

Staff Report 13

LESSEE/APPLICANT:

Pacific Gas and Electric Company

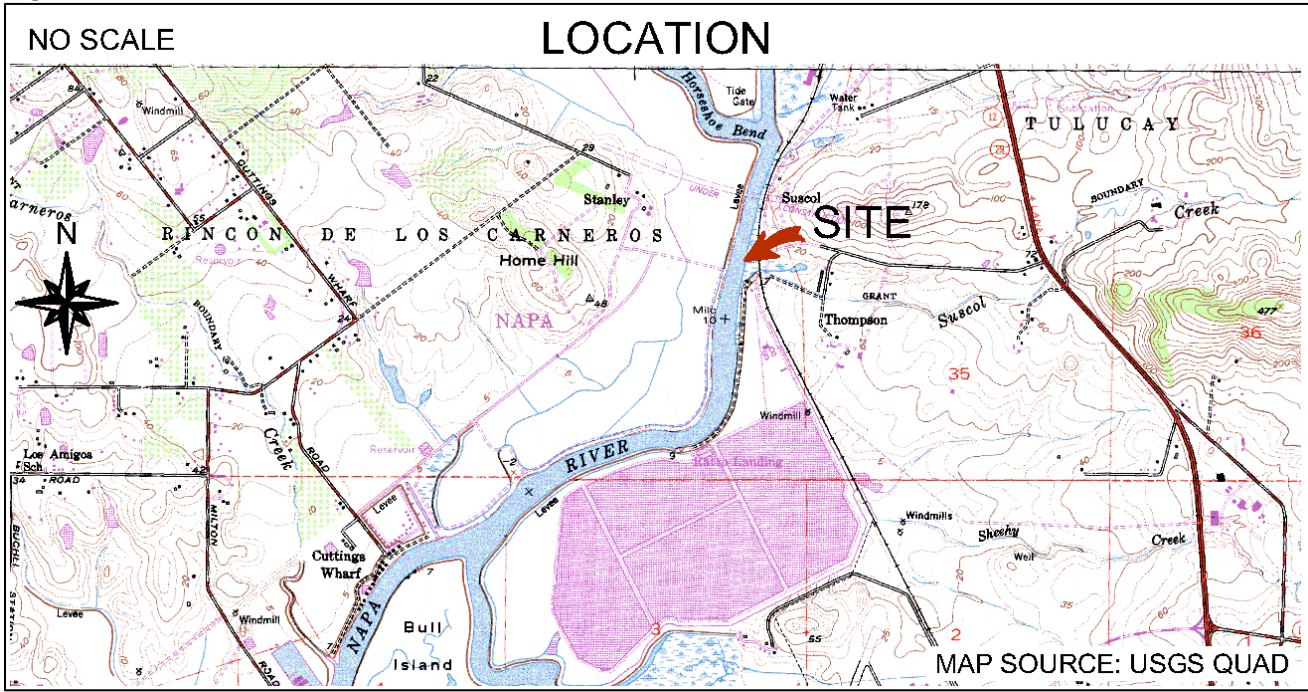
PROPOSED ACTION:

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

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River, near Suscol Creek, near Napa, Napa County (as shown in Figure 1).

Figure 1. Location



PROPOSED AMENDMENT OF LEASE 5438-B:

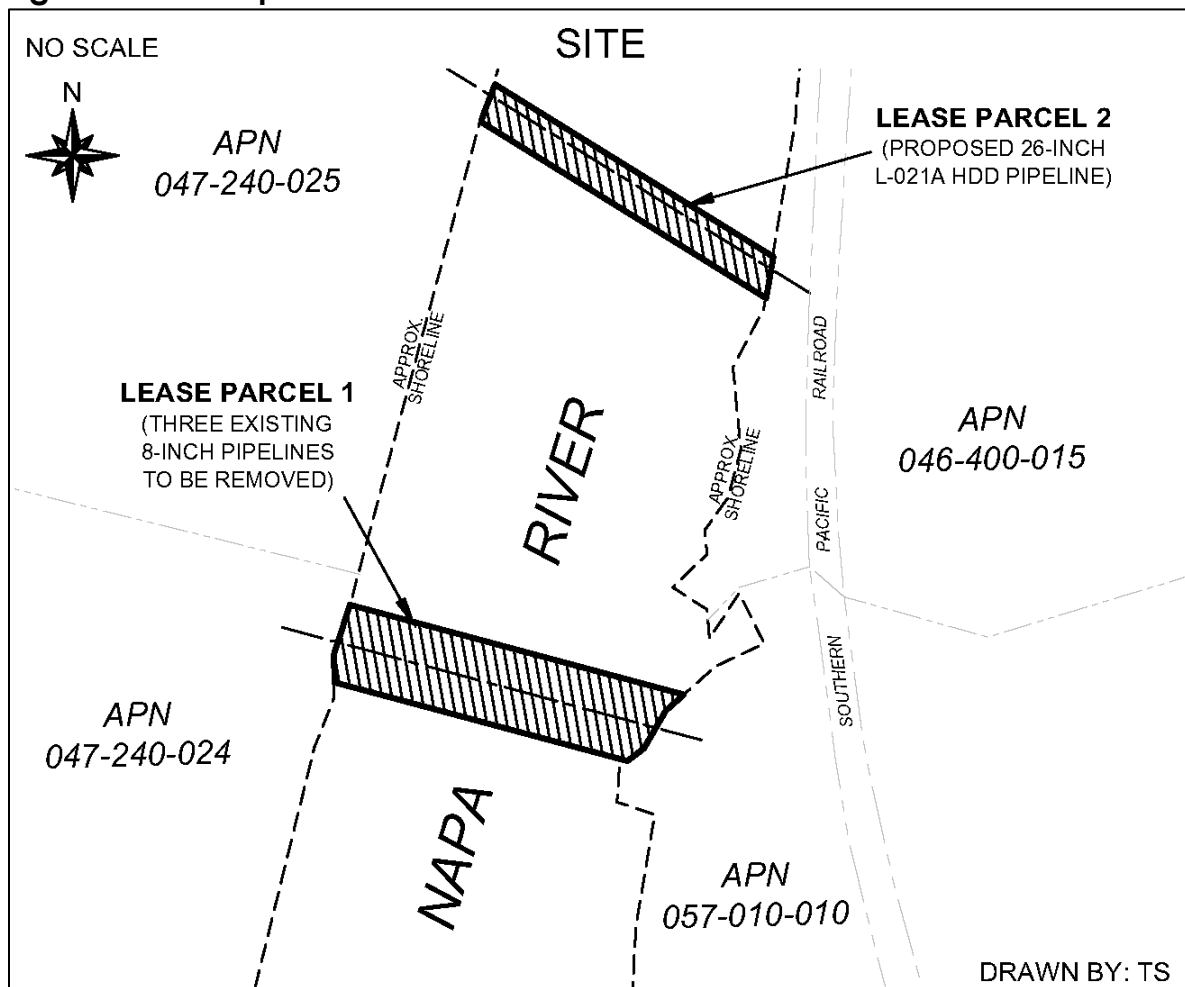
Authorize removal of the three existing parallel 8-inch-diameter natural gas pipelines (L-021A, L-021 A-1, and L-021A-2) in the Napa River from Lease 5438-B, a General Lease – Right-of-Way Use.

All other terms and conditions of the lease will remain in effect without amendment.

PROPOSED ISSUANCE OF NEW GENERAL LEASE – RIGHT-OF-WAY USE:

Installation and use of a 26-inch-diameter steel Horizontal Directionally Drilled pipeline to transport natural gas; and decommissioning and removal of three existing parallel 8-inch-diameter gas pipelines (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

20 years, beginning October 19, 2023.

CONSIDERATION:

\$542 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 \$300,000.
- Lessee shall submit a final set of engineering design drawings as issued for construction prior to undertaking the entire project.
- 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.

PUBLIC TRUST AND STATE’S BEST INTERESTS:

On January 26, 2012, the Commission authorized termination of a holdover tenancy of Lease No. PRC 5438 and authorized issuance of six General Leases – Right-of-Way Use, Lease Nos. PRC 5438-A, PRC 5438-B, PRC 5438-C, PRC 5438-D, PRC 5438-E, and PRC 5438-F in its place ([Item C33, January 26, 2012](#)). Lease No. PRC 5438-B authorized 39 existing natural gas pipelines in various waterways and various counties. The lease expires December 31, 2031.

The Applicant is now applying to decommission and remove three existing parallel 8-inch-diameter natural gas pipelines (L-021A, L-021A-1, and L-021A-2) from the Napa River (River) and to install a new replacement natural gas pipeline (L-021A) under the River by horizontal directional drilling (HDD). The three existing gas pipelines are currently authorized under Lease No. PRC 5438-B. The Applicant received a scheduled safety recommendation from the National Transportation Safety Board requiring an assessment of the existing pipeline crossings for any threats to integrity. The Applicant determined assessment of the pipelines with an

in-line (internal) inspection is not possible due to the small diameter and layout. As a result, the Applicant proposes to replace the three existing pipelines with a single pipeline to comply with the recommendation, allow for in-line inspection, and maintain continuous natural gas service.

Staff recommends amendment of Lease No. PRC 5438-B to remove the three existing pipelines from the lease, and issuance of a new lease for the proposed new HDD pipeline.

The proposed 26-inch-diameter steel natural gas pipeline would be installed through HDD construction methods and would tie into the existing pipeline network. The proposed replacement line would be located approximately 60 feet below the bottom of the River. The three existing parallel 8-inch-diameter lines are buried approximately 17 feet beneath the riverbed. Installation of the new pipeline at a much greater depth would maintain public safety and would not impact the navigability of the River.

The new pipeline would be installed with a proposed HDD entry point located near Soscol Ferry Road. The equipment staging area would be located within property owned by the Napa Sanitation District on the east side of the River and on grazed pastureland within the Napa-Sonoma Marshes Wildlife area managed by the California Department of Fish and Wildlife on the west side of the River. The new pipeline would better ensure the safe transport of needed energy resources. Upon completion of the pipeline replacement, the three existing active pipelines would be decommissioned and removed in their entirety from the lease premises.

Removal of the pipelines would occur with the use of a derrick barge equipped with a crane. The buried pipelines would be exposed on both sides of the River. The pipelines would then be lifted vertically out of the riverbed, including sections landward of the Commission's jurisdiction. The removed pipes would be disposed of at an approved upland facility. The Lessee will also remove concrete valve boxes, pipeline manifolds, and associated valves. The existing pipeline markers would be removed and replaced with new pipeline markers to indicate the proposed pipeline realignment. All excavation and ground disturbance areas will be returned to pre-existing conditions upon completion of the Project.

Upon completion of installation and operation of the new pipeline, periodic inspection results, including internal inspections and pressure tests will be required as part of the lease. The Project, which is anticipated to occur over two phases throughout a 1-year period, is necessary for the Lessee to provide reliable public utility service.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. In addition, the lease has a limited 20-year term and does not grant the lessee exclusive rights to the lease premises. The new pipeline will be located deep below the bed of the River and will have no impact on the recreational use of the River.

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 public land.

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 potentially significant impacts to: Aesthetics; Air Quality; Biological Resources; Cultural Resources; Cultural Resources – Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; 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 California State Lands Commission MND No. 814, State Clearinghouse No. 2023080342. The Proposed MND and Initial Study were circulated for at least a 30-day public review period from August 15, 2023, to September 15, 2023. Staff received one comment letter from the California Department of Fish and Wildlife (CDFW). Exhibit A provides a summary of the comments and staff's responses.

In response to the comments, staff revised the MND, including modifications to mitigation measures BIO-1, BIO-9, and BIO-11, as requested by CDFW. Staff determined that the changes do not constitute a “substantial revision,” as defined in State CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of

the MND prior to Commission consideration is not required pursuant to State CEQA Guidelines section 15073.5, subdivision (c).

Based upon the Initial Study, the MND, and the comments received in response, there is no substantial evidence that the Project will have a significant effect on the environment; California Code of Regulations, Title 14, section 15074, subdivision (b). A Mitigation Monitoring Program has been prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6), and is contained in the attached Exhibit B.

CLIMATE CHANGE:

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

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

Table 1. Projected Sea Level Rise for San Francisco

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

Source: Table 13, [State of California Sea-Level Rise Guidance: 2018 Update](#)

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

This effect could increase inundation levels within the lease area. In addition, as stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate change induced droughts could

decrease river levels and flow for extended periods of time. Climate change and sea level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

Sea level rise as a function of global climate change is not expected to affect the Project. While the portion of the River associated with the Project is tidally influenced, the removal of the existing pipeline from below the bed and banks of the River is a short-term activity that will not be impacted by climate change-induced sea level rise. The new pipeline would be installed at a depth of approximately 60 feet below the bed of the River and would therefore not be affected by projected flooding or drought conditions.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and the adjacent upland (outside the lease area) are in an area that may be subject to effects of climate change, including sea level rise.

TRIBAL CONSULTATION

Under AB 52 (Chapter 532, Statutes of 2014), lead agencies must notify tribes of the opportunity to consult on a project if that Tribe has requested notification, and must avoid damaging tribal cultural resources, when feasible, whether consultation occurred or is required. For all lead agency projects, in addition to any required AB 52 notifications, Commission staff contacts the Native American Heritage Commission (NAHC) to obtain results of a sacred lands file search (the sacred lands file is a database maintained by the NAHC of culturally sensitive areas or resources) as well as a list of Native American representatives who may be able to provide information about resources of concern located within or adjacent to a project area. Staff maintains an internal AB 52 list with tribes who have requested formal consultation on projects in their culturally affiliated territories. For this Project, the Yocha Dehe Wintun Nation is the only tribe on the staff's internal list.

On October 19, 2022, staff contacted the NAHC to obtain information about known cultural and Tribal cultural resources and requested a list of Native American Tribal representatives who may have geographic or cultural affiliation in the proposed Project area. The NAHC responded on November 21, 2022, stating that the Sacred Lands File database did include a previously identified sacred site in the proposed Project area. The NAHC urged contact with the Mishewal-Wappo Tribe of Alexander Valley (Wappo Tribe) for further information. The NAHC also forwarded a list of 13 tribal contacts for eight Native American tribes, which staff used for outreach and coordination.

On December 13, 2022, staff sent Project notification letters and an invitation to consult under AB 52 to the eight 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. The outreach letters sent on December 13, 2022, included chairpersons and representatives of the following:

- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- Cortina Rancheria – Kletsel Dehe Band of Wintun Indians
- Guidiville Indian Rancheria
- Middletown Rancheria of Pomo Indians
- Mishewal-Wappo Tribe of Alexander Valley (Wappo Tribe)
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- Pinoleville Pomo Nation
- Yocha Dehe Wintun Nation (Yocha Dehe)

In response to the letters, the Yocha Dehe requested consultation. Staff provided Project and cultural resources survey information and held a consultation meeting in February 2023. On July 24, 2023, the Yocha Dehe deferred Project review and monitoring to the Wappo Tribe but requested continued Project updates. On July 28, 2023, staff consulted with the Chairman of the Wappo Tribe, Scott Gabaldo, about the Project description and mitigation measures proposed by the Applicant to address potential tribal cultural resource impacts. In addition, the Applicant provided a copy of the Extended Phase I Geoarchaeological Study to the Chairman, Scott Gabaldo. On August 1, 2023, Commission received confirmation from Chairman, Scott Gabaldo, that the Wappo Tribe concurs with the proposed mitigation measures in the MND.

ENVIRONMENTAL JUSTICE:

The [Commission's Environmental Justice Policy](#) reaffirms its commitment to an informed and open process in that all people are treated equitably and with dignity. Among other goals, the policy commits to "Strive to minimize additional burdens on and increase benefits to marginalized and disadvantaged communities resulting from a proposed project or lease." Although the analysis in the MND concluded that no outreach was necessary, as part of its commitment to environmental justice staff contacted community-based organizations in Napa County on August 3, 2023. The outreach included a brief description of the Project and conveyed a strong desire to learn from the perspectives of the local community. Commission staff sent follow-up emails and phone calls to the

environmental justice organizations. As of the posting of this staff report, no responses to the outreach have been received.

CONCLUSION:

For all the reasons above, staff believes that amendment of Lease No. PRC 5438-B and issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, and commerce; or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; 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. 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 the 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 number 28-091-000 (Napa River, Napa County). The subject lands are classified as use category Class B, which authorizes limited use. Environmental values identified for these lands include endangered species habitat, migratory path for anadromous fish spawning on tributary streams, riparian habitat for wildlife support, and recreation.

Based on staff's review of the Significant Lands Inventory, the CEQA analysis provided in the MND, and the participation from the agency nominating such lands through the CEQA review and permitting process, 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
California Department of Fish and Wildlife
California Department of Transportation
San Francisco Bay Regional Water Quality Control Board
City of Napa
Napa County Flood Control and Water Conservation District

EXHIBITS:

- A. Response to CEQA Comments
- B. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Certify that the MND, California State Lands Commission MND No. 814 (October 2023), State Clearinghouse No. 2023080342, was prepared for this Project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein and 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 B.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that amendment of Lease Number PRC 5438-B and issuance of the proposed lease for installation of a natural gas pipeline and decommissioning and removal of three existing natural gas pipelines would not be materially adverse to public health and safety; or substantially interfere with the Public Trust needs and values at this location, at this time, and for the 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 amendment of Lease Number PRC 5438-B, a General Lease – Right-of-Way Use, of sovereign land located in the Napa River, effective October 19, 2023; to remove the three existing parallel 8-inch-diameter natural gas pipelines in the Napa River.
2. Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning October 19, 2023, for a term of 20 years, for installation of a horizontal directionally drilled 26-inch-diameter natural gas pipeline; and the decommissioning and removal of three existing parallel 8-inch-diameter natural gas pipelines in the Napa River; annual rent in the amount of \$542, with an annual Consumer Price Index adjustment; a bond in an amount no less than \$300,000; and liability insurance or self-insurance in an amount no less than \$10,000,000 per occurrence.
3. 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 improvement following construction.

EXHIBIT A – RESPONSE TO CEQA COMMENTS

PACIFIC GAS & ELECTRIC COMPANY (PG&E) L-021A NAPA RIVER PIPELINE CROSSING REPLACEMENT PROJECT

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

California Department of Fish and Wildlife (CDFW)

Comment 1, Swainson's Hawk, Mitigation Measure Shortcoming

The MND includes Mitigation Measure (MM) BIO-1 for nesting Swainson's hawk. MM BIO-1 specifies a nest avoidance buffer of 0.25 miles which may not be adequate to protect nesting Swainson's hawks.

To reduce impacts to Swainson's hawk to less than significant and comply with the California Endangered Species Act (CESA), CDFW recommends replacing MM BIO-1 with the mitigation measure provided in the comment letter on page 4.

COMMISSION RESPONSE TO COMMENT-1

MM BIO-1 (found in MND page 3-77 and the Mitigation Monitoring Program (MMP), Appendix C, page C-5) has been amended in response to this comment:

MM BIO-1: Swainson's Hawk Nesting Season Avoidance or Pre-Construction Surveys. In accordance with the Swainson's Hawk Technical Advisory Committee 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 raptor biologist, approved by CSLC 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, with the final survey occurring 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 completed 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 0.250.5 miles 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. The minimum nest protection buffer may be reduced in coordination with CDFW if existing site conditions and disturbance levels indicate that a reduced buffer would be effective.~~
- If it is not possible to postpone Project activities within the nest protection buffer, 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.

Comment 2, Longfin Smelt and Delta Smelt, Mitigation Measure Shortcoming

Although the MND discusses an in-water work period to avoid impacts to longfin and Delta smelt, it does not include a mitigation measure for the in-water work period.

To reduce impacts to longfin smelt and other special-status fish species to less than significant, and comply with CESA, CDFW recommends including the mitigation measure provided in the comment letter on page 5.

COMMISSION RESPONSE TO COMMENT-2

As described in the MND's Section 2.4 Work Schedule on page 2-39, Section 3.4.1.4 Special-Status Species on page 3-72, and on pages 3-84, 3-87, 3-92, and 3-180, the Project's planned in-water work would only occur during the agency-approved seasonal aquatic in-water work window from August 1 to October 31, when special-status fish are least likely to be present in the Project area. This Project design feature results in a less-than-significant CEQA impact determination. In response to the comment, staff has proposed a lease provision requiring that Project-related in-water work will only happen between August 1 and October 31. This lease provision serves to enforce the Project's in-water work window, as described in the MND.

Comment 3, Mason's lilaeopsis and Other Special-Status Plants, Mitigation Measure Shortcoming

Mitigation Measure BIO-9 does not clearly require special-status plant surveys during the blooming period for Mason's lilaeopsis or other special-status plant species, and therefore, the surveys may not detect special-status plants and consequently the Project may cause impacts to these plants.

To reduce impacts to Mason's lilaeopsis and other special-status plants to less than significant, CDFW recommends revising MM BIO-9 as provided in the comment letter on page 6.

COMMISSION RESPONSE TO COMMENT-3

A habitat assessment for special-status plants was conducted during general biological surveys of the Project site and determined that suitable habitat for special-status plants occurs onsite. Based on the habitat assessment, special-status plant surveys were completed in May and August 2022 during the appropriate blooming season for the species with potential to occur on the Project site. Section 3.4.3 of the MND, section (a), includes details on the survey conducted and results that indicate that Mason's lilaeopsis was not identified during the special-status plant surveys; however, MM BIO-9 (Pre-Construction Rare Plant Surveys and Restoration) requires additional pre-construction surveys to document baseline conditions prior to the start of construction. Suitable habitat for Mason's lilaeopsis and other special-status plants occurs on the banks of the Napa River within the Phase 2 impact area. Section 2.4 outlines that Phase 2 activities are currently planned for August through October of 2024. The current Project schedule accommodates the timing for the pre-construction special-status plant surveys to be conducted during the appropriate blooming window for Mason's lilaeopsis in 2024.

In response to the comment, MM BIO-9 (found in MND page 3-86 and the MMP, Appendix C, page C-11) and MM BIO-11 (found in MND page 3-89 and the MMP, Appendix C, page C-13) were amended as follows:

MM BIO-9: Pre-Construction Rare Plant Surveys and Restoration. Prior to the start of construction, a qualified, CSLC-approved biologist shall conduct a pre-construction survey of the Project impact areas associated with Segment 2 within suitable habitat on the banks of the Napa River during the appropriate blooming windows to determine whether special-status plants are present and to document the current baseline conditions prior to the start of construction. If

a special-status plant population is found, it shall be flagged and mapped by the biologist for avoidance during decommissioning activities, if feasible. If ~~temporary impacts Project activities cannot be avoided, a Site Restoration Plan~~ ensure full avoidance of the observed special status species, then PG&E shall consult with and obtain written approval from CDFW, which shall be submitted to CSLC and approved, prior to disturbance of the riverbank area. ~~The Site Restoration plan, as described in MM BIO-11, shall~~ Required actions may include methods for salvaging, but are not limited to, topsoil salvage, transplanting, seed collection, stockpiling, and replacing topsoil on top of backfilled excavation areas, or habitat compensation and shall ensure restoration of temporarily or permanently impacted special-status plant species to pre-construction conditions. ~~The Site Restoration Plan shall establish monitoring and performance criteria for restoration areas to ensure restoration of temporary impact areas to pre-Project conditions.~~

MM BIO-11: Site Restoration Plan. A Site Restoration Plan shall be developed that shall include the replacement of vegetation removed for completion of the Project. The Site Restoration plan shall include methods for salvaging topsoil salvage, transplanting, seed collection, stockpiling, and replacing topsoil on top of backfilled excavation areas. The Site Restoration Plan shall establish monitoring and performance criteria for restoration areas to ensure restoration of temporary impact areas to pre-Project conditions. The Site Restoration Plan shall be submitted to the CDFW and CSLC for approval 30 days prior to the start of construction.

EXHIBIT B – MITIGATION MONITORING PROGRAM

The State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Pacific Gas and Electric Company (PG&E) L-021A Napa River Pipeline Crossing Replacement Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementing mitigation measures (MMs) for the Project to comply with Public Resources Code § 21081.6, subdivision (a) and State CEQA Guidelines §§ 15074, subdivision (d), and 15097.

The Project would authorize PG&E to replace three existing 8-inch-diameter pipelines (L-021A, L-021-1A, and L-021A-2) with a new 26-inch-diameter pipeline under the Napa River during Phase 1. During Phase 2, PG&E would remove the existing pipelines under the Napa River (CSLC lease PRC 5438) and decommission in place the pipeline in the adjacent upland areas (outside of CSLC jurisdiction). All Project-related activities would be in the city of Napa (west side of Napa River) and an unincorporated area of Napa County, California (east side of Napa River).

1.1 PURPOSE

Potentially significant environmental impacts from the Project must be mitigated to the maximum extent feasible. The purpose of an MMP is to confirm compliance with and implementation of MMs; this MMP will 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 the MMP. PG&E is responsible for successfully implementing and complying with the MMs identified in this MMP. This includes all field personnel working for PG&E.

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

Environmental Monitors. An environmental monitor must be onsite during all Project activities with the potential to create significant environmental impacts or impacts for which mitigation is required to confirm implementation and success of MMs.

Along with CSLC staff, the environmental monitor(s) are responsible for:

- Confirming the Applicant has completed all necessary agency reviews and received all necessary approvals to perform the Project
- Coordinating with the Applicant to integrate the MM procedures during Project implementation
- Confirming that the MMP is followed

If the Applicant or their contractors requested changes from the procedures in this MMP, the environmental monitor will immediately relay those requests to CSLC staff or its designee and will not allow the requested changes until CSLC staff or its designee approve them.

Workforce Personnel. Implementing 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. CSLC staff or its designated environmental monitor will develop a monitoring process to track all procedures required for each MM and will confirm that the timing specified for the procedures is followed. The environmental monitor shall note any noncompliance or discrepancies and take appropriate action to resolve them. Once the Project is complete, copies of all logs will be submitted to CSLC staff.

Public Access to Records. Records and reports are public and will be provided upon request.

1.4 MITIGATION MONITORING PLAN

The MMP contains MMs reducing or avoiding potentially significant impacts to Aesthetics; Air Quality; Biological Resources; Cultural Resources; Cultural Resources – Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Recreation; and Transportation. Project activities were found to have less

than significant or no impacts to all other environmental resource areas; therefore, they are not included. The MMP includes the following information:

- **Potential Impact:** Impacts of the Project on the resource
- **Mitigation Measure:** Full MM(s) text
- **Monitoring/Reporting Action:** Action to be taken by the environmental monitor or Lead Agency
- **Effectiveness Criteria:** How the agency can know if the MM is effective
- **Responsible Party:** Entity responsible to comply with the MM
- **Timing:** Before, during, or after Phase 1 construction if it's related to an MM that deals with impacts from the equipment disturbance etc.

1.4.1 AESTHETICS

Potential Impact: Aesthetics – Potential impacts caused by Project lighting
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MM AES-1: Glare Minimization. Project lighting shall be as low in intensity as possible to meet Project needs and safety requirements, be focused downward onto work areas, and equipped with shielding to minimize glare and spillover into adjacent areas.

Location: All Project areas

Monitoring/Reporting Action: Observe nighttime lighting for compliance

Effectiveness Criteria: Lighting glare minimized

Responsible Party: PG&E and contractors

Timing: During Phases 1 and 2 nighttime work

1.4.2 AIR QUALITY

Potential Impact: Air Quality – Impacts on localized dust levels

MM AQ-1: Fugitive Dust Control Measures. PG&E shall implement the following Bay Area Air Quality Management District (BAAQMD) best management practices for construction-related fugitive dust:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.

Appendix C – Mitigation Monitoring Program

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 miles per hour.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Publicly visible signs shall be posted with the telephone number and person to contact at PG&E regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have a maximum of 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinated native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the amount of excavated material or waste materials stored at the site.

PG&E shall also implement the following:

- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 14 calendar days.
- Stockpiled soil shall be covered and secured at the end of each workday.
- Unpaved roads providing access to the site located 100 feet or further from a paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, gravel, or other material, as approved by the property owner.

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Location: Terrestrial Project areas

Monitoring/Reporting Action: Contract specifications

Effectiveness Criteria: Reducing increases in localized dust levels

Responsible Party: Applicant and contractors

Timing: During Phase 1 and Phase 2

Potential Impact: Air Quality – Impacts on localized exhaust levels
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MM AQ-2: Bay Area Air Quality Management District Equipment Emissions

Reduction Measures. The following construction mitigation measures recommended by the Bay Area Air Quality Management District shall implement by the Project contractor when applicable and feasible:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations).
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Minimize idling time of diesel-powered construction equipment to two minutes.
- Off-road equipment (more than 50 horsepower) to be used (i.e., owned, leased, and subcontractor vehicles) shall use the latest model engines, engine retrofit technology, after-treatment products, add-on devices such as particulate filters to the extent such equipment is available.

Location: Terrestrial Project areas

Monitoring/Reporting Action: Contract specifications

Effectiveness Criteria: Reducing increases in localized exhaust levels

Responsible Party: Applicant and contractors

Timing: During Phase 1 and Phase 2

1.4.3 BIOLOGICAL RESOURCES

Potential Impact: Biological Resources – Impacts on Swainson's hawk nesting
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MM BIO-1: Swainson's Hawk Nesting Season Avoidance or Pre-Construction

Surveys. In accordance with the Swainson's Hawk Technical Advisory Committee Recommended Timing and Methodology for Swainson's Hawk

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Nesting Surveys in California's Central Valley, Project activities occurring between March 1 and August 15 shall require surveys conducted by a qualified raptor biologist, approved by CSLC 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, with the final survey occurring 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 completed 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 the following shall be required:

- Apply a nest protection buffer of 0.5 miles 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. The minimum nest protection buffer may be reduced in coordination with CDFW if existing site conditions and disturbance levels indicate that a reduced buffer would be effective.
- If it is not possible to postpone Project activities within the nest protection buffer, 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.

Location: Terrestrial and aquatic Project areas

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: Before and during Phases 1 and 2 Project activities

Potential Impact: Biological Resources – Impacts to nesting birds
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MM BIO-2: Nesting Bird Season Avoidance or Pre-Construction Surveys. If Project-related vegetation removal and ground-clearing activities, or other

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activities that could disturb nesting birds, are scheduled between February 1 and September 15, then pre-construction surveys shall be conducted by a qualified biologist within 7 days prior to the start of construction in potential bird nesting habitat within 500 feet of the Project area to identify raptor and passerine nest sites. If an active raptor or passerine bird nest is identified, an appropriate species-specific nest protection buffer shall be identified by a qualified biologist based on PG&E's Nesting Bird Management Plan (NBMP) and site-specific conditions. A pre-construction nesting survey report shall be prepared and submitted to CDFW and CSLC within 1 week of pre-construction surveys, that outlines the surveys conducted, any nest locations identified, and recommended nest protection buffers. If standard buffers outlined in PG&E's NBMP cannot be followed or CDFW requests a larger buffer distance for any special-status species, the PG&E Biologist shall coordinate with CDFW on work that must occur including a description of the species, nest status, location, timing and duration of disturbance, and nature of the disturbance to determine the buffer distance. The buffer distance shall be clearly marked with high visibility flagging or other material and Project activities shall avoid the buffer zone. A CSLC-approved Biologist, in consultation with the PG&E Biologist, shall be present to monitor work occurring within proximity of active nests to assess the effects of work on nesting birds, determine and implement additional avoidance measures, or provide recommendations to postpone work. In the event work activities must be postponed due to nesting birds or if there is a lapse in construction of more than 7 days, another focused survey is required before Project activities can be reinitiated.

Location: All Project areas

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: Before and during Phases 1 and 2 for Project activities conducted between February 1 and September 15

Potential Impact: Biological Resources – Impacts on California black rail
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MM BIO-3: California Black Rail Nesting Season Avoidance or Pre-Construction Surveys. If Project activities are scheduled between February 1 and August 15, a qualified biologist, approved by CSLC, shall conduct a breeding season survey

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to identify nesting locations of California black rail. Surveys shall be conducted between February 1 and August 1, in accordance with CDFW protocols. If active California black rail nests are identified near the Project area, a nest protection buffer shall be recommended based on nest protection buffers outlined in PG&E's Nesting Bird Management Plan (NBMP) and site-specific conditions, and the following shall be required:

- Apply a nest protection buffer with a minimum distance of 300 to 600 feet from an active nest and postpone Project activities within the nest protection buffer until after August 15. The nest protection buffer may be reduced in coordination with CDFW if existing site conditions and disturbance levels indicate a reduced buffer would still be effective. PG&E shall provide results of the coordination to CSLC.
- If it is not possible to postpone Project activities within the minimum nest protection buffer, construction activities may proceed with CDFW approval and monitoring by a CSLC-approved qualified biologist. Additional measures such as visual screening may also be used to further reduce potential impacts to nesting black rail.

Location: All Project areas

Monitoring/Reporting Action: Conduct breeding season surveys; monitor nest sites and buffers during active Project activities

Effectiveness Criteria: Compliance with buffers and installation of visual screen, if needed

Responsible Party: PG&E and contractors

Timing: During and throughout Phases 1 and 2 for Project activities conducted between February 1 and September 15

Potential Impact: Biological Resources – Impacts on salt marsh harvest mouse

MM BIO-4: Salt Marsh Harvest Mouse Avoidance and Surveys (PG&E Marsh Hot Zone 8). For activities that will result in ground disturbance in tidal marsh or coastal wetland habitat, including the removal of marsh vegetation, a qualified CSLC-approved biologist shall flag access routes for crews when working in pickleweed (*Salicornia*) or smooth cordgrass (*Spartina alterniflora*) dominated habitats in order to minimize impacts on these species. Crews shall hand-carry equipment and use protection mats (landing pads, pallets) to minimize ground disturbance when working within pickleweed or smooth cordgrass. Small areas of healthy vegetation shall be cleared by hand prior to placement of protective mats. To avoid take of salt marsh harvest mouse, the CSLC-approved biologist

shall assess the site to determine if: vegetation protection mats are appropriate, vegetation removal by hand is needed, and an onsite biological monitor is needed. Prior to placement of mats or removal of vegetation, the vegetation shall be disturbed (i.e., flushed) to force movement of salt marsh harvest mouse into adjacent tidal marsh areas. Immediately following flushing, the field crew shall place a mat or manually remove vegetation with nonmotorized tools (e.g., hoe, rake, trowel, or shovel) to the bare ground.

Location: Pickleweed habitat in Project area (i.e., PG&E Marsh Hot Zone 8)

Monitoring/Reporting Action: Survey prior to disturbance within salt marsh habitat and monitor vegetation removal, if needed.

Effectiveness Criteria: Flushing of salt marsh harvest mouse; no salt marsh harvest mouse mortality

Responsible Party: PG&E and contractors

Timing: Before and during Phases 1 and 2 vegetation removal Project activities in salt marsh habitat in Project area

Potential Impact: Biological Resources – Impacts on salt marsh harvest mouse

MM BIO-5: Salt Marsh Harvest Mouse Exclusion Fencing. Prior to ground disturbance within salt marsh habitat, PG&E or its contractors shall install a mouse proof exclusion barrier which shall be placed around the edge of area of removed vegetation. The fence shall be made of a smooth material that does not allow the salt marsh harvest mouse to climb or pass through and the bottom shall be buried to a depth of at least 4 inches so that mice cannot crawl under the fence. The height of the fence should be at least 12 inches higher than the surrounding vegetation with a maximum height of 4 feet. A 2-foot-wide de-vegetated buffer shall be created along the habitat side of the fence. Installation of the fence shall be monitored by a CSLC-qualified biologist with experience with this species, who will check the fence alignment before vegetation clearing and fence installation to ensure no special-status species are present. A qualified biologist or biological monitor shall inspect the exclusion fencing daily to ensure there are no gaps, tears, or damage, and conduct maintenance as needed. Any mice found along or outside of the fence shall be closely monitored until they move away from the work area.

Location: Pickleweed habitat in Project area (i.e., PG&E Marsh Hot Zone 8)

Monitoring/Reporting Action: Survey prior to fence installation within salt marsh habitat and monitor vegetation removal, if needed. Daily fence inspections and maintenance, as needed.

Effectiveness Criteria: Exclusion of salt marsh harvest mouse from work area; no salt marsh harvest mouse mortality

Responsible Party: PG&E and contractors

Timing: Before and during Phases 1 and 2 throughout vegetation removal Project activities in salt marsh habitat in Project area

Potential Impact: Biological Resources – Impacts on western pond turtle

MM BIO-6: Western Pond Turtle Pre-Construction Surveys. A qualified biologist, approved by CSLC, shall conduct pre-construction surveys for western pond turtle (WPT) within 48 hours prior to ground disturbance to ensure that individuals are not present in the work area. Wildlife exclusion fencing, excavation covers, or escape ramps shall be used to prevent wildlife entrapment in excavation areas and shall be installed at the direction of the qualified biologist. 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 western pond turtle be found within the work areas, a qualified biologist shall relocate the species outside of work area barriers.

Location: All Project areas

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

Responsible Party: PG&E and contractors

Timing: Before and during Phase 1 and Phase 2 work on or adjacent to wetlands and aquatic habitats

Potential Impact: Biological Resources – Impacts on special status wildlife and plant species

MM BIO-7: 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.

Location: All Project areas

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: Before and during Phase 1 and 2 Project activities

Potential Impact: Biological Resources – Impacts on special status wildlife and plant species

MM BIO-8: Biological Monitoring. A qualified biological monitor, approved by CSLC staff, shall survey the onshore work area for special-status 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. 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.

Location: All Project areas

Monitoring/Reporting Action: Observation reports

Effectiveness Criteria: Special-status species avoidance; no special status species mortality

Responsible Party: PG&E and contractors

Timing: Before and during Phase 1 and Phase 2 Project activities

Potential Impact: Biological Resources – Impacts on rare plant species along Napa riverbank

MM BIO-9: Pre-Construction Rare Plant Surveys and Restoration. Prior to the start of construction, a qualified CSLC-approved biologist shall conduct a pre-construction survey of the Project impact areas associated with Segment 2 within suitable habitat on the banks of the Napa River during the appropriate blooming windows to determine whether special-status plants are present and to document the current baseline conditions prior to the start of construction. If

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a special-status plant population is found, it shall be flagged and mapped by the biologist for avoidance during decommissioning activities, if feasible. If Project activities cannot ensure full avoidance of the observed special status species, then PG&E shall consult with and obtain written approval from CDFW, which shall be submitted to CSLC prior to disturbance of the riverbank area. Required actions may include, but are not limited to, topsoil salvage, transplanting, seed collection, stockpiling, replacing topsoil on top of backfilled excavation areas, or habitat compensation and shall ensure restoration of temporarily or permanently impacted special-status plant species to pre-construction conditions.

Location: All Project areas

Monitoring/Reporting Action: Pre-construction surveys and reports, written confirmation of CDFW approval with any associated requirements, as needed.

Effectiveness Criteria: Special-status species avoidance and restoration

Responsible Party: PG&E and contractors

Timing: Before Phase 2 Project activities

Potential Impact: Biological Resources – Impacts on special-status fish and aquatic species in the Napa River
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MM BIO-10: 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 monitor turbidity levels upstream and downstream of in-water work activities. If the results of the turbidity monitoring detect a Project-related increase in turbidity that exceeds the allowable thresholds for increased turbidity, as defined by regulatory permits, corrective measures shall 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 a reduction of in-water excavation.

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Location: Napa River

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

Potential Impact: Biological Resources – Impacts on wetlands and riparian habitats

MM BIO-11: Site Restoration Plan. A Site Restoration Plan shall be developed that shall include the replacement of vegetation removed for completion of the Project. The Site Restoration Plan shall include methods for topsoil salvage, transplanting, seed collection, stockpiling, and replacing topsoil on top of backfilled excavation areas. The Site Restoration Plan shall establish monitoring and performance criteria for restoration areas to ensure restoration of temporary impact areas to pre-Project conditions. The Site Restoration Plan shall be submitted to the CDFW and CSLC for approval 30 days prior to the start of construction.

Location: All Project areas

Monitoring/Reporting Action: Submit Site Restoration Plan to CDFW and CSLC for review and approval at least 30 days prior to construction

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

Other applicable MMs for potential impacts on biological resources

MM HAZ-1: Project Work and Safety Plan. (see Hazards and Hazardous Materials)

MM HAZ-3: Inadvertent Release Contingency Plan. (see Hazards and Hazardous Materials)

MM HYDRO-1: Stormwater Pollution Prevention Plan (see Hydrology and Water Quality)

1.4.4 CULTURAL/TRIBAL CULTURAL RESOURCES

Potential Impact: Cultural Resources – Ground disturbance or damage to sensitive cultural resources

MM CUL-1/TCR-1: Sensitive Resource Area Exclusion Zone. Prior to Project implementation and for the duration of both Project phases, PG&E shall establish Exclusion Zones by installing a barrier in the Project area boundary cordoning two Sensitive Resource Areas: 1) P-28-000001 and 2) the Homestead Site. Construction equipment and personnel are not permitted to enter these Exclusion Zones. The Exclusion Zone shall be installed under the direction of the PG&E Cultural Resource Specialist (CRS), or their designated on-site archaeologist. All segments of the protective barrier will be removed and reinstalled between Project phases.

Location: Project areas on east side of Napa River

Monitoring/Reporting Action: Monitor installation of exclusion zone fencing

Effectiveness Criteria: No disturbance in Sensitive Resource Area

Responsible Party: PG&E and contractors

Timing: Before Phase 1 and Phase 2 Project activities

Potential Impact: Cultural Resources – Ground disturbance or damage to sensitive cultural resources

MM CUL-2: Cultural Resources Monitoring. The PG&E CRS, or their designated on-site archaeologist, shall provide spot monitoring during ground disturbing Project activities.

Location: All ground disturbances in Project area

Monitoring/Reporting Action: Monitor ground disturbance

Effectiveness Criteria: No disturbance or damage to sensitive resources

Responsible Party: PG&E and contractors

Timing: During Phase 1 and Phase 2 Project activities

Potential Impact: Cultural Resources – Ground disturbance or incidental damage to cultural and archaeological resources

MM CUL-3/TCR-3: 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 conducted by the Project archaeologist and

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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 and submitted to CSLC 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 for 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 shall also cover the possibility of exposing cultural or tribal cultural resources, guidance on recognizing such resources, and direction on procedures if a potential resource is encountered. PG&E or the on-site archaeologist completing the training will instruct all Project personnel that touching, collecting, or removing cultural materials from the property is strictly prohibited and is illegal. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance including what may be Native American in origin, 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.

Location: All Project areas

Monitoring/Reporting Action: Provide list of training attendees to CSLC

Effectiveness Criteria: No disturbance or incidental damage to sensitive cultural resources

Responsible Party: PG&E and contractors

Timing: Before starting Project activities

Potential Impact: Cultural Resources – Impacts to archaeological sites, and/or historic, cultural, or tribal resources

MM CUL-4/TCR-4: Discovery of Previously Unknown Cultural or Tribal Cultural Resources. If any potential tribal cultural resources, archaeological resources, other cultural resources are discovered by the 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 PG&E Cultural Resource Specialist (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 the on-site archaeologist and PG&E CRS and the designated tribal representative who will be invited to the to the project area if finds are Native American in origin. Said Tribal Representative shall be asked to continue to monitor should the discovery be Native American in origin and to be significant (for tribal cultural resources). Resources that are Native American on origin shall neither 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 a significant cultural resource or a significant tribal cultural resource, an Exclusion Zone 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 Exclusion Zone until the area has been cleared for construction by the PG&E CRS, the designated on-site archeologist, and if appropriate, the Tribal Representative. The exact location of the resources within the Exclusion Zone 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 designated on-site archaeologist or Tribal Representative/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 access/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

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resources recovered on State lands under CSLC jurisdiction must be approved by CSLC.

If cultural resources are encountered during construction activities, PG&E and/or its designated on-site archaeologist shall halt work in the immediate vicinity of the find. The find shall be evaluated by a qualified archaeologist in tandem with the Tribal Representative, if appropriate and if the find is Native American in origin, before construction activity may resume. If the qualified archaeologist and tribal representative determines that the find may be significant and if avoidance of the find is determined to be infeasible, the archaeologist shall notify the lead agencies and shall implement data recovery and treatment/mitigation of unanticipated discoveries in consultation with the lead agency. PG&E shall be responsible for the resultant mitigation costs as well as associated curation costs if reburial on site is not acceptable to the landowner. If the find is determined to be insignificant no management measures are required and construction may commence once given approval by the on-site archaeologist. All significant findings will be documented in a summary report that will be provided to pertinent consulting parties within a year of project completion. Said report shall be submitted to the California Historic Resources Inventory System.

Location: All Project areas

Monitoring/Reporting Action: Monitor ground disturbance and establish exclusion zone

Effectiveness Criteria: No disturbance or incidental damage to sensitive cultural resources and compliance with the CRMP

Responsible Party: PG&E and contractors

Timing: During Phase 1 and Phase 2 construction activities

Potential Impact: Cultural Resources – Impacts to human remains
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MM CUL-5/TCR-5: 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 PG&E CRS or their designated on-site archeologist,

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Tribal Representative(s), PG&E, and CSLC shall be notified immediately. The PG&E CRS 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 (NAHC) within 24 hours of this determination, and the NAHC shall identify a Most Likely Descendent (MLD). 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.

If human remains are encountered during construction or project-related activities, PG&E will follow the requisite legal provisions provided above. If the human remains are Native American in origin, upon the NAHC establishing the MLD, PG&E will work with the MLD/MLD's representative to discern an appropriate means of treatment for the remains and associated artifacts (if any are present). If avoidance of the find is determined to be infeasible, the archaeologist shall notify the lead agencies and shall implement data recovery and treatment/mitigation consultation with the lead agency and Tribal Representative. PG&E shall be responsible for the resultant mitigation costs as well as associated curation costs if reburial on site (or other agreed-upon location) is not acceptable to the landowner. All significant findings will be documented in a summary report that will be provided to pertinent consulting parties within a year of project completion. Said report shall be submitted to the California Historic Resources Inventory System.

Location: All Project areas

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 and contractors

Timing: During Phases 1 and 2 construction activities

1.4.5 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

Applicable mitigation measures for potential impacts to geology, soils, and paleontological resources
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MM BIO-11: Site Restoration Plan (see Biological Resources)

MM HYDRO-1: Stormwater Pollution Prevention Plan (see Hydrology and Water Quality)

1.4.6 HAZARDS AND HAZARDOUS MATERIALS

Potential Impact: Hazards and Hazardous Materials – Impacts from horizontal directional drilling (HDD) activities

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 Material Data and Safety Sheets (MSDS) and measures for proper handling of hazardous materials including, but not limited to, soils containing residual pesticides
- Permit Condition Compliance Matrix

Location: All Project areas

Monitoring/Reporting Action: CSLC review and approval of PWSP 30 days prior to Phase 1 implementation, CSLC approved monitor to ensure compliance.

Effectiveness Criteria: Reduced risks of water and soil contamination

Responsible Party: PG&E, contractors, and CSLC

Timing: During Phases 1 and 2 construction activities

Potential Impact: Hazards and Hazardous Materials – Impacts from asbestos

MM HAZ-2: 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

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1 percent by weight. If testing reveals the coating contains ACM less than 1 percent by weight, the pipeline segment shall be treated as normal construction waste and no additional measures are required. If testing reveals the coating contains ACM greater than 1 percent by weight, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the BAAQMD asbestos notification system and in accordance with applicable worker safety regulations. All ACM removed from the pipeline segment shall be labeled, transported, and disposed of at a verified and approved ACM disposal facility.

Location: All Project areas

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: During all Phase 1 tie-in activities and Phase 2 pipeline removal and tie-in activities

Potential Impact: Hazards and Hazardous Materials – Impacts from drilling fluids to terrestrial, wetland, or riverine habitats

MM HAZ-3: 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 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.

Location: All HDD Project areas

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: 30 days before and during Phase 1 HDD drilling activities

Potential Impact: Hazards and Hazardous Materials – Impacts on existing pipelines and utilities in the Napa riverbed

MM HAZ-4: 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

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equipped with a multi-beam sonar system. The pre-Project survey, with previously collected data, shall serve to fully identify pre-Project bottom contours, debris, and any exposed utilities, and a copy of the survey shall be submitted to CSLC staff for review 30 days prior to Project implementation. A post-Project Bathymetric and Surficial Features Multi-Beam debris survey shall also be performed, and the results compared to the initial baseline survey. Any anomalous objects located in the survey would be positively identified by divers and any remaining objects related to the decommissioning would be removed. A Project close-out report with drawings and coordinates of any facilities abandoned in place would be submitted to CSLC within 60 days of work completion.

Location: Napa River Project areas

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: Before Phase 2 Project activities and after Project completion

Potential Impact: Hazards and Hazardous Materials – Impacts to the Napa County Airport

MM HAZ-5: Notifications to Airport Regulatory Agencies Prior to Initiation of Work Activities. In accordance with 14 CFR Part 77, FAA form 7460-1 a “Notice of Proposed Construction or Alteration” must be completed, if the conditions listed at § 77.9 are applicable, and submitted 60 days before Project initiation for review and Project clearance. The form should be submitted to the Western-Pacific Regional Airports Division, San Francisco Airports District Office (ADO). Additionally, notification to the Napa County Airport manager must be provided at (707) 253-4665 at least 60 days before Project implementation.

Location: All Project areas

Monitoring/Reporting Action: submit notice to San Francisco ADO and Napa County Airport manager

Effectiveness Criteria: Avoidance of impacts to the Napa County Airport

Responsible Party: PG&E and contractors

Timing: 60 days before Phase 1 and Phase 2 Project activities

Other applicable MMs for potential impacts from Hazardous and Hazardous Materials

MM AES-1: Glare Minimization (see Aesthetics)

MM TRA-1: Traffic Control Plan (see Transportation)

1.4.7 HYDROLOGY AND WATER QUALITY

Potential Impact: Hydrology and Water Quality – Impacts on hydrology and water quality

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 for review a minimum of 30 days prior to Project implementation.

Location: All Project areas

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

Effectiveness Criteria: Minimize erosion, siltation, and turbidity

Responsible Party: PG&E and contractors

Timing: During all Phase 1 and Phase 2 Project activities

Other applicable MMs for potential impacts to Hydrology and Water Quality

MM BIO-10: Turbidity Monitoring Plan (see Biological Resources)

MM BIO-11: Site Restoration Plan (see Biological Resources)

MM HAZ-3: Inadvertent Release Contingency Plan (see Hazards and Hazardous Materials)

1.4.8 LAND USE AND PLANNING

Potential Impact: Land Use and Planning – Impacts to the Napa County Airport Master Plan

MM HAZ-5: Notifications to Airport Regulatory Agencies Prior to Initiation of Work Activities (see Hazards and Hazardous Materials)

1.4.9 NOISE

Potential Impact: Noise – Impacts on sensitive receptors

MM NOI-1: Work Hours. 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 4:00 p.m. on weekends or legal holidays. Work involving noise-generating equipment outside of the time-of-day work restrictions in the Napa city limits shall be prohibited unless PG&E receives permission in advance by city of Napa.

Location: Project areas within Napa city limits

Monitoring/Reporting Action: Permit/approval from city of Napa

Effectiveness Criteria: Reduction noise disturbance to residents

Timing: During Phase 1

1.4.10 RECREATION

Potential Impact: Recreation – Impacts on recreation in the Napa River

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. Temporary warning signs and buoys shall be installed in a manner that does not interfere with navigation

Appendix C – Mitigation Monitoring Program

upstream and downstream of the work site when in-water activities are occurring, to provide notice to the public that Project activities are taking place and to exercise caution.

Location: Napa River Project areas

Monitoring/Reporting Action: Documentation of compliance

Effectiveness Criteria: Reduction of potential impact to recreational vessels

Responsible Party: PG&E and contractors

Timing: Before the vessel departure to Project area for Phase 2 and during all in-water activities

Potential Impact: Recreation – Impacts on recreational activities

MM REC-2: Local Notice to Mariners. PG&E or its marine contractor should prepare a Local Notice to Mariners which describes all in-water activities 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., dredging, 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.

Locations: Napa River Project areas

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

1.4.11 TRANSPORTATION

Potential Impact: Transportation – Traffic and emergency vehicle access
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MM TRA-1: Traffic Control Plan. Prior to commencement of Project activities, a Traffic Control Plan shall be submitted to 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.

Locations: All Project areas

Monitoring/Reporting Action: Documentation within compliance monitoring sheets

Effectiveness Criteria: Minimized risks with associated traffic congestion and public and emergency vehicle conflicts.

Responsible Party: PG&E and contractors

Timing: Before Phase 1 and Phase 2 Project activities

1.4.12 LIST OF ABBREVIATIONS AND ACRONYMS

ACM = asbestos-containing material

ADO = Airports District Office

AES = Aesthetics

AQ = Air Quality

BAAQMD = Bay Area Air Quality Management District

BIO = Biological

BMP = best management practice

CDFW = California Department of Fish and Wildlife

CEQA = California Environmental Quality Act

CRS = Cultural Resource Specialist

CSLC = California State Lands Commission

CUL = Cultural

FAA = Federal Aviation Administration

HAZ = Hazardous

HDD = horizontal directional drilling

HYDRO = Hydrology and Water Quality

MMP = Mitigation Monitoring Program

MM = mitigation measure

mph = miles per hour

Appendix C – Mitigation Monitoring Program

NAHC = Native American Heritage Commission

NPDES = National Pollutant Discharge Elimination System

NWIC = Northwest Information Center

NOI = Noise

NO_x = Nitrous Oxides

PG&E = Pacific Gas and Electric Company

PWSP = Project Work and Safety Plan

REC = Recreation

SMHM = Salt Marsh Harvest Mouse

SWPPP = Stormwater Pollution Prevention Plan

TCR = Tribal Cultural Resources

TRA = Transportation

USCG = U.S. Coast Guard

USFWS = U.S. Fish and Wildlife Service

WPT = Western Pond Turtle