

# Staff Report 22

## **APPLICANT:**

---

Pacific Gas and Electric Company

## **PROPOSED ACTION:**

---

Consider adoption of a Mitigated Negative Declaration, Adoption of a Mitigation Monitoring Program, and Issuance of a General Lease – Right-of-Way and Protective Structure Use

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

Sovereign land in the Sacramento River, adjacent to 7895 State Highway 20, near Meridian, Colusa and Sutter Counties.

## **AUTHORIZED USE:**

Use, maintenance, and repair of existing rock riprap; installation of a Horizontal Directionally Drilled gas pipeline; and decommissioning and removal of two gas pipelines not previously authorized.

## **TERM:**

20 years, beginning August 23, 2022.

## **CONSIDERATION:**

\$503 per year, with an annual Consumer Price Index adjustment as provided for in the lease.

## **SPECIFIC LEASE PROVISIONS:**

- Lessor and Lessee agree that Lessee may self-insure for General Liability coverage of no less than \$10,000,000 per occurrence.
- A Bond in an amount no less than \$20,000.
- Lessee shall submit a final set of engineering design drawings as issued for construction for the entire project.

- Lessee shall submit engineering design drawings as issued for construction for horizontal directionally drilled pipeline.
- Lessee shall submit "as-built" plans following project completion.

## **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.

### **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). 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; Noise; Recreation; and Transportation. 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 (Cal. Code Regs., tit. 14, § 15025), staff prepared an MND identified as CSLC MND No. 810, State Clearinghouse No. 2022060045. The proposed MND and Initial Study were circulated for a 30-day public review period from June 3, 2022, to July 5, 2022. Staff received comments from the National Oceanic and Atmospheric Administration – California Central Valley Office, California Department of Fish and Wildlife – North Central Region, and the Central Valley Regional Water Quality Control Board. The comments and staff's responses are contained in the attached Exhibit C.

As requested in the California Department of Fish and Wildlife's comment letter, staff revised Mitigation Measure (MM) BIO-1 and MM BIO-2 to address concerns about impacts to Swainson's Hawk and other nesting birds. 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).

Based upon the Initial Study, the MND, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (Cal. Code Regs, tit. 14, § 15074, subd. (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 D.

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

On November 17, 1938, the War Department, through the Army Corps of Engineers, issued a Permit authorized by the Secretary of War to the Applicant to lay gas pipelines under the Sacramento River at Meridian in Sutter and Colusa Counties. The pipelines are located just north of the State Highway 20 Bridge. The pipelines were not previously authorized by the Commission.

The Applicant submitted an application for a new lease for pipeline infrastructure across the Sacramento River. The Applicant proposes to replace two existing pipelines crossing the Sacramento River in accordance with a National Transportation Safety Board (NTSB) recommendation. The objectives of the Meridian Sacramento River Crossing Replacement Project (Project) are to install a new 4-inch-diameter gas pipeline underneath the Sacramento River using horizontal directional drilling (HDD) techniques, tie the new crossing into the existing pipeline network, and then decommission and remove the two existing 3-inch-diameter gas pipelines.

The NTSB issued a scheduled safety recommendation to the Applicant requiring that the two existing pipelines be addressed by December 31, 2022. In response to this request by NTSB, the Applicant determined that an in-line (internal) inspection of the existing pipelines would not be possible due to the age and small diameter of the pipelines. The Applicant also determined that portions of the existing pipelines had a shallow depth of burial through the Sacramento River, which could pose future safety or service risks. To comply with NTSB’s recommended assessment date of December 31, 2022, and to ensure uninterrupted natural gas service to its customers, the Applicant determined that the existing pipelines should be replaced.

The existing crossing consists of two direct-buried, 3-inch-diameter natural gas pipelines, and is approximately 263 feet long, shoreline to shoreline. From west to

east, there is a single 3-inch-diameter pipeline in an agricultural field, which proceeds up the landside slope of the west levee and across the levee crown to a concrete valve box located at the top of the levee waterside slope. The pipeline branches into two 3-inch pipelines within the valve box, which proceed down the west levee waterside slope, across the river, and up the east levee waterside slope to another concrete valve box located at the top of the east levee waterside slope. The two pipelines merge back into a single 3-inch pipeline within the valve box on the east levee, which proceeds across the east levee crown, down the landside slope, and then turns to follow Meridian Road to the south.

The pipeline within the levees is protected by rock riprap on the waterside of the right (west) bank levee and grouted rock riprap on the waterside of the left bank levee. The valve box, rock riprap, 4-inch-diameter pipeline, and both 3-inch-diameter pipelines within the right levee will be removed. The valve box, grouted rock riprap, and all 3-inch-diameter pipelines within the left levee will be removed. The levees will be filled and recompacted as required by the Central Valley Flood Protection Board.

The HDD drilling rig will be set up on the east side of the river on and alongside Alameda Street and will drill a bore under the river, which will exit in an agricultural field on the west side of the river. The 4-inch-diameter pullback string will be prefabricated in the agricultural field on the west side and pulled back through the HDD bore by the HDD drilling rig pulling from the east side. Once the pullback of the replacement pipeline crossing is completed, the new crossing will be tied into the existing gas distribution system on both sides of the crossing through open-cut trenching. The completed crossing replacement will be hydrotested in accordance with Department of Transportation and Commission requirements prior to final tie-in and commissioning. The worksites and roadway will be restored once pipeline installation and commissioning have been completed, with any excavations backfilled and compacted to original contours. The HDD pipeline will be approximately 35 feet below the bed of the Sacramento River.

The decommissioning of the existing pipeline crossings will begin once the construction of the replacement crossing has been completed. The decommissioning will start by pigging and flushing both 3-inch-diameter pipelines from valve box to valve box on either side of the river. The flush water will be captured in tanks located in the western worksite and tested to confirm that the total petroleum hydrocarbon content is less than 15 parts per million. Once pigging and flushing has been completed, the pipeline crossing will be removed in its entirety across the river from one valve box to the other. The concrete valve boxes will be removed, along with all portions of the pipeline within the levees to a point at least 10 feet past the landside toe of the levees. The pipeline segment in the

agricultural field west of the western levee will be abandoned in place and is outside of the Commission's jurisdiction.

To maintain the pipeline integrity in safe operating condition, the Lessee is required by the Lease to comply with all existing and subsequently enacted laws or regulations promulgated by the federal, State, and local agencies having lawful authority and jurisdiction over the pipeline.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and will only temporarily interfere with public trust uses at this location, during construction. The new pipeline will be below the bed of the river and will have no impact on the recreational use of the Sacramento River. Upon termination of the lease, the lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

### **CLIMATE CHANGE:**

The Project area is not tidally influenced and therefore not subject to the effects of 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 Project area includes submerged land of the Sacramento River. As part of the decommissioning, existing pipelines would be removed from below the bed and banks of the river, and upland portions would be removed or abandoned in place at depth. The new pipeline would be installed via HDD and would be well below the bed of the river and therefore would not be affected by projected flooding or drought conditions.

California is in the midst of the climate crisis, caused in large part by carbon emissions from the production of fossil fuels and their subsequent use. According to the state's Fourth Climate Change Assessment (Governor's Office of Planning and Research 2018), climate change is making extreme conditions in California more frequent and severe. For example, there were 4.2 million acres of land burned in wildfires in California in 2020, more than the previous four years combined, and 2022 is currently the driest year on record (CAL FIRE 2021; [National Integrated Drought Information System 2022](#)). Average annual temperatures are on the rise in California, and if greenhouse gas emissions are not lowered substantially, air

temperatures could increase by an average of 5.8°F by 2050 and 8.8°F by 2100 ([California Natural Resources Agency 2022](#)). These impacts endanger natural resources and public health.

The most effective way to prevent the worst impacts of the climate crisis is to reduce greenhouse gas emissions by transitioning the state's energy portfolio from fossil fuels to renewable, non-emitting sources such as solar, wind, and geothermal. The state is already on its way, securing 33 percent of its energy from renewable sources in 2020 (California Energy Commission 2021). In 2018, the state legislature passed SB 100 (De León; Chapter 312, Statutes of 2018), mandating that at least 60 percent of California's energy comes from renewable, zero-carbon sources by 2030, and 100 percent by 2045. The primary action to achieve these targets is to eliminate the use and physical presence of fossil fuels in the state, including natural gas<sup>1</sup>.

The pipeline system provides natural gas to the Meridian area and the city of Colusa. Methane leaks are the most common emission from the transportation of natural gas through pipelines. Methane is the primary contributor to the formation of ground-level ozone, a hazardous air pollutant and greenhouse gas. It is also a major driver of global warming – it is 80 times more potent at warming the planet than carbon dioxide.

In addition to atmospheric impacts, methane is highly flammable. The lease premises is located in Sutter and Colusa Counties in open lands with moderate to low vegetation fuels. The majority of the Counties are designated as experiencing 'Extreme Drought,' signifying a year-round wildfire season and extremely low reservoir levels ([National Integrated Drought Information System 2022](#)).

The Applicant acknowledges the contribution of fugitive pipeline emissions to climate change and wildland fire risk. Regular pipeline inspections, as required by state and federal law and in compliance with the terms of the lease, will reduce the potential for methane leaks and associated atmospheric impacts.

---

<sup>1</sup> There are many additional ongoing and planned actions that have to co-occur in order to achieve these goals and reduce harms to the people and natural resources of California. These include increasing energy efficiency, transforming the electrical grid to have more load flexibility, decarbonizing buildings, and electrifying the transportation sector. Learn more in the 2021 SB100 Joint Agency Summary Report: <https://www.energy.ca.gov/publications/2021/2021-sb-100-jointagency-report-achieving-100-percent-clean-electricity>.

### **TRIBAL COORDINATION AND CONSULTATION:**

Staff contacted the Native American Heritage Commission (NAHC), which maintains two databases to assist specialists in identifying cultural resources of concern to California: the Native Americans Sacred Lands File and Native American Contacts. A request was sent to the NAHC for a sacred lands file search of the Project area and a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to the Project area. On January 21, 2022, the NAHC provided a letter and a list of 14 individual tribal contacts from the following 9 tribes:

- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- Cortina Rancheria – Kletsel Dehe Band of Wintun Indians
- Estom Yumeka Maidu Tribe of the Enterprise Rancheria
- Grindstone Rancheria of Wintun-Wailaki
- Paskenta Band of Nomlaki Indians
- Pakan'yani Maidu of Strawberry Valley Rancheria
- Yocha Dehe Wintun Nation
- United Auburn Indian Community of the Auburn Rancheria
- Wilton Rancheria

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

In March 2022, Commission staff sent project notification letters and an invitation to consult under AB 52 to the United Auburn Indian Community of the Auburn Rancheria and the Wilton Rancheria. Commission staff also notified the seven other tribes on the NAHC contact list to ensure those tribes would have an opportunity to provide meaningful input on the potential for Tribal cultural resources to be found in the Proposed Project area and recommend steps to be taken to ensure adverse impacts to Tribal cultural resources are avoided.

Commission staff received responses to the outreach letters from the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community, the Estom Yumeka Maidu Tribe of the Enterprise Rancheria, and the Yocha Dehe Wintun Nation. Yocha Dehe Wintun Nation requested consultation. Staff received no other responses to the AB 52 notification letter. Staff provided project and cultural resources survey information to the consulting tribe from May 2022 through June 2022.

The consulting tribe provided recommended mitigation measures in writing and during a consultation meeting. Staff determined that these recommended mitigation measures were feasible and included them in the MND after they were agreed to by the Applicant. Specifically, the Cultural Resources Management and Treatment Plan and other mitigation measures (MM) contain provisions and

protocols consistent with these recommendations that include, but are not limited to, a consultant and construction-worker cultural and tribal cultural awareness training program (MM CUL-1/TCR-1) and specific construction practices to allow tribal monitoring during excavations (MM TCR-4). On June 9, 2022, Commission staff received a letter from the Yocha Dehe Wintun Nation that concurred with the cultural information, analysis, and mitigation measures in the MND.

**ENVIRONMENTAL JUSTICE:**

Project activities would require short-term construction during the pipeline installation and decommissioning activities. Based on the detailed population and economic characteristics provided in the MND, the Project corridor is located within an area that has been identified as having a higher-than-average existing environmental burden. Although there is a high percentage of white versus non-white population compared to the State as a whole, in Colusa County there is also a slightly higher percentage of people who identify themselves as being of Hispanic or Latino decent. Additionally, the portion of the Project corridor in Sutter County and Census Tract 509 is located within an area that has recorded significantly lower median family income and a higher percentage of persons below the established poverty level. A large percentage of people living within the Project area are employed in the agricultural industry, and Project activities would partially occur adjacent to and within agriculturally developed areas. Based on the MND, the Project vicinity is impacted by impaired ground, surface, and drinking water as well as pesticides and hazardous waste. As such, any Project activities that would have the potential to contribute to this burden would be considered significant.

As provided in the MND, the proposed Project would have the potential for short-term construction-related impacts to aesthetics, agriculture and forestry resources, biological resources, cultural resources, cultural resources-tribal, hazards and hazardous materials, hydrology and water quality, recreation, and noise, which have the potential to contribute to existing circumstances affecting environmental justice communities in this area. However, following incorporation of identified mitigation measures, the proposed Project is not anticipated to create new burdens or add to existing pollution burdens felt by a vulnerable community; and there are no anticipated factors that would put any of the nearby populations at risk from this Project. No long-term or permanent impacts would result from incorporation of the proposed Project. The Project objective is to improve the inspection capabilities within the pipeline and eliminate any interference with waterway navigation. Completion of the Project would result in a beneficial impact to public safety, recreation, and aesthetics by removing pipeline segments across the Project corridor that could become exposed over time.



## **CONCLUSION:**

The lease includes provisions requiring the Lessee to inspect, repair, insure, and indemnify the State for the pipelines. 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 two existing pipelines will be completely removed eliminating impacts on recreational, navigational, and fishing uses of sovereign land.

For all the reasons above, staff believes that a lease for the existing riprap; installation of the HDD gas pipeline; and decommissioning and removal of the two existing gas pipelines 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:**

---

1. Approval or denial of the application 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 trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may not conduct the proposed Project activities within lands under the Commission's jurisdiction. The lessee has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism," "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice," 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 site is in the Significant Lands Inventory as parcel numbers 06- 097-000 (Sacramento River, Colusa County) and 51-097-000 (Sacramento River, Sutter County). The subject lands are classified as 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, and 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.

## **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  
Central Valley Regional Water Quality Control Board  
Central Valley Flood Protection Board  
Reclamation District Number 108 - West Bank  
Reclamation District Number 70 - East Bank

## **EXHIBITS:**

---

- A. Land Description
- B. Site and Location Map
- C. Response to CEQA Comments
- D. Mitigation Monitoring Program

## **RECOMMENDED ACTION:**

---

It is recommended that the Commission:

### **CEQA FINDING:**

Certify that the MND, CSLC MND No. 810 (August 2022), State Clearinghouse No. 2022060045, 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 D.

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

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere 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 best interests of the State.

**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 issuance of a General Lease – Right-of-Way and Protective Structure Use to the Applicant beginning August 23, 2022, for a term of 20 years, for use, maintenance, and repair of existing rock riprap; installation of a Horizontal Directionally Drilled 4-inch-diameter gas pipeline; and the decommissioning and removal of two existing natural gas pipelines, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$503, with an annual Consumer Price Index adjustment; a Bond in an amount no less than \$20,000; and liability insurance or self-insurance in an amount no less than \$10,000,000 per occurrence.
2. Authorize the Executive Officer or designee to replace Exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following construction.

## EXHIBIT A

A 3325

### LAND DESCRIPTION

A thirty (30) foot wide strip of submerged land, situate in the bed of the Sacramento River lying adjacent to fractional Lot 5 of fractional Section 13, T15N, R1W, MDM as shown on official U.S. Government Township Plat approved on January 18, 1868 on the left bank, County of Sutter, and Rancho Jimeno approved March 26, 1861, County of Colusa, lying ten (10) feet northerly of and twenty (20) feet southerly of the following described centerline:

COMMENCING at a cadmium disk on "T" bar stamped "B", Monument "B", as shown on that State of California Highway Transportation Agency, Department of Public Works, Division of Highways 101.5 map dated January 8, 1965 and on file with the California State Lands Commission as map CXB 4237, having CCS 27, Zone 2, coordinates Northing: 538,667.776 feet, Easting: 2,023,796.433 feet and from which a cadmium disk on "T" bar stamped "C", Monument "C" bears South 89°26'41" East 2954.18 feet; thence North 06°12'04" East 535.95 feet to a point on the left bank of the Sacramento River and the POINT OF BEGINNING; thence North 88°25'19" West 331.00 feet to a point on the right bank of said river and the termination of said strip.

The sidelines of said strip are to be lengthen or shortened so as to terminate on the low water mark of said river.

TOGETHER WITH all those lands underlying existing rip-rap on the west (right) bank adjacent to the above described strip.

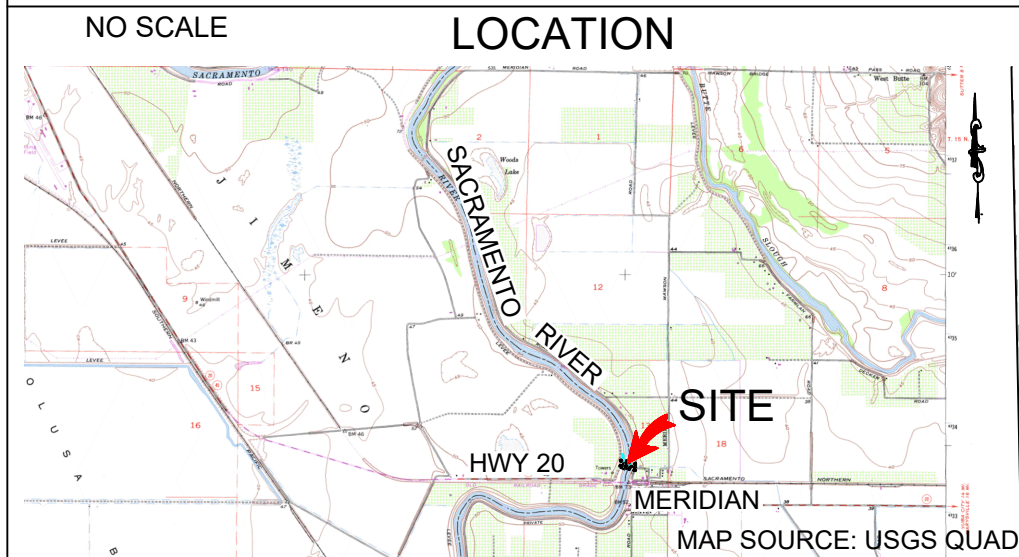
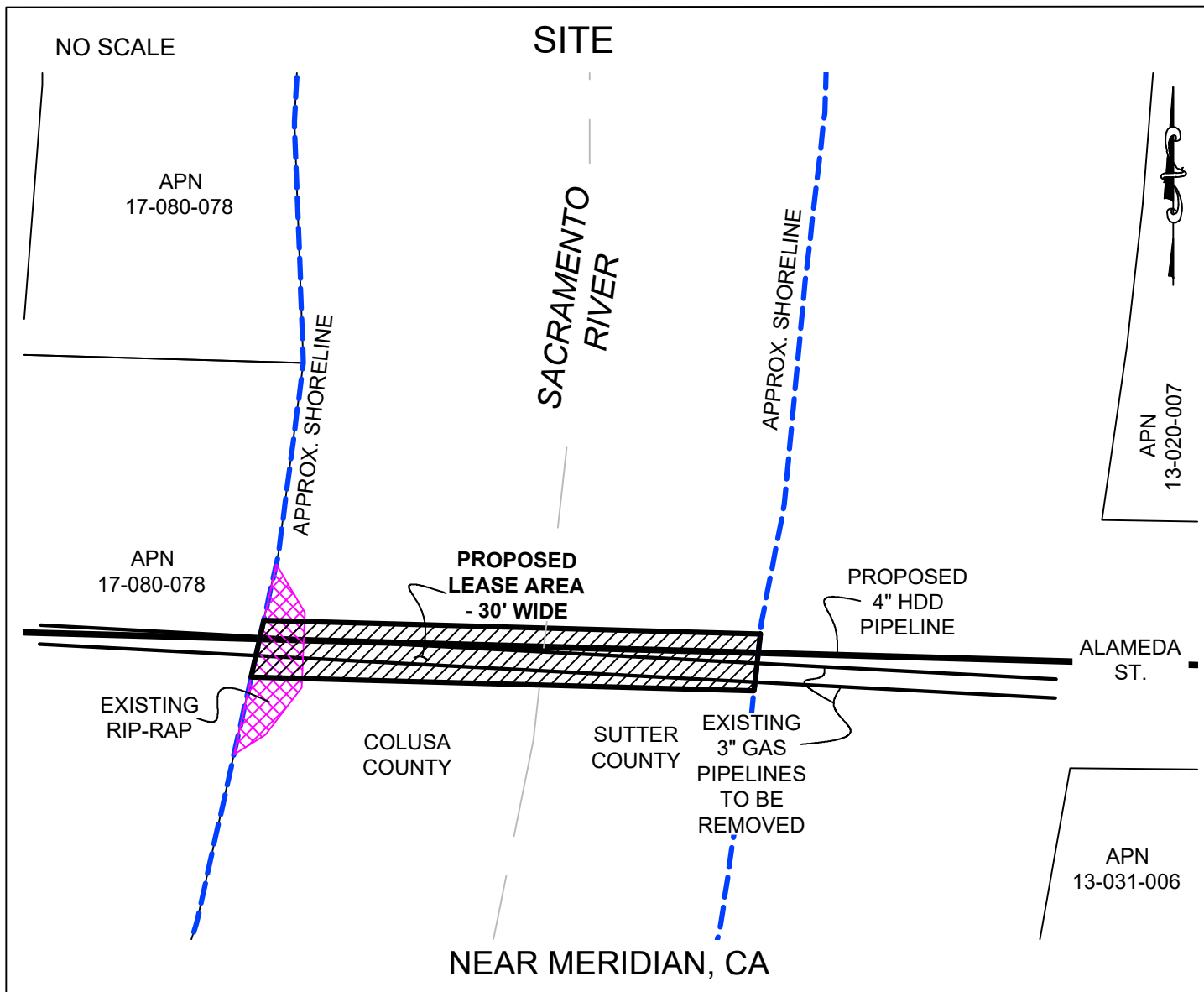
EXCEPTING THEREFROM any portion lying landward of the low water mark of said river.

This description is based on Applicant provided design plans found for the removal of existing gas lines and installation of an HDD pipeline. This description is to be updated once final as-built plans are submitted.

### END OF DESCRIPTION

PREPARED 12/28/2021 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT





**EXHIBIT B**

A 3325  
PG&E  
APN 017-080-078  
GENERAL LEASE -  
RIGHT-OF-WAY USE  
COLUSA & SUTTER COUNTIES



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.

MJF 12/28/2021

**PG&E REPLACEMENT OF DFM-0630/R-1385 ACROSS THE SACRAMENTO RIVER PROJECT**

**INITIAL STUDY(IS)/MITIGATED NEGATIVE DECLARATION (MND) RESPONSE TO COMMENTS**

**California Department of Fish and Wildlife (CDFW)**

**COMMENT 1 – MITIGATION MEASURES ARE NEEDED TO REDUCE IMPACTS TO NESTING RAPTORS AND OTHER MIGRATORY BIRDS TO LESS THAN SIGNIFICANT**

“It is the Project proponent’s responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the Project area. The proposed Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take should be included in the MND. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The MND should also include specific avoidance and minimization measures that the Project will implement should a nest be located within the Project site.”

“As the MND identifies potential impacts to bird species (including white-tailed kite (*Elanus leucurus*), a fully protected species, Swainson’s hawk (*Buteo swainsoni*), State listed as Threatened, and the Northern harrier (*Circus hudsonius*), a California species of special concern), take of potentially present nesting birds would constitute a significant impact as identified in the MND. While the MND identifies that with Mitigation Measures BIO-1 and BIO-2 project impacts to special-status birds will be reduced to a less than significant level, nesting raptors and other migratory birds may still be impacted by project activities. CDFW has identified that while mitigation measures are disclosed in the MND, the document should be revised to include the additional mitigation measures below to effectively mitigate to a level of less than significant and comply with the Fish and Game Code.”

To address this comment, CDFW recommends revising the MND with the following language:

- "If construction activity (which includes clearing, grubbing, or grading) is to commence within 500 feet of suitable nesting habitat between February and September 15, a survey for bird nests shall be conducted by a qualified biologist. The survey shall cover all potential nesting habitat on-site and off-site up to a distance of 500 feet from the project boundary no greater than 15 days prior to the start of project activities. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to CDFW prior to ground disturbing activity. If no active nests are found during the survey, no further mitigation will be required. If any active nests are found, a qualified biologist shall prepare a site-specific take avoidance plan that proposes measures to comply with the Fish and Game Code. Measure may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g., nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree."
- "If construction activity (which includes clearing, grubbing, or grading) is to commence between February 1 and September 15, focused surveys for Swainson's hawk nests shall be conducted by a qualified biologist within a ½-mile radius of project activities, in accordance with the Recommend Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk TAC 2000). To meet the minimum level of protection for the species, surveys should be completed for the two survey periods immediately prior to commencement of construction activities in accordance with the 2000 TAC recommendations. If active nests are found, a qualified biologist shall be retained to prepare a site-specific take avoidance plan in coordination with CDFW that proposes measures to comply with the California Endangered Species Act and the Fish and Game Code and these measures shall be implemented prior to the start of any ground-disturbing activities. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g., nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. In

the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code. If no active nests are found during the focused survey, no further mitigation will be required."

- "If construction activity (which includes clearing, grubbing, or grading) is to commence between February 1 and September 15, a focused survey for Northern harrier and other raptor nests shall be conducted by a qualified biologist. The survey shall cover all potential nesting habitat on-site and off-site up to a distance of 1/4-mile of the site no greater than 15 days prior to the start of project activities. If Northern harriers are present, the qualified biologist shall prepare and implement a site-specific take avoidance plan that proposes measures to comply with Fish and Game Code. The avoidance plan should include measures to avoid impacting Northern harrier including, but not limited to appropriate no-disturbance buffers with appropriate flagging or staking and behavior-based monitoring by a biologist. CDFW recommends having the qualified biologist continuously monitor any active nest(s) to detect behavioral changes resulting from project activities. If behavioral changes occur, the work causing that change should stop until the qualified biologist implements additional avoidance and minimization measures in consultation with CDFW. Any no-disturbance buffers shall remain in place until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no long reliant upon the nest or on-site parental care for survival. If a lapse in project-related work of 15 days or longer occurs, the qualified biologist shall perform a new focused survey, and if nests are found, perform the tasks described in this measure."

"If no active nests are found during the focused survey, no further mitigation will be required. If a lapse in project-related activities of 14 days or longer occurs, another focused survey is required before project activities can be reinitiated."

#### COMMISSION RESPONSE

Project scheduling will mostly avoid the Swainson's hawk nesting season; however, Phase 2 activities may overlap with the later part of nesting season and therefore, revisions have been made to MM BIO-1 and MM BIO-2 to expand protections for Swainson's hawk and special status birds. The 2000 Technical Advisory Committee (TAC) protocol for Swainson's hawk has been incorporated



into MM BIO-1 and consistent with the survey periods defined in the protocol, a Project-specific survey period of March 1 to August 15 is appropriate for the detection of active Swainson's hawk nests prior to the start of construction. MM BIO-1 has been revised to ensure nest abandonment is avoided and will require that construction be stopped if the monitoring biologist observes signs of distress and will coordinate with CDFW prior to the restart of project activities. MM BIO-2 has been expanded to include protections for raptors, including the Northern harrier and white-tailed kite, and expansion of the nesting season and the survey area to 500 feet. The requirement in MM BIO-2 for a pre-construction survey report to be submitted to CDFW is adequate notification of State-listed species observed during pre-construction surveys; however, in an effort to continue coordination with CDFW, the Commission has added that any nesting disturbance buffer must be approved by CDFW prior to the start of construction. The revised measures are as follows (revised text is underlined):

**MM BIO-1: Swainson's Hawk Nesting Season Avoidance or Pre-Construction Surveys.** In accordance with the Swainson's Hawk Technical Advisory Committee (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Project activities occurring between March 1 and August 15, shall require surveys conducted by a qualified biologist, approved by CSLC<sup>1</sup> staff, for active Swainson's hawk nests within a 0.5-mile radius of the Project area. Pre-construction surveys shall be completed for the two survey periods immediately prior to the start of construction and within 15 days prior to any construction disturbance. A pre-construction survey report shall be prepared and submitted to CDFW and CSLC within one week of pre-construction surveys, that outlines the surveys conducted, nest locations identified, and recommend nest protection buffers for CDFW approval. If active Swainson's hawk nests are identified near the Project area, then based on nest protection buffers outlined in PG&E's Nesting Bird Management Plan the following shall be required:

- Apply a CDFW-approved nest protection buffer, with a minimum distance of 0.25 mile from an active nest. Postpone Project activities within the approved nest protection buffer until after the young have fledged and are no longer dependent on the nest tree; and

---

<sup>1</sup> California State Lands Commission

- If it is not possible to postpone Project activities, construction activities may only proceed with both CDFW approval and nest monitoring by a qualified raptor biologist. If the monitoring biologist observes signs of distress, then they shall stop construction work and coordinate with CDFW to establish additional protection measures to ensure avoidance of nest abandonment prior to the re-start of Project activities.

**MM BIO-2: Nesting Bird Season Avoidance or Pre-Construction Surveys.** If Project-related vegetation removal and ground-clearing activities are scheduled between February 1 and September 15, then pre-construction surveys shall be conducted within 15 days prior to the start of construction in potential nesting habitat within 500 feet of the Project area to identify raptor and passerines nest sites. If an active raptor or passerine bird nest is identified, an appropriate species-specific nest protection buffer shall be recommended based on PG&E's Nesting Bird Management Plan and site-specific conditions. A pre-construction nesting survey report shall be prepared and submitted to CDFW and CSLC within one week of pre-construction surveys, that outlines the surveys conducted, nest locations identified, and recommended nest protection buffers. Each recommended nest protection buffer will be approved by CDFW prior to the start of construction activities. Construction activities shall be prohibited within the established buffer zones until the young have fledged. If a lapse in Project-related activities occurs for 14 days or longer, another focused survey is required before project activities can be reinitiated.

COMMENT 2 - THREATENED, ENDANGERED, CANDIDATE SPECIES

The Project area as shown in the MND includes habitat for State and federally listed species, including Swainson's hawk, Central Valley Spring-run Chinook salmon ESU, and Central Valley winter-run chinook salmon ESU (*Oncorhynchus tshawytscha*). The MND states "Listed species-related impacts of the Project cannot entirely be covered by the [Multi Region Habitat Conservation Plan] because listed fish species that occur within the Project area are not covered by the HCP". While the MND does state the project will implement the HCP's avoidance and minimization measures for valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*), it does not provide thorough and comprehensive California Endangered Species Act (CESA) compliance for all species listed as present that with the Project area. CESA (Fish & G. Code, § 2050 et seq.) prohibits the import, export, sale, and take (Fish & G. Code, § 86) of state-listed endangered (Fish & G. Code, § 2062), threatened (Fish & G. Code, § 2067), and candidate (Fish & G.

Code, § 2068) species without proper authorization. If Project activities have the potential to cause incidental take of State-listed species, a CESA Incidental Take Permit (ITP) may be obtained in the event that incidental take occurs.

The MND should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impact to a less-than-significant level to meet CEQA may not be enough adequate for the issuance of an ITP. To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code §2081(b)). To facilitate the issuance of an ITP, if applicable, CDFW recommends the MND include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

The MND can be improved by further developing a response procedure in the event a state-listed species is present. To address this comment, CDFW recommends revising the MND with the following language:

- *"If state-listed species are found during project surveys or otherwise encountered during the project, the project shall fully avoid take of state-listed species to demonstrate compliance with CESA. If implementation of the project as proposed may result in take of a state-listed species, the project proponent shall consult with CDFW and may seek related take authorization as provided by the Fish and Game Code."*

#### COMMISSION RESPONSE

Phase 2 construction activities (as detailed in Section 2.2.1) in surface water or on the banks of the Sacramento River will be conducted within the National Marine Fisheries Service (NMFS)-approved aquatic work window (June 1 to October 31) for avoidance of State and federally protected fish species. The aquatic work window coincides with the timeframe when the aquatic work area is unlikely to support special-status fish species seasonal migration and spawning and is adequate to avoid "take" of fish species by NMFS under the Federal definition of "take." MM BIO-1 and MM BIO-2 have been revised to expand protections of State listed nesting birds and when implemented will avoid any nest site disturbance which results in: (1) nest abandonment; (2) loss of young; and (3) reduced health and vigor of eggs and/or nestlings (resulting in

reduced survival rates), or that may ultimately result in the “take” (killing) of nestling or fledgling Swainson's hawks incidental to otherwise lawful activities. Lastly, MM BIO-1, MM BIO-2, and MM BIO-6 require notification and coordination with USFWS or CDFW if State listed species are observed during pre-construction surveys or require relocation during Project activities. Therefore, with the implementation of Project scheduling design elements and the aforementioned revised measures, the Project will not result in the “take” of State listed species.

**Central Valley Regional Water Quality Control Board (CVRWQCB)**

**COMMENT 1**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

COMMISSION RESPONSE

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 in the Basin Plan was referenced when preparing the MND on behalf of the Project. No changes to the MND are required.

Comment 2

Antidegradation Considerations

"All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)"

"In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality."

COMMISSION RESPONSE

The antidegradation implementation policy of the Basin Plan was reviewed as suggested during preparation of the MND. Surface water of the Project area (Sacramento River, reach between Knights Landing and Red Bluff) 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 mercury, dichlorodiphenyltrichloroethane (DDT), dieldrin, polychlorinated biphenyls (PCBs), and aquatic toxicity ([State Water Resources Control Board \[SWRCB\], 2021](#)).

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; MM HAZ-1, Project Work and Safety Plan; MM HAZ-2, Inadvertent Release Contingency Plan; MM BIO-7, Turbidity Monitoring Plan; and MM BIO-11, Site Restoration Plan. No changes to the MND are required.

### COMMENT 3

#### Permitting Requirements

##### Construction Storm Water General Permit

“Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermi ts.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermi ts.shtml)”

##### Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

### Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

### Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

### Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water

Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

#### Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

#### NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit



the Central Valley Water Board website at:

<https://www.waterboards.ca.gov/centralvalley/help/permit/>

COMMISSION RESPONSE

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 Monitoring Program, MM HYDRO-1, Stormwater Pollution Prevention Plan; MM BIO-7, Turbidity Monitoring Plan; and MM BIO-11, Site Restoration Plan, will be implemented during Project activities to reduce potential impacts to water quality within the Sacramento River. Additionally, PG&E will apply for a Section 401 Water Quality Certification and Section 404 permit from the Army Corps of Engineers prior to the implementation of construction activities involving the discharge of dredged or fill material in waters or wetlands. No changes to the MND are required.

**National Oceanic and Atmospheric Administration (NOAA)**

COMMENT 1

"It is important to abide by the recommended in-water work windows to avoid take of listed species. In this project area, in-water work should be conducted June 1-Oct 31 as stated under 2.4 Schedule in the Draft MND."

COMMISSION RESPONSE

Phase 2 construction activities (detailed in Section 2.2.1) in surface water or on the banks of the Sacramento River will be conducted within the NMFS-approved aquatic work windows (June 1 to October 31) for avoidance of State and federally protected fish species. The aquatic work window coincides with the timeframe when the aquatic work area is unlikely to support special-status fish species based seasonal migration and spawning. No changes to the MND are required.

COMMENT 2

"Use of a turbidity curtain that extends across the Sacramento River could result in significant impacts to listed fish. More details on when this might occur and duration of use would be needed prior to installation. If this is more likely to be a contingency measure only used in case permitted turbidity levels are exceeded, it would be good to receive technical assistance with the Central Valley Office before construction begins to see if alternative options are recommended."

COMMISSION RESPONSE

MM BIO-7 requires the preparation of a Project Turbidity Monitoring Plan which will provide contingency corrective measures if the results of turbidity monitoring detect a Project-related increase in turbidity levels that exceeds the allowable thresholds, as defined by regulatory permits. One of the potential corrective measures includes the use of a turbidity curtain, which will be deployed near the source of suspended sediments and will be limited to the immediate work area. In accordance with MM BIO-6 and MM BIO-7, the turbidity curtain installation and operation will be monitored by a CSLC-approved environmental monitor and will not be installed across the Sacramento River; therefore, there will be no significant impacts to listed fish species. No changes to the MND are required.

COMMENT 3

"It appears that impact pile driving may occur on land but not clear if this may extend to injurious underwater noise levels. A more thorough analysis should be done to describe where this occurs and potential underwater noise levels that may be produced. If sound levels produced disturb the underwater environment in the Sacramento River, they should be analyzed and limited to the in-water work window stated above."

COMMISSION RESPONSE

The pipeline replacement will be installed under the river by horizontal directional drilling. There will be no pile driving as part of the proposed Project; therefore, there will be no underwater noise resulting in disruption of the underwater environment. No changes to the MND are required.

## **Exhibit D**

---

### Mitigation Monitoring Program

---

## MITIGATION MONITORING PROGRAM

---

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Pacific Gas & Electric Company (PG&E) Replacement of Distribution Feeder Main 0630 (DFM-0630/R-1385) Across the Sacramento River 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 PG&E (Applicant) to decommission and replace Project-related facilities located on State-owned land. The Applicant submitted an application for a new lease agreement for the continuation of an existing use of State-owned land not previously under lease.

### 1.1 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.

### 1.2 ENFORCEMENT AND COMPLIANCE

The CSLC 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.

### 1.3 MONITORING

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 (Sutter County, Colusa County). The CSLC or its designee shall ensure that qualified environmental monitors are assigned to the Project.

**Environmental Monitors.** To confirm implementation and success of the MMs, an environmental monitor must be on-site during all Project activities with the potential to create significant environmental impacts or impacts for which mitigation is required. Along with 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
- Confirming that the MMP is followed

The environmental monitor shall immediately request any deviation from the procedures identified in this MMP to CSLC staff or its designee and shall not implement the request until CSLC staff or its designee 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. To facilitate successful implementation, relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.

**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 CSLC staff. CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall confirm 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 are to be provided upon request.

## **1.4 MITIGATION MONITORING PLAN**

This section presents the mitigation measures for Aesthetics; Biological Resources; Cultural Resources; Cultural Resources – Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Recreation; and Transportation. All other environmental factors were found to have less than significant or no impacts; therefore, they are not included. The MMP includes the following information:

- **Potential Impact**
- **Mitigation Measure** (full text of the measure)
- **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** (entity responsible to ensure MM compliance)
- **Timing** (Phase 1 and/or 2; before, during, or after construction; during operation; etc.)

#### 1.4.1 AESTHETICS

**Potential Impact:** Create a new source of substantial light or glare

**MM AES-1 Nighttime Illumination Shielding.** Project lighting shall be as low in 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.

**Monitoring/Reporting Action:** Observe nighttime lighting for compliance

**Effectiveness Criteria:** Lighting glare minimized

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, during any nighttime work

#### 1.4.2 BIOLOGICAL RESOURCES

**Potential Impact:** Swainson's hawk

**MM BIO-1: Swainson's Hawk Nesting Season Avoidance or Pre-Construction Surveys.** In accordance with the Swainson's Hawk Technical Advisory Committee (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Project activities occurring between March 1 and August 15 shall require surveys conducted by a qualified biologist, approved by CSLC staff, for active Swainson's hawk nests within a 0.5-mile radius of the Project area. Pre-construction surveys will be completed for the two survey periods immediately prior to the start of construction and within 15 days prior to any construction disturbance. A pre-construction survey report shall be prepared and submitted to CDFW and CSLC within one week of pre-construction surveys, that outlines the surveys conducted, nest locations identified, and recommend nest protection buffers for CDFW approval. If active Swainson's hawk nests are identified near the Project area, then based on nest protection buffers outlined in PG&E's Nesting Bird Management Plan the following shall be required:

- Apply a CDFW-approved nest protection buffer, with a minimum distance of 0.25 mile from an active nest. Postpone Project activities within the approved nest protection buffer until after the young have fledged and are no longer dependent on the nest tree; and
- If it is not possible to postpone Project activities, construction activities may only proceed with both CDFW approval and nest monitoring by a qualified raptor biologist. If the monitoring biologist observes signs of distress, then they shall stop construction work and coordinate with CDFW to establish additional

protection measures to ensure avoidance of nest abandonment prior to the re-start of Project activities.

**Monitoring/Reporting Action:** Submit pre-construction survey report to CSLC and CDFW prior to vegetation removal or ground disturbance, if a reduction in nest protection buffer is necessary, submit proposed buffers to CDFW for review if needed, submit request to CDFW if needed, and observation reports.

**Effectiveness Criteria:** Compliance with buffers, nest monitoring if needed

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, prior to the start and throughout Project activities

|  |
|--|
| <b>Potential Impact: Nesting birds</b> |
|--|

**MM BIO-2: Nesting Bird Season Avoidance or Pre-Construction Surveys.** If Project-related vegetation removal and ground-clearing activities are scheduled between February 1 and September 15, then pre-construction surveys shall be conducted within 15 days prior to the start of construction in potential nesting habitat within 500 feet of the Project area to identify raptor and passerines nest sites. If an active raptor or passerine bird nest is identified, an appropriate species-specific nest protection buffer shall be identified based on PG&E's Nesting Bird Management Plan and site-specific conditions. A pre-construction nesting survey report shall be prepared and submitted to CDFW and CSLC within one week of pre-construction surveys, that outlines the surveys conducted, nest locations identified, and recommended nest protection buffers. Each recommended nest protection buffer will be approved by CDFW prior to the start of construction activities. Construction activities shall be prohibited within the established buffer zones until the young have fledged. If a lapse in Project-related activities occurs for 14 days or longer, another focused survey is required before project activities can be reinitiated.

**Monitoring/Reporting Action:** Submit pre-construction survey report to CSLC and CDFW prior to vegetation removal or ground disturbance during the nesting bird season, submit proposed buffers to CDFW for review if needed, and observation reports.

**Effectiveness Criteria:** Compliance with buffers

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, prior to the start and throughout Project activities conducted between February 1 and September 15

|  |
|--|
| <b>Potential Impact: Giant Gartersnake</b> |
|--|

**MM BIO-3: Giant Gartersnake Work Window and Pre-Construction Surveys.** Project activities shall be conducted during the GGS active season (May 1 to October 1)

to the extent practicable. A qualified biologist, approved by CSLC, shall conduct a survey and identify where exclusion fencing is needed within the Project area. If needed, a solid exclusion fence shall be installed around the perimeter of work sites and shall be inspected weekly. Burrows and other refuge habitat shall be avoided to the extent practicable.

If work will be conducted during the inactive period (October 2 to April 30), then PG&E shall conduct preparation work during the snake's active period to make construction areas ready for work during the inactive season. Preparation work can include, at a minimum, adding baserock to access roads and work sites, grading access roads and work sites, and installing work zone exclusion fencing. If GGS are encountered during construction activities, snakes shall be allowed to move away from construction activities, or if relocation is required, a biologist shall follow USFWS handling protocols and move snakes to the nearest appropriate habitat out of harm's way.

**Monitoring/Reporting Action:** Submit pre-construction survey report to CSLC prior to ground disturbance, submit proposed buffers to CSLC for review if needed, USFWS/CDFW notification of relocation if needed, observation reports

**Effectiveness Criteria:** Exclusion fencing in place if needed, GGS relocated as needed, no GGS mortality

**Responsible Party:** PG&E and contractors

**Timing:** Phase 2, prior to the start and throughout Project activities

|  |
|--|
| <b>Potential Impact: Western pond turtle</b> |
|--|

**MM BIO-4: Western Pond Turtle (WPT) Pre-Construction Surveys.** A qualified biologist, approved by CSLC, shall conduct pre-construction surveys for WPT within 48 hours prior to ground disturbance to ensure that individuals are not present in the work area. Prior to ground disturbance activities, a barrier, such as wildlife exclusion fencing, shall be placed around the excavation area to prevent WPT from moving into work areas. A qualified biological monitor shall be present to monitor project activities during all in-water work and initial ground disturbance that has the potential to impact special-status species. Should WPT be found within the work areas, a qualified biologist shall relocate the species outside of work area barriers.

**Monitoring/Reporting Action:** Submit pre-construction survey report to CSLC prior to ground disturbance

**Effectiveness Criteria:** Barrier fencing in place if needed, WPT relocated as needed, no WPT mortality

**Responsible Party:** PG&E and contractors

**Timing:** Phase 2, prior to the start and throughout work on or adjacent to levee banks



**Potential Impact: Special-status wildlife species and habitats**

**MM BIO-5: Environmental Training Program.** An environmental training program shall be developed and presented by a qualified biologist, approved by CSLC. All contractors and employees involved with the Project shall be required to attend the training program prior to work on the Project. At a minimum, the program shall cover 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.

**Monitoring/Reporting Action:** Signatures of trained employees for compliance

**Effectiveness Criteria:** All construction workers complete the program, special-status species avoidance

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, prior to and throughout Project activities

**Potential Impact: Special-status wildlife species**

**MM BIO-6: 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 sensitive habitats, and other activities that have the potential to impact special-status species on a daily basis once Project activity begins. If at any time during Project activities 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 area that would not impact these species until the animal is relocated by a qualified biologist. Listed species would be allowed to leave of their own volition, unless immediate action is required to avoid injury or death. Should any listed species require relocation, a qualified biologist shall relocate the species outside the work area barriers and notify USFWS or CDFW. 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 resolve the impact prior to re-starting work in the area.

**Monitoring/Reporting Action:** Observation reports

**Effectiveness Criteria:** Special-status species avoidance

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, prior to the start and throughout Project activities

**Potential Impact: Special-status fish and aquatic species and habitats**

**MM BIO-7: Turbidity Monitoring Plan.** PG&E shall implement a Turbidity Monitoring Plan during all in-water work to ensure that turbidity levels upstream and downstream of the Project area are compliant with regulatory requirements. A CSLC-approved environmental monitor shall be present during in-water work to regularly monitor turbidity levels upstream and downstream of in-water work activities. If the results of the turbidity monitoring plan detect a Project-related increase in turbidity that exceeds the allowable thresholds for increased turbidity, as defined by regulatory permits, corrective measures will be implemented. Corrective measures may include the use of a turbidity curtain or other sediment control devices, alteration to the timing and duration of in-water work and excavation, or minor modifications in methodology that result in reducing the in-water excavation.

**Monitoring/Reporting Action:** Submit plan to CSLC for review and approval at least 30 days prior to in-river work, and weekly monitoring results

**Effectiveness Criteria:** Minimized turbidity, no associated special-status fish and aquatic species injury or mortality

**Responsible Party:** PG&E and contractors

**Timing:** Phase 2, prior to the start of and throughout in-river work

**Potential Impact: Valley elderberry longhorn beetle**

**MM BIO-8: Valley Elderberry Longhorn Beetle Training.** All personnel, including PG&E employees and contractors, who are likely to encounter blue elderberry plants or VELB, especially during vegetation removal activities, are required to receive training on VELB. A qualified biologist, approved by CSLC staff, shall provide training to all contractors prior to the start of work on the Project.

**Monitoring/Reporting Action:** Signatures of trained employees for compliance

**Effectiveness Criteria:** All personnel complete the program, special-status species avoidance

**Responsible Party:** PG&E and contractors

**Timing:** Prior to and throughout Project activities

**Potential Impact: Valley elderberry longhorn beetle habitat**

**MM BIO-9: Valley Elderberry Longhorn Beetle Habitat Avoidance.** When ground-disturbing activities will be implemented within 20 feet of blue elderberry, a qualified biologist, approved by CSLC staff, will identify a work exclusion zone (i.e., 5 to 20 feet of the dripline of all blue elderberry shrubs), with pin flagging or other appropriate means, within which ground disturbance, tree felling, and equipment and vehicle operation will

be avoided or minimized. Except for cut stump treatment of removed trees (non-elderberry), herbicides will not be used within this zone. When performing vegetation maintenance work in compliance with Public Resources Code Sections 4291–4293, pruning, rather than removal of blue elderberry plants, will be performed where feasible.

**Monitoring/Reporting Action:** Observed elderberry shrub buffers and submit observation reports

**Effectiveness Criteria:** Compliance with buffers; Special-status species avoidance

**Responsible Party:** PG&E and contractors

**Timing:** Prior to and throughout Project activities

|   |
|---|
| <b>Potential Impact:</b> Valley Elderberry Longhorn beetle habitat loss |
|---|

**MM BIO-10: Blue Elderberry Shrub Removal Documentation and Conservation.**

Permanent impacts due to blue elderberry shrub removal will be overseen and documented by a qualified biologist, approved by CSLC, using the PG&E MRHCP Valley Elderberry Longhorn Beetle Habitat Impact Report Field Form. Removal of blue elderberry shrubs during Project activities will be included in the MRHCP annual report for the purposes of PG&E's regional impact and mitigation tracking for VELB.

Compensatory mitigation is provided for permanent impacts to the VELB in accordance with the MRHCP Conservation Strategies.

**Monitoring/Reporting Action:** Provide Impact Report Field Form

**Effectiveness Criteria:** Compliance with MRHCP and habitat conservation

**Responsible Party:** PG&E and contractors

**Timing:** Following elderberry shrub removal

|  |
|--|
| <b>Potential Impact:</b> Wetlands and riparian habitat |
|--|

**MM BIO-11: Site Restoration Plan.** A Site Restoration Plan will be developed that will include the replacement of vegetation removed for completion of the Project, subject to approval by levee authorities for consistency with vegetation allowed to grow within an adopted plan of flood control. A Site Restoration Plan shall provide for restoration of the site to pre-existing conditions to the extent feasible and establish performance criteria and monitoring to ensure restoration to pre-project conditions. If replacement of large woody vegetation is restricted onsite for consistency with levee authority requirements, offsite replacement for tree removal may be considered. The Site Restoration Plan shall be submitted to the CSLC for approval 30 days prior to the start of construction.

**Monitoring/Reporting Action:** Submit Site Restoration Plan to CSLC for review and approval at least 14 days prior to work in the river floodplain, observation reports

**Effectiveness Criteria:** Restoration of disturbed wetland habitats

**Responsible Party:** PG&E and contractors

**Timing:** Prior to the start and at the completion of Project activities

|  |
|--|
| <b><i>Other applicable mitigation measures for potential impacts to biological resources</i></b> |
|--|

**MM HAZ-1: Project Work and Safety Plan, MM HAZ-2: Inadvertent Release Contingency Plan, MM HYDRO-1: Stormwater Pollution Prevention Plan**

### **1.4.3 CULTURAL / TRIBAL CULTURAL RESOURCES**

|   |
|---|
| <b><i>Potential Impact: Unknown cultural or tribal cultural resources</i></b> |
|---|

**MM CUL-1/TCR-1: Cultural and Tribal Cultural Resources Awareness Training.**

Prior to Project implementation, a consultant and construction-worker cultural and tribal cultural resources awareness training program for all personnel involved in Project implementation shall be developed in coordination with the PG&E Cultural Resource Specialist (CRS), the qualified on-site archaeologists and consulting Native American tribe, Yocha Dehe Wintun Nation. The training will be conducted by the Project archaeologist and Tribal Representative(s) and must be provided to all Project employees, contractors, subcontractors, and other workers prior to their involvement in any ground disturbing activities, with subsequent training sessions to accommodate new personnel becoming involved in the Project. Evidence of compliance with this mitigation measure shall be documented within pre-Project compliance documentation materials prior to Phase 1 and Phase 2 mobilizations.

The purpose of the training will be to educate on-site construction personnel as to the sensitivity of archaeological and tribal cultural resources in the Project area, including understanding the difference between non-Native archaeological resources (cultural resources) and resources that are Native American in nature (tribal cultural resources). The training will also cover the requirements of the plan identified in MM CUL-2/TCR-2, including the possibility of exposing cultural or tribal cultural resources, guidance on recognizing such resources, and direction on procedures if a potential resource is encountered. The Applicant will instruct all Project personnel that touching, collecting, or removing cultural materials from the property is strictly prohibited. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans, consistent with Native American tribal values and customs.

The training shall include, at a minimum:

- A brief overview of the cultural sensitivity of the Project site and surrounding area;
- What resources could potentially be identified during ground disturbance;
- The protocols that apply in the event unanticipated cultural or tribal cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated;
- Consequences in the event of noncompliance; and,
- Safety procedures when working with monitors.

**Monitoring/Reporting Action:** Pre-Project training for contractors of cultural and tribal cultural resource sensitivity, training documented to CSLC

**Effectiveness Criteria:** Reduced potential impacts to unknown cultural and tribal cultural resources

**Responsible Party:** PG&E, contractors, and CSLC

**Timing:** Phases 1 and 2, prior to construction

|  |
|--|
| <b>Potential Impact: Unknown cultural or tribal cultural resources</b> |
|--|

**MM CUL-2/TCR-2: Cultural and Tribal Cultural Resources Management and Treatment Plan (CRMTP).** Prior to implementation of Phase 1 and Phase 2 activities, PG&E shall develop a comprehensive Cultural Resources Management and Treatment Plan (CRMTP) for review and concurrence by CSLC staff and the consulting tribe(s). No tribal cultural resources shall be collected, relocated, or otherwise impacted until the approved CRMTP is in place. The purpose of the CRMTP is to describe the procedures and requirements for protection and treatment of both non-Native American archaeological or historic resources and tribal cultural resources that may be discovered during Project implementation. The CRMTP shall be provided to the CSLC and representatives from the consulting tribe (Yocha Dehe Wintun Nation) for review and concurrence at least 45 days before the start of construction. The Applicant shall fully carry out, implement, and comply with the CRMTP throughout all phases of construction.

The CRMTP shall include at a minimum:

- A description of the roles and responsibilities of cultural resources personnel, including the PG&E Cultural Resource Specialist (CRS), the qualified on-site archaeologists, and Tribal Representatives (who may also be monitors), and the reporting relationships with Project construction management, including lines of communication and notification procedures;

- Description of how the monitoring shall occur and the frequency of monitoring, consistent with the recommendations submitted by the consulting tribe during consultation on the Project (pursuant to Public Resources Code Sections 21080.3.2 and 21082.3) and reflected in the criteria listed in these mitigation measures;
- Description of what resources may be inadvertently encountered;
- Description of procedures for halting work on the site, establishment of buffer zones around potential finds, and notification procedures;
- Description of the respective authorities of the PG&E CRS, on-site archaeologist, and Tribal Representative(s) to evaluate and determine significance of discoveries, and authority to determine appropriate treatment, depending on whether the discovery is Native American in nature;
- Provisions for treatment of tribal cultural resources consistent with MM TCR-6 (Treatment of Tribal Cultural Resources) and the recommended treatment protocols submitted by the consulting tribes during consultation on the Project (pursuant to Public Resources Code Sections 21080.3.2 and 21082.3);
- Provisions for the culturally appropriate handling of tribal cultural resources, if avoidance is infeasible, including procedures for temporary custody, processing materials for reburial, minimizing handling of cultural materials, and development of a reburial plan and agreement for returning materials to a suitable location in the Project area where they would not be subject to future disturbance;
- Procedures for the appropriate treatment of human remains, pursuant to California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98, which include procedures for determination of a most likely descendant by the Native American Heritage Commission;
- A description of monitoring reporting procedures including the requirement that reports resulting from the Project be filed with the Northwest Information Center (NWIC) and the North Central Information Center (NCIC) and copies provided to CSLC, ACOE, and the consulting tribe (Yocha Dehe Wintun Nation), consistent with their geographic affiliation, within one year of Project completion.

**Monitoring/Reporting Action:** Submit CRMTP to CSLC and California Native American tribe for review and approval

**Effectiveness Criteria:** Approved CRMTP

**Responsible Party:** PG&E and CSLC

**Timing:** 45 days prior to Phase 1 implementation

|  |
|--|
| <b>Potential Impact:</b> Unknown cultural or tribal cultural resources |
|--|

**MM CUL-3/TCR-3: Cultural and Tribal Cultural Resources Monitoring.** In addition to providing the training required by MM CUL-1/TCR-1, the PG&E CRS and/or their on-site archaeologist, shall provide monitoring during implementation of Phase 1 and Phase 2 activities, as may be specified in the CRMTP required by MM CUL- 2/TCR-2. The Applicant shall also retain a Yocha Dehe Wintun Nation Tribal Representative, if one is available, who will monitor all Project construction areas. Activities to be monitored include, but are not limited to, the Phase 1 HDD bore pits excavated for the East and West Work Areas as well as terrestrial trenching for both Phase 1 and Phase 2. The Tribal Representative(s) shall each have the authority to temporarily halt or redirect construction in the event that potentially significant cultural resources or tribal cultural resources are discovered during Project related activities. The work stoppage or redirection shall occur to an extent sufficient to ensure that the resource is protected from further impacts. Detailed monitoring procedures, including criteria for increasing or decreasing monitoring and the location and scope of monitoring activities agreed to by both PG&E CRS designated on-site archaeologist and tribal monitor(s), will be outlined in the CRMTP identified in MM CUL-2/TCR-2. The Applicant shall provide a minimum two week notice to the on-site archaeologist and designated representatives from the consulting tribe(s) prior to all activities requiring monitoring and shall provide safe and reasonable access to the Project site. The monitors, if available, shall work in collaboration with the inspectors, Project managers, and other consultants hired/employed by PG&E or their Contractor.

**Monitoring/Reporting Action:** CRS/on-site archaeologist and California Native American tribe monitors present during ground disturbance

**Effectiveness Criteria:** Discovery and identification of unknown cultural or tribal resources, if present

**Responsible Party:** PG&E and CSLC

**Timing:** Phases 1 and 2, during construction

|  |
|--|
| <b>Potential Impact: Unknown tribal cultural resources</b> |
|--|

**MM TCR-4: Monitoring and Inspection of Grading and Excavation.** To ensure previously unknown subsurface tribal cultural resources are avoided, identified, and protected, the following procedures shall be followed:

- Should any grading be performed within the Pipe Staging Area, it shall not exceed the 18-inch approximate depth of prior disturbance from agricultural discing and grading activities;
- Due to the potential for encountering buried or redeposited tribal cultural resources, excavation related to establishing the HDD bore pits or tie-ins shall proceed in a manner that allows for periodic inspection of the pits, trenches, and

spoils by the Tribal Representative(s). Specific procedures for this excavation monitoring shall be detailed in the CRMTP required in MM CUL2/TCR-2 and shall, at a minimum, describe the depth of each “layer” that will be excavated between inspections, and procedures to ensure safety of the Tribal Representative(s) inspecting the pits, trenches, and spoils area.

**Monitoring/Reporting Action:** CRS/on-site archaeologist and California Native American tribe(s) monitors present during ground disturbance

**Effectiveness Criteria:** Protection of unknown cultural or tribal resources, if present

**Responsible Party:** PG&E and CSLC

**Timing:** Phases 1 and 2, during construction

|  |
|--|
| <b>Potential Impact: Unknown cultural or tribal cultural resources</b> |
|--|

**MM CUL-4/TCR-5: Discovery of Previously Unknown Cultural or Tribal Cultural Resources.** If any potential tribal cultural resources, archaeological resources, other cultural resources, or articulated or disarticulated human remains are discovered by the Tribal Monitor(s)/designated on-site archaeologist, or other Project personnel during construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the Project area and nature of the find. Work stoppage shall remain in place until the Tribal Monitor, PG&E CRS and the designated on-site archaeologist have jointly determined the nature of the discovery, and the significance of the discovery has been determined by either the archaeologist/cultural resources specialist (for cultural resources) or the Tribal Monitor (for tribal cultural resources), as detailed in the CRMTP identified in MM CUL-2/TCR-2. Tribal cultural resources shall not be photographed nor be subjected to any studies beyond such inspection as may be necessary to determine the nature and significance of the discovery. If the discovery is confirmed as potentially significant or a tribal cultural resource, an Environmentally Sensitive Area (ESA) will be established using fencing or other suitable material to protect the discovery during subsequent investigation. No ground-disturbing activities will be permitted within the ESA until the area has been cleared for construction. The exact location of the resources within the ESA 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 and tribal cultural resources shall be avoided through preservation in place, if feasible. If the on-site archaeologist or Tribal Monitor, as appropriate, 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 discovery remains clearly marked for no disturbance. 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.

**Monitoring/Reporting Action:** Tribal Monitor, PG&E CRS and the designated on-site archaeologist to evaluate the find and report to CSLC

**Effectiveness Criteria:** ESA established for potentially significant find(s)

**Responsible Party:** PG&E, contractors, and CSLC

**Timing:** Phases 1 and 2, during construction activities

|  |
|--|
| <b>Potential Impact: Unknown tribal cultural resources</b> |
|--|

**MM TCR-6: Treatment of Tribal Cultural Resources.** If it is determined that avoidance of an unanticipated discovery of a tribal cultural resource is infeasible, the resource will be treated in a culturally appropriate manner pursuant to the treatment protocols developed for the CRMTP identified in MM CUL-2/TCR-2. Such treatment may include, subject to landowner cooperation, temporary recovery and subsequent reburial of materials pursuant to an excavation and reburial plan developed by the Yocha Dehe Winton Nation (and other consulting tribes, as appropriate) in coordination with the Project Archaeologist and CSLC. Removal of tribal cultural resources shall be conducted by or in the presence of the Tribal Representative(s), unless otherwise directed by the tribe(s). Removed materials shall be temporarily curated on site, in a secure, climate-controlled location, or with a custodian agreed to by the Tribal Representative(s), until such time as the materials can be reburied as close to the original location as possible. If reburial within or near the original location is not feasible, reburial shall occur in accordance with the reburial agreement described in the CRMTP identified in MM CUL-2/TCR-2, which will include, at a minimum, measures and provisions to protect the reburial area from any future impacts (vis a vis Project plans, conservation/preservation or cultural easements, etc.) and provisions for cultural access.

After completion of the Project, a monitoring report that details the implementation of the CRMTP will be prepared and submitted to CSLC, ACOE, consulting tribes, and PG&E. The methods, results, and findings of all monitoring and treatment activities will be presented in this report that will include background information on the project, document methods, actions implemented, results, and will summarize daily monitoring reports. The qualified consultant preparing this monitoring report shall seek input from the consulting tribes to ensure tribal perspectives are incorporated into the discussion.

**Monitoring/Reporting Action:** Treatment plan(s) for any found tribal cultural resource that cannot be preserved in place

**Effectiveness Criteria:** Treatment plan(s) approved by Tribal Representative(s)

**Responsible Party:** PG&E, contractors, and CSLC

**Timing:** Phases 1 and 2, during construction activities as well as post-Project if necessary

**Potential Impact: Unanticipated discovery of human remains**

**MM CUL-5/TCR-7: Unanticipated Discovery of Human Remains.** If human remains or associated grave goods (e.g., non-human funerary objects, artifacts, animals, ash or other remnants of burning ceremonies) are encountered, all ground disturbing activities shall halt within 100 feet of the discovery or other agreed upon distance based on the project area and nature of the find; the remains will be treated with respect and dignity and in keeping with all applicable laws including California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98. If representatives are not already on site when a discovery is made, the Project Archaeologist or their designated on-site cultural resources specialist, Tribal Representative(s), the Applicant, and CSLC shall be notified immediately. The archaeologist shall contact the County Coroner within 24 hours. If human remains are determined by the County Coroner to be of Native American origin, the County Coroner shall notify the Native American Heritage Commission within 24 hours of this determination, and the Native American Heritage Commission shall identify a Most Likely Descendent. No work is to proceed in the discovery area until consultation is complete and procedures to avoid or recover the remains have been implemented. Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The reburial agreement described in the CRMTP identified in MM CUL2/TCR-2 shall include specific details about temporary custody of remains, reburial location, confidentiality, and recordation in the California Historic Resources Inventory System.

**Monitoring/Reporting Action:** Notifications/Consultations with County Coroner and NAHC (if applicable), copy to CSLC

**Effectiveness Criteria:** Reduced impacts to human remains (if found)

**Responsible Party:** PG&E, contractors, and CSLC

**Timing:** Phases 1 and 2, during construction activities

#### 1.4.4 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

**Applicable mitigation measures for potential impacts to geology, soils, and paleontological resources**

**MM BIO-11: Site Restoration Plan, MM HYDRO-1: Stormwater Pollution Prevention Plan**

#### 1.4.5 HAZARDS AND HAZARDOUS MATERIALS

|  |
|--|
| <b>Potential Impact: Water or soil contamination</b> |
|--|

**MM HAZ-1: Project Work and Safety Plan.** 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 each Project Phase. The PWSP shall include the following information (at a minimum):

- Contact information
- Hazardous Spill Response and Contingency Plan
- Emergency Action Plan
- Summary of the Project Execution Plan
- Project Management Plan, including testing and proper disposal of used HDD fluids and drill cuttings
- Site Safety Plan, including measures for proper handling of hazardous materials including, but not limited to soils containing residual pesticides
- Permit Condition Compliance Matrix

**Monitoring/Reporting Action:** CSLC review and approval of PWSP 30 days prior to Phase 1 implementation, OSRCP documentation including emergency agency notification, on-site spill response team to verify, CSLC approved monitor to ensure compliance

**Effectiveness Criteria:** Reduced risks of water or soil contamination

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, prior to and throughout Project activities

|   |
|---|
| <b>Potential Impact: Drilling fluid migration</b> |
|---|

**MM HAZ-2: Inadvertent Release Contingency Plan.** An Inadvertent Release Contingency Plan shall be prepared and implemented to detect and address any inadvertent drilling fluid migration outside of the HDD borehole, including potential drilling fluid migration into the Sacramento River. At least 30 days prior to Phase 1 implementation, PG&E shall submit a Final Inadvertent Release Contingency Plan to CSLC for review and approval.

**Monitoring/Reporting Action:** Submit Inadvertent Release Contingency Plan to CSLC for review and approval, monitoring during HDD activities

**Effectiveness Criteria:** Mitigation of drilling fluid migration (if occurs)

**Responsible Party:** PG&E and HDD drilling contractor

**Timing:** Phase 1, prior to and during HDD drilling activities

|  |
|--|
| <b>Potential Impact:</b> Existing pipeline/utility disturbance in riverbed |
|--|

**MM HAZ -3: Pre- and Post-Project Bathymetric and Surficial Features Multi-Beam Debris Survey.** Pre- and post-Project Bathymetric and Surficial Features Multi-Beam Debris Surveys of the riverbed shall be conducted using a vessel equipped with a multi-beam sonar system. The pre-Project survey, used in conjunction 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 Bathymetric and Surficial Features Multi-Beam debris survey shall also be performed, and the results compared to the initial baseline survey. Any anomalous objects that were not already found and identified in the pre-Project survey and that remain unidentified during the bathymetric and debris surveys would be positively identified using methods such as divers or ROV. All Project-related debris would be recovered. A Project close-out report with drawings shall be submitted to the CSLC within 60 days of work completion.

**Monitoring/Reporting Action:** Pre-Project and post-Project geophysical debris survey results submitted to CSLC

**Effectiveness Criteria:** Avoidance of pipelines, utilities, and debris as well as removal of all Project-related debris

**Responsible Party:** PG&E and contractors

**Timing:** Phase 2, prior to Project activities, and after Project completion

|  |
|--|
| <b>Potential Impact:</b> Asbestos exposure |
|--|

**MM HAZ-4: 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 equal to or greater than 1 percent by weight, the materials shall be controlled by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of SMAQMD Rule 902 or YSAQMD Rule 4.3, and in accordance with applicable worker safety regulations. All ACM removed from the pipeline segment(s) shall be labeled, transported, and disposed of at a verified and approved ACM disposal facility.

**Monitoring/Reporting Action:** Inspections and testing (if necessary) for asbestos. Lab report results to CSLC, with abatement plan if required

**Effectiveness Criteria:** Proper containment of ACM

**Responsible Party:** PG&E and contractors

**Timing:** Phases 1 and 2, during all pipeline removal and tie-in activities

#### 1.4.6 HYDROLOGY AND WATER QUALITY

|  |
|--|
| <b><i>Potential Impact: Runoff and sedimentation</i></b> |
|--|

**MM HYDRO-1: Stormwater Pollution Prevention Plan.** PG&E or their contractor shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) consistent with the Statewide NPDES Construction General Permit (Order No. 2012-0006-DWQ). At a minimum, the SWPPP shall include measures for:

- Maintaining adequate soil moisture to prevent excessive fugitive dust emissions, 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.
- 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.

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 a minimum of 30 days prior to Project implementation.

***Monitoring/Reporting Action:*** SWPPP submitted to CSLC, observation reports

***Effectiveness Criteria:*** Minimize erosion, siltation, and turbidity

***Responsible Party:*** PG&E and contractors

***Timing:*** Phases 1 and 2, during all Project activities

|   |
|---|
| <b><i>Other applicable mitigation measures for potential impacts to hydrology and water quality</i></b> |
|---|

**MM HAZ-1: Project Work and Safety Plan, MM HAZ-2: Inadvertent Release Contingency Plan, MM BIO-7: Turbidity Monitoring Plan, MM BIO-11: Site Restoration Plan**

#### 1.4.7 NOISE

**Potential Impact: Disturbance from Project noise**

**MM N-1: Work Hours and Alternate Housing.** Work involving noise-generating equipment shall be conducted during the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. Work involving noise-generating equipment in Sutter County on Sundays shall be prohibited unless permission is granted by Sutter County in advance. If work involving noise-generating equipment is necessary (i.e., pipe pulling) outside of the work windows above, then PG&E will notify residents within 100-feet of the Project area and offer compensation for alternate housing for the time period when noise-generating work is scheduled to occur.

**Monitoring/Reporting Action:** Documentation of compliance

**Effectiveness Criteria:** Reduction of potential impact to near-by residents

**Responsible Party:** PG&E

**Timing:** Phase 1 and Phase 2, prior to scheduled work outside of work windows

#### 1.4.8 RECREATION

**Potential Impact: Interaction with recreational vessels**

**MM REC-1. Riverine Safety Measures.** Prior to in-water activity, PG&E or its designated contractor shall post information at all local marinas and launch facilities concerning Project work locations, times, and other details of activities that may pose hazards to recreational boaters. At all times while Project activities are taking place in the Sacramento River, warning signs and buoys shall be installed upstream and downstream of the work site to provide notice to the public that Project activities are taking place and to exercise caution.

**Monitoring/Reporting Action:** Documentation of compliance

**Effectiveness Criteria:** Reduction of potential impact to recreational vessels

**Responsible Party:** PG&E and contractors

**Timing:** Phase 2, prior to vessel departure to Project area and during all in-water activities

**Potential Impact: Interaction with recreational vessels**

**MM REC-2: Advanced Notice to Mariners.** All in-water activity shall be described in a Local Notice to Mariners to be submitted to the U.S. Coast Guard at least 15 days prior to Phase 2 activities. The Notice shall include:

- Type of operation (i.e., diving operations, construction).
- Location of operation, including latitude and longitude and geographical position, if applicable.
- Duration of operation, including start and completion dates (if these dates change, the U.S. Coast Guard needs to be notified).
- Vessels involved in the operation.
- VHF-FM radio frequencies monitored by vessels on the scene.
- Point of contact and 24-hour phone number.
- Chart Number for the area of operation.

**Monitoring/Reporting Action:** Publication of notice

**Effectiveness Criteria:** Reduction of potential impact to recreational vessels

**Responsible Party:** PG&E and contractors

**Timing:** Phase 2, at least 15 days prior to vessel departure to Project area

#### 1.4.9 TRANSPORTATION

|  |
|--|
| <b>Potential Impact:</b> Traffic impacts |
|--|

**MM T-1: Traffic Control Plan.** Prior to commencement of Project activities, a Traffic Control Plan shall be submitted to the CSLC for review and approval. It shall include measures such as appropriate signage, detour routes, and lane closure to reduce potential hazards to motorists and workers during the Project. In addition, the Traffic Control Plan shall address measures to allow emergency vehicle access, and reduction of impacts to circulation, potential hazards to motorists, bicyclists, pedestrians, and workers during the Project.

**Monitoring/Reporting Action:** Documentation within compliance monitoring sheets

**Effectiveness Criteria:** Minimized risks with associated traffic congestion and vehicle conflicts

**Responsible Party:** PG&E and contractors

**Timing:** Phase 1 and 2, prior to Project activities