

APPENDIX B

List of Local Regulations and Policies Potentially Applicable to the
PG&E Replacement of DFM-0630 R-1385 Across the Sacramento River
Project MND

(Updated: March 2022)

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Appendix B in this Mitigated Negative Declaration identifies local regulations and policies potentially applicable to the PG&E Replacement of DFM-0630 R-1385 Across the Sacramento River Project.

AESTHETICS

Colusa County General Plan

Colusa County General Plan policies related to aesthetic resources that may apply include:

Policy OSR 1-11: To the maximum extent feasible, maintain and protect views of the County's scenic resources, including water bodies, the Sutter Buttes, Snow Mountain, St. John Mountain, Goat Mountain, unique geologic features, and wildlife habitat areas.

Policy OSR 1-14: Reduce light and glare from artificial lighting within open space and agricultural areas to the extent that does not adversely impact the County's rural character.

Sutter County General Plan

Sutter County General Plan policies related to aesthetic resources that may apply to the proposed Project include:

Policy ER 7.5: Lighting. Support practices that reduce light pollution and preserve views of the night sky including the design and sighting of light fixtures to minimize glare and light on adjacent properties

AGRICULTURE AND FORESTRY RESOURCES

Colusa County General Plan

Colusa County General Plan policies related to agricultural resources that may apply to the proposed Project include:

Policy AG 1-8: Protect agricultural lands from urban encroachment by limiting the extension of urban service facilities and infrastructure, particularly public water and sewer.

Policy AG 1-12: Agricultural uses shall continue to be protected through ongoing adherence to and implementation of the County's right to farm ordinance (Colusa County Code Chapter 34, Farming Practices).

Policy AG 1-13: Urban development shall not adversely impact the financial sustainability of agricultural operations.

Policy AG 2-7: Work with agricultural landowners to improve practices that have resulted in adverse impacts to adjacent properties. Such practices include site drainage and flood control measures and the use of Best Management Practices (BMPs).

Policy LU 2-2: Ensure that future development and land use decisions protect the integrity of agriculture and do not in any way create a hardship for the county’s farmers.

Sutter County General Plan

Sutter County General Plan policies related to agricultural resources that are applicable to the proposed Project include:

Policy AG 2.1: Minimize Conflicts. Require that new development adjacent to agricultural areas be designated to minimize conflicts with adjacent agricultural uses and operations.

Policy AG 3.3: Water Quality and Quantity. Support efforts to maintain water resource quality and quantity for the irrigation of productive farmland.

Policy AG 4.2: Utility Infrastructure. Implement mechanisms to provide the utility infrastructure, flood protection, and services necessary to lands designated for industrial use in order to support the growth and expansion of Sutter County’s agriculture industries.

AIR QUALITY

There are no local policies pertaining to Air Quality and applicable to the Project within the Sutter or Colusa County General Plans.

BIOLOGICAL RESOURCES

Colusa County General Plan

Biological resources policies from the Colusa County General Plan (Colusa County 2011) relevant to the Project are listed below.

Policy CON 1-7: Conserve and enhance those biological communities that contribute to the County’s rich biodiversity including, but not limited to, blue oak woodlands, annual grasslands, mixed chaparral, pine woodlands, wetlands, riparian areas, aquatic habitat, and agricultural lands.

Policy CON 1-8: Conserve existing native vegetation where possible and integrate existing native vegetation into new development if appropriate.

Policy CON 1-9: Avoid oak tree removal within oak woodland habitat to the greatest extent feasible through appropriate project design and building siting. If full avoidance is not possible, prioritize planting replacement trees on-site over off-site locations.

Policy CON 1-11: Project wetlands and riparian habitat areas from encroachment by development to the greatest extent feasible.

Policy CON 1-13: Sensitive habitats include oak woodlands, wetlands, vernal pools, riparian areas, wildlife and fish migration corridors, native plant nursery sites, waters of the U.S. and other habitats designated by state and federal agencies and laws.

Policy CON 1-14: Require any proposed project that may affect special-status species, their habitat, or other sensitive habitat to submit a biological resources evaluation as part of the development review process. Evaluations shall be carried out under the direction of the Colusa County Department of Planning and Building and consistent with applicable state and federal guidelines. Additional focused surveys shall be conducted during the appropriate season (e.g., nesting season, flowering season, etc.), if necessary.

Policy CON 1-15: Require that impacts to wetlands and riparian habitat protected by State or federal regulations be avoided to the greatest extent feasible. If avoidance is not possible, fully mitigate impacts consistent with applicable local, state and federal requirements.

Policy CON 1-17: All discretionary public and private projects that identify special-status species or sensitive habitats in a biological resource evaluation shall avoid impacts to special-status species and their habitat to the maximum extent feasible. Where impacts cannot be avoided, project shall include the implementation of site-specific or project-specific effective mitigation strategies developed by a qualified professional in consultation with state or federal resource agencies with jurisdiction (if applicable) included but not limited to the following strategies:

- Preservation of habitat and connectivity of adequate size, quality, and configuration to support the special-status species. Connectivity shall be determined based on the specific of the species' needs;
- Project design measures, such as clustering of structures or located project features to avoid known location of special-status species and/or sensitive habitats;
- Provision of supplemental planting and maintenance of grasses, shrubs, and trees of similar quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife.
- Protection for habitat and the known locations of special-status species through adequate buffering or other means.
- Provision of replacement habitat of like quantity and quality on- or off-site for special-status species.

- Enhancement of existing special-status species habitat values through restoration and replanting of native plant species.
- Provision of temporary or permanent buffers of adequate size (based on the specifics of the special-status species) to avoid nest abandonment by nesting migratory birds and raptors associated with construction and site development activities.
- Incorporation of the provisions or demonstration of compliance with applicable recovery plans for federally listed species.
- Monitoring of construction activities by a qualified biologist to avoid impacts to on-site special-status species.

Policy CON 1-18: Where sensitive biological habitats have been identified on or immediately adjacent to a project site, the following measures shall be implemented:

- Pre-construction surveys for species listed under the State or Federal Endangered Species Acts, or species identified as special-status by the resource agencies, shall be conducted by a qualified biologist;
- Construction barrier fencing shall be installed around sensitive resources and areas identified for avoidance or protection; and
- Employees shall be trained by a qualified biologist to identify and avoid protected species and habitat.

Policy CON 1-21: Protect riparian habitat along the Sacramento River to maintain suitable habitat for anadromous fish species, including salmon and steelhead trout, and for native sportfishing species.

Policy CON 1-24: If a proposed project may result in impacts to wetlands or other Waters of the U.S., require the project proponent to consult with the appropriate regulatory agency and implement all applicable permit requirements as a condition of project approval.

Sutter County General Plan

The unincorporated lands of Sutter County fall under the jurisdiction of the County. The Environmental Resources section of the Sutter County General Plan contain goals and policies pertaining to biological resources of Sutter County (Sutter County 2011). Goals and policies that are relevant to biological resources are included below.

Policy ER 1.4 Resources Assessment. Require discretionary development proposals that could potentially impact biological resources to conduct a biological resources assessment to determine if any resources will be adversely affected by the proposal and, if so, to identify appropriate measures to avoid or mitigate such impacts.

Policy ER 1.6 Mitigation. Mitigate biological and open space effects that cannot be avoided in accordance with an applicable Habitat Conservation Plan or federal, state, and local regulations.

Policy ER 2.1 No Net Loss. Require new development to ensure no net loss of state and federally regulated wetlands, other waters of the United States (including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands), and associated functions and values through a combination of avoidance, restoration, and compensation.

Policy ER 2.3 Minimize Surface Runoff. Minimize direct discharge of surface runoff into wetland areas and design new development in such a manner that pollutants and siltation will not significantly affect jurisdictional wetlands.

Policy ER 3.1 Special-Status Species. Preserve special-status fish, wildlife, and plant species (e.g., rare, threatened, or endangered species) and habitats consistent with an applicable Habitat Conservation Plan or federal, state, and local regulations.

Policy ER 3.2 Agency Coordination. Coordinate with federal, state, and local resource agencies (e.g., California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers) to protect special-status species.

Policy ER 3.3 Fisheries. Support the preservation and re-establishment of fisheries in the rivers and streams within Sutter County.

Policy ER 3.4 Waterfowl Resources. Preserve and protect waterfowl resources along the Pacific Flyway Migration Corridor.

Policy ER 3.5 Wildlife Corridors. Preserve and enhance wildlife movement corridors between natural habitat areas to maintain biodiversity and prevent the creation of biological islands. Preserve contiguous habitat areas when possible.

Policy ER 3.6 Natural Vegetation. Preserve important areas of natural vegetation and the ecological integrity of these habitats, where feasible, including but not limited to riparian, vernal pool, marshes, oak woodlands and annual grasslands.

Policy ER 3.7 Oak Trees. Preserve native oak trees when possible, through the review of discretionary development projects and activities. Reduce the loss of oak trees through consideration of tree mitigation/replanting programs.

Policy ER 3.8 Native Plant Use. Encourage the use of native and drought tolerant plant materials, including native tree species, in all public and private landscaping and revegetation projects.

Policy ER 4.3 River Corridors. Preserve the Sacramento, Feather, and Bear River corridors as important habitat, recreation and open space resources. Support efforts to increase public access and recreational uses along the County’s river corridors.

CULTURAL RESOURCES

Colusa County General Plan

The Colusa County General Plan (in accordance with Government Code Section 65300 et seq.) provides a framework to guide decisions on growth, development, and conservation of open space and resources (Colusa County 2012b). The County’s policies regarding cultural resources as provided in the Conservation Element section are listed below:

Policy CON 3-1: Require a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource.

Policy CON 3-2: Require all development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:

If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the County Department of Planning and Building shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the County Department of Planning and Building.

If human remains are discovered during any ground disturbing activity, work shall stop until the County Coroner and County Department of Planning and Building have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the County Department of Planning and Building.

Policy CON 3-3: Encourage and cooperate with cities, special districts, State and Federal agencies in acknowledging and preserving the County’s cultural heritage, historical and archaeological structures, sites and landmarks.

Policy CON 3-4: Encourage voluntary landowner efforts to protect cultural resources consistent with applicable State law.

Policy CON 3-5: Work with Native American representatives to identify and appropriately address, through avoidance or mitigation, impacts to Native American cultural resources and sacred sites during the development review process.

Policy CON 3-6: Encourage Native American tribes to consult with the County prior to approval and development of new projects that may impact County resources, facilities, and the environment.

Policy CON 3-7: Consistent with State local and tribal intergovernmental consultation requirements such as Senate Bill 18, the County shall consult with Native American tribes that may be interested in proposed new development and land use policy changes.

Policy CON 3-8: Encourage the voluntary identification, conservation, and reuse of historical structures, properties, and sites with special and recognized historic, architectural, or aesthetic value.

Policy CON 3-9: Encourage historic resources to remain in their original use whenever possible. The adaptive use of historic resources is preferred, particularly as museums, educational facilities, or visitor--serving uses, when the original use can no longer be sustained. Older residences may be converted to office/retail use in commercial areas and to tourist or business use in agricultural areas, so long as their historical authenticity is maintained or enhanced.

Policy CON 3-10: Leverage the County’s strong agricultural and historic heritage to support and encourage historically oriented visitor programs and heritage tourism through cooperation with local, regional, and state marketing efforts.

Sutter County General Plan

Chapter nine of the Sutter County General Plan (Sutter County 2011) contains goals and policies pertaining to cultural resources. Cultural resources policies potentially relevant to the Project are listed below.

Policy ER 8.1: Identification. Identify cultural resources, which include prehistoric, historic, paleontological, and archaeological resources, throughout the County to provide adequate protection of these resources.

Policy ER 8.2: Preservation. Ensure the preservation of significant cultural and paleontological resources, including those recognized at the national, state, and local levels. (ER 8-A through ER 8-D)

Policy ER 8.4: Inclusion on Historic Registers and District. Promote the registration of historic resources under the national and state registers and within the County’s Historic Preservation Combining District.

Policy ER 8.5: Consultation. Consult with the appropriate organizations and individuals early in the development process (e.g., Information Centers of the California Historical Resources Information System, Native American Heritage Commission, and Native American groups and individuals) to minimize potential impacts to cultural resources.

Policy ER 8.9: Public Awareness. Educate the public on the County’s important cultural resources to increase awareness for protection.

CULTURAL RESOURCES – TRIBAL

See Cultural Resources above for a listing of local cultural resources policies.

ENERGY

Colusa County General Plan

Policy PSF 2-11: Support programs that re-use recycled materials and solid waste, such as the use of waste for bio-mass or bio-fuels for energy production.

Policy PSF 4-15: New utility transmission lines should be underground to the greatest extent feasible.

Sutter County General Plan

Policy AG 4.2: Utility Infrastructure. Implement mechanisms to provide the utility infrastructure, flood protection, and services necessary to lands designated for industrial use in order to support the growth and expansion of Sutter County’s agricultural industries.

Policy 15.3 Adequate Energy Supplies. Work with local utility providers to ensure adequate and affordable supplies of energy are available for existing and future development.

Policy 15.4: New Utility Lines. Construct new utility lines along existing utility corridors, when feasible.

GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

Colusa County General Plan

The Colusa County General Plan, Safety Element contains goals and policies pertaining to geologic hazards of San Joaquin County. Geologic hazard policies relevant to the proposed Project are listed below.

Policy SA 1-15. All development and construction proposals shall be reviewed by the County to ensure conformance with applicable building standards.

Policy SA 1-17: Limit construction and grading on slopes in excess of 30 percent.

Policy SA 1-18: Permit development on soils sensitive to seismic activity only after adequate site analysis, including appropriate siting, design of structure, and foundation integrity.

Policy SA 1-21: All projects subject to CEQA review shall address seismic safety issues and provide adequate mitigation for existing and potential hazards identified.

Sutter County General Plan

The Sutter County General Plan contains goals and policies pertaining to geologic and seismic hazards. Geologic and seismic hazards policies relevant to the Project are listed below.

Policy PHS 2.1 – Review Standards: Review and enforce seismic and geologic safety standards and require the use of best management practices in site design and building construction methods.

Policy PHS 2.3 – Site-Specific Geotechnical Analysis: Require the preparation of a County approved site-specific geotechnical analysis prior to approval of development in areas where the potential for geologic or seismic hazards exists (e.g. ground shaking, landslides, liquefaction, expansive soils, steep slopes, subsidence, and erosion) and incorporate recommended project features to avoid or minimize the identified hazards.

GREENHOUSE GAS EMISSIONS

There are no local policies pertaining to Greenhouse Gas Emissions and applicable to the Project within the Sutter or Colusa County General Plans.

HAZARDS AND HAZARDOUS MATERIALS

Colusa County General Plan

The Colusa County General Plan, Safety Element (2011) contains goals and policies pertaining to hazards and hazardous materials. Policies relevant to the proposed Project activities are listed below.

Policy SA 1-48: Require businesses and agricultural operations to comply with all applicable local, state and federal regulations regarding the use, transport, storage, and disposal of hazardous waste and hazardous materials.

Policy SA 1-49: Utilize the development review process to reduce the risk of community exposure to hazardous materials.

Policy SA 1-50: Require proponents of projects that would involve the use, storage, transport, or disposal of hazardous materials or hazardous waste to demonstrate full compliance with all applicable local, state, and federal regulations related to hazardous materials and waste. Any significant adverse environmental impacts associated with exposure to hazardous materials should be mitigated to a less than significant impact prior to approval of the project.

Sutter County General Plan

The Sutter County General Plan (2011b) includes policies to manage hazardous materials. The following policies are relevant to the Project.

Policy PHS 3.1 – Use and Disposal: Ensure that the use and disposal of hazardous materials and waste complies with appropriate federal, state, and local requirements.

Policy PHS 3.3 – Project Review: Coordinate with appropriate state and federal agencies to review all proposed development projects that manufacture, use, or transport hazardous materials and waste.

Policy PHS 3.6 – New Development: Ensure buildings and sites are investigated for the presence of hazardous materials and/or waste contamination before development for which County discretionary approval is required.

HYDROLOGY AND WATER QUALITY

Colusa County General Plan

Water resources and water quality policies of the Colusa County General Plan Conservation Element do not apply to the proposed Project because it is not a new development, would not generate a long-term water demand or result in any long-term discharges to surface waters.

Sutter County General Plan

Water resources and water quality policies of the Sutter County 2030 General Plan Policy Document do not apply to the proposed Project because it is not a new development, would not generate a long-term water demand or result in any long-term discharges to surface waters.

LAND USE AND PLANNING

There are no state or federal laws, regulations, or policies pertaining to land use and planning that are relevant to the Project. Since the Project does not involve a change in land use; local goals, policies, or regulations are not applicable.

MINERAL RESOURCES

Since the Project does not involve a change in mineral resources; local goals, policies, or regulations are not applicable.

NOISE

Colusa County General Plan

The policies of the Colusa County General Plan Noise Element do not apply to the proposed Project because it is not a new development and would not generate long-term noise. However, the Project is subject to Section 13-6 of the Colusa County Code which limits noise to 50 dBA between 9 p.m. and 7 a.m. and 55 dBA from 7 a.m. to 9 p.m. in residential areas. Construction activities are exempt from these noise limits if conducted between 7 a.m. and 7 p.m. on Mondays through Fridays and between 8 a.m. and 8 p.m. on Saturdays and Sundays if:

1. No individual piece of equipment produces a noise level exceeding 83 dBA at a distance of 25 feet.
2. The noise level at any point of the property plane of the project does not exceed 86 dB.

Sutter County General Plan

The noise policies of the Sutter County 2030 General Plan Policy Document do not apply to the proposed Project because it is not a new development, would not generate long-term noise and would not generate transit or railroad-related vibration. However, the Project is subject to Chapter 1500-21.5 (noise control) of the Sutter County Code of Ordinances which limits noise to 55 dBA Leq (hourly) between 7 a.m. to 10 p.m. and 45 dBA Leq (hourly) from 10 p.m. to 7 a.m. in noise sensitive areas (residences, schools, motels, hotels, libraries, religious institutions, hospitals and nursing homes). Construction projects conducted between 7 a.m. and 6 p.m. on weekdays and from 8 a.m. to 5 p.m. on Saturdays are exempted. Construction work on Sundays is prohibited unless approved in advance by the County.

POPULATION AND HOUSING

Since the Project does not involve a change in land use, local goals, policies, or regulations are not applicable.

PUBLIC SERVICES

Colusa County General Plan

Policy PSF 3-3: Continue to coordinate fire protection services with the planning and development review process.

Sutter County General Plan

There are no local policies pertaining to public services and applicable to the Project within the Sutter County General Plan.

RECREATION

Colusa County General Plan

Policy OSR 1-3: Support the preservation of open space consistent with the General Plan, via acquisition of fee or easements by land trusts, government agencies, and conservancies from willing landowners, subject to the standards identified in Policy CON 1-3.

Policy OSR 2-9: Ensure private landowners continue to have the right to offer hunters access to their land during hunting seasons.

Sutter County General Plan

There are no local policies pertaining to recreation and applicable to the Project within the Sutter County General Plan

TRANSPORTATION

Colusa County General Plan

Policy CIRC 3-6: Ensure adequate emergency access for emergency vehicles.

Policy CIRC 3-9: Limit the intrusion of agricultural vehicles and heavy trucks on new residential streets.

Sutter County General Plan

Policy M 2.5: Level of Service on County Roads. Develop and manage the County roadway segments and intersections to maintain Level of Service (LOS) D or better during peak hour, and LOS C or better at all other times. Adjust for seasonality. These standards shall apply to all County roadway segments and intersections, unless otherwise addressed in an adopted specific plan or community plan.

Policy M 2.10: Agency Coordination. Maintain ongoing coordination with Caltrans, Sacramento Area Council of Governments (SACOG) and other jurisdictions to address local and regional transportation issues.

UTILITIES AND SERVICE SYSTEMS

Colusa County

Policy SA 1-50: Require proponents of projects that would involve the use, storage, transport or disposal of hazardous materials or hazardous waste to demonstrate full compliance with all applicable local, state, and federal regulations related to hazardous materials and waste. Any significant adverse environmental impacts associated with exposure to hazardous materials should be mitigated to a less than significant impact prior to approval of the project.

Sutter County

Policy PHS 3.1: Ensure that the use and disposal of hazardous materials and waste complies with appropriate federal, state, and local requirements.

Policy PHS 3.2: Maintain and implement a Sutter County Hazardous Materials Area Plan consistent with the requirements of state law.

WILDFIRE

There are no local goals, policies, or regulations regarding wildfire applicable to the Project.