

# Staff Report 53

## **APPLICANT:**

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Pacific Gas and Electric Company

## **PROPOSED ACTION:**

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Adoption of a Mitigated Negative Declaration, a Mitigation Monitoring Program, and an Amendment of Lease

## **AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Latham Slough, Middle River, and Old River, near Stockton, San Joaquin and Contra Costa counties.

## **AUTHORIZED USE:**

The continued use and maintenance of 28 existing transportation, distribution, and gathering pipelines to transport natural gas.

## **TERM:**

20 years, beginning January 1, 2012.

## **CONSIDERATION:**

\$19,711 per year, with an annual Consumer Price Index adjustment as provided for in the lease.

## **PROPOSED AMENDMENT:**

Decommission segments of a steel 14-inch-diameter natural gas transmission pipeline, number L-057A, by removal and, in-part, abandonment in place; and amend rent to reflect removed portions of pipeline.

## BACKGROUND:

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The Applicant retired a natural gas transmission pipeline, L-057A (Pipeline), that passes through portions of the Sacramento-San Joaquin River Delta. The Pipeline was installed in 1949 by Standard Oil of California to connect the McDonald Island gas field to Brentwood. This Pipeline was acquired by the Applicant in 1957 and replaced and retired in 1993. The focus of this project is sections of the Pipeline consisting of the Latham Slough crossing between McDonald Island and Mildred Island; the Mildred Island terrestrial segment; the Middle River crossing between Mildred Island and Bacon Island; and the Old River crossing between Bacon Island and Palm Tract.

In 1983, a breach occurred in the southern portion of the Mildred Island levee. The island was inundated and remains so, today. The breach washed out approximately 600 feet of the southern levee, exposing a portion of the Pipeline that was buried in the toe of the landside slope of the levee. Because this terrestrial portion of the Pipeline was never intended to be submerged, it was not weight-coated, and approximately 1,500 feet of the Pipeline floated to the surface inside Mildred Island. The Applicant ballasted the floating pipe with concrete blocks and anchored it with helical screw anchors to the inundated surface of Mildred Island.

On January 26, 2012, the Commission authorized issuance of six General Leases – Right-of-Way Use, Lease Numbers 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 33, January 26, 2012](#)). Lease 5438.1-E encompasses the four pipeline segments that are part of the Applicant's proposed Project.

In October 2019, approximately 900 additional feet of the Pipeline broke loose from its anchors through the breached levee area and floated to the surface, effectively blocking the waterway which now exists between Empire Cut and the inundated Mildred Island interior. The Applicant installed navigation safety aids on the floating Pipeline and immediately began preparations to re-ballast and sink the floating Pipeline back down to the floor of the inundated island as an emergency activity. This re-ballasting was successfully completed in December 2019 by flooding the contiguous Pipeline between McDonald Island and Bacon Island with freshwater.

The Applicant is now seeking the decommissioning of four pipeline segments and amendment of Lease Number PRC 5438.1-E removing those portions from the master lease. The portions of the pipelines that cannot be removed for health and safety reasons will remain as part of the lease.

## PROJECT DESCRIPTION:

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The project consists of decommissioning four Pipeline segments of line number L-057A. Three Pipeline segments are on State land crossing Latham Slough, Middle River, and Old River, and one Pipeline segment is on Mildred Island not under Commission jurisdiction. Decommissioning consists of removal of portions of the line segments as well as abandonment in place of segments buried within levies where removal could impact the stability of the protective structure.

The Latham Slough segment includes a 712-foot section of 14-inch-diameter Pipeline extending from its termination near the crown of the levee on the waterside slope of the McDonald Island west levee, down the waterside slope and underneath Latham Slough, and up and over the Mildred Island east levee. The portion of this Pipeline segment that crosses Latham Slough ranges in burial depth between exposure and approximately 4 feet of cover. It then connects to the 18-inch-diameter Pipeline segment anchored to Mildred Island which is to be removed.

The Middle River segment includes a 551-foot run of 14-inch-diameter Pipeline that extends from the Mildred Island west levee, up and over the levee, underneath Middle River, and up the waterside slope of the Bacon Island east levee to its termination near the crown of the levee. The east and west landing portions (waterside slopes) of this Pipeline segment were found to be buried beneath approximately 5 to 12 feet of cover. The mid-river crossing portion was found to be buried beneath approximately 2 to 4 feet of cover.

The Old River segment includes a 1,205-foot run of 14-inch-diameter Pipeline extending from near the crown of the levee on the waterside slope of the Palm Tract east levee, underneath Old River, up and over the Bacon Island west levee, to a point inside Bacon Island where it will be terminated. Pipeline burial depth through the waterside slopes of this crossing range between approximately 2 to 5 feet of cover, and the burial depths through the channel portion of the crossing range between 2 to 4 feet of cover.

The Applicant plans to abandon in place, by filling with cement slurry, the segments of Pipeline landing underneath the waterside slopes of the McDonald Island levee (79 feet of pipe), the Bacon Island levee (48 feet of pipe), and the Palm Tract levee (49 feet of pipe), and decommission them in-place to avoid unnecessary disturbance to the levee. The Pipeline segments crossing Latham Slough, Middle River, and Old River will be removed in their entirety.

The submerged and buried Pipeline on the southern levee of Mildred Island is approximately 8,310 feet long and will be removed across the crown of the levee

and down the landside slope to the landside toe. From the landside toe, the buried terrestrial Pipeline will be filled with cement slurry. The recovered Pipelines will be shipped offsite for appropriate recycling or approved disposal.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

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

### **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 (Cal. Code Regs., tit. 14 (State CEQA Guidelines), § 15063). The Initial Study identified several potentially significant impacts to Aesthetics, Agricultural and Forestry Resources, Biological Resources, Cultural Resources, Cultural Resources-Tribal, Hazards and Hazardous Materials, Hydrology and Water Quality, and Recreation; however, 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 section 15025, staff prepared a MND identified as CSLC MND No. 805, State Clearinghouse No. 2021050121. The Proposed MND and Initial Study were circulated for a 30-day public review period from May 6, 2021, to June 7, 2021, and staff received four comment letters; three of the letters were submitted from state agencies and one from a local agency. The primary issues raised by commenters related to regulatory requirements and water quality.

Comments received and staff’s responses are summarized in Exhibit D. As shown in Exhibit D, in response to the comments by the Central Valley Flood Control Board and Central Valley Regional Water Quality Control Board, Commission staff revised the MND by including additional text in Table 1.1 and Section 2.4. 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 State CEQA Guidelines section 15073.5, subdivision (c).

**TRIBAL COORDINATION AND 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, regardless of 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, CSLC staff sent a request to the NAHC, and on December 14, 2020, the NAHC provided a list of 21 tribal contacts from the following 15 tribes:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Buena Vista Rancheria of Me-Wuk Indians
- California Valley Miwok Tribe AKA Sheep Rancheria of Me-Wuk Indians of CA
- California Valley Miwok Tribe
- Chicken Ranch Rancheria of Me-Wuk Indians
- Guidiville Indian Rancheria
- Indian Canyon Mutsun Band of Costanoan
- Lone Band of Miwok Indians
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- Nashville Enterprise Miwok-Maidu-Nishinam Tribe
- North Valley Yokuts Tribe
- The Ohlone Indian Tribe
- Tule River Indian Tribe
- Wilton Rancheria
- The Confederated Villages of Lisjan

The NAHC's reply also stated that no records were identified in the Sacred Lands File search for the Project area.

On December 20, 2020, Commission staff provided CEQA notice of the Project to all individuals on the NAHC list. In addition to CEQA notice letters, staff sent out a notification of consultation opportunity to the United Auburn Indian Community of the Auburn Rancheria (UAIC) who had previously requested to be notified of

Commission projects under AB 52. UAIC responded in an e-mail on January 21, 2021, declining the opportunity to consult on the Project.

One response was received from the CEQA outreach letters. The Wilton Rancheria contacted the Commission Tribal Liaison on January 25, 2021, requesting a site visit; efforts to schedule such a visit are ongoing.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

On January 26, 2012, the Commission authorized termination of a holdover tenancy of Lease Number PRC 5438.1 and authorized issuance of six General Leases – Right-of-Way Use, Lease Numbers 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 33, January 26, 2012](#)).

On October 19, 2012, the Commission authorized an amendment of the six master leases so that the Base Rent could be established by an appraisal or such other methodology as was in the State's best interests ([Item 55, October 19, 2012](#)). On August 15, 2014, the Commission authorized a revision of rent to each of the six leases ([Item 41, August 15, 2014](#)). The leases will expire on December 31, 2031. The Lessee is now applying to amend Lease Number PRC 5438.1-E for the removal or decommissioning of three existing 14-inch-diameter Pipeline segments, pursuant to the lease. The Applicant also seeks to remove approximately 8,000 linear feet of an 18-inch-diameter Pipeline segment on Mildred Island not under the Commission's jurisdiction.

Section 2, paragraph 12 of the lease allows the Commission to approve the abandonment in place of pipeline portions where evidence supports that abandonment of a pipeline would not be materially adverse to public health and safety, and/or the Public Trust for commerce, navigation, and fisheries; and relief of the Lessee's obligation to pay rent for those improvements taken out of operation. Although the term "abandonment" is used, the Commission is not relieving the Lessee of responsibility for the infrastructure on sovereign land. The decommissioned improvements that remain in place continue to be a part of the Lease and the Lessee has ongoing obligations to inspect the pipelines once every 5 years to ensure they are in a safe condition. The Lessee may be required to remove the pipeline segments if they become adverse to public health and safety or the environment. The Lessee also continues to provide insurance and indemnity coverage to the State for these improvements.

The lessee proposes abandonment in place of a total of approximately 176 feet of 14-inch pipeline in order to minimize unnecessary disturbance to the levees and lessen their integrity. Although the Project site is located within a flood hazard area, pipeline segments to be abandoned in place are to be buried with a minimum of 5

feet of cover and would not impede or redirect flood flows. Of agencies commenting on the Project, including the Central Valley Flood Control Board and the Delta Protection Council, none expressed concern regarding the proposal to abandon pipes in place, but rather, commented on the “project being critical and long overdue.” Staff believe the future inspection requirements placed on Applicant and the obligation to remove the pipelines if they affect human health and safety are sufficient protections that, along with ensuring levy stability, outweigh the potential effects of requiring full removal of those pipelines within the footprint of the levies.

The lease includes provisions requiring the Lessee to inspect, repair, insure, and indemnify the State for those facilities decommissioned-in-place on sovereign land. In addition, staff believes that removal of Pipeline segments on sovereign land avoids impacts to Public Trust uses for recreation and navigation. Additionally, decommissioning-in-place of segments on sovereign land that are contiguous to flood control levees avoids impacting the integrity of the levees and does not substantially interfere with the Public Trust needs and values at this location because the portion of the Pipeline that is buried will have a negligible, if any, impact on Public Trust uses of Latham Slough, Middle River, and Old River.

Staff recommends annual rent be reduced from \$~~19,711 44,948~~ to \$~~18,112~~~~43,349~~, beginning on the first anniversary of the lease following verification of the removal of the submerged sections of pipeline L57A, crossing Old River, Latham Slough, and Middle River and completion of the filling of the abandoned pipelines with cement slurry.

### **CLIMATE CHANGE:**

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The Pipeline segments are located on and in the San Joaquin River, in tidally influenced sites vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the region as listed in Table 1.

**Table 1. Projected Sea Level Rise for San Francisco**

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 Update

Note: Projections are with respect to a 1991 to 2009 baseline.

This effect could increase the river's inundation levels within the lease area. In addition, 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, fire, drought, extreme heat, and storms (especially when coupled with sea level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events. In addition, 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, fire, drought, extreme heat, and storms (especially when coupled with sea level rise).

The combination of these projected conditions could have the potential for more frequent and stronger storm events that may expose the lease area to higher flood risks and cause structures to be damaged or dislodged, presenting hazards to public safety, as well as dangers for navigation. Conversely, prolonged drought conditions could lower water levels exposing previously submerged structures to the elements.

According to the applicant, portions of an existing pipeline would be removed from below the bed and banks of the San Joaquin River, and upland portions would be abandoned in place at depth. Therefore, no facilities would remain within the lease areas to be affected by the flooding or drought conditions that could occur given future projected scenarios of sea level rise.



**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 (State CEQA Guidelines, § 15074, sub. (b)). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit C.

The lease includes provisions requiring the Lessee to inspect, repair, insure, and indemnify the State for those facilities decommissioned-in-place. In addition, staff believes that the use does not substantially interfere with the Public Trust needs and values at this location because the portion of the Pipeline that is buried will have a negligible, if any, impact on recreational, navigational, and fishing uses on sovereign land, and the portion of the Pipeline that is exposed will be removed and eliminate impacts on recreational, navigational, and fishing uses of sovereign land.

For all the reasons above, staff believes that an amendment of lease for pipeline removal and decommissioning-in-place will not result in a change in the use of, or impacts to, Public Trust resources and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application to amend the lease for removal and abandon-in-place 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 application, Applicant will not be authorized to remove or decommission-in-place its existing pipelines. 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 the "Meeting Evolving Public Trust Needs" and "Partnering with Sovereign Tribal Governments and Communities" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
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 numbers 39-089-100 and 39-093-100, which include 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, and 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.

## **APPROVALS REQUIRED:**

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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:**

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- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Comments and Responses on the Mitigated Negative Declaration

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that the MND, CSLC MND No. 805, State Clearinghouse No. 2021050121 (June 2021), was prepared for this Project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein, and in the comments received in response thereto, 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 an amendment for removal and abandonment-in-place 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.

**AUTHORIZATION:**

1. Authorize an amendment of Lease Number PRC 5438.1-E, a General Lease – Right-of-Way Use, for conditional modification of rent, removal of certain segments, and decommissioning-in-place of three segments of a 14-inch-diameter pipeline as described in Exhibits A and shown on Exhibit B (for reference purposes only), attached, and by this reference made a part hereof, **and provide acknowledgement related to the abandon in place term**, all other terms and conditions of the lease will remain in effect.
2. Reduce annual rent from ~~\$44,948~~**19,711** to ~~\$43,349~~**18,112** for the removed pipeline segments beginning on the first anniversary of the lease following verification by staff of the pipeline's removal and abandonment.
3. ~~Add language to amend the lease to provide the acknowledgement related to abandon in place language.~~

## **EXHIBIT A**

**LEASE 5438-E**

### **LAND DESCRIPTION**

#### **PARCEL 1** - Old River Crossing (Previously EXHIBIT A-2)

A strip of tide and submerged land 50 feet in width lying in the bed of Old River in Counties of Contra Costa and San Joaquin, State of California, said strip lying 25 feet on each side of the following described centerline:

BEGINNING at a point on Bacon Island which bears N 71° 08' 35" W, 12864.60 feet and N 82° 23" W, 130.00 feet from U.S.C. & G.S. Triangulation Station "Bacon-1931" said station having California Coordinate System, Zone III, coordinates X = 1703500.35 feet and Y = 531950.58 feet; thence from said point N 82° 33' W 700.00 feet to Palm Tract and the TERMINUS of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of the Old River.

#### **PARCEL 2** – Middle River Crossing (Previously EXHIBIT A-11)

A strip of tide and submerged land 50 feet in width lying in the bed of Middle River in San Joaquin County, State of California, said strip lying 25 feet on each side of the following described centerline:

BEGINNING at a point on Bacon Island that bears N 24° 16' W, 6552.20 feet from U.S.C. & G.S. Triangulation Station "Bacon-1931", said station having California Coordinate System, Zone III, coordinates X = 1703500.35 feet and Y = 531950.58 feet; thence from said point S 78° 44' E, 580.00 feet to Mildred Island and the TERMINUS of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of the Middle River.

**PARCEL 3** - Latham Slough Crossing (Previously EXHIBIT A-12)

A strip of tide and submerged land 50 feet in width lying in the bed of Latham Slough in San Joaquin County, State of California, said strip lying 25 feet on each side of the following described centerline:

COMMENCING at U.S.C. & G.S. Triangulation Station "Bacon-1931", said station having California Coordinate System, Zone III, coordinates  $X = 1703500.35$  feet and  $Y = 531950.58$  feet; thence  $N 37^{\circ} 46' E$ , 8626.50 feet; thence  $S 61^{\circ} 57' 30'' W$ , 70.60 feet to the POINT OF BEGINNING; thence  $S 61^{\circ} 57' 30'' W$ , 868.00 feet to the Mildred Island and the TERMINUS of the herein described centerline.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water marks of the Latham Slough.

**END OF DESCRIPTION**

Original description prepared by Frank T. Carey LLB on March, 1978 as found in PRC 5438.1-E (W 21563) file.

Revised 08/12/2021 by the California State Lands Commission Boundary Unit.



## SITE



## LOCATION



## Exhibit B

A map of California with county boundaries. A red arrow points to a location in the Central Valley, labeled "SITE".

TS 08/12/2021

**EXHIBIT C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM - PACIFIC GAS & ELECTRIC COMPANY**  
**LINE 057A-1 McDONALD ISLAND TO PALM TRACT PIPELINE**  
**DECOMMISSIONING PROJECT**  
(State Clearinghouse No. 2021050121)

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The California State Lands Commission (Commission or CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Pacific Gas & Electric Company Line 057A-1 McDonald Island to Palm Tract Pipeline Decommissioning 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<sup>1</sup>, sections 15074, subdivision (d) and 15097.

The Project authorizes Pacific Gas & Electric Company (PG&E or Applicant) to decommission and remove four segments of the previously retired L-057A-1 natural gas pipeline at the Latham Slough, Mildred Island, Middle River, and Old River crossings in accordance with the terms and conditions of its existing CSLC Lease No. PRC 5438.1-A.

## **PURPOSE**

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a 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 Commission 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. This includes all field personnel and contractors working for the Applicant.

## **MONITORING**

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

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<sup>1</sup> As used throughout this document, "State CEQA Guidelines" refers to the California Code of Regulations, title 14.

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:

- Ensuring 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)
- Ensuring that the MMP is followed

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to the Commission staff or its designee. The Commission staff or its designee shall approve any deviation and 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, a Worker Environmental Awareness Training (under MM BIO-2) 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 Commission staff. The Commission 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 resource areas: Aesthetics, Agricultural and Forestry Resources, Biological Resources, Cultural Resources, Cultural Resources-Tribal, Hazards and Hazardous Materials, Hydrology and Water Quality, and Recreation. All other environmental resource areas were found to have less than significant or no impacts from the Project and are therefore not included below. The table lists the following information, by column:

- Impact



- Mitigation 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)
- Timing (before, during, or after construction; during operation, etc.)
- Responsible party
- Effectiveness criteria (how the agency can know if the measure is effective)

**Table C-1. Mitigation Monitoring Program**

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
<b>Aesthetics</b>					
Create a new source of substantial light or glare	<b>MM AES-1: Nighttime Illumination Limitations.</b> 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.	Observe nighttime lighting for compliance	Lighting glare minimized	PG&E, contractors	During any nighttime work
<b>Agriculture</b>					
Conflict with adjacent agricultural operations	<b>MM AG-1: Noticing to Adjacent Property Owners.</b> PG&E shall provide notices to adjacent property owners within 100 feet of the Project site at least 2 weeks prior to Project implementation. Project notices will include PG&E Project manager contact information, as well as specifics regarding Project schedule and proposed hours of operation.	Submission of copies of all notices sent	Reduce conflicts	PG&E, contractors	Prior to any work within or adjacent to cultivated areas
<b>Biological Resources</b>					
Special-Status Plant Species	<b>MM BIO-1: Special-Status Plant Avoidance.</b> Prior to the start of construction, a qualified botanist shall survey planned terrestrial impact areas to identify special-status plants potentially occurring within the impact footprint. The surveys shall be conducted during the appropriate blooming period. If a special-status plant population is found, it shall be flagged for avoidance, if feasible. If temporary impacts cannot be avoided, affected special-status plant populations shall be restored upon Project completion to pre-existing conditions. A Site	Review of botanical survey report and Site Restoration Plan, inspect implementation of the Plan	Avoid loss and/or replace special-status plant species	PG&E, contractors	Prior to any work within terrestrial work areas

Exhibit C – CSLC Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	Restoration Plan shall be prepared and approved by CSLC staff and other agencies if appropriate that provides for plant salvage and transplantation and/or seed collection and replanting, as appropriate, and establishes performance criteria and monitoring to ensure restoration to pre-project conditions.				
Special-Status Species and Habitats	<b>MM BIO-2: Worker Environmental Awareness Training.</b> 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.	Signatures of trained employees for compliance	All construction workers complete the program, special-status fish avoidance	PG&E, contractors	Prior to and throughout Project activities
Special-Status Fish Species	<b>MM BIO-3: In-Water Work Period Restrictions.</b> Pipeline removal activities in surface water or on the banks of Latham Slough, Middle River, and Old River shall be conducted during the period when migratory fish are less likely to be present (August 1 through October 31) and shall avoid spawning periods. This work period shall be modified as required following consultation between the Army Corps of Engineers (ACOE)	Observe in-water work, complete observation reports	Compliance with work period restrictions, special-status fish avoidance	PG&E, contractors	Prior to and throughout in-water work

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	and the National Marine Fisheries Service (NMFS) conducted as part of Project permitting.				
Special-Status Species and Habitats	<b>MM BIO-4: Biological Monitoring.</b> 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, marsh 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 leaves or is relocated by a qualified biologist. Listed species would be allowed to leave on their own volition, unless coordination with U.S. Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) provides 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	Observation reports	Special-status species avoidance	PG&E, contractors	Prior to the start and throughout onshore work

Exhibit C – CSLC Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	CSLC and consult with the appropriate agencies to resolve the impact prior to re-starting work in the area.				
Special-Status Fish and Aquatic Species and Habitats	<b>MM BIO-5: Turbidity Monitoring Plan.</b> 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-water pipeline removal and removal of pipeline from the levees, 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-water Project activities.	Submit plan to CSLC for review and approval at least 30 days prior to in-river work, weekly monitoring results	Special-status fish and aquatic species avoidance	PG&E, contractors	Prior to the start of and throughout in-water work
Western Pond Turtle and Giant Garter Snake	<b>MM BIO-6: Western Pond Turtle and Giant Garter Snake Avoidance.</b> A qualified biologist shall conduct a pre-construction survey for these species within 24 hours prior to any ground disturbance on or adjacent to levees and channel banks. Barrier fencing shall be constructed around the work areas determined by the qualified biologist to be within suitable habitat to preclude these species. Should western pond turtle or giant garter snake be found within the work areas, they will be allowed to leave the site	Submit pre-construction survey report to CSLC prior to ground disturbance, observation reports	Barrier fencing in place if needed, turtles and giant garter snakes relocated as needed, no western pond turtle or giant garter snake mortality	PG&E, contractors	Prior to the start and throughout work on or adjacent to levees and channel banks

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	of their own volition prior to installation of fencing and initiation of construction. In areas providing suitable habitat for giant garter snake, terrestrial excavation within 250 feet of suitable aquatic habitat will be avoided from October 1 through May 1, the snake's inactive season.				
Swainson's Hawk and White-tailed Kite	<b>MM BIO-7: Swainson's Hawk and White-tailed Kite Avoidance.</b> 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 disturbance) during the nesting season (March 15 through 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.	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
California Black Rail	<b>MM BIO-8: California Black Rail Avoidance.</b> If construction is scheduled to occur within 250 feet of suitable California black rail habitat during California black rail breeding season (February 1 through August 15), a qualified biologist shall conduct a breeding season survey to identify nesting locations of California black rail. Surveys	Submit pre-construction survey report to CSLC prior to ground disturbance during the	Compliance with buffers	PG&E, contractors	Prior to the start and throughout Project activities conducted between February 1 and August 15

Exhibit C – CSLC Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	shall be conducted between February 1 and August 1 in accordance with accepted protocols. If active nests are identified, work within 250 feet of any nest location shall not occur until after August 15. 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 season, submit proposed buffers to CSLC for review if needed, observation reports			
Breeding and Migratory Birds	<b>MM BIO-9: Breeding Bird Avoidance.</b> 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. If an active nest is found, 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.	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 conducted between March 1 and August 1
Wetlands and Riparian Habitat	<b>MM BIO-10: Wetlands and Riparian Habitat Restoration.</b> 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 60 days prior to Project implementation. The Applicant shall also obtain and comply with all necessary permits for impacts to jurisdictional aquatic resources from the ACOE, Regional Water Quality Control Board (RWQCB), and CDFW prior to Project implementation.	Submit Site Restoration Plan to CSLC for review and approval at least 14 days prior to onshore work, observation reports	Restoration of disturbed wetlands and riparian habitats	PG&E, contractors	Prior to the start and throughout onshore work, restoration following

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	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 hydroseeded with a native seed mix appropriate for the area.				
<b>Cultural Resources/Tribal Cultural Resources</b>					
Unknown Cultural or Tribal Resources	<b>MM CUL-1/TCR-1: Discovery of Previously Unknown Cultural or Tribal Resources.</b> In the event that potential cultural or tribal cultural 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	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)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>Resources Code section 21084.3, subdivision (b), if feasible, unless other measures are mutually agreed to by the lead 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 appropriate tribal representatives and CSLC staff for review, input, and concurrence prior to implementation of the plan. Protection in place of tribal cultural resources shall be prioritized, if feasible; if the archaeologist or tribe determines that damaging effects on the cultural or tribal cultural resource can be avoided in place, then work in the area may resume provided the area of the find is clearly marked for no disturbance. If avoidance in place of tribal cultural resources is infeasible, the treatment plan shall include measures that place priority on Tribal self-determination over collection and curation, including the option to repatriate (rebury) materials nearby at a location of their choosing, and to transfer possession/ownership to the culturally affiliated Tribe.</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</p>				

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	lands under CSLC jurisdiction must be approved by the CSLC.				
Unanticipated Discovery of Human Remains	<b>MM CUL-2/TCR-2: Unanticipated Discovery of Human Remains.</b> 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 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.	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
<b>Hazards and Hazardous Materials</b>					
Hazardous Materials, Water Quality	<b>APM-1: Project Work and Safety Plan.</b> A Project Work and Safety Plan (PWSP) shall be submitted to CSLC staff and all other pertinent agencies for review and approval at least 30 days prior to the implementation of the Project. The PWSP shall include the following information (at a minimum): <ul style="list-style-type: none"> <li>• Contact information</li> <li>• Hazardous Spill Response and Contingency Plan</li> </ul>	CSLC review and approval of PWSP 30 days prior to work activities	Avoidance of discharge of hazardous materials or pollutants	PG&E, contractors	Prior to Project initiation

Exhibit C – CSLC Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<ul style="list-style-type: none"> <li>Emergency action plan</li> <li>Summary of the Project Execution Plan</li> <li>Project management plan</li> <li>Site safety plan, including measures for proper handling of hazardous materials including, but not limited to soils containing residual pesticides</li> <li>Permit condition compliance matrix</li> </ul>				
Existing Utility Disturbance (Riverbed)	<p><b>APM-2: Pre- and Post-Project Geophysical Debris Survey.</b> 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. A post-Project geophysical debris survey shall also be performed, and the results compared to the initial baseline survey. Any anomalous objects located in the survey would be positively identified by divers and any remaining objects related to the decommissioning would be removed. A Project close-out report with drawings and coordinates of any facilities abandoned in place would be submitted to the CSLC within approximately 60 days of work completion.</p>	30 days prior to Project implementation and 60 days after Project completion	Geophysical Debris Survey Results	Avoidance of utilities and debris	PG&E, contractors

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
Interaction with Offshore Vessels	<p><b>APM-3: Advanced Notice to Mariners.</b> All offshore operations shall be described in a Local Notice to Mariners to be submitted to the U.S. Coast Guard at least 15 days prior to decommissioning activities. The Notice shall include:</p> <ul style="list-style-type: none"> <li>• Type of operation (i.e., dredging, diving operations, pipeline recovery).</li> <li>• Location of operation, including latitude and longitude and geographical position, if applicable</li> <li>• Duration of operation, including start and completion dates (if these dates change, the U.S. Coast Guard needs to be notified)</li> <li>• Vessels involved in the operation.</li> <li>• VHF-FM radio frequencies monitored by vessels on the scene</li> <li>• Point of contact and 24-hour phone number</li> <li>• Chart Number for the area of operation</li> </ul>	Offshore	Publication of Notice	Reduction of potential impact to offshore vessels	PG&E, contractors
<b>Hydrology and Water Quality</b>					
Stormwater Pollution	<p><b>MM HYDRO-1: Stormwater Pollution Prevention Plan (SWPPP).</b> 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:</p> <ul style="list-style-type: none"> <li>• Maintaining adequate soil moisture to prevent excessive fugitive dust emissions, preservation of existing vegetation, and effective soil cover (e.g., geotextiles, straw mulch, hydroseeding)</li> </ul>	Submittal of the SWPPP to CSLC, observation reports	Minimize erosion, siltation, and turbidity	PG&E, contractors	During all Project activities

Exhibit C – CSLC Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Party	Timing
	<p>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"> <li>Installing fiber rolls and sediment basins to capture and remove particles that have already been dislodged.</li> <li>Establishing good housekeeping measures such as construction vehicle storage and maintenance, handling procedures for hazardous materials, and waste management best management practices, including procedural and structural measures to prevent the release of wastes and materials used at the site.</li> </ul> <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>				
<b>Recreation</b>					
Recreational Boaters	<p><b>MM REC-1. Local In-Water Construction Notice.</b> Prior to in-water activity, PG&amp;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 Project activities are taking place in waterways, warning signs and buoys shall be installed upstream and downstream of the work site to provide notice to</p>	Documentation of compliance	Minimize conflicts with boaters	PG&E, contractors	During all in-water work

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

**EXHIBIT D CALIFORNIA STATE LANDS COMMISSION COMMENTS AND RESPONSES  
ON THE MITIGATED NEGATIVE DECLARATION**

**LINE 057A-1 MCDONALD ISLAND TO PALM TRACT PIPELINE  
DECOMMISSIONING PROJECT**

(State Clearinghouse No. 2021050121)

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Following the public review period (May 6, 2021 to June 7, 2021), of the Initial Study and Mitigated Negative Declaration (MND) (CSLC MND No. 805), Commission staff received four comment letters; three of the letters were submitted from state agencies, the Central Valley Flood Protection Board (CVFPB), Central Valley Regional Water Quality Control Board (CVRWQCB), Delta Protection Commission (DPC), and one from a local agency, San Joaquin Valley Air Pollution Control District (SJVAPCD).

The following provides a summary of the primary areas of concern raised during the public comment period and Commission staff's response to these concerns. In response to the comments by CVFPB and CVRWQCB, Commission staff revised the MND by including additional text in Table 1.1 and Section 2.4. Staff determined that these changes do not constitute a "substantial revision," as defined in State CEQA Guidelines<sup>1</sup> 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).

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<sup>1</sup> As used throughout this document, "State CEQA Guidelines" refers to the California Code of Regulations, title 14.

## I. State Agency Comments

CVFPB

Comment Summary	Response
Notes that an encroachment permit was not shown as required in the MND.	PG&E had pre-Project permitting discussions with the CVFPB prior to development of the MND. At that time, it was confirmed that no encroachment permit would be required on behalf of Project activities. This information was re-confirmed by PG&E with CVFPB in response to this comment. However, CVFPB has been added to Table 1-1, and a copy of the final documentation regarding the remaining pipeline segments in the levee will be provided for their records.

CVRWQCB

Comment Summary	Response
Indicates the importance of the adopted 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 already referenced in the MND, therefore, no further changes to the MND were required.
Notes that portions of the Middle River and Old River within the Project area are currently on the Clean Water Act Section 303(d) List of Impaired Waters.	Section 3.11.1 (Hydrology and Water Quality Setting) of the MND acknowledges that surface waters of the Project area are considered impaired under Section 303(d) of the Clean Water Act. Comment noted no changes were made to the MND.
Notes that the Project should minimize sediment movement that could trigger algal blooms by conducting project activities outside of the timeframe of June through September.	As indicated in Section 2.4 (Schedule), decommissioning activities have been proposed from August 1 through October 31st in accordance with regulatory work windows for avoidance of listed fish species migration and spawning periods. As Project activities require 87 days to complete,



	<p>limiting the work window to avoid the suggested June through September timeframe would not allow for enough days to complete the Project (essentially limiting work to an October 1 to 31 timeframe). Additional text regarding the proposed work window has been added to Section 2.4.</p>
<p>Comments on compliance with the Antidegradation Implementation Policy.</p>	<p>The Antidegradation Implementation Policy of the Basin Plan was reviewed as suggested during preparation of the MND. Surface water of the Project area (Delta waterways, central portion) is considered impaired under Section 303(d) of the Clean Water Act (pertaining to TMDL, or total maximum daily load requirements), due to elevated levels of chlorpyrifos, DDT, diazinon, Group A pesticides, invasive species, mercury, and aquatic toxicity (State Water Resources Control Board [SWRCB] 2016). Regardless, protection of the existing background water quality conditions will be accomplished to the extent feasible through implementation of Project-incorporated design measures and MND mitigation measures including, but not limited to: MM HYDRO-1, Stormwater Pollution Prevention Plan; APM-1, Project Work and Safety Plan; MM BIO-5, Turbidity Monitoring Plan; and MM BIO-10, Wetlands and Riparian Habitat Restoration. Comments are noted, no changes were made to the MND.</p>
<p>Notes Project Permit requirements.</p>	<p>Permitting requirements have been 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. As part of the Project's Mitigation and Monitoring Program, MM HYDRO-1 (Stormwater Pollution Prevention Plan) (in addition to APM-1: Project Work and Safety Plan (PWSP); MM</p>

	<p>BIO-5: Turbidity Monitoring Plan; and MM BIO-10: Wetlands and Riparian Habitat Restoration) will be implemented during Project activities to reduce potential impacts to water quality within the Delta.</p> <p>Additionally, PG&amp;E will apply for a Section 401 Water Quality Certification and Section 404 permit from the Army Corps of Engineers, as necessary, prior to the implementation of construction activities involving the discharge of dredged or fill material in waters or wetlands. Comments are noted, no changes were made to the MND.</p>
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DPC

Comment Summary	Response
Comments on unanticipated events and accidents and indicated concern for Project contingency planning.	Per the applicant, "PG&E will take steps to ensure that the PWSP includes contingency planning for all phases and locations of the Project." Comments are noted, no changes were made to the MND.
Notes that the restoration of the Project sites should be closely coordinated to the satisfaction of the Reclamation Districts.	PG&E is coordinating Project design and planning with three Reclamation Districts (RD 2024, RD 2028, and RD 2030) and will apply for an encroachment permit from each Reclamation District prior to implementation of the Project. In addition, the Project, including site restoration after completion of the Project, will be completed in compliance with the terms and conditions of the Reclamation Districts' levee encroachment permits and in coordination with the Reclamation District engineers. Comments are noted, no changes were made to the MND.

II. Local Agency

SJVAPCD

Comment Summary	Response
Indicate concern for adherence to SJVAPCD regulations.	The Project will comply with all SJVAPCD rules and regulations; therefore, the comments are noted, no changes were made to the MND, and no further response is required. The comment letter has been provided to PG&E as requested.