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Decision 91-12-052 December 18, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND)
ELECTRIC COMPANY for a Certificate)
of Public Convenience and Necessity)
to Construct and Operate an)
Expansion of its Existing)
Natural Gas Pipeline System.)

ORIGINAL

Application 89-04-033
(Filed April 14, 1989)

(U 39 G)

OPINION

I. Summary

The application of Pacific Gas and Electric Company (PG&E) for a certificate of public convenience and necessity (CPCN) to expand its existing natural gas pipeline system (expansion project) was granted subject to conditions by Decision (D.) 90-12-119. Among the conditions of approval is the requirement that PG&E undertake the mitigation measures identified in the environmental impact report (EIR) which the Commission adopted when it approved PG&E's CPCN. The EIR's analysis was premised on PG&E's application, which specified that construction of the pipeline would occur during April through October of 1993. The mitigation measures set forth in D.90-12-119 were modified by D.91-08-030.

PG&E filed two petitions to modify the requirements of D.90-12-119, as modified by D.91-08-030. This decision grants the request of PG&E to begin construction as early as February 1992 in certain areas and as early as January 1993 in other specified areas, provided that PG&E complies with certain conditions. This decision also amends the previously adopted mitigation measures so that PG&E may clear vegetation to create a temporary work space in visually sensitive areas. It also authorizes PG&E to install the

expansion pipeline along its existing pipeline route in the northern interior cypress forest and Jepson Prairie Preserve areas. All amendments to the mitigation measures are conditioned upon PG&E's compliance with conditions listed in the two addenda to the EIR which we adopt today.

II. **Petition Filed September 9, 1991
Modification of Authorized
Construction Schedule**

PG&E filed its petition for modification of D.90-12-119 on September 9, 1991 and corrected it on October 2, 1991. No protest to the petition has been filed.

A. **Existing Condition**

D.90-12-119 confined construction of the pipeline to the periods for which the environmental impacts of the development had been analyzed in the final EIR. The Commission adopted the final EIR when it granted the CPCN. In so doing, the Commission conditioned construction of the expansion project upon PG&E's compliance with the mitigation measures listed in the EIR as a necessary means of mitigating the environmental impacts of the expansion project. The EIR states, "Construction of PGT/PG&E's proposed project is scheduled for April-October 1993...", Specifically, Spreads 4A, 4B, and 5A - May 1, 1993 through October 31, 1993; Spread 5B - April 1, 1993 through October 31, 1993. Subsequently, PG&E requested and the Commission granted authority to undertake construction of the expansion project over two years (1992 and 1993), instead of one year (1993) (D.91-06-053).

B. **PG&E's Request**

Pipeline construction is to occur in four segments or "spreads." PG&E now requests modification of its CPCN to enable it to begin construction on the following dates: Spread 4A - March 1, 1992; Spread 4B - January 15, 1993; Spread 5A - February 1, 1992; Spread 5B - February 1, 1993.

PG&E asserts that beginning construction earlier in the year than April, which it proposed in its CPCN application, will prevent unnecessary crop damage. The applicant recognizes that its proposed construction must be undertaken in a manner that limits its environmental effects to insignificant levels. PG&E would continue to observe all limitations in construction activity established by the California Department of Fish and Game (CDFG) and adopted by this Commission as being necessary to protect certain species or habitat.

C. Environmental Issues

A January 30, 1991 letter from a representative of CDFG to PG&E is appended to the petition. It states, "The Biological Opinion's finding of 'no jeopardy' applies as long as the construction 'restrictions' identified in the Biological Opinion and (specified documents) are followed."

PG&E's proposed change in the construction schedule has been reviewed by a representative of CDFG. CDFG's conclusions and recommendations are set out in a letter to CACD dated August 26, 1991. PG&E has agreed to the conditions on construction recommended by the CDFG representative. CDFG concluded that since PG&E has agreed to observe the conditions on development specified in its August 26, 1991 letter, particularly the restrictions on the timing of construction activities within sensitive areas, an addendum to the final EIR (addendum) is the proper document for reviewing the environmental impact of PG&E's proposal under CEQA. See, California Code of Regulations, Title 14, Section 15164, (CEQA Guidelines).

III. Petition for Modification filed August 15, 1991

In its petition for modification of D.90-12-119 and D.91-08-030 filed on August 15, 1991, PG&E seeks modifications to certain mitigation measures relating to work space requirements and

routing of the pipeline. Specifically, PG&E desires (1) to clear certain areas of vegetation to create a temporary work space between milepost (MP) 673.5-687.0 and MP 692-734.6 and (2) to use its existing pipeline route between MP 703-704 pursuant to an agreement with CDFG and Bureau of Land Management (BLM).

A. Temporary Work Space

Shasta County Scenic Resource - Mitigation Measure 111

1. Existing Condition

The EIR found that there would be significant visual impacts associated with pipeline construction in three specific stretches of the right of way in Shasta County. Mitigation Measure 111 requires PG&E to confine clearing and construction in those locations to its existing right of way.

2. PG&E's Request

PG&E claims that safe and efficient construction will require temporary work space at two of the three designated areas, and that any visual impacts at those locations can be mitigated to a less-than-significant level.

In its petition, PG&E illustrated the need for a temporary work space from 25 to 35 feet wide adjacent to the existing permanent pipeline right of way. PG&E also illustrated its proposal to remove vegetation along an irregular edge, which would result in a less noticeable boundary between the pipeline right of way and the forest habitat.

3. Environmental Issues

The question is whether PG&E's proposal to work beyond the existing right of way would defeat the Commission's intent to avoid the creation of a wider construction scar across the natural landscape.

B. Alternative Routes

PG&E was directed by D.90-12-119 to deviate its route from its existing right of way in a number of areas where alternate routes were found to result in less significant impact to the

environment. D.90-12-119 adopted routes through the northern interior cypress forest (Shasta County) and Jepson Prairie Preserve (Solano County) that the CDFG had found to be environmentally superior in its biological opinion. The environmental impacts of pipeline construction associated with these alternatives, and that of PG&E's existing right of way, were studied in the adopted EIR.

1. Interior Cypress Forest - Mitigation Measure 57a

a. Existing Condition

The EIR concluded that a route west of the existing pipeline between MP 703-704 would be environmentally superior to the existing right of way because it would avoid significant, unmitigable impacts that would result from PG&E's proposed alignment through the northern interior cypress (Baker's Cypress) forest.

b. PG&E's Request

PG&E proposes that the Commission "rely on the expertise of the CDFG and BLM to determine whether PG&E should use the Shasta County West Route Alternative or its existing pipeline route..., and PG&E shall use the alternative designated by those agencies."

2. Jepson Prairie - Mitigation Measures 49a, 61c, and 110

a. Existing Condition

The proposed pipeline route traverses the Jepson Prairie Preserve in Solano County. On the basis of CDFG's recommendation, the Commission selected route alternative "B" to avoid disturbance to vernal and playa pools, which are habitat for protected species.

b. PG&E's Request

PG&E now asks the Commission "to rely on the expertise of the CDFG and the U.S. Fish and Wildlife Service (USFWS) to determine which of the alternative routes analyzed in the EIR should be adopted, and PG&E shall use the alternative

designated by those agencies." Mitigation Measures 49a, 61c, and 110 would be amended to carry out this change.

IV. Discussion

A. Environmental Review Required by CEQA

We find that an addendum to the EIR constitutes the appropriate form of environmental review for each of PG&E's requested modifications to the adopted mitigation measures under Section 15164 of the CEQA Guidelines. We make the following determination:

None of the proposed changes in the project or the circumstances under which the project is undertaken involve new significant environmental impacts that were not analyzed in the EIR,

No new information of substantial importance to the project has become available, and

The project change would involve only a minor technical change in the EIR to make it adequate under the California Environmental Quality Act (CEQA).

The changes to the EIR made by the addendum do not raise important new issues about the significant effects of the project on the environment.

B. Analysis of Environmental Issues

The Commission Advisory and Compliance Division (CACD) has supervised the preparation of two addenda to the final EIR. They are both dated November 8, 1991 and are entitled:

"Addendum to Pacific Gas Transmission Company/Pacific Gas and Electric Company Natural Gas Pipeline Project Environmental Impact Report: Seasonal Change of Construction Period," and

"Addendum to Pacific Gas Transmission Company/Pacific Gas and Electric Company Natural Gas Pipeline Project Environmental Impact Report: Modification of Mitigation Measure No. 111, Jepson Prairie Preserve Reroute and Shasta County Northern Interior Cypress Forest Reroute."

Section 15164 of the CEQA Guidelines states that an addendum need not be circulated for public review. The Commission will incorporate the addenda in the final EIR by this order.

1. Change in Construction Period

The addendum concerning Seasonal Change of Construction Period addresses the potential impact of construction during the months of January through April upon the resources identified in the EIR, specifically: Spread 4A - March 1 through May 1; Spread 4B - January 15 through May 1; Spread 5A - February 1 through May 1; and Spread 5B - February 1 through April 1. It also describes potential impacts on other species that might not have been affected if construction commenced in May (Spreads 4A, 4B, and 5A), or April (Spread 5B). Based on PG&E's agreement to observe the conditions specified in CDFG's letter, the addendum concludes that the impacts of extending the pipeline construction season to occur from approximately mid-January through October in 1992 and 1993 are the same as, or less than, those of the original project. We adopt the analysis and conclusions of the addendum.

2. Modification of Mitigation Measure 111

This addendum concludes that subject to certain conditions, the impacts of PG&E's modification of Mitigation Measure 111 would be the same as, or less than, those of the original project. The Addendum restricts clearing at specified visually sensitive areas (see, Table 1 of Addendum) and requires the construction of earth berms at road crossings to screen the cleared area from view. The Addendum provides that trees with a diameter at breast height greater than 15 inches and clusters of trees within 15 feet of the edge of the right of way will not be

removed when they do not interfere with the required movement of equipment. Certain trees have been identified for retention as a means of carrying out the "feathering" technique proposed by PG&E.

The addendum finds that new visual impacts would not occur with PG&E's proposed modification, and Mitigation Measure 111, as modified, would still reduce visual impacts to less-than-significant levels. We adopt the analysis and findings contained in the addendum as the Commission's own findings and conditions on PG&E's exercise of its CPCN in the Shasta County visually sensitive area.

3. Pipeline Reroute

As proposed in PG&E's petition for modification, the modifications concerning the northern interior cypress forest and the Jepson Prairie Preserve were unacceptable. The pipeline route through these areas was selected based on the biological opinion of the CDFG issued in December 1990. D.90-12-119 required PG&E's compliance with all of the terms and conditions of the biological opinion, and the opinion itself was incorporated into D.90-12-119. PG&E's petition for modification included no showing that CDFG's biological opinion should be disregarded.

In its August 15 petition, PG&E asserted that it has been in consultation with CDFG, USFWS, and BLM concerning these two route variations. PG&E speculated that the two federal agencies might concur in its proposal, and expected those agencies to finalize their analyses of the preferred routes "within the next few weeks."

The requested modification is unacceptable because PG&E proposed that either the CDFG, USFWS, or both, would direct the location of the pipeline expansion in certain environmentally sensitive areas. PG&E would substitute the resource agencies as the regulatory body responsible for the routing of utility facilities. By subjecting the choice of routes to the approval of both state and federal agencies, PG&E raised the possibility that

construction could be delayed pending agency agreement on the route alternative.

While the Commission will rely on the expertise of state and federal resource protection agencies to condition utility development in a manner that best protects natural resources, the Commission must retain final authority over the routing of utility facilities.

When a utility wishes the Commission to modify the approved route for a utility facility, it bears the burden of justifying the proposed change. Given the Commission's previous findings, adoption of PG&E's proposed route is contingent upon findings that its potentially significant negative impacts can be mitigated. PG&E should have submitted with its petition for modification some evidence that the trustee agency agrees with PG&E's proposal. In this case, PG&E should have provided the Commission with a memorandum of understanding between itself and CDFG which describes conditions on the development to mitigate previously unacceptable impacts on the environment. Those mitigation measures would then be evaluated in the Commission's addendum to the EIR.

PG&E has informally advised CACD of its efforts to respond to federal and state agency concerns. Those efforts were apparently pending when the petition for modification was filed. Negotiations between PG&E and the resource agencies were recorded in memoranda, and these documents have been provided to CACD. These memoranda have significantly assisted CACD to evaluate the environmental consequences of PG&E's proposals.

Since the petition was filed on August 15, 1991, PG&E, CDFG, and BLM have developed a mitigation plan for routing the pipeline through the northern interior cypress forest. The plan requires PG&E to permanently protect certain Baker's Cypress habitat. CDFG and the BLM have determined that the successful Jepson Prairie Preserve of this and other mitigation measures

should mitigate any significant impacts to the Baker's Cypress community from construction of the pipeline. They conclude that the pipeline reroute should yield greater environmental benefits than construction along the Shasta County West Route that was adopted in D.90-12-119. PG&E has accepted these mitigation measures as part of construction of the expansion project in this area. CDFG's approval of the revised Baker's Cypress Mitigation Plan is incorporated in the addendum.

The formal consultation of USFWS to the Federal Energy Regulatory Commission (FERC) concerning the PG&E/PGT expansion project dated September 20, 1991, is incorporated as a part of the addendum. Although the route approved in D.90-12-119 was thought to avoid known habitat of a federally listed endangered or threatened species, according to USFWS, subsequent surveys by PG&E showed that the approved route would probably cause greater impact. To offset and avoid adverse impacts to that federally listed species, PG&E proposed to USFWS that pipeline construction through the Jepson Prairie Preserve area occur along its existing right of way. However, USFWS found that even construction over the existing right of way will result in permanent loss of species habitat. USFWS concurred in PG&E's proposed route and proposed mitigation measures subject to PG&E's permanent protection of an amount of vernal pool habitat in the Jepson Prairie area.

CACD has reviewed the proposed rerouting with PG&E and the resource agencies. A memo from a CDFG biologist to CACD staff dated October 22, 1991 evidences CDFG's agreement that within the Jepson Prairie area, the pipeline should be constructed along the existing right of way, or "Alternative Route A" as that route is identified in the final EIR. On the basis of CDFG's memo and its approval of the revised Baker's Cypress Mitigation Plan, we find that the adverse environmental effects from the expansion project will be no greater than the effects identified in the final EIR as the result of PG&E's proposed change in the pipeline route. The

request for authority to use the existing pipeline right of way in Shasta County and in the Jepson Prairie area is well justified by the concerns of the federal agencies charged with protecting natural resources. The fact that CDFG concurs in these changes assures us that the Commission is responding to the concerns of the California trustee for natural resources as well.

V. Conclusion

We conclude that if PG&E limits construction to certain periods and follows the mitigation measures specified in the two addenda prepared expressly to consider the environmental impacts from the changes in construction proposed by PG&E's petitions for modification, the environmental impact from the revised construction schedule, clearing of vegetation beyond the existing right of way, and reroute of the pipeline through Jepson Prairie and the Northern Interior Cypress Forest will be no greater than the impacts identified in the final EIR. It is reasonable to grant PG&E's petitions for modification subject to PG&E's compliance with the mitigation measures identified by the two addenda.

For all of the foregoing reasons, we adopt the November 8, 1991 addendum to the final EIR regarding "Seasonal Change of Construction Period" and the November 8, 1991 addendum to the final EIR regarding "Modification of Mitigation Measure No. 111, Jepson Prairie Preserve Reroute and Shasta County Northern Interior Cypress Forest Reroute." The "Petition for Modification of Pacific Gas and Electric Company" filed on August 15, 1991 and the "Petition of Pacific Gas and Electric Company for Modification of Decision No. 90-12-119" filed on September 9, 1991 are granted, subject to the conditions set out in the respective addenda to the final EIR.

Findings of Fact

1. By D.90-12-119, the Commission granted PG&E a CPCN to expand its existing natural gas pipeline facilities by undertaking construction during the months May through October of 1993 (Spreads 4A, 4B, and 5A) and April through October of 1993 (Spread 5B), among other things.

2. In D.91-06-053, the Commission approved the use of a two-year construction schedule for the pipeline expansion project.

3. On September 9, 1991, the "Petition of Pacific Gas and Electric Company for Modification of D.90-12-119" (September Petition) was filed.

4. On October 2, 1991, PG&E filed corrections to Attachment A of its September Petition. "Revised Attachment A," which lists the construction start dates and some, but not all, of the expansion project's construction standards, is attached to this decision as Appendix A.

5. By its September Petition, PG&E seeks authority to begin construction earlier in the year than currently permitted.

6. CACD has arranged for the preparation of an addendum to the final EIR concerning "Seasonal Change of Construction Period."

7. PG&E is not requesting any changes in the resource-specific construction windows set by CDFG.

8. PG&E is not requesting permission to extend its construction schedule beyond the current end of the construction season (end of October) of each year.

9. The addendum finds that with certain mitigation measures, the environmental impact of the revised construction schedule will be no greater than the impacts identified in the final EIR.

10. On August 15, 1991, PG&E filed a petition for modification of D.90-12-119 and D.91-08-030 (August Petition). By that petition, PG&E sought authorization (1) to clear vegetation to

create a temporary work space at MP 673.5-687.0 and MP 692-734.6 and (2) to use its existing pipeline route between MP 704-704 pursuant to an agreement with CDFG and BLM, among other things.

11. CACD has arranged for the preparation of an addendum to the final EIR concerning "Modification of Mitigation Measure No. 111, Jepson Prairie Preserve Reroute and Shasta County Northern Interior Cypress Forest Reroute."

12. Mitigation Measure 111 as adopted by D.90-12-119 requires PG&E to confine clearing and construction to its existing right of way at specific mileposts within Shasta County.

13. Safe and efficient construction will require temporary work space at certain scenic areas.

14. Any visual impacts at those locations can be mitigated to a less-than-significant level with techniques specified in the addendum. This will carry out the Commission's intent to avoid the creation of a wider construction scar across the natural landscape.

15. PG&E was directed by D.90-12-119 to deviate its route from its existing right of way in the northern interior cypress forest (Shasta County) and Jepson Prairie Preserve (Solano County) where CDFG found that alternate routes would result in less significant impact to the environment.

16. In its August Petition, PG&E proposed that the Commission "rely on the expertise of the CDFG and BLM to determine whether PG&E should use the Shasta County West Route Alternative or its existing pipeline route..., and PG&E shall use the alternative designated by those agencies."

17. In its August Petition, PG&E also asked the Commission "to rely on the expertise of the U.S. Fish and Wildlife Service (USFWS) to determine which of the alternative routes analyzed in the EIR should be adopted, and PG&E shall use the alternative designated by those agencies" for the purpose of routing the expansion project through the Jepson Prairie. PG&E proposed that Mitigation Measures 49a, 61c, and 110 would be amended to carry out

this change but did not specify who would be responsible for revising these conditions on its CPCN.

18. While the Commission will rely on the expertise of state and federal resource protection agencies to condition utility development in a manner that best protects natural resources, the Commission must retain final authority over the routing of utility facilities.

19. When a utility wishes the Commission to modify the approved route for a utility facility, it bears the burden of justifying the proposed change.

20. PG&E should have submitted with its petition for modification some evidence that the trustee agency agrees with PG&E's proposal and which describes conditions on the development to mitigate previously unacceptable impacts on the environment.

21. Since the petition was filed on August 15, 1991, PG&E, CDFG and BLM have developed a mitigation plan for routing the pipeline through the northern interior cypress forest.

22. We find that as conditioned by the mitigation plan, the pipeline reroute will yield greater environmental benefits than construction along the Shasta County West Route that was adopted in D.90-12-119.

23. Although the route through the Jepson Prairie Preserve that was approved in D.90-12-119 was thought to avoid known habitat of the federally listed Delta Green Ground Beetle, a threatened species, subsequent surveys following rainfall showed that the approved route would probably cause greater impact.

24. Within the Jepson Prairie areas, pipeline construction along PG&E's existing right of way, or Alternative A as that option is known in the final EIR, is environmentally preferable to the route adopted in D.90-12-119 so long as it is subject to the mitigation program required by the USFWS to protect the Delta Green Ground Beetle, a federally listed threatened species.

25. If PG&E limits construction to certain periods and follows the mitigation measures as specified in the two addenda, the environmental effects of the pipeline expansion, modified as requested, will be no greater than the impacts identified in the final EIR.

26. An addendum to the EIR constitutes the appropriate form of environmental review because none of the proposed changes to the circumstances under which the project is undertaken involve significant environmental impacts that were not analyzed in the EIR, no new information of substantial importance to the project has become available, and the project change would involve only a minor technical change in the EIR to make it adequate under the California Environmental Quality Act (CEQA).

27. This order should be effective as soon as possible to enable PG&E to plan for construction so as to minimize conflicts with agricultural uses.

Conclusions of Law

1. The Commission should adopt as its review of the environmental impacts of PG&E's proposed changes in construction timing, construction practices, and pipeline route the "Addendum to Pacific Gas Transmission Company/Pacific Gas and Electric Company natural Gas Pipeline Project Environmental Impact Report: Seasonal Change of Construction Period" dated November 8, 1991 and the similarly entitled addendum concerning "Modification of Mitigation Measure No. 111, Jepson Prairie Preserve Reroute and Shasta County Northern Interior Cypress Forest Reroute" dated November 8, 1991.

2. It is reasonable to grant in part PG&E's petitions for modification subject to PG&E's compliance with the mitigation measures identified by the two addenda.

ORDER

IT IS ORDERED that:

1. The "Addendum to Pacific Gas Transmission Company/Pacific Gas and Electric Company Natural Gas Pipeline Project Environmental Impact Report: Seasonal Change of Construction Period," prepared by Jones and Stokes Associates, Inc. for the Commission, dated November 8, 1991, is adopted as part of the final Environmental Impact Report (EIR) for the pipeline expansion project.

2. The "Addendum to Pacific Gas Transmission Company/Pacific Gas and Electric Company Natural Gas Pipeline Project Environmental Impact Report: Modification of Mitigation Measure No. 111, Jepson Prairie Preserve Reroute and Shasta County Northern Interior Cypress Forest Reroute," prepared by Jones and Stokes Associates, Inc. for the Commission, dated November 8, 1991, is adopted as part of the final EIR for the pipeline expansion project.

3. The "Petition for Modification of Pacific Gas and Electric Company" filed on August 15, 1991 is granted in part, subject to the conditions limiting construction activity, mitigation measures, resource avoidance and protection, and other terms set forth in the addendum concerning Mitigation Measure 111. Each of the appendices to the addendum shall have the same effect as if set forth in the main text of the addendum.

4. The "Petition of Pacific Gas and Electric Company for Modification of Decision No. 90-12-119" filed on September 9, 1991 and amended on October 2, 1991 is granted in part, subject to the conditions limiting construction activity, mitigation measures, resource avoidance and protection, and other terms set forth in the addendum concerning Mitigation Measure 111. Each of the appendices to the addendum shall have the same effect as if set forth in the main text of the addendum.

5. Mitigation Measure 111 is modified to state the following:

Restrict or "Feather" Clearing

Confine clearing and construction to PGT/PG&E's existing right-of-way in California at MP 688.0 to avoid producing a wider scar across the natural landscape. At MP 673.5-687.0 and 692.7-734.6, leave some existing trees and vegetation between the existing pipeline and the edge of the right-of-way (on the non-working side) and "feather" the clearing for the temporary work space by leaving some trees and vegetation in an irregular, curving line along the edges.

6. The expansion project construction schedule, originally approved in Decision (D.) 90-12-119 and subsequently modified by D.91-06-053, is modified as set forth in Appendix A.

7. To the extent not specifically granted herein, the petitions for modification of Pacific Gas and Electric Company are denied.

This order is effective today.

Dated December 18, 1991, at San Francisco, California.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY

PATRICIA M. ECKERT
President
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners


NEAL J. SHULMAN, Executive Director
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REVISED ATTACHMENT A

PG&E requests Commission approval to extend the dates during which mainline construction of the PG&E Expansion Project can commence as follows:

	<u>Current Start Date</u>	<u>Requested Start Date</u>
Spread 4A (M.P. 612.5-710.5)	May 1, 1992	March 1, 1992
Spread 5A (M.P. 810.3-930.1)	May 1, 1992	February 1, 1992
Spread 4B (M.P. 710.5-793.3)	May 1, 1993	January 15, 1993
Spread 5B (M.P. 930.1-1044.0)	April 1, 1992	February 1, 1993

The work scheduled above will be conducted in accordance with the following construction standards.

- a) Soil Erosion -- PG&E will minimize soil erosion potential by generally clearing the construction area of only brush, scrub and trees prior to the dry season (April 15 to October 15). Grading and blasting will be conducted during this period only where rocky conditions preclude erosion. Construction area grading in areas with erosible soils will either occur during the dry season or will be conducted using special wet-condition soil handling techniques and intensive monitoring and maintenance programs, in addition to measures outlined in the Expansion Project's general erosion control and restoration program.
- b) Streambank -- PG&E will construct stream crossings during the dry season (April 15 to October 15), by overhead crossings, or by directional drilling.
- c) Streambeds -- PG&E will implement the soil erosion and the streambank disturbance measures identified in a) and b) above.
- d) Right-of-way Clearing -- PG&E will implement the erosion measures identified in a) and b) above.
- e) San Joaquin Kit Fox -- PG&E will conform to Federal guidelines for protection of the San Joaquin kit fox. These guidelines include performing pre-construction surveys, establishing protective exclusion zones around known and potential dens, minimizing disturbances, and notifying United States Fish and Wildlife Services and Department of Fish and Game if dens are accidentally destroyed. PG&E will also avoid active natal dens at MP's 924 through 1021.6 during the time period specified by the Department of Fish and Game in its Biological Opinion, will comply with all Federal guidelines, and will comply with any additional restrictions imposed by the USFWS.
- f) Wolverine -- PG&E will not construct in potential Wolverine habitat between MP's 674 and 702 during the denning and pupping season, from January 1 to May 1.
- g) Pacific Fisher -- PG&E will not construct in potential Pacific Fisher habitat between MP's 674 and 702 during the denning and pupping season, from January 1 to May 1.
- h) Bald Eagle -- PG&E will (1) will avoid all construction activities within 0.5 miles of wintering areas identified by CDFG from January 1 to May 15; (2) will not blast within one mile of any known bald eagle nest or any bald eagle nest found prior to construction during the breeding season (January 1 through August 1); (3) will not clear within 0.5 miles

of any known active bald eagle nest during the breeding season (January 1 through August 1); (4) will not construct within one mile of any known active nest during the breeding season (January 1 through August 1); and will not remove any known bald eagle nests, nest trees, perch trees, screening trees, or nest replacement trees, without prior permission of the CDFG, USFWS, or the U.S. Forest Service.

- i) Greater Sandhill Crane -- PG&E will avoid all construction activities between MP's 740.5 and 742.5 from November 1 to March 15.
- j) California Tiger Salamander -- Although not expected to be in the construction area, PG&E will conduct a preconstruction survey in potentially suitable habitat at MP's 810 through 880 and MP's 960 through 1000. If the California tiger salamander is located, the relevant area will be avoided from December 1 until March 1.
- k) Mule Deer -- PG&E will not construct in the winter range of the mule deer between MP's 623 and 641 from November 1 through March 31.
- l) Pronghorn Antelope -- PG&E will not construct in the winter range of the pronghorn antelope between MP's 623 and 637 from November 1 through March 31.
- m) Resident Fish - Burney Creek -- PG&E will construct the Burney Creek crossings, between MP's 704.4 and 708.4 during the dry season, April 15 through October 15.
- n) Anadromous Fish - Eastern Sacramento River Tributaries -- PG&E will construct the various eastern Sacramento River tributaries, between MP's 711.2 and 754.6 during the dry season, April 15 through October 15.
- o) Anadromous Fish - Sacramento River -- PG&E will construct the trench crossing of the Sacramento River at MP 755.3, below the Red Bluff Diversion Dam, between June 15 and August 15 to avoid impact to winter-run chinook salmon. In addition to constructing the crossing during this period, PG&E will install wire mesh mats over the entire spawning area in the pipeline construction area between April 15 and September 15 to prevent spawning; will install approximately 24 inches of clean washed gravel over the construction area (equivalent to that covered by the wire mats) post-construction. Gravel will be sized and cleaned to meet CDFG specifications. PG&E will consult with CDFG throughout the planning, design and construction of the crossing.
- p) Anadromous Fish - Western Sacramento River Tributaries -- PG&E will construct the various western Sacramento River tributaries, between MP's 756.0 and 906.0 during the dry season, April 15 through October 15.
- q) Fairy Shrimp -- PG&E will comply with the Federal guidelines for any Fairy Shrimp species listed under the Federal Endangered Species Act.
- r) Housing -- PG&E has performed a temporary housing study for the Expansion Project in California, and only the Modoc/Siskiyou and eastern Shasta County areas fall below a 3% temporary housing vacancy rate. The expanded construction schedule will not result in additional impacts, and will likely reduce the intensity of the construction employee peaks identified in the temporary housing plan, by spreading out the construction activities. PG&E will comply with the housing mitigation measures described in the EIR and will implement CPUC Mitigation Measure No. 83 for Modoc, Siskiyou and Shasta Counties.