

**EXHIBIT B - CONDITIONS OF APPROVAL
PACIFIC GAS & ELECTRIC COMPANY – DRC2015-00116**

Approved Development

1. This approval authorizes
 - a. Grading on slopes greater than 20 percent;
 - b. Removal of a 40-year old earthen berm and damaged 48-inch x 40-foot metal corrugated culvert from the bed and bank of Pecho Creek;
 - c. Removal of vegetation and debris for 80 linear feet upstream of the berm, including removal of 15 multi-trunk willow trees;
 - d. Export of the berm soils on a previously permitted spoils site north of the Diablo Canyon Nuclear Power Plant.

Conditions to be completed prior to issuance of a construction permit

Site Development

2. **Prior to issuance of a construction permit**, submitted plans shall conform to the approved site plan.
3. **Prior to issuance of a construction permit**, these Conditions of Approval shall be printed on the construction plans.

Fees

4. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Biology

5. **(BR-5)** Prior to project initiation, all applicable agency permits with jurisdiction over the project areas (e.g., CDFW, Corps, RWQCB, and CCC) shall be obtained (as necessary based on actual project design). These agencies will likely impose additional mitigation measures to ensure avoidance or mitigation of potential impacts.

Conditions to be completed during project construction

Biology

6. **(BR-1)** Overland travel shall be restricted to ruderal/disturbed areas of the upland communities (i.e., annual brome grassland and coyote brush scrub) immediately adjacent to the existing berm and will avoid the California sagebrush scrub habitat area.
7. **(BR-2) Prior to any ground disturbance**, a known reference population of black-flowered figwort shall be visited to determine the current life stage of the species. A preconstruction botanical survey during the appropriate blooming period shall be conducted by a qualified botanist in all areas of suitable habitat for special-status plant species (i.e. Cambria morning-glory, San Luis Obispo owl's-clover, and black-flowered figwort) with potential to occur on site. Any sensitive plant species encountered shall be flagged for avoidance.

8. **(BR-3) Prior to project implementation**, protective fencing (e.g., t-posts and yellow rope or high visibility construction fencing) will be installed along the canopy/dripline of adjacent (within 25 feet) coast live oak trees to be avoided during all berm removal and hauling operations.

In the event the critical root system and/or limbs of oak trees three inches or greater are impacted during project implementation, the Applicant shall provide mitigation per the County's guidelines (e.g., 2:1 for oak trees impacted). This shall include development of an oak tree replacement plan and establishment of an oak tree planting site that shall be protected in perpetuity.

9. **(BR-4)** Impacts to arroyo willow trees lining banks of Pecho Creek will be avoided to the extent feasible during project activities. However, removal of up to 15 arroyo willow trees is anticipated due to project implementation. Mitigation will include replanting at a 1:1 ratio, or as determined by regulatory agencies, for those impacts per a voluntary restoration and riparian habitat enhancement plan (Site Stabilization and Restoration Plan) to be developed by the Applicant for long-term stabilization and enhancement of Pecho Creek.

10. **(BR-7)** The following general measures to minimize impacts to sensitive resources shall be followed:

- Prior to grading or earthwork, an environmental awareness orientation shall be provided to construction personnel by a qualified biologist. The orientation shall familiarize workers with the sensitive environmental resources with potential to occur on site, including Pecho Creek;
- The use of heavy equipment and vehicles shall be limited to the proposed berm removal area and defined staging area/access points. The boundaries of the work area shall be clearly defined and marked with visible flagging and/or fencing. No work shall occur outside these limits;
- All equipment and materials shall be stored away from the creek and riparian corridor at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the creek;
- Heavy equipment rented or transported from areas outside of the watershed/DCPP area shall be pressure washed at an offsite location prior to entering the watershed DCPP area to reduce the spread of invasive weeds; and,
- During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from entering the drainage. In addition, all equipment and materials shall be stored/stockpiled away from the creek. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

11. **(BR-8)** A preconstruction wildlife survey shall be conducted by a qualified **biologist within 48-hours of the initiation of construction activities** in all areas of suitable habitat for special-status wildlife species (e.g., CRLF, southern western pond turtle, etc.). This shall include a bat survey of the existing 8-foot culvert beneath Diablo Canyon Road. Additionally, pre-activity surveys shall be conducted daily for all berm removal activities located within the Pecho Creek channel. If any sensitive species are observed during the preconstruction or daily surveys the species will be allowed to leave the area on its own accord or be relocated by a qualified biologist, if appropriate. The PG&E biologist shall be notified, and PG&E shall consult with the appropriate resource agencies on how to proceed if a special-status species is encountered. A copy of these

surveys and reports shall be provided to the County.

12. **(BR-9)** A biological monitor shall be present for initial vegetation removal and initial earth disturbance. To avoid impacts to woodrat species, woodrat houses will be delineated with brightly colored flagging for avoidance during all project activities. A copy of the report shall be provided to the County.
13. **(BR-10)** To protect sensitive bird species and those species protected by the MBTA, PG&E shall avoid vegetation clearing and earth disturbance **during the typical nesting season (February 15 – August 31)**. If avoiding construction during this season is deemed infeasible, a qualified biologist shall survey a 300-foot buffer around the project site no more than two weeks prior to construction activity beginning on site. If nesting birds are identified during the survey, they shall be avoided until they have successfully fledged. Avoidance buffer zones will consider the species present and the type of disturbance they may be subject to. Buffer assignment typically includes buffer zones of 50 feet around all non-sensitive, passerine species, and a 250-foot buffer around raptor species. All activity will remain outside of that buffer until the PG&E's biologist has determined that the young have fledged. If special-status bird species are identified, now work will begin until an appropriate buffer is determined via consultation with the local CDFW biologist and/or the USFWS. Any reports conducted during the nesting season shall be provided to the County.

Archaeology

14. **(CR-1)** A qualified archaeologist shall conduct a cultural resource awareness and response training for construction personnel **on the first day of the project**. The training should include a description of the kinds of resources that are found in the area, protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, identify work exclusion zones and highlight the exact limits of the staging area. A final report on compliance shall be submitted by the archaeologist to the County **prior to final inspection/occupancy**.
15. **(CR-2) During construction**, the placement of cones (or other temporary demarcation) across the entrance to the dirt road that leads down to CA-SLO-51/H. This will reiterate to construction crews that the dirt road is not to be used for the project.
16. **(CR-3)** The removal of the upper 40 cm of berms soils shall be monitored by a qualified archaeologist with Central Coast experience and by a member of the local tribal community. This limited monitoring will ensure that the removed berm soils do not contain ancestral remains or important tribal cultural resources. A copy of the report shall be provided to the County.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Biology

18. **(BR-11)** The *Site Stabilization and Restoration Plan* (Terra Verde Environmental Consulting) shall be implemented following removal of the earthen berm and metal culvert.

On-going conditions of approval (valid for the life of the project)

19. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

20. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.