section 4.10.5.3 of the IS/MND:

4.10.5.3 Access Roads and/or Spur Roads

Following tree removal, the access road area created may require minimal surface contouring to level the dirt. Water may be used during surface blading to soften the dirt and control dust. The amount of water used is expected to vary depending on the soil conditions at the time of grading. Road improvement work is not expected to be required,

although rock and/or gravel may be added or other similar foundation support may be made to facilitate use, reduce damage and control dust to existing dirt or gravel roads.

The changes to the Project Description would not change the analysis of the IS/MND because the clarification would not change the anticipated use of existing roads nor result in ground disturbance outside of what was previously analyzed.

C-7 PG&E provided an updated Figure 4-11, Gallo Substation Existing Aerial View with Proposed Expansion Plan View, which displays a revised fence location for the new southern gate and south-east corner of Gallo Substation.

The updated figure for the Gallo Substation is labeled "Figure 2.6-10." (See comment C-27 for the figure.) Project Description Figure 4-11 of the IS/MND has been updated with the revised figure.

The revised fence location would occur entirely on disturbed ground and would not result in new impacts not considered in the Draft IS/MND. The revised fence line along the south-east border of the Gallo Substation would result in slightly more tree removal or trimming at this location than the previous design. Tree removal and trimming was described in the Project Description (see Section 4.10.5.5, Vegetation Clearance) and analyzed in Section 5.4.2 and included appropriate mitigation to reduce any impacts to less than significant.

C-8 PG&E provided clarification to Applicant Proposed Measure PR-2.

Project Description, Section 4.10.8, Applicant Proposed Measures, Table 4-6, Applicant Proposed Measures (APMs), has been revised for clarity as follows:

Table 4-6. Applicant Proposed Measures (APMs)

APM Number	Issue Area
	Cultural and Paleontological Resources
APM PR-2	Paleontological Resource Monitoring. ... The current project description identifies one location, Cressey Substation, where ground-disturbing activities have potential to affect sediments with high paleontological sensitivity. The ground anode installations at Cressey Substation are expected to reach a depth below~~of~~ 100 feet, which is the approximate depth at which the Corcoran Clay is expected to begin at this location. A paleontological monitor will be present during this drilling when a depth of approximately 80 feet or greater is reached to monitor for paleontological resources that may be encountered in the Corcoran Clay layer. The paleontological monitor will be able to: (1) recognize fossils and paleontological deposits, and deposits that may be paleontologically sensitive; (2) take accurate and detailed field notes, photographs, and locality coordinates; and (3) document project-related ground-disturbing activities, their locations, and other relevant information, including a photographic record.

Section 5.5.1, Cultural Resources: Environmental Setting, Table 5.5-1, Applicant Proposed Measures (APMs) Related to Cultural and Paleontological Resources, has been revised as follows:

Table 5.5-1. Applicant Proposed Measures (APMs) Related to Cultural and Paleontological Resources

APM Number	Issue Area
	Cultural and Paleontological Resources
APM PR-2	Paleontological Resource Monitoring. … The current project description identifies one location, Cressey Substation, where ground-disturbing activities have potential to affect sediments with high paleontological sensitivity. The ground anode installations at Cressey Substation are expected to reach a depth below~~of~~ 100 feet, which is the approximate depth at which the Corcoran Clay is expected to begin at this location. A paleontological monitor will be present during this drilling when a depth of approximately 80 feet or greater is reached to monitor for paleontological resources that may be encountered in the Corcoran Clay layer. The paleontological monitor will be able to: (1) recognize fossils and paleontological deposits, and deposits that may be paleontologically sensitive; (2) take accurate and detailed field notes, photographs, and locality coordinates; and (3) document project-related ground-disturbing activities, their locations, and other relevant information, including a photographic record.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6-1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Aesthetics		
APM PR-2	Paleontological Resource Monitoring…. The current project description identifies one location, Cressey Substation, where ground-disturbing activities have potential to affect sediments with high paleontological sensitivity. The ground anode installations at Cressey Substation are expected to reach a depth below~~of~~ 100 feet, which is the approximate depth at which the Corcoran Clay is expected to begin at this location. A paleontological monitor will be present during this drilling when a depth of approximately 80 feet or greater is reached to monitor for paleontological resources that may be encountered in the Corcoran Clay layer. The paleontological monitor will be able to: (1) recognize fossils and paleontological deposits, and deposits that may be paleontologically sensitive; (2) take accurate and detailed field notes, photographs, and locality coordinates; and (3) document project-related ground-disturbing activities, their locations, and other relevant information, including a photographic record.	Monitor for paleontological resources at Cressey Substation and other locations, as necessary	During construction

C-9 PG&E requests that Section 5.1.2.3 be revised for clarity.

Section 5.1.2.3, Aesthetics Regulatory Background: Local, has been revised as follows:

> The project ~~complies~~ is consistent with the Merced County Year 2000 General Plan because a majority of the project will be located in existing utility corridors.

C-10 PG&E requests that Section 5.1.3.3, Project Component Dimensions, Table 5.1-4, tubular steel pole count be updated to be consistent with the project description.

Section 5.1.3.3, Project Component Dimensions, Table 5.1-4, Approximate Dimensions of Major Project Components, has been updated as follows:

Table 5.1-4. Approximate Dimensions of Major Project Components

Component (Number of Elements)	Height (feet)	Length (feet)	Width (feet)
Power Line			
Wood / Light-duty steel poles (approximately 230 poles)	50 to 90	—	18.5 inches*
Tubular steel poles (approximately 10 to 1511 poles)	80 to 90	—	5.0 to 7.0 feet (diameter)

C-11 PG&E notes that the Williamson Act recognizes that an erection of electric facilities is generally a compatible use within an agricultural preserve and requests that a statement to this effect be included in the document.

California Government Code Section 51238 notes that notwithstanding any determination of compatible uses by the county or city, the erection of an electric facility is compatible within an agricultural preserve. As such, Section 5.2.2, Agriculture and Forestry Resources Environmental Impacts and Assessment, has been revised as follows:

> ***b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?***
>
> ...
>
> According to California Government Code Section 51238.1, activities may be compatible with Williamson Act enrollment if: (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves; (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves; and (3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. California Government Code Section 51238 also recognizes that notwithstanding any determination of compatible uses by the county or city, the erection of electric facilities is determined to be a compatible uses within any agricultural preserve, unless the county or city makes a finding to the contrary after notice and hearing. The Proposed Project meets these compatible use criteria and would not require any changes in zoning or cancellation of Williamson Act contracts; therefore, conflicts with zoning and Williamson Act contracts would be less than significant.

C-12 PG&E suggests including the broader conclusion from the Robert Kavet and Mike Silva 2010 study *Honeybees and Power Line EMF Environments* that power line rights-of-way can offer excellent conditions for bee colonies to thrive and contribute to agricultural productivity.

Power line rights-of-way would offer excellent conditions for bee colonies if the electrical current in the rights-of-way were below 1.8 kV/m and *only if* other appropriate management practices were adopted by the utilities as concluded in the study quoted by Kavet and Silva. This suggestion has not been incorporated.

The following reference has been included in the References section:

> Russell, K. N., Ikerd, H., Droege, S. 2005. The potential conservation value of unmowed powerline strips for native bees: Abstract. Biological Conservation. http://www.sciencedirect.com/science/article/pii/S0006320705000467. Accessed April, 2013.

C-13 PG&E suggests clarification regarding the location of the Mitigation Measure L-1 reroute and provided an updated Figure 5.10-2, Mitigation Measure L-1 Re-route.

Section 5.10-2, Land Use and Planning Environmental Impacts and Assessment, has been updated as follows:

> ***a. Would the project physically divide an established community?***
>
> *LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED*. The project would not physically divide an established community; however, it would divide parcel 140-190-051, an existing orchard and would not remain along the borders of existing lots. APM LU-1 would require PG&E to avoid agriculture impacts and compensate farmers and/or landowners for impacts to permanent crops, but it does not address the division of existing parcels. To reduce this impact to less than significant levels, Mitigation Measure L-1 would be required to reroute the transmission line to the eastern edge of the property along the existing property line, with the utility easement contiguous with the existing property line along the southerly and easterly boundaries. The power line would likely mostly be located in the second row of trees in from the easterly property line, except on the southern end. As with the Proposed Project, final design would determine final power pole locations.

Project Description Figure 5.10-2 of the IS/MND has been updated with the revised figure.

C-14 PG&E suggests that the Mandatory Findings of Significance table in Section 5.18.1, Environmental Impacts and Assessments, should be updated to reflect a revision to Section 15065(a)(1) of the CEQA Guidelines.

The Mandatory Findings of Significance impact table is taken from the CEQA Guidelines Appendix G, the text is consistent with current Appendix G question XVIII (a). However, CEQA Guidelines Section 15065(a)(1), which the Appendix G question reflects but is not identical to, reads "The project has the potential to; substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare or threatened species; or eliminate important examples of the major periods of California history or prehistory." Because the CEQA Guidelines Section 15065(a)(1) includes this language, the table has been revised as follows:

MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐

The revisions incorporated into the table do not change the analysis and conclusions in Section 5.18.1.

C-15 PG&E requests that Section 6, Mitigation Monitoring Plan, Table 6-1 Mitigation Monitoring Plan be revised regarding facilitating carpooling because this measure will be implemented to the extent feasible.

Mitigation measure MM A-2 includes mandatory components, including requirements that PG&E identify a central place for carpoolers to meet, and that PG&E encourage construction workers to carpool. The phrase "to the extent" feasible, refers to whether construction workers can or will carpool, not to PG&E's obligations to take the required steps to facilitate carpooling. Nevertheless, Section 6, Mitigation Monitoring Plan, Table 6-1. Mitigation Monitoring Plan has been revised as follows to clarify:

Table 6-1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Air Quality		
Construction-Phase Air Quality	A-2: Facilitate Carpooling to Construction Sites (Proposed to supplement APM AQ-2 "Minimize Construction Exhaust Emissions"). To minimize GHG and criteria pollutant emissions during construction, PG&E shall identify a central place to meet, such as a substation, staging area, or a service center in the project vicinity and encourage construction workers to carpool to the work site to the extent feasible. The ability to develop an effective carpool program for the Proposed Project shall depend on the proximity of carpool facilities to the work site, the geographical commute departure points of construction workers, and the extent to which carpooling shall not adversely affect worker arrival time and the project's construction schedule. Crew transportation to the project site is addressed in Section 5.16, Transportation and Traffic.	~~Ensure~~ Check that central meeting places are identified; and that construction workers are encouraged to carpool to work sites ~~implementation~~ during construction to minimize GHG and criteria pollutant emissions	During construction

C-16 PG&E has requested a change to the language in Mitigation Measure B-5, Protect valley elderberry longhorn beetle habitat, to include options other than flagging and fencing as means of identifying buffer zones around elderberry longhorn beetle host plants. PG&E states that flagging and fencing of host plants may not be compatible with agricultural practices such as organic dairy farming.

Section 5.4, Biological Resources, Mitigation Measure B-5 is intended to protect valley elderberry longhorn beetle habitat and reduce impacts to this species to less than significant. Use of flagging and fencing is standard procedure in construction zones with sensitive resources and flagging was included as part of the PG&E Applicant Proposed Measure APM BIO-7. Flagging and fencing are used because they are highly visible to workers and ensure that no work occurs within the buffer zones. However, PG&E expressed a concern that cattle may attempt to ingest the plastic fencing causing the cattle harm. PG&E's request to include means other than flagging and fencing would not ensure that they be equally highly visible and therefore would not ensure the valley elderberry longhorn better habitat is protected and as PG&E has noted, the mitigation measures presented in the IS/MND were reviewed and agreed upon by PG&E.

However, because PG&E has noted that cattle may attempt to eat the plastic fencing and because the intent of the mitigation measure is not to use plastic flagging but to ensure the sensitive species are highly visible to construction workers and therefore avoided, Section 5.4.2.a, Biological Resources Environmental Impacts and Assessment (*Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a*

candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?) has been revised as follows:

MM B-5 **Protect valley elderberry longhorn beetle habitat.** Prior to construction activities in any areas with potential valley elderberry longhorn beetle habitat, a qualified biologist (approved by the CPUC) shall survey for elderberry plants within 25 feet of areas of potential ground disturbance. The qualified biologist shall flag, ~~and~~ fence, or by other highly visible means identify buffer zones at least 20 feet wide surrounding the drip line of each potential valley elderberry longhorn beetle host plant (any elderberry shrub with at least one stem with a diameter of one inch or greater). ~~Flagging and fencing~~ The visibly defined buffer zones shall be monitored during the duration of construction by a qualified biological monitor (approved by CPUC). The biological monitor shall have the authority to stop work or implement alternative practices (as determined in consultation with USFWS as appropriate) if mature elderberry shrubs may be impacted by construction activities.

The revision to Mitigation Measure B-5 (Protect valley elderberry longhorn beetle habitat) has been incorporated into Section 1.5, Applicant Proposed Measures and Mitigation Measures, and Table 6-1, Mitigation Monitoring Plan.

C-17 PG&E requests that the goals presented under Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan be deleted as they are not Monitoring requirements.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Cultural Resources		
APM CU-2	Management of Unanticipated Discoveries. In the unlikely event that previously unidentified cultural resources are uncovered during project implementation, all work within 100 feet of the discovery will be halted and redirected to another location. The find will be secured, and PG&E's cultural resources specialist or designated representative will be contacted immediately. The specialist will inspect the discovery and determine whether further investigation is required. If additional impacts to the discovery can be avoided, the resource will be documented on California Department of Parks and Recreation (DPR) cultural resource records (Form DPR 523) and filed at the CHRIS; no further effort will be required. If additional disturbance to the resource cannot be avoided, PG&E will evaluate the significance and CRHR eligibility of the resource and (if warranted) implement data recovery excavation or other appropriate treatment measures. The methods and results of evaluation or data recovery work at an archaeological find will be documented in a professional level technical report to be filed with the CCIC.	Ensure c~~C~~onstruction personnel sign an environmental training attendance sheet. ~~No damage to archaeological resources results from project construction~~.	During construction

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
APM CU-3	Treatment of Human Remains. In the unlikely event that human remains or suspected human remains are uncovered during pre-construction testing or during construction, all work within 100 feet of the discovery will be halted and redirected to another location. The find will be secured, and PG&E's cultural resources specialist or designated representative will be contacted immediately to inspect the find and determine whether the remains are human. If the remains are not human, the cultural resources specialist will determine whether the find is an archaeological deposit and whether APM CU-2 applies. If the remains are human, the cultural resources specialist will immediately implement the provisions in PRC Sections 5097.9 through 5097.996, beginning with the immediate notification to the County coroner. The coroner has two working days to examine human remains after being notified. If the Coroner determines that the remains are Native American, he or she must contact the NAHC within 24 hours. The NAHC, as required by the PRC Section 5097.98, determines and notifies the Most Likely Descendant (MLD).	~~No damage to human remains results from the project. Any discovered cultural resources are treated according to agency-approved mitigation and in compliance with State and federal regulations~~ Ensure provisions in PRC Sections 5097.9 through 5097.996 are followed appropriately.	Prior to and during construction

C-18 PG&E requests that Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, be revised to better reflect the accuracy of the APM.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows to clarify how implementation would be monitored:

Table 6-1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Hydrology and Water Quality		
APM WQ-1	SWPPP or Erosion Control Plan Development and Implementation. Following project approval, PG&E will prepare and implement a SWPPP, if required by state law, or erosion control plan to minimize construction impacts on surface water and groundwater quality. Implementation of the SWPPP or erosion control plan will help stabilize graded areas and reduce erosion and sedimentation. The plan will designate BMPs that will be adhered to during construction activities. Erosion and sediment control measures, such as straw wattles, covers, and silt fences, will be installed before the onset of winter rains or any anticipated storm events. Suitable stabilization measures will be used to protect exposed areas during construction activities, as necessary. During construction activities, measures will be in place to prevent contaminant discharge. …	Ensure a SWPPP is prepared and implemented, or if a SWPPP is not required, ensure that ~~or~~an erosion control plan is developed and implemented ~~and sedimentation is minimized~~to minimize construction impacts on surface water and groundwater quality	Prior to and during construction

C-19: PG&E notes that in accordance with CEQA requirements, PG&E reviewed and agreed to the mitigation measures prior to the issuance of the Draft IS/MND but that some of the mitigation measures as they appear are inconsistent with the agreed upon language and should be revised.

The items noted by PG&E are addressed independently in the responses to comments B-29 through B-35.

C-20: PG&E suggests that the IS/MND update "California Department of Fish and Game" to California Department of Fish and Wildlife" and "CDFG" to "CDFW" to reflect the Department's current name.

The references to the California Department of Fish and Wildlife have been reviewed and updated as appropriate. Note, where the IS/MND references a source such as the California Natural Diversity Database or Special Animals List from 2011, the reference retains the original name (California Department of Fish and Game or CDFG) as that is the name under which the source was published. The name change from "California Department of Fish and Game" to the "California Department of Fish and Wildlife became effective January 1, 2013.

C-21 PG&E requests that a reference to the length of the project be corrected.

Section 5.2.1, Agriculture and Forestry Resources Environmental Setting: Local, has been revised as follows:

> **Local**
>
> The proposed 14.~~41~~-mile 115 kV power line would be located primarily on or adjacent to agricultural land and pastureland. Figure 5.2-1, at the end of the section, shows existing agricultural uses within the project corridor (within 0.5 miles of the proposed power line). …

C-22 PG&E requests that for clarity, Section 5.9.1, Hydrology and Water Quality Environmental Setting, Table 5.9-1, Applicant Proposed Measures (APMs) Related to Hydrology and Water Quality, correct the subheadings for the "Geology and Minerals" Applicant Proposed Measures and the "Hazards and Hazardous Materials" Applicant Proposed Measures.

Table 5.9-1 has been revised as follows:

Table 5.9-1. Applicant Proposed Measures (APMs) Related to Hydrology and Water Quality

APM Number	Issue Area
	~~Hazards and Hazardous Materials~~Geology and Minerals
APM GM-1	Appropriate Design Measures Implementation. Based on available references, sands and loamy sands are the primary soil types expected to be encountered in the graded and excavated areas as project construction proceeds. Potentially problematic subsurface conditions may include soft or loose soils. Where soft or loose soils are encountered during design studies or construction, appropriate measures will be implemented to avoid, accommodate, replace, or improve soft or loose soils encountered during construction. Such measures may include the following: § Locating construction facilities and operation away from areas of soft and loose soil. § Over excavating soft or loose soils and replacing them with non-expansive engineered fill. § Increasing the density and strength of soft or loose soils through mechanical vibration and/or compaction. § Treating soft or loose soils in place with binding or cementing agents. Construction activities in areas where soft or loose soils are encountered may be scheduled for the dry season, as necessary, to allow safe and reliable equipment access.

Table 5.9-1. Applicant Proposed Measures (APMs) Related to Hydrology and Water Quality

	Hazards and Hazardous Materials
APM HM-1	Hazardous Substance Control and Emergency Response. PG&E will implement its hazardous substance control and emergency response procedures as needed. The procedures identify methods and techniques to minimize the exposure of the public and site workers to potentially hazardous materials during all phases of project construction through operation. They address worker training appropriate to the site worker's role in hazardous substance control and emergency response. The procedures also require implementing appropriate control methods and approved containment and spill-control practices for construction and materials stored on site. If it is necessary to store chemicals on site, they will be managed in accordance with all applicable regulations. Material safety data sheets will be maintained and kept available on site, as applicable. Project construction will involve soil surface blading/leveling, excavation of up to several feet, and augering to a maximum depth of 20 feet in some areas. No known soil contamination was identified within the project site. In the event that soils suspected of being contaminated (on the basis of visual, olfactory, or other evidence) are removed during site grading activities or excavation activities, the excavated soil will be tested, and if contaminated above hazardous waste levels, will be contained and disposed of at a licensed waste facility. The presence of known or suspected contaminated soil will require testing and investigation procedures to be supervised by a qualified person, as appropriate, to meet state and federal regulations. All hazardous materials and hazardous wastes will be handled, stored, and disposed of in accordance with all applicable regulations, by personnel qualified to handle hazardous materials. The hazardous substance control and emergency response procedures include, but are not limited to, the following: § Proper disposal of potentially contaminated soils. § Establishing site-specific buffers for construction vehicles and equipment located near sensitive resources. § Emergency response and reporting procedures to address hazardous material spills. § Stopping work at that location and contacting the County Fire Department Hazardous Materials Unit immediately if visual contamination or chemical odors are detected. Work will be resumed at this location after any necessary consultation and approval by the Hazardous Materials Unit. PG&E will complete its Emergency Action Plan Form as part of project tailboard meetings. The purpose of the form is to gather emergency contact numbers, first aid location, work site location, and tailboard information.

C-23 PG&E notes that the mitigation measure listed as MM AG-1a in Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, included the abbreviation MM in front of the measure and the other mitigation measures did not.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Agriculture and Forestry Resources		
Active Agricultural Operations	~~MM~~ AG-1a: Coordinate with landowners, farmers, and ranchers regarding construction activities. Coordination shall include the following: *Advance Notice.* Prior to and during construction, the Applicant shall give at least 30 days advance notice of the start of construction-related activities. Notification shall be provided by mailing notices to all properties within 300 feet of the project route. The announcement shall: § Describe where and when construction is planned; and § Provide contact information for a point of contact for complaints related to construction activities. …	Review notices, proof of compensation, and complaints report(s)	Prior and during construction

C-24 PG&E states that the monitoring requirement for APM CU-1 and APM CU-2 in Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, appear to be reversed.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Cultural Resources		
APM CU-1	Pre-construction Worker Environmental Awareness Program. PG&E will design and implement a worker environmental awareness program that will be provided to project personnel who might encounter or alter historical resources or important/unique archaeological properties, including construction supervisors and field personnel. No construction worker will be involved in field operations without having participated in the worker environmental awareness program. The worker environmental awareness program will include a kick-off tailgate session to present site avoidance requirements and procedures to be followed if unanticipated cultural resources are discovered during project implementation, and a discussion of disciplinary and other actions that could be taken against persons violating historic preservation laws and PG&E policies. All project workers involved with ground-disturbing activities will receive a pamphlet listing how to identify cultural resources and what to do if an unanticipated discovery is made during construction. The worker environmental awareness program may be conducted in concert with other environmental or safety awareness and education programs for the project, and may be recorded for use in subsequent training sessions.	~~Avoid unanticipated cultural resources, train project workers~~ Ensure construction personnel sign an environmental training attendance sheet.	Prior to and during construction

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
APM CU-2	Management of Unanticipated Discoveries. In the unlikely event that previously unidentified cultural resources are uncovered during project implementation, all work within 100 feet of the discovery will be halted and redirected to another location. The find will be secured, and PG&E's cultural resources specialist or designated representative will be contacted immediately. The specialist will inspect the discovery and determine whether further investigation is required. If additional impacts to the discovery can be avoided, the resource will be documented on California Department of Parks and Recreation (DPR) cultural resource records (Form DPR 523) and filed at the CHRIS; no further effort will be required. If additional disturbance to the resource cannot be avoided, PG&E will evaluate the significance and CRHR eligibility of the resource and (if warranted) implement data recovery excavation or other appropriate treatment measures. The methods and results of evaluation or data recovery work at an archaeological find will be documented in a professional level technical report to be filed with the CCIC.	~~Construction personnel sign an environmental training attendance sheet. No damage to archaeological resources results from project construction.~~ Avoid unanticipated cultural resources, train project workers	During construction

C-25 PG&E requests that Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, MM N-1 be updated to better reflect the mitigation measure language.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been updated as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Noise		
Construction Noise	N-1: PG&E Construction Hours. PG&E shall limit grading, scraping, hole augering and pole installation to daylight hours. Exceptions for work outside of these hours shall be allowed for project safety or to take advantage of the limited times when the power line can be taken out of service. If nighttime work is needed because of clearance restrictions on the power line, PG&E shall take appropriate measures to minimize disturbance to local residents through APM NO-5 to inform them of the work schedule and probable inconveniences.	~~Review PG&E's procedures for implementing best management practices (BMPs) for noise to ensure completeness;~~ E~~e~~nsure implementation during construction; see APM NO-5	During construction

C-26 PG&E notes that the construction schedule dates presented in the document are incorrect due because the schedule has slipped considerably. PG&E notes that at this time the revised schedule is unknown but construction activities would likely begin in 2014. PG&E also provided information about a switching distribution that would be needed to accommodate construction activities although PG&E does not provide information about where and when this activity would occur. PG&E requests that this information be included in the MND.

Comment noted. Because PG&E has not provided an updated schedule for the proposed project, it is not possible to revise Section 4.10.5.12, Construction Schedule, with all the details

required. However, this section has been revised as follows to provide the public with the currently known schedule information.

4.10.5.12 Construction Schedule

Construction ~~is~~ was targeted to start in April 2013 and was estimated to be complete in January 2014~~, an estimated 10 months~~. ~~This schedule is no longer accurate and PG&E has stated that the revised schedule is unknown at this time but that construction activities would likely begin in 2014.~~ Substation work would occur for approximately four to six months ~~within this period~~. Power pole installation, wire stringing, and distribution pole removal would be performed over a~~the~~ seven-month period ~~from May 2013 through January 2014, with the majority of these activities occurring during the summer months~~. Wire stringing could begin along sections of the line when new poles have been installed for approximately one mile (the length of a new conductor reel).

Project Description, Section 4.10.4.1, Power Line, has been revised as follows:

4.10.4.1 Power Line

...

Gallo Tap is an existing 115 kV power line between Livingston and Gallo Substations. In order to replace a portion of this line, it may be necessary to construct a temporary pole line (shoo-fly) along an approximately 0.8-mile portion of the existing line located along the Gallo Winery vineyard/winery access road between Magnolia Avenue and Gallo Substation. The shoo-fly, which would be located within approximately 100 feet of the existing line, would consist of approximately 22 temporary wood poles supporting approximately 0.8 miles of conductor to transfer the existing power and distribution load while the adjacent portion of Gallo Tap is reconstructed as a double-circuit power line with distribution underbuild. PG&E would coordinate with E. & J. Gallo Winery on clearances (outages) required to construct the shoo-fly, currently scheduled in ~~late spring of 2013~~2014. The shoo-fly would be removed when the new double-circuit power line is operational.

Additional references in the IS/MND to the construction schedule have been updated as follows:

Section 1. Mitigation Negative Declaration

...

1.2 Background and Description of Project

Pursuant to California Public Utilities Commission's (CPUC) General Order 131-D, Pacific Gas & Electric Company (PG&E) has filed an application (A.11-11-020) with the CPUC for a Permit to Construct for the Cressey-Gallo 115 kilovolt (kV) Power Line Project ("Proposed Project"). The application was filed on November 30, 2011 and includes the Proponent's Environmental Assessment (PEA), prepared by PG&E pursuant to the CPUC's Rules of Practice and Procedure Rule 2.4 (CEQA Compliance). The Proposed Project includes a new, approximately 14.4-mile-long, single-circuit power line to interconnect the Cressey and Gallo Substations. As part of the project, upgrades to Cressey Substation would be required and the Gallo Substation would be expanded to accommodate the new line and switchgear. The project is located in the San Joaquin Valley in Merced County near the City of Livingston, California. PG&E has stated that the project is necessary to improve transmission system reliability for customers in north-central Merced County, California. Construction would begin as early as ~~April 2013~~ 2014~~to meet an in-service date of January 2014~~, depending on CPUC approval. In accordance with the

CPUC's General Order 131-D, approval of this project must comply with the California Environmental Quality Act (CEQA).

Section 5.3.2.b, Air Quality Environmental Impacts and Assessment (*Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?),* has been revised as follows:

Table 5.3-5. Construction Emission Estimates with Implementation of APMs (tons/year)

Construction Year and Thresholds	ROG	NOx	CO	SO_2	Exhaust PM10	Fugitive PM10	Exhaust PM2.5
~~2013~~Months 1 through 9	0.34	2.88	4.10	0.008	0.17	3.8	0.14
~~2014~~Month 10	0.05	0.42	0.64	0.001	0.02	0.6	0.02
SJVAPCD Threshold	10	10	NE	NE	NE	NE	NE
Threshold Exceeded?	No	No	N/A	N/A	N/A	N/A	N/A

Because the combined emissions from all the construction do not exceed the SJVAPCD threshold, the analysis conclusions do not change.

Section 5.9.2, Hydrology and Water Quality, Environmental Impacts and Assessment, has been revised as follows:

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

...

During construction of the Proposed Project, a water supply would be required for dust abatement. A water truck with a capacity of 4,000 gallons (0.01 acre-feet) would be used as needed for dust suppression during the construction period ~~of April 2013 through January~~ starting in 2014. The volume of water required to minimize dust that may be created by construction activities is expected to be less than the truck capacity on a typical day, and water use during construction would be dependent upon the activity, season, and weather (PG&E, 2012). Assuming that construction activities would occur on Monday through Friday during the construction period (originally anticipated as ~~noted period of~~ April 2013 through January 2014, construction of the project would include less than 200 working days.

Section 5.12-2, Noise, Environmental Impacts and Assessment, has been revised as follows:

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

LESS THAN SIGNIFICANT IMPACT – CONSTRUCTION. Construction is targeted to start in 2014~~April 2013 and estimated to be complete in January 2014~~. Pole removal and replacement would occur over a few hours at each pole site and construction activities would be short-term at each pole location (one or two days), temporary, and limited to daytime hours, compatible with the local requirements. ...

C-27 PG&E provided a revised Figure 2.6-10, Gallo Substation Existing Aerial View with Proposed Expansion Plan View.

The revised Figure 2.6-10 has been incorporated into the Final IS/MND as Project Description Figure 4-11. See Response to Comment C-7.

C-28 PG&E provided a revised Figure 5.10-2, which included the approximate locations for pull and tension sites along the Mitigation Measure L-1 re-route.

The revised Land Use and Planning Figure 5.10-2 has been incorporated into the Final IS/MND. See Response to Comment C-2.

C-29 PG&E noted that APM AE-4 contains inconsistent language in Section 5.1.3.1, Aesthetics Applicant Proposed Measures, and should be revised. Table 5.1-3, Applicant Proposed Measures (APMs) Related to Aesthetics, has been revised as follows:

Table 5.1-3. Applicant Proposed Measures (APMs) Related to Aesthetics

APM Number	Issue Area
	Aesthetics
APM AE-4	Distribution Line Co-location. Where the project power line and existing distribution lines are present along the same roadway corridor, distribution lines will be co-located on project poles where feasible, and existing distribution line poles will be removed in order to reduce the number and overall visibility of power poles in the project area. For portions of the power line route, where an existing PG&E distribution line is located on the same side of the road as the project route, the distribution line will be co-located on the new power poles and the distribution line's wood poles will be removed. Where three or more distribution ~~poles~~ spans are located on the opposite side of the project route, the distribution line will be co-located on project poles and the existing distribution poles will be removed.

C-30 PG&E requests that Mitigation Measure V-2 be revised so that the timing of the engineering sketch for the pole in question is tied to the construction of the pole itself, rather than to the start of construction of the entire project.

Because the mitigation measure if specific to one individual pole rather than the entire Proposed Project, the revision has been incorporated.

Section 1.5, Aesthetics, Applicant Proposed Measures and Mitigation Measures, has been revised as follows:

MM V-2 **Install Slimmer Light Gray Tubular Steel Pole Treated with CrysCoat (or equal) and Vegetative Screening at Mercedes Avenue Crossing.** At the 90-degree turn and crossing of Mercedes Avenue, the base of the tubular steel pole installed by PG&E shall be 27 inches or smaller in diameter with appropriate taper, with a permanent surface treatment designed to render steel with a light gray color and a dulled non-reflective patina in the short-term and the long-term (CrysCoat or equal).

Additionally, PG&E shall offer to the owner and/or tenant of 1925 Mercedes Avenue additional vegetative screening, if desired, between the residence and the new pole at that location, consistent with feasibility and engineering requirements. Plant materials selected for screening shall be acclimated to the environment of the project area.

PG&E shall submit an engineering sketch of the pole, and report landowner requests and PG&E's responses to the CPUC prior to the start of construction of the pole.

Section 5.1.4, Aesthetics, Impacts of Construction, Operation, and Maintenance, has been revised as follows:

MM V-2 **Install Slimmer Light Gray Tubular Steel Pole Treated With CrysCoat (or equal) and Vegetative Screening at Mercedes Avenue Crossing.** At the 90-degree turn and crossing of Mercedes Avenue, the base of the tubular steel pole installed by PG&E shall be 27 inches or smaller in diameter with appropriate taper, with a permanent surface treatment designed to render steel with a light gray color and a dulled non-reflective patina in the short-term and the long-term (CrysCoat or equal).

Additionally, PG&E shall offer to the owner and/or tenant of 1925 Mercedes Avenue additional vegetative screening, if desired, between the residence and the new pole at that location, consistent with feasibility and engineering requirements. Plant materials selected for screening shall be acclimated to the environment of the project area. PG&E shall submit an engineering sketch of the pole, and report landowner requests and PG&E's responses to the CPUC prior to the start of construction of the pole.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Aesthetics		
Existing Visual Character	V-2: Install Slimmer Light Gray Tubular Steel Pole Treated with CrysCoat (or equal) and Vegetative Screening at Mercedes Avenue Crossing. At the 90-degree turn and crossing of Mercedes Avenue, the base of the tubular steel pole installed by PG&E shall be 27 inches or smaller in diameter with appropriate taper, with a permanent surface treatment designed to render steel with a light gray color and a dulled non-reflective patina in the short-term and the long-term (CrysCoat or equal). Additionally, PG&E shall offer to the owner and/or tenant of 1925 Mercedes Avenue additional vegetative screening, if desired, between the residence and the new pole at that location, consistent with feasibility and engineering requirements. Plant materials selected for screening shall be acclimated to the environment of the project area. PG&E shall submit an engineering sketch of the pole, and report landowner requests and PG&E's responses to the CPUC prior to the start of construction of the pole.	Review power line plans and route	Prior to and during construction

C-31 PG&E requests that the centralized locations for carpooling include staging area in all the versions of Mitigation Measure A-2 and that PG&E encourage construction workers to the extent reasonable feasible given the challenges to carpooling as detailed in the mitigation measures. The following changes have been included.

Section 1.5, Applicant Proposed Measures and Mitigation Measures, has been revised as follows:

MM A-2 **Facilitate Carpooling to Construction Sites** (Proposed to supplement APM AQ-2 "Minimize Construction Exhaust Emissions"). To minimize GHG and

criteria pollutant emissions during construction, PG&E shall identify a central place to meet, such as a substation, staging area, or a service center in the project vicinity and encourage construction workers to carpool to the work site to the extent reasonably feasible. The ability to develop an effective carpool program for the Proposed Project shall depend on the proximity of carpool facilities to the work site, the geographical commute departure points of construction workers, and the extent to which carpooling shall not adversely affect worker arrival time and the project's construction schedule. Crew transportation to the project site is addressed in Section 5.16, Transportation and Traffic.

Section 5.3.2, Air Quality, Environmental Impacts and Assessment, has been revised as follows:

MM A-2 **Facilitate Carpooling to Construction Sites** (Proposed to supplement APM AQ-2 "Minimize Construction Exhaust Emissions"). To minimize GHG and criteria pollutant emissions during construction, PG&E shall identify a central place to meet, such as a substation, staging area or a service center, in the project vicinity and encourage construction workers to carpool to the work site to the extent reasonably feasible. The ability to develop an effective carpool program for the Proposed Project shall depend on the proximity of carpool facilities to the work site, the geographical commute departure points of construction workers, and the extent to which carpooling shall not adversely affect worker arrival time and the project's construction schedule. Crew transportation to the project site is addressed in Section 5.16, Transportation and Traffic.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Air Quality		
Construction-Phase Air Quality	A-2: Facilitate Carpooling to Construction Sites (Proposed to supplement APM AQ-2 "Minimize Construction Exhaust Emissions"). To minimize GHG and criteria pollutant emissions during construction, PG&E shall identify a central place to meet, such as a substation, staging area, or a service center in the project vicinity and encourage construction workers to carpool to the work site to the extent reasonably feasible. The ability to develop an effective carpool program for the Proposed Project shall depend on the proximity of carpool facilities to the work site, the geographical commute departure points of construction workers, and the extent to which carpooling shall not adversely affect worker arrival time and the project's construction schedule. Crew transportation to the project site is addressed in Section 5.16, Transportation and Traffic.	Check implementation during construction to minimize GHG and criteria pollutant emissions	During construction

C-32 PG&E requests that Mitigation Measure B-2 be revised to clarify that the project resource maps be updated to show locations of newly identified sensitive biological resources, rather than specify nesting birds or special status species as not all nesting birds are covered under the MBTA.

Section 1.5, Applicant Proposed Measures and Mitigation Measures, has been revised as follows:

MM B-2 **Develop and implement environmental awareness training.** This measure incorporates and supplements portions of APM BIO-1. As stated in APM BIO-1, environmental awareness training shall be conducted for on-site construction personnel prior to the start of construction activities. The training shall:

...

The environmental compliance supervisor shall be provided with:

¾ Project resource maps showing seasonal ponded areas, valley elderberry shrubs, active nests, and any special-status species identified during the biological surveys of the project site and the pre-construction surveys. Maps shall show all relevant buffer areas. Maps shall be updated as needed to show locations of any newly identified ~~nesting birds or special-status species~~sensitive biological resources.

Section 5.4.2, Biological Resources, Environmental Impacts and Assessment, has been revised as follows:

MM B-2 **Develop and implement environmental awareness training.** This measure incorporates and supplements portions of APM BIO-1. As stated in APM BIO-1, environmental awareness training shall be conducted for on-site construction personnel prior to the start of construction activities. The training shall:

...

The environmental compliance supervisor shall be provided with:

¾ Project resource maps showing seasonal ponded areas, valley elderberry shrubs, active nests, and any special-status species identified during the biological surveys of the project site and the pre-construction surveys. Maps shall show all relevant buffer areas. Maps shall be updated as needed to show locations of any newly identified ~~nesting birds or special-status species~~sensitive biological resources.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Biological Resources		
Special-Status Species and Wetlands	B-2: Develop and implement environmental awareness training. Develop and implement environmental awareness training. This measure incorporates and supplements portions of APM BIO 1. As stated in APM BIO-1, environmental awareness training shall be conducted for on-site construction personnel prior to the start of construction activities. The training shall: … The environmental compliance supervisor shall be provided with: § Project resource maps showing seasonal ponded areas, valley elderberry shrubs, active nests, and any special-status species identified during the biological surveys of the project site and the pre-construction surveys. Maps shall show all relevant buffer areas. Maps shall be updated as needed to show locations of any newly identified ~~nesting birds or special-status species~~sensitive biological resources.	Review training materials, logs and sign-in sheets, review documentation that PG&E environmental compliance supervisor has project resource maps	Prior to and during construction

C-33 PG&E requests revising Mitigation Measure B-3 regarding clarification for field staff regarding agencies with jurisdiction over wetlands and waters and to make the description of irrigation canals consistent throughout the versions of the measures.

Section 1.5, Applicant Proposed Measures and Mitigation Measures, has been revised as follows:

MM B-3 **Protect seasonal ponded areas and other water features.** Construction activities shall be designed to minimize disturbance of wetlands (including seasonal ponded areas) and regulated water in the project area to the extent feasible.

…

Wetlands. If potential wetlands or regulated water cannot be completely avoided:

¾ A wetland delineation shall be conducted by a qualified biologist approved by CPUC. The wetland delineation shall be verified by United States Army Corps of Engineers (USACE) prior to ground disturbance. In lieu of preparing a wetland delineation, a preliminary jurisdiction determination can be completed by the Army Corps of Engineers and permitting can be initiated as appropriate.

¾ An assessment of areas that may meet the definition of wetlands or jurisdictional waters according to ~~CDFG~~ CDFW and USACE ~~USFWS~~ shall be conducted by a qualified biologist approved by CPUC.

…

Irrigation Canals. A qualified biologist approved by the CPUC shall determine appropriate buffer distances/setbacks and/or other protective measures (e.g., erosion control best management practices such as those included in APM WQ-1) to be implemented to minimize the impacts of project con-

struction activities on at-grade irrigation canals. All plans related to work within 10 feet of irrigation canals shall be evaluated by the qualified biologist to determine if the canal is subject to jurisdiction. If it is determined that the ~~CDFG~~ CDFW has jurisdiction and the project may result in direct impacts to a stream subject to ~~CDFG~~ CDFW jurisdiction, a Streambed Alteration Agreement may be required.

Section 5.4.2, Biological Resources, Environmental Impacts and Assessment, has been revised as follows:

MM B-3 **Protect seasonal ponded areas and other water features.** Construction activities shall be designed to minimize disturbance of wetlands (including seasonal ponded areas) and regulated water in the project area to the extent feasible.

...

Wetlands. If potential wetlands or regulated water cannot be completely avoided:

- A wetland delineation shall be conducted by a qualified biologist approved by CPUC. The wetland delineation shall be verified by United States Army Corps of Engineers (USACE) prior to ground disturbance. In lieu of preparing a wetland delineation, a preliminary jurisdiction determination can be completed by the Army Corps of Engineers and permitting can be initiated as appropriate.
- An assessment of areas that may meet the definition of wetlands or jurisdictional waters according to CDFW and USACE ~~USFWS~~ shall be conducted by a qualified biologist approved by CPUC.

...

Irrigation Canals. A qualified biologist approved by the CPUC shall determine appropriate buffer distances/setbacks and/or other protective measures (e.g., erosion control best management practices such as those included in APM WQ-1) to be implemented to minimize the impacts of project construction activities on at-grade irrigation canals. All plans related to work within 10 feet of irrigation canals shall be evaluated by the qualified biologist to determine if the canal is subject to jurisdiction. If it is determined that the CDFW has jurisdiction and the project may result in direct impacts to a stream subject to CDFW jurisdiction, a Streambed Alteration Agreement may be required.

Section 6, Mitigation Monitoring Plan, Table 6-1, Mitigation Monitoring Plan, has been revised as follows:

Table 6.1. Mitigation Monitoring Plan

Impact	Applicant Proposed Measure (APM) or Mitigation Measure	Monitoring Requirement	Timing of Action
	Biological Resources		
Special-Status Species and Wetlands	B-3: Protect seasonal ponded areas and other water features. Construction activities shall be designed to minimize disturbance of wetlands (including seasonal ponded areas) and regulated water in the project area to the extent feasible. … § An assessment of areas that may meet the definition of wetlands or jurisdictional waters according to CDFW and ~~USFWS~~ USACE shall be conducted by a qualified biologist approved by CPUC. … *Irrigation Canals.* A qualified biologist approved by the CPUC shall determine appropriate buffer distances/setbacks and/or other protective measures (e.g., erosion control best management practices such as those included in APM WQ 1) to be implemented to minimize the impacts of project construction activities on at-grade irrigation canals. All plans related to work within 10 feet of irrigation canals shall be evaluated by the qualified biologist to determine if the canal is subject to jurisdiction. If it is determined that the CDFW has jurisdiction and the project may result in direct impacts to a stream subject to CDFW jurisdiction, a Streambed Alteration Agreement may be required.	Ensure avoidance of ponded areas and other water feature	During construction

C-34 PG&E requests that Mitigation Measure B-7 in Section 5.4.2, Environmental Impacts and Assessment, be revised such that it is consistent with the other versions of the mitigation measure presented in the IS/MND.

Section 5.4.2, Biological Resources, Environmental Impacts and Assessment, has been revised as follows:

MM B-7 **Avoid impacts on nesting birds.** If construction activities occur during the avian nesting season (February 1 through September 15), a preconstruction survey for nesting birds shall be conducted by a qualified wildlife biologist (approved by the CPUC) within 7 days prior to the start of ground-disturbing construction or vegetation trimming or removal activities in any new work area. If there is no work in an area for 7 days, it will be considered a new work area if construction or vegetation trimming or removal begins again.

…

Listed and ~~other~~ fully protected species. A qualified wildlife biologist shall conduct pre-construction surveys for within 500 feet of work areas (within construction right-of-way and publicly accessible lands where PG&E has access rights) within 7 days of the start of construction. If any construction activities are planned during the nesting season (approximately February 1 through August 31), avoidance measures shall include a no construction buffer zone of a minimum distance of 500 feet for raptors or 250 feet for passerine birds. If occupied nests are closer than these distances to the nearest work site, consultation with CPUC and CDFW (and USFWS as appropriate) shall be required to discuss how to implement the project and species

avoidance measures to avoid "take". ~~If any other fully protected species are determined to be nesting within 500 feet of the project activities, consultation with CPUC and CDFW (and USFWS as appropriate) shall be required to discuss how to implement the project and species avoidance measures.~~

C-35 PG&E requests that Mitigation Measure C-2 be revised in Section 5.5.2, Environmental Impacts and Assessment, such that it is consistent with the other versions of the mitigation measure presented in the IS/MND.

Section 5.5.2, Cultural Resources, Environmental Impacts and Assessment, has been revised as follows:

MM C-2 **Avoid Known Historical Resources.** Known historical resources shall be ~~flagged and~~ avoided during construction. The portions of historical resources that cross into or are immediately adjacent to the project area (i.e., within 25 feet) shall be marked with visible flagging tape to create a 10-foot buffer around the site. ~~In addition, at any known historical resource within 165 feet (50 meters) of the project area, the limits of the project area near the resource shall be marked with visible flagging tape prior to construction.~~ The construction crews shall be instructed that no vehicle access, travel, equipment staging, storage, or other construction-related work shall occur outside the flagged areas to ensure that known historic resources are not inadvertently damaged during implementation of the project.

C-36 PG&E provided additional description regarding the Distribution Switching Operations to accommodate construction activities.

Project Description, Section 4.10.5.8, Power Line Construction, has been revised to include the description regarding the Distribution Switching Operations as follows:

Planned Existing Electric Distribution Line Outages. During construction, some sections of electric distribution lines that would cross or would be co-located with the Proposed Project may be temporarily taken out of service. PG&E's Distribution System Operations group would coordinate taking the existing distribution lines out of service, called taking clearances. The Distribution System Operations group would assess how to accomplish the clearances, identify where and when clearances may occur, notify customers being served by the distribution line that power outages could occur, manage the clearances, and retain balance in the system by routing power to minimize customer outages.

The Distribution System Operations group would turn switches on and off at locations along the distribution lines being taken out of service or along other distribution lines that could be affected to manage the clearance and maintain balance in the service area. The switches may be thrown at a central location such as a substation, accessed remotely by Systems Operations, or may require the Systems Operations group to drive to the pole and throw a switch. Bucket trucks may be used to enable the troubleman to physically reach the switches. Turning a switch on or off would require minutes to complete.

As noted in PG&E's comment, the project construction work would require power outages. The Distribution System Operations group would be responsible for identifying where and when the

potential power outages would occur and notifying customers being served that such outages may occur. As noted on PG&E's website, PG&E makes an attempt to notify its customers if service will be interrupted due to construction.

Project Description, Section 4.10.5.9, Distribution and Power Line Relocation and Conductor Installation, has been revised as follows:

> ***Distribution Line, Shoo-Fly, Gallo Tap, and Cressey Tap Relocation***
>
> Up to six crews (a total of approximately 30 personnel) would participate in distribution line and Gallo Tap power line relocation. If the existing line is on the same side of the street as the new power line, a line clearance would be obtained before the existing line is relocated to the new power poles, as described in Section 4.10.5.8. If the distribution line is being moved across the street, the new power line with distribution underbuild would be constructed without taking the distribution line out of service except to connect the distribution to the customer(s). Moving or removing old or pre-existing lines would be done after a clearance is obtained (while the lines are de-energized). Approximately 75 percent of the project is anticipated to include underbuilt distribution lines. PG&E would notify the telephone company(ies) of the new construction in accordance with the Northern California Joint Pole Association guidelines for new construction (PG&E, 2011).
>
> During this time, PG&E would make every effort to minimize power outages to customers. The anticipated average length of a line clearance is 8 hours for this project. The maximum length of a line clearance is expected to be 12 hours. If following construction outage notification, a customer informs PG&E regarding a particular sensitivity to power outages (for example, a medical condition), PG&E would provide a temporary backup gasoline generator with a 5- to 7-horsepower motor. Businesses in the area would be contacted and PG&E would accommodate normal business hours of operation whenever possible.

C-37 PG&E has provided additional clarification regarding distribution work that is planned to occur at the Cressey Substation that would be timed to coincide with the Cressey Substation modifications associated with the Proposed Project.

Project Description, Section 4.10.4.3, Modification and Expansion of Substations, has been revised as follows:

> ***Cressey Substation***
>
> ...
>
> One existing 21 kV distribution breaker and its associated equipment at the Cressey Substation has been identified for replacement within the next few years. PG&E has indicated that the distribution might be timed to coincide with the Cressey Substation modifications associated with the Proposed Project. The two projects are unrelated but could take advantage of the same clearances providing efficiencies. All work on the distribution project would occur within the existing substation fence line.

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