

STAFF REPORT

31

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06/23/20

PRC 5438.1-B

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M. Schroeder

CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND ADOPTION OF A MITIGATED MONITORING PROGRAM AND AN AMENDMENT OF LEASE

LESSEE:

Pacific Gas and Electric Company (PG&E)

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, near Patterson, Stanislaus County.

AUTHORIZED USE:

Lease No. PRC 5438.1-B includes 39 pipelines and allows for the continued use and maintenance of existing transportation, distribution, and gathering pipelines to transport natural gas. It is one of six PG&E master leases for 129 pipelines throughout the State.

LEASE TERM:

20 years, beginning January 1, 2012.

CONSIDERATION:

\$19,860 per year, with an annual Consumer Price Index adjustment as provided for in the lease.

PROPOSED AMENDMENT:

- Authorize installation of a new 24-inch-diameter horizontal directionally drilled (HDD) natural gas pipeline under the San Joaquin River.
- Amend the existing Exhibit A, Land Description, to delete the portion of the land description covering the pipeline to be removed and to add the land description covering the pipeline to be constructed.
- Include the attached Exhibit B-1, Site and Location Map.
- Include the attached Exhibit C, Mitigation Monitoring Program.

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The amendment shall be effective June 23, 2020. All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

Background:

The Lessee has applied for approval to slurry fill, remove pipeline segments including the river crossing along with the entire pipeline from the lease premises, and abandon-in-place the remaining sections of a 12-inch-diameter natural gas transmission pipeline located, pursuant to Section 2, paragraph 12 of its existing lease and replace with a 24-inch-diameter pipeline located 52 feet below the bottom of the San Joaquin River using the HDD construction method for installation (Project). The Project is known as the Pacific Gas & Electric Company R-687 L-215 San Joaquin River Crossing Replacement Project. The lease requires the Commission's approval prior to the Lessee removing or abandoning any pipeline crossing.

California Environmental Quality Act:

The Commission is the lead agency for the project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and conducted an Initial Study to determine if the Project may have a significant effect on the environment (State CEQA Guidelines, § 15063). Although the Initial Study identified several potentially significant impacts to Aesthetics; Biological Resources; Cultural Resources; Cultural Resources-Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials, Hydrology, and Water Quality; Recreation, and Mandatory Findings of Significance; mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts "to a point where clearly no significant effects would occur." (State CEQA Guidelines, § 15070, subd. (b)(1)). Consequently, the Initial Study concluded that "there is no substantial evidence, in light of the whole record before the agency, that the Project as revised may have a significant effect on the environment" (State CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), staff prepared an MND identified as CSLC MND No. 800, State Clearinghouse No. 2020040266.

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The proposed MND and Initial Study were circulated for a 30-day public review period from April 22, 2020, to May 22, 2020. Staff received five comment letters: three from state agencies and two from local agencies. Two of the letters submitted by the local agencies, Stanislaus County Public Works and Stanislaus County Environmental Review Committee, did not have any comments. The table below provides a summary of the comments and responses to the other three letters from state agencies.

Department of Toxic Substances Control (DTSC)

Comment Summary	Response
DTSC noted that the MND should acknowledge the potential for the release of hazardous wastes/substances, ADL-contaminated soil, previous mining activities, hazards associated with current and/or former buildings, and stated that imported soil should be free of contamination on the project site.	As indicated within Section 3.10 of the MND (Hazards and Hazardous Materials), the Project site is not located in close proximity to sites known to historically contain hazardous wastes or substances, no building or any other structures would need to be demolished at the Project site, and no import of fill material is required for Project construction.
DTSC indicated that since part of the Project areas have been used for agricultural, weed abatement or related activities, proper investigation of organochlorinated pesticides should be discussed in the MND.	The Project assumes that pesticides are present in topsoils recently utilized for agricultural production. As such, during required disturbance to topsoils within the 0.62 acre Project site, procedures including (but not limited to) use of personal protective equipment (PPE) in accordance with Cal-OSHA health and safety guidelines with respect to residual pesticide exposure would be utilized during construction to reduce the potential for health risks. Staff has modified APM-1 so that the Site Safety Plan will include measures for proper handling of hazardous materials including, but not limited to soils containing residual pesticides.

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Central Valley Regional Water Quality Control Board (CVRWQCB)

Comment Summary	Response
CVRWQCB commented on the importance of Basin Plans.	Section 3.11 of the MND (Hydrology and Water Quality) acknowledges the CVRWQCB Basin Plan and its importance in protection of the quality of surface and groundwater of the region. This information was referenced when preparing the MND on behalf of the Project.
CVRWQCB noted that all wastewater discharges must comply with the Antidegradation Policy.	The antidegradation implementation policy of the Basin Plan was reviewed as suggested during preparation of the MND. The Project will comply with the Antidegradation Policy.
CVRWQCB staff commented on permitting requirements for the Project.	Permitting requirements are noted. Section 3.11.2.1 of the MND provides an outline of the regulatory requirements of the NPDES permit program pursuant to the Porter-Cologne Act and water quality objectives of the Basin Plan. Mitigation Measures and Applicant Proposed Measures have been included as part of the Project's Mitigation Monitoring Program, and will be implemented during Project activities to reduce potential impacts to water quality within the San Joaquin River.

California Department of Fish and Wildlife (CDFW)

Comment Summary	Response
CDFW staff requested clarification on the Applicant's compliance with all applicable provisions and/or protective measures of the Master Streambed Alteration Agreement between CDFW and PG&E (MSAA) (Notification No. 1600-2008-0001-0000-HQ) and all applicable Conditions of Approval required by the Incidental Take Permit issued by CDFW for the San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (ITP No. 2081-2008-001-00).	Clarifying text has been added to the MND to address CDFW concerns.

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In response to the comment from DTSC, staff revised APM-1 in the MND under the mention of the Site Safety Plan to read that it “Will include measures for proper handling of hazardous materials including, but not limited to soils containing residual pesticides.” In response to the comment from CDFW, text clarifying the Applicant’s compliance with the noted permits was added to the MND in Table 1-1 and the Biological Resources section (Impact Analysis).

Staff determined that these changes do not constitute a “substantial revision,” as defined in State CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of the MND prior to Commission consideration is not required pursuant to in State CEQA Guidelines section 15073.5, subdivision (c).

Tribal Cultural Resources and Tribal Consultation

Under AB 52 (Chapter 532, Statutes of 2014), lead agencies must notify Tribes of the opportunity to consult on a project if that Tribe has requested notification, and must avoid damaging Tribal cultural resources, when feasible, whether consultation occurred or is required. For all lead agency projects, in addition to any required AB 52 notifications, Commission staff contacts the Native American Heritage Commission (NAHC) to obtain results of a sacred lands file search (the sacred lands file is a database maintained by the NAHC of culturally sensitive areas or resources) as well as a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to a project area.

For this Project, Commission staff requested a search of the Sacred Lands files and a list of interested individuals from the NAHC on June 3, 2019. The NAHC response dated June 11, 2019, stated that no known Native American cultural sites have been documented within the Project disturbance area. The NAHC also provided a list of three Native American contacts that may have knowledge about archaeological resources in the area, which included:

- Northern Valley Yokuts Tribe
- Southern Sierra Miwuk Nation
- Tule River Indian Tribe

In July 2019, staff notified the designated representatives of the Tribes on the NAHC list in order to solicit meaningful input and engagement on the Project’s potential impacts. On August 03, 2019, Commission staff received a response via email from Chairwoman Katherine Erolinda Perez

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of the Northern Valley Yokuts Tribe and Nototomne Cultural Preservation. In her letter, Chairwoman Perez requested government-to-government Consultation pursuant to AB 52. Although the Commission does not have a request for notification from the Northern Valley Yokuts under the provisions of AB 52, staff proceeded with Consultation consistent with the Commission's [Tribal Consultation Policy](#) (CSLC 2016), to ensure the Tribe was given the opportunity to provide meaningful input regarding potential impacts to tribal cultural resources and sensitive cultural areas, as well as regarding protection of those resources and areas.

In her request letter, Chairwoman Perez stressed the importance of the Tribe being involved in cultural resource identification, significance evaluations, and culturally appropriate treatment of any materials that may be discovered. In addition, the letter reiterated the Tribe's strong preference for avoiding impacts to tribal cultural resources and preservation of those resources in place whenever possible, as well as requesting that no subsurface testing or data recovery be allowed unless the Tribe has been consulted and has given consent to any proposed treatment.

In March 2020, Commission staff sent project information and copies of the cultural survey reports to Chairwoman Perez; however, tribal engagement and consultation activities have been greatly affected by the COVID-19 crisis, as California tribes' full attention is on protecting their vulnerable members and elders, and avoiding outbreaks in their communities.

To be as flexible as possible with consultation, and to ensure meaningful input is not forfeited in the name of project expediency, Commission staff is working with the Applicant and consultant to ensure the cultural considerations raised by the Northern Valley Yokuts Tribe are fully integrated and sensitive resources are protected. To this end, and recognizing that Consultation with Chairwoman Perez is ongoing, **MM CUL-1/TCR-1** and **MM CUL-2/TCR-2** incorporate the requests made in Chairwoman Perez's letter and require that the Cultural Resources Monitoring Plan and Treatment Plan (if needed) be provided to the Tribe for review and input prior to approval and implementation of the plans.

Conclusion

Based upon the Initial Study, the MND, and the comments received in response, there is no substantial evidence that the project will have a significant effect on the environment. (California Code of Regulations, title 14, section 15074, subdivision (b).) A Mitigation Monitoring Program has

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been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit C.

Public Trust and State's Best Interests Analysis:

On January 26, 2012, the Commission authorized termination of a holdover tenancy of Lease No. PRC 5438.1 and authorized issuance of six General Leases – Right-of-Way Use, Lease Nos. PRC 5438.1-A, PRC 5438.1-B, PRC 5438.1-C, PRC 5438.1-D, PRC 5438.1-E, and PRC 5438.1-F in its place ([Item C33, January 26, 2012](#)).

On October 19, 2012, the Commission authorized amendment of the six master leases so that the Base Rent may be established by an appraisal or such other methodology that is in the State's best interests ([Item C55, October 19, 2012](#)). On August 15, 2014, the Commission authorized a revision of rent to each of the six leases ([Item C41, August 15, 2014](#)). The leases will expire on December 31, 2031. The Lessee is now applying to amend Lease No. PRC 5438.1-B for the proposed installation of an HDD pipeline under the San Joaquin River and approval for removal of an existing 12-inch-diameter natural gas pipeline, pursuant to Section 2, paragraph 12 of the lease.

A bathymetric survey was completed in October 2012 where the existing 12-inch-diameter natural gas pipeline identified as L-215 crosses under the San Joaquin River. The results of the survey showed that a portion of the pipeline is exposed above the riverbed. As a result of this exposure, the Lessee is proposing to replace the existing L-215 natural gas pipeline crossing with a new 24-inch-diameter natural gas pipeline identified as L-215-1. This replacement pipeline would be installed at a new location but would connect to the existing pipeline on the upland.

The replacement pipeline will be approximately 7,215 feet in length and located 52 feet below the bottom of San Joaquin River using the HDD construction method for installation. Upon completion of installation and operation of the new pipeline, periodic inspection results, including internal inspections and pressure tests will be required as part of the lease. The project will occur over two phases. The project is required for the Lessee to comply with Federal Pipeline Safety regulations requiring the Lessee to correct potentially hazardous conditions. Upon completion of the pipeline replacement, the existing active pipeline would be deactivated, decommissioned, and removed from the riverbed including removal of the entire pipeline segment from the lease premises. The pipeline removal areas will then be restored.

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The new pipeline will be installed with an entry point located on Prune Avenue and an exit point located on W. Bradbury Road, near Patterson. The equipment staging areas will be located on privately held land requiring temporary construction easements.

Staff reviewed environmental justice data that indicated high pollution burdens to the surrounding communities. These burdens may result in impacts to health such as asthma, low birth weight, and cardiovascular disease. In addition, the same data showed high burdens to drinking water. Furthermore, the data revealed the neighboring communities are disadvantaged. Staff believes that the lease amendment for installation of a new 24-inch-diameter pipeline through the HDD construction method and removal of the exposed 12-inch-diameter pipeline will result in possible future benefits to the nearby communities by removing the exposed pipeline and thereby eliminating potential impacts to the public. As part of an environmental justice outreach effort, staff contacted via letter several environmental justice organizations in Stanislaus county providing notification of the proposed lease amendment. The letter included a brief description of the lease and included the name of a staff person as a point of contact. No comments have been received as a result of the environmental justice outreach.

Staff believes that the proposed lease amendment for the installation of a HDD pipeline and approval for removal of the decommissioned natural gas pipeline in the San Joaquin River will not substantially interfere with the Public Trust needs and values at this location because the installation of the new pipeline is below the bed of the river and will have a minor, if any, impact on the recreational use of the San Joaquin River. Furthermore, removal of the exposed pipeline will eliminate any potential impact to recreational use of the San Joaquin River.

Climate Change:

The Project area is not tidally influenced and, therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. The lease area is submerged land under the San Joaquin River. The leased lands and surrounding land may be vulnerable to these weather events; however, these projected climate change effects are not expected to affect the relocation of the new pipeline and decommissioning of the old pipeline. The projected climate change is also not expected to affect the new pipeline in the future since it would be horizontal directionally drilled more

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than 50 feet beneath the bed of the San Joaquin River avoiding river processes such as scour and erosion.

Conclusion:

For all the reasons above, staff believes this approval of the proposed amendment will not substantially interfere with the public rights to navigation, fishing and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the State's best interests.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the proposed amendment is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as a trustee of the State's Public Trust lands as authorized by law. If the Commission denies the amendment, PG&E will not be authorized to construct a replacement pipeline or abandon-in-place its existing pipeline. Upon expiration or prior termination of a lease, the lessee has no right to a new lease or renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.5 to ensure the highest level of environmental protection and public safety in the production and transportation of oil and gas resources.
3. The Project involves lands identified as possessing significant environmental values within Commission's Significant Lands Inventory, pursuant to Public Resources Code section 6370 et seq. The Project area is in the Significant Lands Inventory as parcel number 50-098-000, which includes the submerged land in the San Joaquin River. The subject lands are classified in use category Class B, which authorizes limited use. Environmental values identified for these lands are mostly biological, including endangered species habitat, migratory path for anadromous fish spawning on tributary streams, riparian habitat for wildlife support, but also scenic/aesthetic and recreational. Based on Commission staff's review of the Significant Lands Inventory and the CEQA analysis provided in the MND, the Project, as proposed, would not significantly affect those lands and is consistent with the use classification.

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APPROVALS REQUIRED:

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
National Marine Fisheries Service
California Department of Fish and Wildlife
California Office of Historic Preservation
Regional Water Quality Control Board, Central Valley
Central Valley Flood Protection Board

EXHIBITS:

- A. Land Description
- B-1. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the MND, CSLC MND No. 800, State Clearinghouse No. 2020040266, was prepared for this project in compliance with the provisions of CEQA, that the Commission has reviewed and considered the information contained therein, and in the comments received in response, and that the MND reflects the Commission's independent judgment and analysis.

Adopt the MND and determine that the project, as approved, will not have a significant effect on the environment.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the approval of the proposed amendment and the proposed removal of a natural gas pipeline will not be materially adverse to public health and safety; or substantially interfere with the public's right to navigation and fishing or with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the State's best interests.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

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AUTHORIZATION:

Authorize amendment of Lease No. PRC 5438.1-B, a General Lease – Right-of-Way Use, of sovereign land located in the San Joaquin River, as described in Exhibit A and shown on Exhibit B-1 (for reference purposes only), attached, and by this reference made a part hereof, effective June 23, 2020; to allow the installation of a horizontal directionally drilled 24-inch-diameter natural gas pipeline and removal of an existing 12-inch-diameter natural gas pipeline in the San Joaquin River, to modify the existing Exhibit A, Land Description, to delete the portion of the land description covering the pipeline to be removed and to add the land description covering the pipeline to be constructed; and to include the attached Exhibit B-1, Site and Location Map, and Exhibit C, Mitigation Monitoring Program; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 5438.1B

LAND DESCRIPTION

All those lands situate in the unincorporated area of the County of Stanislaus, State of California, described as follows:

A strip of tide and submerged land, 50.00 feet wide, in the bed of the San Joaquin River, situate in the County of Stanislaus, State of California, the centerline of said strip being described as follows:

Commencing at a Bathey Bar (t-bar) in monument well tagged L.S. 5443 at the intersection of Prune Avenue with Pepper Avenue marking the most westerly corner of Lot 1313 as said lot is shown on the map entitled "Map of Lots 374, 432, 484, 541, 599, 637 & 639 of Patterson Colony-Sub-Tract No. Two" filed for record July 14, 1913 in Volume 7 of Maps at page 44, in the Office of the County Recorder of Stanislaus County and running thence

(a) south 85°01'50" east 3156.21 feet, more or less,
to a point in the southwesterly boundary line of Lot 1318 as said lot is shown on said map, being the TRUE POINT OF BEGINNING of said line herein being described; thence leaving said southwesterly boundary line

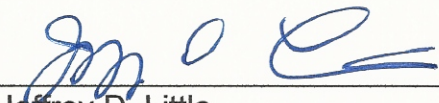
(1) south 89°22'32" east 3254.80 feet, more or less,
to a point in the general southwesterly boundary line of Lot 1 of Section 6, Township 6 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom any portions lying landward of the ordinary high water marks of said San Joaquin River.

The sidelines of said strip shall be lengthened or shortened so as to terminate at said ordinary high water marks of said San Joaquin River.

The bearings and distances used in the above description are on the California Coordinate System of 1983, Zone 3. The bearing of the centerline of Prune Avenue as said avenue is shown on the Record of Survey Map filed June 13, 2012 in Book 33 of Surveys at page 22, in the Office of the County Recorder of Stanislaus County, as established by these observations is north 60°25'38" east. All bearings and distances are grid and U.S. Survey Feet.

END OF DESCRIPTION



Jeffrey D. Little
PLS 6372

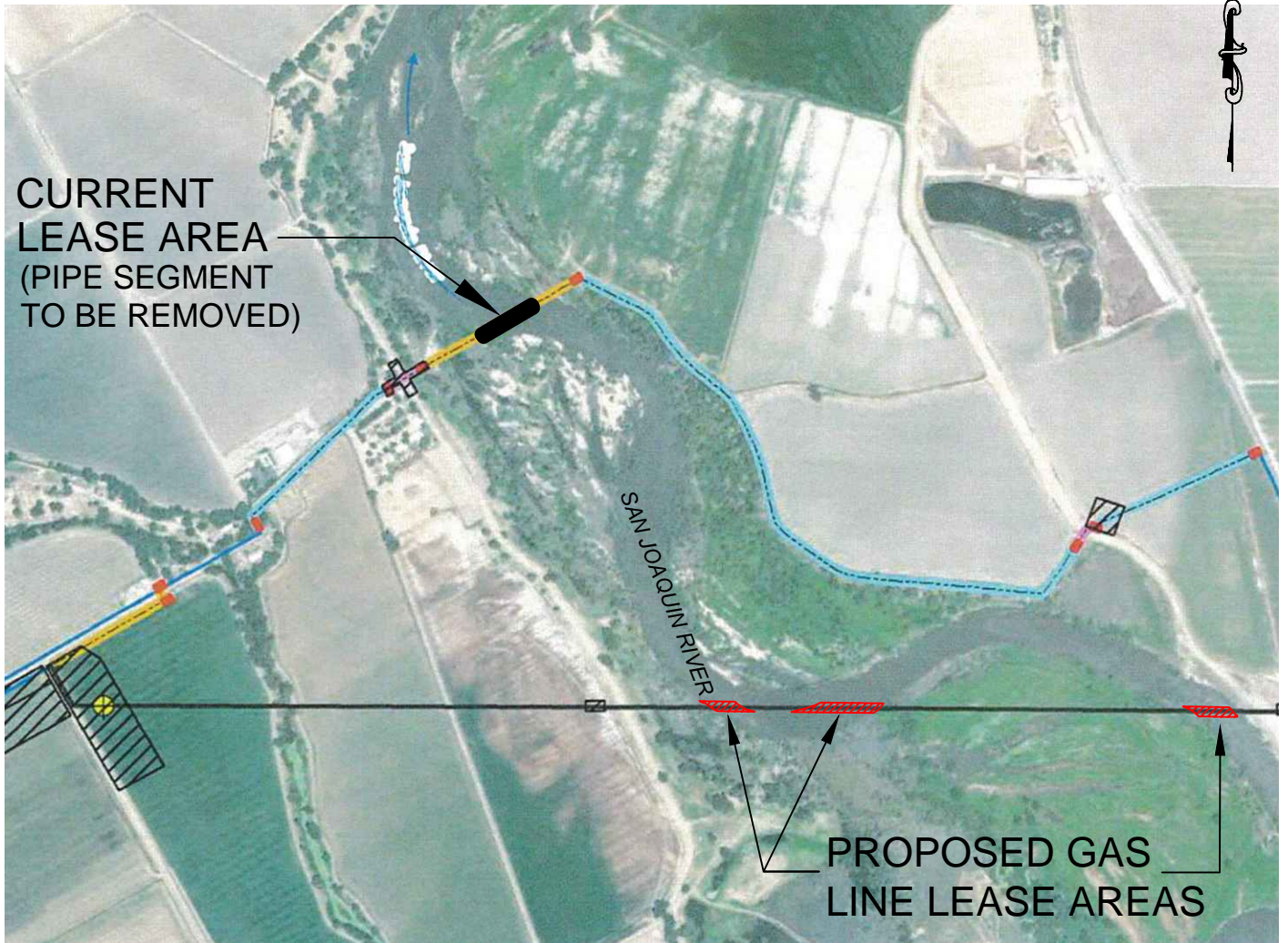
5/18/20

Date



NO SCALE

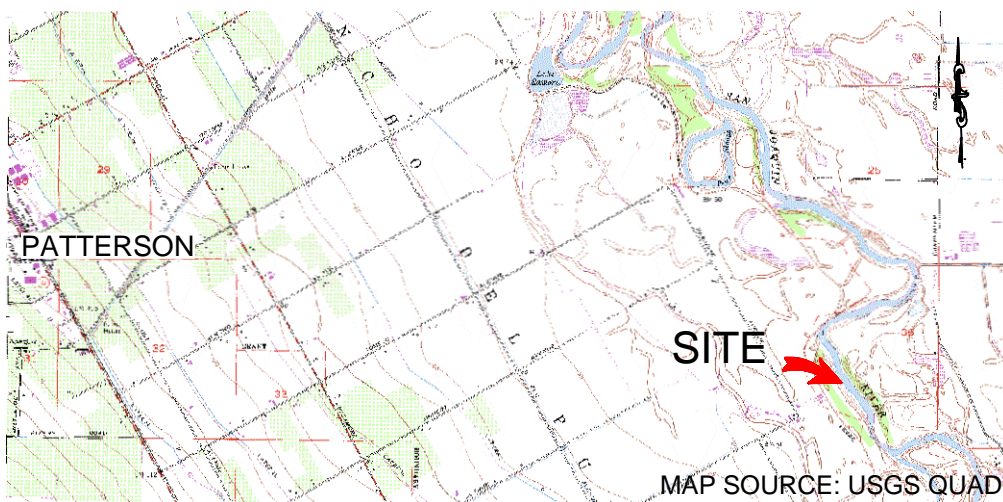
SITE



GAS PIPELINE, NEAR PATTERSON

NO SCALE

LOCATION



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

EXHIBIT B-1

PRC 5438.1B
PACIFIC GAS & ELECTRIC
APN 048-027-006, 058-002-010,
048-031-004, 057-001-002,
048-027-008
GENERAL LEASE -
RIGHT-OF-WAY USE
STANISLAUS COUNTY



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EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
PACIFIC GAS & ELECTRIC COMPANY R-687 L-215 SAN JOAQUIN RIVER
CROSSING REPLACEMENT PROJECT
(State Clearinghouse No. 2020040266)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Pacific Gas & Electric Company R-687 L-215 San Joaquin River Crossing Replacement Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15074, subdivision (d) and 15097.

The Project authorizes Pacific Gas & Electric Company (PG&E or Applicant) to replace a portion of the 12-inch-diameter L-215 pipeline that is exposed above the San Joaquin riverbed near the southeast shoreline. Due to this exposure, PG&E is proposing to replace the existing L-215 pipeline crossing with an extension of the 24-inch-diameter L-215-1 pipeline using horizontal directional drilling (HDD) at a new location to eliminate the risk of further pipeline exposure due to severe flooding, river scour and channel migration that could lead to pipeline failure. The existing L-215 pipeline would then be decommissioned by removing the segment under the riverbed and abandoning other segments in place in accordance with the terms and conditions of its existing CSLC Lease No. PRC 5438.1B.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of an MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CLSC is responsible for enforcing this MMP. The Project Applicant is responsible for the successful implementation of and compliance with the MMs identified in this MMP. The term *Applicant*, in this context, includes all field personnel and contractors working for the Applicant.

MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the

California Department of Fish and Wildlife (CDFW). The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with the CSLC staff, the environmental monitor(s) are responsible for:

- Confirming that the Applicant has obtained all applicable agency reviews and approvals
- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during the deconstruction phase)
- Confirming that the MMP is followed

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to the CSLC staff or its designee. The CSLC staff or its designee shall approve any deviation and recommend its correction.

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. The following actions shall be taken to ensure successful implementation.

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.
- For this Project, MM BIO-1: Worker Environmental Awareness Training shall be implemented, and all personnel would be required to participate.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant, and once the Project is complete, a compilation of all the logs shall be submitted to the CSLC staff. The CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall ensure that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

Public Access to Records. Records and reports are open to the public and would be provided upon request.

MITIGATION MONITORING TABLE

This section presents the mitigation monitoring table for the following environmental disciplines: Aesthetics; Biological Resources; Cultural Resources; Cultural Resources-Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials, Hydrology, and Water Quality; Recreation, and Mandatory Findings of Significance. All other environmental disciplines were found to have less than significant

or no impacts and are therefore not included below. The table lists the following information, by column:

- Potential Impact
- Mitigation [or Applicant-proposed] measure (full text of the measure)
- Location (where impact occurs, and mitigation measure should be applied)
- Monitoring/reporting action (action to be taken by monitor or Lead Agency)
- Effectiveness criteria (how the agency can know if the measure is effective)
- Responsible party
- Timing (before, during, or after construction; during operation, etc.)

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Aesthetics						
Create a new source of substantial light or glare	MM AES-1: Nighttime Illumination Limitations. Project lighting shall be as low an intensity as possible to meet Project needs and safety requirements, be focused on work areas, and equipped with shielding to minimize glare and spillover into adjacent areas.	Phases 1 and 2	Observe nighttime lighting for compliance	Lighting glare minimized	PG&E, contractors	During any nighttime work
Biological Resources						
Special-Status Fish Species	MM BIO-1: Worker Environmental Awareness Training. An environmental training program shall be developed, approved by CSLC staff prior to Project implementation, and presented by a qualified biologist. All contractors and employees involved with the Project shall attend the training. At a minimum, the training shall address special-status species that could occur on the site, their distribution, identification characteristics, sensitivity to human activities, legal protection, penalties for violation of state and federal laws, reporting requirements, and required Project avoidance, minimization, and mitigation measures. A copy of the training sign-in sheets shall be provided to CSLC staff when training has been concluded.	Phase 2	Signatures of trained employees for compliance	All construction workers complete the program, special-status fish avoidance	PG&E, contractors	Prior to and throughout Phase 2 Project activities
Special-Status Fish Species	MM BIO-2: In-River Work Period Restrictions. Pipeline removal activities in surface water or on the banks of the San Joaquin River shall be conducted during the period when migratory fish are less likely to be present (July 1 to September 30). This work	Phase 2	Observe in-river work, complete observation reports	Compliance with work period restrictions, special-status fish avoidance	PG&E, contractors	Prior to and throughout Phase 2 in-river work

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	period shall be modified as required following consultation between the ACOE and NMFS conducted as part of Project permitting. In-river pipeline removal shall be prioritized for occurrence in the earlier part of the work period, and if feasible, completed prior to September 15.					
Special-Status Species and Habitats	MM BIO-3: Biological Monitoring. A qualified biological monitor, approved by CSLC staff, shall survey the onshore work area for sensitive species or other wildlife that may be present no more than 24 hours prior to the commencement of Project activities. In addition, the biological monitor shall monitor Project activities within surface water and riparian habitats, and other activities that have the potential to impact special-status species on a daily basis before Project activity begins. If at any time during Project decommissioning any special-status wildlife species are observed within the Project area, work around the animal's immediate area shall be stopped or work shall be redirected to an area within the Project site that would not impact these species until the animal is relocated by a qualified biologist. Listed species would be allowed to leave on its own volition, unless coordination with USFWS and/or CDFW provide authorization for relocation by qualified biologists with appropriate handling permits. Work would resume once the animal is clear of the work area. In the unlikely event a special-status species is injured or killed by Project-related activities, the biological monitor would stop work and notify CSLC and consult with the appropriate agencies to	Phase 2	Observation reports	Special-status species avoidance	PG&E, contractors	Prior to the start and throughout Phase 2 work within the river floodplain

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	resolve the impact prior to re-starting work in the area.					
Special-Status Fish and Aquatic Species and Habitats	MM BIO-4: Turbidity Monitoring Plan. A Turbidity Monitoring Plan shall be developed and submitted to CSLC staff 30 days prior to in-water work. The plan shall be implemented during all in-river work to ensure that turbidity levels upstream and downstream of the Project site do not exceed Basin Plan water quality objectives. The Plan shall include methods to reduce turbidity during in-river pipeline removal and removal of pipeline from the riverbanks, if determined to be necessary by turbidity monitoring results. These methods could include the application of materials such as silt fences and straw waddles to control erosion and sediment release or in-water silt curtains. The Applicant or its contractor shall send weekly electronic copies of the turbidity monitoring results for review by CSLC during in-river Project activities.	Phase 2	Submit plan to CSLC for review and approval at least 30 days prior to in-river work, and weekly monitoring results.	Special-status fish and aquatic species avoidance	PG&E, contractors	Prior to the start of and throughout in-river work
Western Pond Turtle	MM BIO-5: Western Pond Turtle Avoidance. A qualified biologist shall conduct a pre-construction survey for western pond turtle within 24 hours prior to any ground disturbance within the River floodplain (between the ACOE levees). If western pond turtle is observed, barrier fencing shall be constructed around the affected work areas to preclude the species. Should western pond turtle be found within the work areas, a qualified biologist in consultation with CDFW shall relocate the species outside of work area barriers.	Phase 2	Submit pre-construction survey report to CSLC prior to ground disturbance, observation reports	Barrier fencing in place if needed, turtles relocated as needed, no western pond turtle mortality	PG&E, contractors	Prior to the start and throughout Phase 2 work within the river floodplain

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Burrowing Owl	MM BIO-6: Burrowing Owl Avoidance. A qualified biologist with demonstrable experience surveying and monitoring active burrowing owl burrows shall conduct focused burrowing owl surveys no more than 72 hours prior to any ground disturbance within the Project area. If burrowing owls are found at the Project site, a qualified biologist shall establish an exclusion zone of 160 feet during the non-nesting season and 250 feet during the nesting season. If exclusion zones would preclude Project implementation, an experienced burrowing owl biologist in consultation with CDFW shall develop and implement a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.	Phases 1 and 2	Submit pre-construction survey report to CSLC prior to ground disturbance, submit site-specific plan to CSLC for review if needed, observation reports	Compliance with buffers and site-specific plan	PG&E, contractors	Prior to the start and throughout Project activities
Swainson's Hawk and White-tailed Kite	MM BIO-7: Swainson's Hawk and White-tailed Kite Avoidance. A qualified biologist shall conduct a pre-construction nest survey for Swainson's hawk and white-tailed kite no more than 72 hours prior to any ground disturbance. If a Swainson's hawk nest or white-tailed kite nest is found within 0.25 mile of any work areas, a qualified biologist shall evaluate the adverse effects of the planned activity in consultation with CDFW. If the biologist determines that the activity would disrupt nesting, a buffer between the activity and the nest shall be established and limited operation period (reduced level of	Phases 1 and 2	Submit pre-construction survey report to CSLC prior to ground disturbance, submit proposed buffers to CSLC for review if needed, observation reports	Compliance with buffers	PG&E, contractors	Prior to the start and throughout Project activities

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	disturbance) during the nesting season (March 15 to June 30) shall be implemented. If work cannot be postponed, the active nest shall be monitored by a qualified biologist to establish a smaller buffer if warranted and approved by CDFW.					
Breeding and Migratory Birds	MM BIO-8: Breeding Bird Avoidance. Should Project activities occur during the breeding season (March 1 through August 1), a qualified biologist shall conduct breeding bird surveys to identify active nests. A buffer shall be established between the active nest and work activities in coordination with CDFW. Work within the established buffer shall be avoided. If work cannot be postponed, the active nest shall be monitored by a qualified biologist to establish a smaller buffer if warranted and approved by CDFW.	Phases 1 and 2	Submit breeding bird survey report to CSLC for work during the breeding season, submit proposed buffers to CSLC for review if needed, observation reports	Avoid breeding season if feasible, compliance with buffers	PG&E, contractors	Prior to the start and throughout Project activities
Wetlands and Riparian Habitat	MM BIO-9: Wetlands and Riparian Habitat Restoration. A Riparian Site Restoration Plan developed in coordination with the ACOE and CDFW shall be implemented to replace wetland and riparian habitat removed by the Project. A copy of the plan shall be submitted to CSLC staff 30 days prior to Phase 2 Project implementation. The Applicant shall also obtain and comply with all necessary permits for impacts to jurisdictional aquatic resources from the ACOE, RWQCB, and CDFW prior to Phase 2 Project implementation. Compensatory mitigation must be consistent with the regulatory agency standards pertaining to mitigation type, location, and ratios. After decommissioning and pipeline removal activities are completed, all disturbed areas shall be seeded or	Phase 2	Submit Site Restoration Plan to CSLC for review and approval at least 14 days prior to work in the river floodplain, observation reports	Restoration of disturbed wetlands and riparian habitats	PG&E, contractors	Prior to the start and throughout Phase 2 work within the river floodplain

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	hydroseeded with a seed mix appropriate for the area.					
	Implement MM HYDRO-1: Stormwater Pollution Prevention Plan (SWPPP) (see below)					
Cultural and Tribal Resources						
Nearby Cultural Resource Site	MM CUL-1/TCR-1: Cultural Resource Monitoring. Prior to Phase 1 ground-disturbing activities, including any ground disturbance (including equipment setup and materials staging) of the West HDD Work Area and West HDD Staging Area, the Applicant shall prepare a Cultural Resources Monitoring Plan and submit it to the Northern Valley Yokuts Tribe and CSLC staff for review, input, and concurrence. The Plan shall include, but not be limited to the following measures: <ul style="list-style-type: none">• The Applicant shall retain a qualified archeologist and a representative of a California Native American tribe that is culturally affiliated to the Project site to monitor all ground disturbing activities (including setup of equipment) at the West HDD Work Area and any excavation within the West HDD Staging Area.• The Applicant shall provide a minimum 5-day notice to the archeologist and tribal monitor prior to all activities requiring monitoring.• The Applicant shall provide the archeologist and tribal monitor safe and reasonable access to the Project site.• Guidance on identification of potential cultural resources that may be encountered.	Phase 1	Submit qualifications of the archeologist and name of tribal monitor to CSLC at least 14 days prior to the start of ground disturbance, observation reports, signatures of trained employees for compliance	All construction workers complete the program, cultural resources avoidance	PG&E, contractors, CSLC	Prior to and throughout Phase 1 activities

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	The archeologist and Native American representative shall provide Phase 1 construction personnel with an orientation on the requirements of the Plan, including the probability of exposing cultural resources, guidance on recognizing such resources, and direction on procedures if a find is encountered.					
Unknown Cultural or Tribal Resources	MM CUL-2/TCR-2: Discovery of Previously Unknown Cultural or Tribal Resources. In the event that potential cultural or tribal resources are uncovered during Project implementation, all earth-disturbing work within 100 feet of the find shall be temporarily suspended or redirected until an approved archaeologist and tribal monitor, if retained, has evaluated the nature and significance of the discovery. In the event that a potentially significant cultural or tribal cultural resource is discovered, PG&E, CSLC and any local, state, or federal agency with approval or permitting authority over the Project that has requested/required notification shall be notified within 48 hours. The location of any such finds must be kept confidential and measures shall be taken to secure the area from site disturbance and potential vandalism. Impacts to previously unknown significant cultural or tribal cultural resources shall be avoided through preservation in place if feasible. Damaging effects to tribal cultural resources shall be avoided or minimized following the measures identified in Public Resources Code section 21084.3, subdivision (b), if feasible, unless other measures are mutually agreed to by the lead	Phases 1 and 2	Qualified archeologist and tribal monitor to evaluate the find, report to CSLC, prepare and submit treatment plan to CSLC if needed	Avoidance of disturbance of any found cultural resources	PG&E, contractors, CSLC	Prior to and throughout Project activities

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>archaeologist and culturally affiliated tribal monitor that would be as or more effective.</p> <p>A treatment plan, if needed to address a find, shall be developed by the archaeologist and, for tribal cultural resources, the culturally affiliated tribal monitor, and submitted to the Northern Valley Yokuts Tribe and CSLC staff for review, input, and concurrence prior to implementation of the plan. If the archaeologist or Tribe determines that damaging effects on the cultural or tribal cultural resource shall be avoided or minimized, then work in the area may resume.</p> <p>Title to all archaeological sites, historic or cultural resources, and tribal cultural resources on or in the tide and submerged lands of California is vested in the state and under CSLC jurisdiction. The final disposition of archaeological, historical, and tribal cultural resources recovered on State lands under CSLC jurisdiction must be approved by the CSLC.</p>					
Unanticipated Discovery of Human Remains	<p>MM CUL-3/TCR-3: Unanticipated Discovery of Human Remains. If human remains are encountered, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery, and both an archaeologist and CSLC staff must be contacted within 24 hours. The archaeologist shall consult with the County Coroner. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this</p>	Phases 1 and 2	Notification of County Coroner and NAHC as required, copy to CSLC	Avoidance of disturbance of any found human remains	PG&E, contractors, CSLC	Prior to and throughout Project activities

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	determination, and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented.					
Geology, Soils, and Paleontological Resources						
Temporary Loss of Topsoil/Erosion	Implement MM BIO-9: Wetland and Riparian Habitat Restoration (see above) Implement MM HYDRO-1: Stormwater Pollution Prevention Plan (SWPPP) (see below)					
Hazards and Hazardous Materials						
Project Planning	APM-1: Project Work and Safety Plan. A Project Work and Safety Plan (PWSP) for Phases 1 and 2 shall be submitted to CSLC staff and all other pertinent agencies for review and approval at least 30 days prior to the implementation of each Project Phase. The PWSP will include the following information (at a minimum): <ul style="list-style-type: none">• Contact information• Hazardous Spill Response and Contingency Plan• Emergency action plan• Summary of the Project Execution Plan• Project management plan• Site safety plan. Will include measures for proper handling of hazardous materials including, but not limited to soils containing residual pesticides.• Permit condition compliance matrix	Phases 1 and 2	CSLC Review and approval of PWSP 30 days prior to work activities	Avoidance of potential impacts	PG&E, contractors	Phase 1 and Phase 2
Drilling Fluid Migration	APM-2: Inadvertent Release Contingency Plan. An Inadvertent Contingency Plan shall be implemented to detect and address any inadvertent drilling fluid migration outside of the HDD drill hole, including potential drilling fluid migration into the River. At least 30 days	Phase 1	Submit Plan 30 days prior to Phase 1. Monitoring	Mitigation of Drilling Fluid Migration (if occurs)	PG&E, HDD Drilling Contractor	Prior to Phase 1

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	prior to Phase 1 implementation, PG&E will submit a Final Plan to CSLC staff for review and approval.		during HDD activities			
Utility Disturbance	APM-3: Utility Location Survey. The Applicant or their contractor shall conduct an 811 Utility Location Survey of all planned areas of excavation. Affected local utility companies shall be notified through this process and utility locators shall identify and mark the approximate location of buried lines with flags or paint. Marked utility locations shall be avoided.	Phases 1 and 2	Documentation of 811 Utility Survey	Avoidance of Utilities	PG&E, contractors	Prior to Phases 1 and 2
Existing Pipeline/Utility Disturbance (Riverbed)	APM-4: Pre- and Post-Project Geophysical Debris Survey. The Applicant or its contractor shall conduct pre- and post-Project Geophysical Debris Surveys of the riverbed using a vessel equipped with a multi-beam sonar system. The pre-Project survey, with previously collected data, shall serve to fully identify pre-Project bottom contours, debris, and any exposed utilities, and a copy of the survey shall be submitted to CSLC staff for review 30 days prior to Project implementation. The post-Project survey results shall be submitted to CSLC staff 30 days after Project completion.	30 days prior to Project implementation and 30 days after Project completion	Geophysical Debris Survey Results	Avoidance of Pipelines and Utilities and debris	PG&E, contractors	Prior to Phase 1 and after Phase 2 completion

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Asbestos Exposure	MM HAZ-1: Asbestos Handling Procedures. Construction personnel shall be informed of the potential presence of asbestos-containing material (ACM) at the Project site prior to their assignment. After exposing the existing pipeline for removal and prior to the start of cutting and tie-in activities, a certified asbestos inspector / consultant shall test whether the coating consists of ACM greater than 1 percent by weight. If testing reveals the coating contains ACM less than 1 percent by weight, the pipeline segment shall be treated as normal construction waste and no additional measures are required. If testing reveals the coating contains ACM greater than 1 percent by weight, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of SJVAPCD Rule 4002 and in accordance with applicable worker safety regulations. All ACM removed from the pipeline segment shall be labeled, transported, and disposed of at a verified and approved ACM disposal facility.	Phase 2	Asbestos pipeline coating test report to be submitted to CSLC, with abatement plan if required	Proper containment of ACM	PG&E, contractors	During all pipeline removal and tie-in activities
Hydrology and Water Quality						
Stormwater Pollution	MM HYDRO-1: Stormwater Pollution Prevention Plan (SWPPP). The Applicant shall develop and implement a SWPPP consistent with the Statewide NPDES Construction General Permit (Order No. 2012-0006-DWQ). At a minimum, the SWPPP shall include measures for: <ul style="list-style-type: none"> • Maintaining adequate soil moisture to prevent excessive fugitive dust emissions, 	Phases 1 and 2	Submittal of the SWPPP to CSLC, observation reports	Minimize erosion, siltation and turbidity	PG&E, contractors	During all Project activities

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>preservation of existing vegetation, and effective soil cover (e.g., geotextiles, straw mulch, hydroseeding) for inactive areas and finished slopes to prevent sediments from being dislodged by wind, rain, or flowing water.</p> <ul style="list-style-type: none"> • Installing fiber rolls and sediment basins to capture and remove particles that have already been dislodged. • Establishing good housekeeping measures such as construction vehicle storage and maintenance, handling procedures for hazardous materials, and waste management BMPs, including procedural and structural measures to prevent the release of wastes and materials used at the site. <p>The SWPPP shall also detail spill prevention and control measures to identify the proper storage and handling techniques of fuels and lubricants, and the procedures to follow in the event of a spill. The SWPPP shall be provided to CSLC staff for review a minimum of 30 days prior to Project implementation.</p>					
Recreation						
Recreational Boaters	<p>MM REC-1. Local In-Water Construction Notice. Prior to in-water activity, PG&E or its designated contractor shall post information on Project locations, times, and other details of activities that may pose hazards to recreational boaters. At all times while construction activities are taking place in the San Joaquin River, warning signs and buoys shall be installed upstream and downstream of the construction site to provide notice to the</p>	Phase 2	Documentation of compliance	Minimize impacts to recreational boaters	PG&E, contractors	During all in-River work

Potential Impact	Mitigation Measure (MM)	Phase	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	public that construction activities are taking place and to exercise caution.					