



STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

**PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**

**To: Property Owners & Interested Parties
From: Eric Chiang, Project Manager**

**Subject: Notice of Proposed Decision and Availability of the Final
Environmental Initial Study/Mitigated Negative Declaration
for the Gill Ranch Gas Storage Project in the Counties of
Madera and Fresno, California**

Date: September 30, 2009

On September 14, 2009, the California Public Utilities Commission (CPUC) prepared a Final Mitigated Negative Declaration (Final MND) under California Environmental Quality Act (CEQA) for consideration of the Gill Ranch Gas Storage Project. The information in the Final MND describes the Proposed Project, describes the potential environmental impacts, identifies those impacts that could be significant, and presents mitigation measures to avoid or minimize potentially significant impacts.

The Final MND incorporates all comments received during the public review period for the Draft MND, as well as revisions discussed and agreed upon during various discussions with the Applicants and the CPUC. The responses to received comments are provided in Appendix J of the Final MND. Appendix J also includes the changes from the Draft MND to the Final MND. No substantial changes to the environmental document analyses or conclusions resulted from evaluation of the comments received during the public review period. No substantial revisions that would merit recirculation, as defined by 15073.5(b) of Title 14 of CEQA, were made to the project or analyses after public comment.

Availability of Final MND. The Final MND is available for viewing at:
<http://www.cpuc.ca.gov/Environment/info/mha/gillranch/gillranch.htm>

An electronic copy of the Final MND is also available for viewing at the following libraries:

Kerman Branch Library

15081 W. Kearney Blvd.
Kerman, California 93630

Tranquillity Branch Library

5835 S. Juanche Rd.
Tranquillity, California 93668

Firebaugh Branch Library

1315 O St.
Firebaugh, California 93622

Dos Palos Branch Library

2002 Almond
Dos Palos, California 93620

Mendota Branch Library

1246 Belmont Ave.
Mendota, California 93640

Clarification of Mitigation Measure. The CPUC has removed the Draft MND Mitigation Measure Biology-18 (Addendum to APM Biology-18) in response to a comment received from the California Department of Fish and Game (CDFG). The CDFG determined that the measure did not include acceptable methods for handling the Nelson's antelope ground squirrel, and considered that the mitigation measure would result in a take. Additionally, specific language of Mitigation Measure Biology-17 (APM Biology-18) from the Draft MND was clarified to detail the enforcement of Nelson's antelope ground squirrel survey conditions and provide additional guidance in the situation that the Nelson's antelope ground squirrel is unexpectedly found within the Project area. The overall revisions to Mitigation Measure Biology-17 (APM Biology-18) from the Draft IS/MND are shown below, under the Proposed Decision heading, in an underline/strikeout format.

The CPUC finds that the new measure provides more effective mitigation for the species as it protects the species if it is found during the construction phase. The new measure also provides more effective mitigation as the original measures would have been harmful to the Nelson's antelope ground squirrel and would have resulted in a take. The new mitigation measure would not have any potential significant effect to the environment.

Proposed Decision. On September 29, 2009 the proposed decision of Administrative Law Judge (ALJ) Richard Smith was issued. The proposed decision is available at:
<http://docs.cpuc.ca.gov/efile/PD/107616.htm>.

The proposed decision adopts the Final Mitigated Negative Declaration, including the following clarification to **Mitigation Measure Biology-17**:

Qualified biologists shall survey the area to be directly impacted by construction in order to determine presence of potentially suitable habitat for Nelson's antelope ground squirrel. Pre-construction surveys shall be performed at appropriate times and under appropriate environmental conditions, in consultation with CDFG within 15 days prior to the onset of any project related ground-disturbing activity during the life of the Project. Potentially suitable habitat is defined as non-cultivated areas with sandy loam soils, widely-spaced alkali scrub vegetation, and dry washes. Appropriate measures shall be determined and implemented in consultation with CDFG to avoid impacts if surveys indicate presence of Nelson's antelope squirrel in the Project Area. Potential measures may include:

- ~~a) Exclusion fencing at perimeter of construction areas~~
- ~~b) Trapping and relocation of ground squirrels to suitable habitat outside of construction areas~~
- ~~c) Avoiding burrow concentration areas.~~

If preconstruction surveys do not indicate the presence of the Nelson's antelope ground squirrel and the species is detected during the construction phase, construction activities shall be immediately halted in the area and consultation with the CDFG shall occur. The CDFG shall determine if the project will require a take permit. If a take permit will not be required, avoidance measures shall be implemented in consultation with the CDFG. Potential avoidance measures may include:

- a) Establishing a minimum 30 foot buffer around any burrow of appropriate size for the Nelson's antelope ground squirrel
- b) Onsite biological monitor shall be present during all construction activities
- c) Speed limits shall be established for construction vehicles, and in some cases, biological monitors shall escort vehicles by walking in front of the vehicles while watching for the Nelson's antelope ground squirrel
- d) Installation of exclusion fencing at the perimeter of the construction area if the CDFG determines that the installation would not result in a take

Commission Meeting. The proposed decision will not appear on the agenda of a Commission public meeting sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the proposed decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision, as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed either electronically pursuant to Resolution ALJ-188 or with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ Smith at rs1@cpuc.ca.gov and the assigned Commissioner. The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

Persons who are not parties to the proceeding may make public comments on the proposed decision during the public comment period of the Commission's meeting.

Questions concerning this notice should be directed to:

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