June 19, 2015

Advice Letters 4646-E and 4533-E

Meredith Allen
Senior Director, Regulatory Relations
Pacific Gas and Electric Company
P.O. Box 770000, Mail Code B10C
San Francisco, CA 94177

Subject: Notice of Construction Advice Letter 4646-E Filed 6/8/2015 Pursuant to General Order (GO) 131-D for the Salinas–Firestone No. 1 60-kV Power Line Project (the Project) in the City of Salinas, Request to Shorten Protest Period, and Follow-Up to Rejected Advice Letter 4533-E

Dear Ms. Allen,

Pursuant to GO 131-D PTC application exemptions, PG&E’s request to construct facilities as specified in Advice Letter 4646-E is approved. On June 12, 2015, Energy Division also approved a reduction in the protest period from 20 days to 9 days, ending on June 17, 2015. PG&E promptly notified the entire notification list of the change in protest period. No protest was filed against the original Advice Letter (filed under the number 4533-E), which was rejected by Energy Division for the reasons discussed below. PG&E notified Energy Division that PG&E work must commence in June 2015 to ensure that the City of Salinas is able to start work in time to secure California Transportation Commission grant funding for a roadway project.

Background:
Advice Letter 4533-E was rejected by Energy Division because California Department of Fish and Wildlife (CDFW) consultation and notification was required and was not performed. This is because PG&E’s work would occur within the bank of Alisal Creek, and Alisal Creek is a jurisdictional waterway. Energy Division staff determined that the two exemptions to a Permit to Construct (PTC) application cited by PG&E did not apply because of an exception to the exemptions. For further background information, Energy Division’s April 9, 2015 non-standard disposition letter that rejected Advice Letter 4533-E is attached. It provides a discussion of the exemptions cited by PG&E pursuant to GO 131-D.

Findings:
After receipt of written notification from PG&E, CDFW determined on May 29, 2015, by letter to PG&E, that the Project activities would not substantially adversely affect a fish or wildlife resource. However, CDFW required that PG&E submit avian nesting surveys for review prior to start of construction. Additionally, PG&E is required to keep a copy of the CDFW letter and PG&E’s notification at the worksite. On June 1, 2015, United States Army Corps of Engineers (USACE) informed PG&E by letter that a USACE permit would not be required. Therefore, Energy Division staff concur with PG&E that the project qualifies for GO 131-D PTC application exemptions “b” and “c.”
The process followed by PG&E for these advice letter filings, however, was inefficient for a number of reasons and would benefit from review with the intent of improving the filing process for future advice letters. For example, CDFW Environmental Scientist Sarah Bahm agreed with the Energy Division finding that California Fish and Game Code Section 1602 notification was required because the work would occur within the bank of Alisal Creek. Although PG&E biologists determined that the existing pole is on a “level shelf above the top bank,” the proximity to Alisal Creek is such that CDFW must make a determination.

Furthermore, while the fact that various agencies may refer to Alisal Creek as a “reclamation ditch” is relevant, the term reclamation ditch is not sufficient information in and of itself to facilitate efficient advice letter processing by Energy Division staff. The fact that Alisal Creek has been channelized over the years does not, effectively, create a reclamation ditch out of a creek. For these reasons, Energy Division staff find it misleading to leave the name of the waterway (Alisal Creek) out of the advice letter as this is the most pertinent information to the decision on this project’s potential impacts.

The supervisor of Energy Division’s Infrastructure Permitting and CEQA section will follow up with you regarding additional process improvement feedback.

Sincerely,

[Signature]

Cynthia Walker
Deputy Director, Energy Division

Copied (by e-mail):
Megan Lawson (PG&E Senior Manager, Regulatory Relations), Kingsley Cheng (PG&E), Molly Sterkel (CPUC Program Manager, Infrastructure Planning and Permitting), Mary Jo Borak (CPUC Supervisor, Infrastructure Permitting and CEQA), Nicholas Sher (CPUC legal counsel), Sarah Bahm (CDFW Environmental Scientist), Justin Yee (USACE Regulatory), Eda Herrera (City of Salinas Associate Engineer), Gary Petersen (Director of Public Works, City of Salinas)

Attachment: April 9, 2015 CPUC non-standard disposition letter regarding Advice Letter 4533-E
April 9, 2015

Meredith Allen
Senior Director, Regulatory Relations
Pacific Gas and Electric Company
P.O. Box 770000, Mail Code B10C
San Francisco, CA 94177

Subject: Notice of Construction Filed 11/12/2014 Pursuant to General Order 131-D for the
Salinas–Firestone No. 1 60-kV Power Line Project in the City of Salinas (the Project),
Suspended for 120 Days through 4/10/2015

Dear Ms. Allen,

Summary: Energy Division rejects PG&E’s request to construct facilities pursuant to General Order
(GO) 131-D Permit to Construct (PTC) Exemptions “b” and “c” along the Salinas–Firestone No. 1 60-
kV Power Line because of GO 131-D Section III.B.2.a (exception “a”). Consultation with the
California Department of Fish and Wildlife (CDFW) is required to determine whether impacts to the
bank of Alisal Creek would be substantial as specified in California Fish and Game Code Section
1602. Upon receipt of written notification and applicable fee, CDFW would determine whether the
Project activities would result in a substantial adverse effect on fish or wildlife resources. Consultation
with the United States Army Corps of Engineers (USACE) also appears to be required because Alisal
Creek is a potentially jurisdictional waterway. A desktop review shows that it may flow into
catchments that connect to Salinas River. USACE must verify PG&E’s preliminary delineation and
review the proposed work areas.

Background: The California Public Utilities Commission’s General Order (GO) 131-D governs the
planning and construction of electric generation, transmission/power/distribution line facilities and
substations. PG&E filed a Tier “N/A” Advice Letter\(^1\) for the Project on November 12, 2014 that was
suspended for 120 days (through April 10, 2015) by Commission staff for further review. The last data
responses were received on March 23, 2015 and April 2, 2015.

The City of Salinas requested that PG&E relocate a single wood pole along Alisal Creek. It would be
replaced with two permanent poles. Temporary poles would be installed during construction. The
existing pole is located within the bank of the creek as shown in PG&E’s Biological Resources
Evaluation Summary report provided to the Commission by email on March 23, 2015. Aerial imagery
and photos in PG&E’s biological report indicate that room to maneuver around this area of the creek is
greatly limited due to the topography, vegetation, and buildings. PG&E’s report also states that this
section of the creek is subject to California Fish and Game Code Section 1602. Although PG&E feels
that the removal of a wooden utility pole from the creek’s bank and installation of two new poles in
the creek’s upper bank would not cause a substantial alteration of bed, channel, or bank, this
determination must be made by CDFW.

\(^1\) Tier “N/A” does not exist as a tier for Advice Letter filing pursuant to CPUC GO 96-B, and Advice Letters filed pursuant to
GO 131-D must be filed pursuant to GO 96-B. GO 96-B supersedes GO 96-A in its entirety (CPUC Decision 07-01-024, 2007).
As stated in GO 96-B, matters appropriate to Tier 2 are: “(4) A request relating to a substation or power line under Section
III.B.1 of General Order 131.”
PG&E believes this project qualifies for the following two GO 131-D PTC application exemptions:

b. the replacement of existing power line facilities or supporting structures with equivalent facilities or structures; and

c. the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersecting of additional support structures between existing support structures.

Findings: Commission staff find that, pursuant to General Order 131-D, the foregoing exemptions do not apply because of the following exception to the exemptions: “a. there is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies.” PG&E stated that consultation with CDFW and USACE are not required but Commission staff disagrees. The Alisal Creek waterway is at least State jurisdictional (as verified by PG&E’s biological report), work would occur within the creek’s bank, and the creek is connected via catchments to Salinas River, and as such, consultation with both CDFW and USACE are required. A formal PTC application requiring review pursuant to the California Environmental Quality Act and possibly the National Environmental Policy Action may be required depending on consultation results.

In addition, PG&E’s initial Advice Letter filing identified Alisal Creek as a “reclamation ditch” rather than a State-jurisdictional waterway, which is misleading. Monterey County Water Resources Agency may classify it as such, but it is also classified as Alisal Creek. As stated by PG&E’s biological report, it is a State-jurisdictional waterway. It potentially falls under federal jurisdiction as well. Later, an e-mail from PG&E outside legal counsel, Jo Lynn Lambert, on April 2, 2015 stated that work would not occur within the waterway’s bank, which is inaccurate. Although these statements are not the reason for the rejection of this Advice Letter, they are misleading and do not facilitate timely Advice Letter processing.

Therefore, PG&E’s request to construct facilities pursuant to a GO 131-D PTC application exemption is rejected.

Sincerely,

Edward Randolph
Director, Energy Division

cc (by e-mail): Kingsley Cheng (PG&E)
Molly Sterkel (CPUC Program Manager, Infrastructure Planning and Permitting)
Mary Jo Borak (CPUC Supervisor, Infrastructure Permitting and CEQA)
Nicholas Sher (CPUC legal counsel)
June 8, 2015

Advice 4646-E
(Pacific Gas and Electric Company ID U39 E)

Public Utilities Commission of the State of California

Subject: Submits Expedited Notice of Construction, Pursuant to GO 96-B, for the Construction of the Salinas-Firestone No. 1 60 kV Power Line Project in the City of Salinas

Pacific Gas and Electric Company (“PG&E” or “the Company”) hereby submits notice pursuant to General Order (G.O.) 131-D, Section XI, Subsection B.4, of the construction of facilities that are exempt from the Permit to Construct requirement.

Per General Order 96-B, Section 1.3, PG&E is requesting that Energy Division waive the protest period and approve this advice letter no later than June 19, 2015. A Notice of Construction (NOC) for this project was published, posted, and submitted in accordance with GO 131-D in AL 4533-E on November 12, 2014 and was not protested. PG&E must begin this work in June 2015 in order for the City of Salinas to continue with its larger project without the risk of losing funding.

The CPUC rejected AL 4533-E on the grounds that the exemptions claimed did not apply because consultation with the California Department of Fish and Wildlife and possibly the U.S. Army Corps of Engineers (Corps) was required to determine whether the project “may impact on an environmental resource of hazardous or critical concern....,” which is one of the exceptions to the Commission's GO 131-D exemptions. At the time of filing, PG&E had not consulted with either agency because it had determined that the project did not trigger either agency’s permit requirements. PG&E has since submitted a formal Fish and Game Code section 1602 notification to CDFW and received a letter (attached) stating that there is no Lake or Streambed Alternation agreement needed. PG&E also asked the Corps to verify that the project does not require a Clean Water Act section 404 permit and received a letter (attached) stating that no Corps permit is required.
Background

The City of Salinas (City) has requested PG&E to relocate one wood pole on the existing Salinas-Firestone No. 1 60 Kilovolt (kV) Power Line to accommodate the southerly extension of Elvee Drive across the Monterey County Water Resources Agency Reclamation Ditch, a channelized portion of Alisal Creek, a state and federal jurisdictional waterway. PG&E will relocate one existing wood pole within the existing power line easement approximately 70 feet northwest, and will interset an additional wood pole approximately 125 feet southeast of the existing pole (replacement of existing facilities; intersetting structures). To keep the power line in service during construction, PG&E will temporarily relocate approximately 1,060 feet of the existing power line by installing two temporary wood poles on the vacant parcel to the south of the canal (minor relocation). PG&E will remove the temporary poles once construction is complete. The temporary and permanent wood poles will be approximately the same height as the existing wood poles. Construction is tentatively scheduled to begin in February 2015, or as soon as project plans and approvals are in place, with completion in May 2015, or as soon as possible after the roadway construction project is complete.

CPUC General Order 131-D, Section III, Subsection B.1, exempts projects meeting specific conditions from the CPUC’s requirement to file an application requesting authority to construct. The Company believes this project qualifies for the following exemptions,

b. “the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.”

c. “the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.”

This filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other rate schedule or rule.

Protests

Per General Order 96-B, Section 1.3, PG&E is requesting that Energy Division waive the protest period.

Effective Date

The Company requests that this advice filing become effective on June 19, 2015, which is 11 days after the date of filing.
**Notice**

In accordance with General Order 96-B, Section IV, a copy of this advice letter is being sent electronically and via U.S. mail to parties shown on the attached list and to parties identified in the “Notice Distribution List” included in Attachment I. Address changes to the General Order 96-B service list should be directed to PG&E at email address PGETariffs@pge.com. For changes to any other service list, please contact the Commission’s Process Office at (415) 703-2021 or at Process_Office@cpuc.ca.gov. Send all electronic approvals to PGETariffs@pge.com. Advice letter filings can also be accessed electronically at: http://www.pge.com/tariffs/.

/S/
Erik Jacobson
Director – Regulatory Relations

cc: Eda Herrera, Associate Engineer, City of Salinas

Attachments
**Company name/CPUC Utility No.** Pacific Gas and Electric Company (ID U39 E)

<table>
<thead>
<tr>
<th>Utility type:</th>
<th>Contact Person: Kingsley Cheng</th>
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<tr>
<td>☑ ELC</td>
<td>Phone #: (415) 973-5265</td>
</tr>
<tr>
<td>☑ PLC</td>
<td>E-mail: <a href="mailto:k2c0@pge.com">k2c0@pge.com</a> and <a href="mailto:PGETariffs@pge.com">PGETariffs@pge.com</a></td>
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**EXPLANATION OF UTILITY TYPE**

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**Advice Letter (AL) #: 4646-E**

**Tier: 2**

**Subject of AL:** Submits Expedited Notice of Construction, Pursuant to GO 96-B, for the Construction of the Salinas-Firestone No. 1 60 kV Power Line Project in the City of Salinas

**Keywords (choose from CPUC listing):** Power Lines

**AL filing type:** ☑ One-Time

**If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:** N/A

**Does AL replace a withdrawn or rejected AL?** If so, identify the prior AL: No

**Summarize differences between the AL and the prior withdrawn or rejected AL:**

**Is AL requesting confidential treatment?** If so, what information is the utility seeking confidential treatment for: No

**Confidential information will be made available to those who have executed a nondisclosure agreement:** N/A

**Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information:**

**Resolution Required?** ☑ Yes

**Requested effective date:** June 19, 2015

**No. of tariff sheets:** N/A

**Estimated system annual revenue effect (%):** N/A

**Estimated system average rate effect (%):** N/A

**When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).**

**Tariff schedules affected:** N/A

**Service affected and changes proposed:** N/A

**Pending advice letters that revise the same tariff sheets:** N/A

Per General Order 96-B, Section 1.3, PG&E is requesting that Energy Division waive the protest period.

**California Public Utilities Commission**
Director, Energy Division
505 Van Ness Ave., 4th Floor
San Francisco, CA 94102
E-mail: EDTariffUnit@cpuc.ca.gov

**Pacific Gas and Electric Company**
Attn: Erik Jacobson, Director, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177
E-mail: PGETariffs@pge.com
Attachment 1

Notice of Construction as Submitted in AL 4533-E on November 12, 2014
NOTICE OF PROPOSED CONSTRUCTION
Para más detalles llame 1-800-660-6789

PROJECT NAME: Salinas-Firestone No. 1 60 kV Power Line Project – (PM 31068146 City of Salinas)
ADVICE LETTER NUMBER: 4533-E

Proposed Project: The City of Salinas (City) has requested Pacific Gas and Electric Company (PG&E) to relocate one wood pole on the existing Salinas-Firestone No. 1 60 Kilovolt (kV) Power Line to accommodate the southerly extension of Elvee Drive across the Monterey County Water Resources Agency Reclamation Ditch. PG&E will relocate one existing wood pole within the existing power line easement approximately 70 feet northwest, and will interset an additional wood pole approximately 125 feet southeast of the existing pole (replacement of existing facilities; intersetting structures). To keep the power line in service during construction, PG&E will temporarily relocate approximately 1,060 feet of the existing power line by installing two temporary wood poles on the vacant parcel to the south of the canal (minor relocation). PG&E will remove the temporary poles once construction is complete. The temporary and permanent wood poles will be approximately the same height as the existing wood poles. Construction is tentatively scheduled to begin in February 2015, or as soon as project plans and approvals are in place, with completion in May 2015, or as soon as possible after the roadway construction project is complete.

Exemption from CPUC Permit Requirement: CPUC General Order 131-D, Section III, B.1, exempts a utility from the CPUC’s requirement to file an application requesting authority to construct if a project meets specific conditions. This project qualifies for the following exemption:

b. “the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.”

c. “the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.”

Additional Project Information: To obtain further information on the proposed project, please call PG&E’s Project Information Line at (415) 973-5530.

Public Review Process: Individuals or groups may protest the proposed construction if they believe that PG&E has incorrectly applied for an exemption or that the conditions set out in Section III.B.2 of General Order 131-D exist;

a. There is reasonable possibility that the activity may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or
b. The cumulative impact of successive projects of the same type in the same place, over time, is significant; or
c. There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Protests should include the following:

1. Your name, mailing address and daytime telephone number.
2. Reference to the CPUC Advice Letter Number and Project Name.
3. A clear description of the reason for the protest.
4. Whether you believe that evidentiary hearings are necessary to resolve factual disputes.

Protests for this project must be filed by December 2, 2014 at the following address:

Director, Energy Division
ED Tariff Unit
California Public Utilities Commission
505 Van Ness Avenue, Fourth Floor
San Francisco, California 94102

With a copy mailed to:

David Kraska, Law Department
Pacific Gas and Electric Company
P.O. Box 7442
San Francisco, California 94120

PG&E must respond within five business days of receipt and serve its response on each protestant and the Energy Division. Within 30 days after PG&E has submitted its response, the CPUC Executive Director will send you a copy of an Executive Resolution granting or denying PG&E’s request and stating the reasons for the decision.

Assistance in Filing a Protest: If you need assistance in filing a protest, contact the CPUC Public Advisor:
email: public.advisor@cpuc.ca.gov or call: 1-866-849-8390 (toll-free), or (415) 703-2074, or TTY (415) 703-5258.

Public Comment: Even if you do not want to file an official protest, you may still comment on the request. To do so, send your comments to the Energy Division at the address noted above. Please reference Advice Letter 4533-E.
Notice Distribution List
Salinas-Firestone No. 1 60 kV Power Line Project – (City of Salinas)

Advice 4533-E

Energy Commission

Mr. Robert Oglesby, Executive Director
California Energy Commission
1516 Ninth Street, Mail Stop 39
Sacramento, California 95814

Mr. Drew Bohan, Deputy Director
California Energy Commission
1516 Ninth Street, Mail Stop 39
Sacramento, California 95814

California Department of Fish and Wildlife

Ms. Sarah Bahm
California Department of Fish and Wildlife, Central Region
1234 E. Shaw Avenue
Fresno, CA 93710

City of Salinas

Mr. Jeffrey Weir, Director
City of Salinas Community and Economic Development Department
65 West Alisal Street
Salinas, CA 93901

Newspaper

The Salinas Californian
Attachment 2

Letter from California Department of Fish and Wildlife
May 29, 2015

Maggie Trumbly
Pacific Gas and Electric Company
245 Market Street, Mail Code N10A, Room 1075C
San Francisco, California 94105

Subject: No Lake or Streambed Alteration Agreement Needed
Notification No. 1600-2015-0090-R4
Salinas-Firestone 60kV Power Line Project – Monterey County

Dear Ms. Trumbly:

The California Department of Fish and Wildlife (Department) has reviewed your Notification of Lake or Streambed Alteration (Notification). The Department has determined that your project is subject to the notification requirement in Fish and Game Code Section 1602, including payment of the Notification fee.

As stated in the Notification, the project will consist of activities related to the relocation of one wood power pole and installation of a new wood pole along PG&E’s existing Salinas-Firestone No. 1 60 Kilovolt (kV) Power Line to accommodate the City of Salinas’ proposed improvements to Elvee Drive. The existing wood riser pole has a 12kV underground power line associated with it that will be relocated. All work will be conducted outside of the wetted channel and no vegetation will be affected. Avian nesting surveys will be conducted prior to the start of Project activities and results will be sent to the Department for review. If active nests are observed, an appropriate nest buffer will be established in consultation with the Department. The Project will be completed between June 2015 and March 2016. Heavy equipment will be staged above the work site on existing roadways or paved parking lots. The Project is located along Alisal Creek, in the City of Salinas, Monterey County, Latitude 36°40'01.75"N, Longitude 121°38'06.07"W.

The Department has also determined that your project will not substantially adversely affect an existing fish or wildlife resource if conducted as described in the Notification and herein. As a result, you will not need a Lake or Streambed Alteration Agreement for your project. You are responsible for complying with all applicable local, state, and federal laws in completing your work. A copy of this letter and your Notification with all attachments should be available at all times at the work site.

Please note that if you change your project so that it differs materially from the project you described in your original Notification, you will need to submit a new Notification and corresponding fee to the Department.

Conserving California’s Wildlife Since 1870
If you have any questions regarding this matter, please contact Sarah Bahm, Environmental Scientist, at (559) 243-4014 extension 306 or Sarah.Bahm@wildlife.ca.gov.

Sincerely,

Gerald Hatler
Acting Regional Manager
Attachment 3

Letter from U.S. Army Corps of Engineers
Regulatory Division

Subject: File Number 2015-00196S

Mr. Samuel R. Garcia
Pacific Gas & Electric – Safety, Health, and Environment
2730 Gateway Oaks Drive, Suite 220
Sacramento, California 95833

Dear Mr. Garcia:

This correspondence is in reference to your submittal of May 11, 2015, concerning whether there is a requirement for Department of the Army (DA) authorization for the relocation of an existing wood transmission pole to accommodate the future extension of Elvee Drive across Alisal Creek in the City of Salinas. This project is located along the Salinas-Firestone 60kV electric transmission line, where Elvee Drive ends at Alisal Creek, City of Salinas, Monterey County, California (Latitude: 36.667° N, Longitude: 121.635° W).

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States (U.S.) or below the high tide line in tidal waters of the U.S. and within the lateral extent of wetlands adjacent to these waters, typically require DA authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 et seq.). All proposed structures and work, including: excavation, dredging, and discharges of dredged or fill material, occurring below the plane of mean high water in tidal waters of the U.S.; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the U.S., typically require DA authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899, as amended (33 U.S.C. § 403 et seq.). Navigable waters of the U.S. generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce.

A Preliminary JD has been completed for your site. Preliminary JDs are written indications that there may be waters of the U.S. on a parcel or indications of the approximate location(s) of waters of the U.S. on a parcel. Preliminary JDs are advisory in nature and may not be appealed. The enclosed PJD map titled, “Preliminary Jurisdictional Determination, Project: Salinas-Firestone Pacific Gas & Electric 60kV Pole Relocation, File 2015-00196S,” in one sheet, date certified May 18, 2015 (Enclosure 1), and the project plans labeled, “USACE File # 2015-00196S, Salinas-Firestone Pacific Gas & Electric 60kV Pole Relocation,” Sheets 1 and 2, dated May 18, 2015 (Enclosure 2), demonstrate that the proposed project will not result in the
placement of fill materials within waters or wetlands subject to Corps regulation on the project site; therefore, no DA permit would be required.

This determination does not obviate the need to obtain other Federal, State, or local approvals required by law, including compliance with the Federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.). Even though this activity is not prohibited by, or otherwise subject to regulation under section 404 of the Clean Water Act, the take of a threatened or endangered species as defined under the ESA is not authorized. In the absence of a separate authorization from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal takes of protected species are a violation of the ESA. Similarly, the appropriate State of California, Regional Water Quality Control Board may still regulate your proposed activity because of impacts to a “water of the State”. Therefore, you should also contact appropriate Federal, State and local regulatory authorities to determine whether your activity may require other authorizations or permits.

This determination will expire in five years from the date of this letter, unless new information or a change in project design or field conditions warrants further review prior to the expiration date. You may refer any questions on this matter to Justin Yee of my Regulatory staff by telephone at (415) 503-6788 or by e-mail at Justin.J.Yee@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner, while preserving and protecting our nation’s aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website:

Sincerely,

Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copy Furnished (w/ Encl 1 only):
CA RWQCB, San Luis Obispo, CA
Preliminary Jurisdictional Determination
Project: Salinas-Firestone Pacific Gas & Electric 60kV Pole Relocation, File 2015-00108S
Location: along an electric transmission line, where Elvoa Dr. ends at Alisal Creek, Salinas, Monterey County, CA (Lat: 36.667° N, Lon: 121.635° W)

Preliminary Section 404 Clean Water Act jurisdiction delineated only within the Study Area, below the Ordinary High Water Mark.

Review Date: March 18, 2015
PRELIMINARY JURISDICTIONAL DETERMINATION FORM
San Francisco District

This Preliminary Jurisdictional Determination finds that there "may be" waters of the United States in the subject review area and identifies all such aquatic features, based on the following information:

Regulatory Division: South Branch  File Number: 2015-001968  PJD Completion Date: 05-18-2015

Review Area Location:
City/County: Salinas, Monterey County  State: California
Nearest Named Waterbody: Alisal Creek
Approximate Center Coordinates of Review Area
Latitude (degree decimal format): 36.667°N
Longitude (degree decimal format): -121.635°W
Approximate Total Acreage of Review Area: 0.331 acre

File Name: Salinas-Firestone PG&E 60kV Pole Replacement

Applicant or Requestor Information
Name: Samuel R. Garcia
Company Name: PG&E - Safety, Health, and Environment
Street/P.O. Box: 2730 Gateway Oaks Drive, Suite 220
City/State/Zip Code: Sacramento, CA 95833

Estimated Total Amount of Waters in Review Area
Non-Wetland Waters: 240 linear feet 20 feet wide and/or 0.011 acre(s)  Flow Regime: Perennial
Wetlands: N/A linear feet 0 feet wide and/or acre(s)  Cowardin Class: Select

Name of Section 10 Waters Occurring in Review Area
Tidal: N/A
Non-Tidal: N/A

☐ Office (Desk) Determination
☐ Field Determination:
  Date(s) of Site Visit(s): N/A

SUPPORTING DATA: Data reviewed for Preliminary JD (check all that apply -- checked items should be included in case file and, where checked and requested, appropriately reference sources below)

☐ Maps. Plans, plots or plat submitted by or on behalf of applicant/requestor (specify): SWCA Jurisdictional Waters Study, 5/11/2015

☐ Data sheets submitted by or on behalf of applicant/requestor (specify):
  ☐ Corps concurs with data sheets/delineation report.
  ☐ Corps does not concur with data sheets/delineation report.
  ☐ Data sheets prepared by the Corps.
  ☐ U.S. Geological Survey Hydrologic Atlas:
    ☐ USGS NHD data.
    ☐ USGS HUC maps.
  ☐ U.S. Geological Survey map(s) (site quad name/scale): CA-Salinas, 1:24K
  ☐ USDA Natural Resources Conservation Service Soil Survey.
  ☐ National wetlands inventory map(s) (specify):
  ☐ State/Local wetland inventory map(s) (specify):
  ☐ FEMA/FIRMs maps.
  ☒ 100-year Floodplain Elevation (specify, if known):
  ☐ Photographs: ☐ Aerial (specify name and date): Google Earth 2015
    ☐ Other (specify name and date): Site Photos, SWCA Jurisdictional Waters Study, May 11, 2015
  ☐ Previous JD determination(s) (specify File No. and date of response letter):
  ☐ Other Information (specify):

IMPORTANT NOTE: All information recorded on this form has not been verified by the Corps, the form should not be relied upon for later jurisdictional determinations.

Signature and Date of Regulatory Project Manager (REQUIRED)

Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)
EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:
1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested the preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit, or verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization; and that having a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other, general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a preferred individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial proceeding or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a preferred individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 332, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

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<th>Latitude (degrees decimal format)</th>
<th>Longitude (degrees decimal format)</th>
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<th>Estimated Area or Lineal Feet of Aquatic Resource</th>
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