

Staff Report 16

APPLICANT:

Pacific Gas and Electric Company

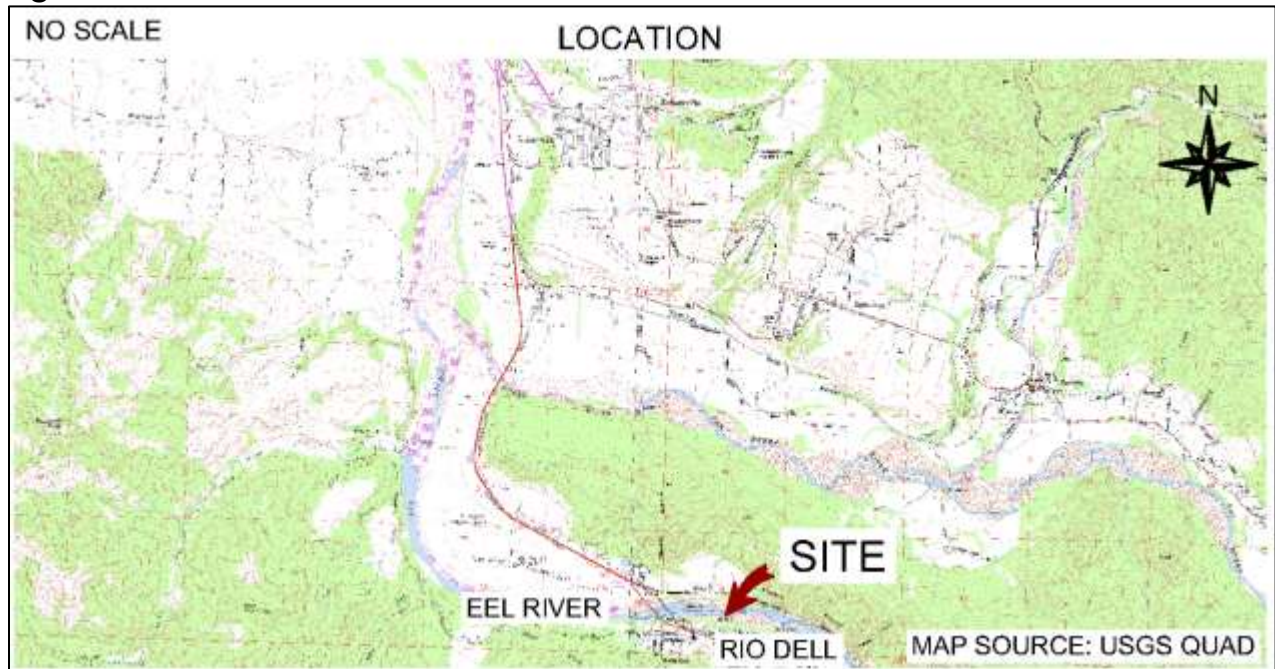
PROPOSED ACTION:

Issuance of a General Lease – Right-of-Way Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Eel River, adjacent to Assessor's Parcel Numbers 205-181-011, 052-101-008, and 052-111-011, near Rio Dell, Humboldt County (as shown in Figure 1).

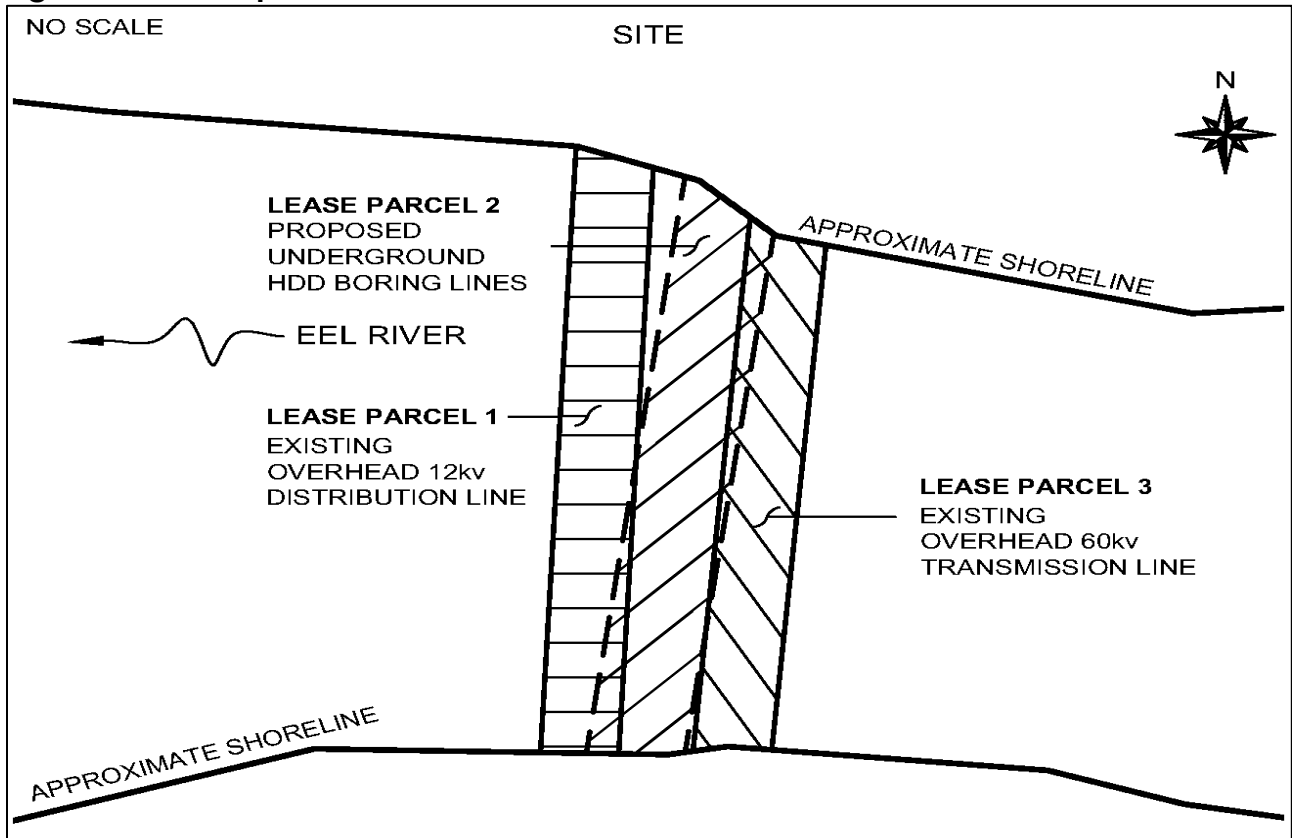
Figure 1. Location



AUTHORIZED USE:

Installation and use of two 20-inch-diameter conduit casings installed by Horizontal Directional Drilling (HDD) methods, with the Western HDD casing containing electrical cables encased in an 8-inch-diameter conduit and the Eastern HDD casing to be capped for future use; and use of two existing overhead electrical lines (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 April 7, 2026.

CONSIDERATION:

\$2,375 per year, with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

Compensation in the amount of \$3,360 for the unauthorized use of State land for the period prior to April 7, 2026, for the existing overhead electrical lines.

SPECIFIC LEASE PROVISIONS:

- Liability insurance in an amount no less than \$10,000,000 per occurrence. Lessee may satisfy all or part of the insurance requirement through maintenance of a staff-approved self-insurance program as specified in the Lease.
- Bond or other surety in the amount of \$300,000.
- Lessee shall fully carry out, implement, and comply with all mitigation measures and reporting obligations applicable to the Lessee as set forth in the Mitigation Monitoring Program.
- Prior to HDD construction, Lessee shall have in place a frac-out contingency plan for work affecting lands within Lessor's jurisdiction, including procedures for responding to inadvertent releases of drilling fluid into the waterway and notification of appropriate agencies.
- Lessee shall provide, upon Lessor's written request, technical documents relating to HDD construction on or beneath the Lease Premises, including geotechnical reports, engineering design drawings, and drilling program specifications. A minimum depth of cover of 50 feet is required, consistent with the Mitigated Negative Declaration prepared for the project.
- Within sixty (60) days of completion of HDD construction, Lessee shall provide as-built plans certified by a California Registered Civil Engineer and a post-construction report addressing work performed on or beneath the Lease Premises.
- The Eastern HDD Conduit Casing shall be capped and remain unused until Lessee obtains Lessor's prior written approval for its use. No cable, conduit, or other facility may be installed, replaced, or added within either HDD Conduit Casing beyond that authorized under the Lease without Lessor's prior written approval.
- Lessee shall maintain all authorized improvements on the Lease Premises in good condition and repair throughout the lease term, consistent with applicable standards and in a manner that does not create a hazard to public trust uses.

- The Lease includes provisions for emergency repairs reporting, acknowledgement of California Public Utilities Commission (CPUC) regulatory jurisdiction, and continued obligations during any deactivation of authorized improvements.

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:

The Applicant is applying for a General Lease – Right-of-Way Use to install two 20-inch-diameter conduit casings (Casings), each within a separate and parallel HDD route under the Eel River, with one Casing containing electrical cables encased in an 8-inch-diameter conduit; and for an existing 60 kilovolt (kV) transmission line and 12kV distribution line crossing over the Eel River.

Transmission power lines carry electricity long distances from power plants to substations. Distribution power lines carry electricity to residences and businesses. Both overhead lines have existed for many years but were not authorized under a Commission lease. Staff therefore recommends acceptance of compensation in the amount of \$3,360 for the unauthorized use of State land prior to commencement of the proposed lease.

The two high-density polyethylene (HDPE) Casings are referred to as the Western HDD Conduit Casing and the Eastern HDD Conduit Casing. Electrical cables encased in an 8-inch-diameter conduit would be pulled through the Western HDD Conduit Casing. This would provide more reliable electrical service to the existing network on both sides of the river and increase electrical service capacity in the region to support a proposed development project north of the river. The Eastern HDD Conduit Casing would be capped and left empty for a future distribution line yet to be planned. Installation of this casing in anticipation of future electrical demand would avoid future ground disturbance and additional costs associated with the planning and construction of a separate casing installation project. The lease would require the Applicant to submit an application authorizing any change in use of the capped casing.

The HDD construction method is a trenchless technique meant to avoid ground surface disturbance along the bore path to minimize impacts to waterways and sensitive habitats. Drill heads entering from the southern side of the river and exiting to the northern side of the river would create two separate and parallel HDD routes at a minimum depth of 50 feet under the river. The Casings would be installed in each of the bore paths, then approximately 1,400 feet of cable, housed in 8-inch conduit, would be pulled through the Western HDD Conduit Casing. The cable would then be spliced into the network on each side of the river.

The Eel River supports recreational fishing. Access to the river where work would occur would be temporarily restricted; however, no in-water work would occur that would interfere with use of the river for recreational fishing upstream or downstream of the proposed work area during construction. The closest boating facility located upstream of the Project site is in Weott, approximately 18 miles southeast of the southern project site. Construction is currently planned to begin in June 2026, with completion anticipated in September 2026. Access would be restored once the construction is complete, and no permanent changes would occur that would impact recreational fishing. Construction would occur outside of the salmon spawning season, avoiding impacts to the salmon hatch that would consequently impact future salmon runs for recreational fishing.

Approximately 374 linear feet of the underground facilities and overhead electrical lines would cross through the Commission's jurisdiction near to and along each other in an almost parallel path. The three proposed lease parcels for the underground casings (a 50-foot-wide strip of land), distribution line (a 40-foot-wide strip of land), and transmission line (a 40-foot-wide strip of land) overlap slightly in sections, but the facilities themselves do not overlap. The width of the lease parcels account for maintenance and inspection activities, the uncertainty of where the proposed facilities will be exactly located, and because of customary land surveying techniques used for describing sections of land.

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 proposed HDD conduits would be located deep below the bed of the Eel River, and the existing overhead electrical lines are located well above the river. They do not significantly alter the land or permanently impair public rights and are expected to have no permanent impact on recreational use of the river.

Additionally, the proposed lease requires the lessee to maintain a surety bond in the amount of \$300,000 and 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.

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 (CEQA Guidelines, § 15063). Although the Initial Study identified several potentially significant impacts to Biological Resources; Cultural Resources; Cultural Resources – Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; Hydrology and Water Quality; and Mandatory Findings of Significance, mitigation measures were proposed and agreed to by the Applicant prior to public review that would avoid or mitigate the identified potentially significant impacts “to a point where clearly no significant effects would occur” (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” (CEQA Guidelines, § 15070, subd. (b)(2)), and a Mitigated Negative Declaration (MND) was prepared.

Pursuant to the Commission's delegation of authority and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025), staff prepared an MND identified as CSLC MND No. 819, State Clearinghouse No. 2026020787. The draft MND and Initial Study were circulated for a minimum 30-day public review period from February 18, 2026 to March 23, 2026, and staff received no comment letters.

Staff revised the MND to remove a scrivener's error and update the Title and date. Staff determined that these changes do not constitute a “substantial revision,” as defined in CEQA Guidelines section 15073.5, subdivision (b), and that recirculation of the MND prior to Commission consideration is not required pursuant to CEQA Guidelines section 15073.5, subdivision (c).

Based upon the Initial Study and the MND, 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 A.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting California's coastal and inland waterways now. Likely impacts to the lease premises include, but are not limited to, sea level rise, saltwater intrusion, prolonged drought, extreme heat, and changes to the intensity and timing of precipitation events. These impacts can exacerbate natural hydrological processes such as erosion, scour, and sedimentation. These impacts may affect the project components subject to the proposed lease, located on the Eel River.

DATA & PROJECTIONS:

Water levels in tidally-influenced rivers will rise as sea levels rise. The California Ocean Protection Council updated the [State of California Sea Level Rise Guidance](#) in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. Commission staff evaluated the “intermediate-high” and “high” scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The North Spit, Humboldt Bay tide gauge was used for the projected sea level rise scenario for the Eel River HDD crossing in Rio Dell, as listed below.

Table 1. Projected Sea Level Rise for North Spit, Humboldt Bay

Year	Intermediate-High (feet)	High (feet)
2040	1.0	1.1
2050	1.4	1.6
2070	2.7	3.5
2100	6.5	8.7

Source: Table 2, State of California Sea Level Rise Guidance: 2024 Update

Note: Projections are with respect to a 2000 baseline.

In addition to rising seas, warmer temperatures have led California and the Southwest region to experience a megadrought from 2000 to 2022, measured as the driest 22 years in the past 1200 years, and more megadroughts are projected

through the end of the century ([Fifth National Climate Change Assessment: Southwest Region, 2023](#)). Hotter and drier conditions have led to declines in snowpack volumes, higher-elevation snow lines, earlier snowmelt, and reduced overall runoff. Streamflow and river volumes are lower and will be drawn down farther as temperatures continue to rise and demand for water increases. Despite the region's increasing aridity, flooding from extreme precipitation events is projected to increase, attributed to earlier snowmelt, sea level rise, and more intense and frequent atmospheric rivers. Minor and moderate flooding (flooding events defined as disruptive to damaging), attributed to higher water levels, is expected to increase five to ten orders of magnitude by 2100, according to [NOAA's 2022 Sea Level Rise Technical Report](#).

ANALYSIS:

The lease premises are likely to experience more extreme conditions over the lease term than in the past, due to climate change. Changes to the timing and amount of runoff from the higher elevations of the watershed, stronger storm surge, and rising water levels will result in higher flood risks. Bank stability may be compromised due to increased channel erosion and undercutting from more intense precipitation and floods. However, the conduits would be installed underground, set well back from the bank and at a minimum depth of 50 feet under the Eel River, and both they and the existing overhead power lines are unlikely to be impacted by adverse weather events nor would they contribute to climate-driven riverine processes such as scour or erosion. The Project's contribution to climate change is limited to the generation of greenhouse gas (GHG) emissions during construction; however, the project would not result in new long-term emissions of GHGs that would contribute to climate change.

RECOMMENDATIONS:

Pursuant to the proposed lease, the Applicant acknowledges that the premises and adjacent upland are located in an area that may be subject to the effects of climate change.

CONCLUSION:

For all the reasons above, staff believe issuance of the lease will not substantially impair the public rights to navigation, fishing, and commerce, 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.

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 also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the [Commission's 2021-2025 Strategic Plan](#).
3. **Existing transmission lines:** Staff recommend that the Commission find that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

- City of Rio Dell
- Humboldt County

APPROVALS REQUIRED:

- California Department of Fish and Wildlife
- State Water Board
- North Coast Regional Water Quality Control Board
- United States Army Corps of Engineers

- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

EXHIBIT:

A. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

Existing transmission lines: Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 14, section 15301.

Installation and use of two 20-inch-diameter conduit casings: Certify that an MND, CSLC MND No. 819 (March 2026), State Clearinghouse No. 2026020787, was prepared for this project pursuant to the provisions of CEQA, that the Commission has reviewed and considered the information contained therein 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 A.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that 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.

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 acceptance of compensation from the Applicant in the amount of \$3,360 for the two overhead electrical lines occupying State land for the period prior to April 7, 2026.
2. Authorize issuance of a General Lease – Right-of-Way Use to the Applicant beginning April 7, 2026, for a term of 20 years, for installation and use of two 20-inch-diameter conduit casings installed by Horizontal Directional Drilling (HDD) methods, with the Western HDD casing containing electrical cables encased in an 8-inch-diameter conduit and the Eastern HDD casing to be capped for future use; and use of two existing overhead electrical lines; annual rent in the amount of \$2,375 with an annual Consumer Price Index adjustment; liability insurance in an amount no less than \$10,000,000 per occurrence; Applicant may satisfy all or part of the insurance requirements through maintenance of a self-insurance program as outlined in the lease; and bond or other surety in the amount of no less than \$300,000.
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 improvements following construction.

EXHIBIT A - 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) Rio Dell Feeder 35239524 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.

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 (i.e., City of Rio Dell, Humboldt 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 Biological Resources; Cultural Resources; Cultural Resources – Tribal; Geology, Soils, and Paleontological Resources; Hazards and Hazardous Materials; and Hydrology and Water Quality. 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 BIOLOGICAL RESOURCES

Potential Impact: Riparian and suitable habitat

MM BIO-1: Site Restoration Plan. A Site Restoration Plan shall be developed that includes restoration and revegetation after the Project is complete. The Site Restoration Plan could include methods for salvaging and segregating topsoil, vegetation transplanting, seed collection (for reseeding or transplant propagation), stockpiling mineral soils (non-topsoil), and replacing topsoil on top of backfilled excavation areas. The Site Restoration Plan shall establish monitoring and performance criteria to ensure that temporary impact areas are restored to pre-Project conditions. The Site Restoration Plan shall be submitted to CSLC for approval 30 days prior to the start of construction. Should a comparable plan be prepared for another agency's approval/authorization (e.g., Lake and Streambed Alteration Agreement under California Fish and Game Code sections 1600-1616), that plan may be used in lieu of the Site Restoration Plan if the components are substantially the same.

Monitoring/Reporting Action: Submit Site Restoration Plan to CSLC for review and approval

Effectiveness Criteria: Restoration of temporary impact areas

Responsible Party: PG&E and contractors

Timing: Prior to and throughout construction activities

Potential Impact: Special status wildlife species and habitat

MM BIO-2: Worker Environmental Awareness Training. PG&E or their designee shall develop and present a worker environmental awareness training program (WEAT), approved by CSLC staff. All contractors and employees involved with the Project shall be required to attend the training program prior to the start of any work at the Project area. The WEAT may also be conducted through a video or electronic presentation created by a qualified biologist specifically for 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. PG&E or their designee shall maintain a list of all contractors who have been trained and shall submit this list and the final training material to CSLC staff within 30 days after Project mobilization and shall provide an updated final list after Project activities are complete.

Monitoring/Reporting Action: Submit lists of trained employees to CSLC

Effectiveness Criteria: All contractors and employees involved with the Project complete the program to be trained inspecial status species avoidance

Responsible Party: PG&E and contractors

Timing: Prior to and throughout construction activities

Potential Impact: Western bumble bee

MM BIO-3: Western Bumble Bee. A pre-construction survey for western bumble bee shall be conducted by a qualified biologist with a Scientific Collecting Permit for the species within the Project work area footprint prior to the start of any ground-disturbing Project activities occurring during the western bumble bee Colony Active Period (April-September). The pre-construction survey shall be conducted no more than five days prior to the start of Project mobilization.

If an occupied western bumble bee nest colony is detected within the Project site, no Project activities will occur within 50 feet of the nest. If it is not feasible to avoid the nest resources for the duration of the western bumble bee Colony Active Period, typically ending by September 30, the Project Applicant shall consult with the California Department of Fish and Wildlife (CDFW) regarding the potential for project activities to result in take, and shall obtain and comply with an Incidental Take Permit issued by CDFW.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC prior to ground disturbance, consult with CDFW if needed

Effectiveness Criteria: Compliance with avoidance buffers, compliance with Incidental Take Permit if needed

Responsible Party: PG&E and contractors

Timing: Prior to the start and throughout construction activities conducted between April and September

Potential Impact: Special status amphibian and reptile species

MM BIO-4: Special Status Amphibian and Reptile Species. A pre construction survey for Pacific (coastal) tailed frog (*Ascaphus truei*), foothill yellow-legged frog, northern red-legged frog, southern torrent salamander (*Rhyacotriton variegatus*), and northwestern pond turtle (signs of terrestrial activity or nesting [e.g. recently disturbed soil, excavated nest sites, nest plugs, etc.]) shall be conducted by a qualified biologist within 48 hours prior to the initiation of ground disturbance or vegetation clearing and trimming in suitable habitat for these species (i.e., damp upland riparian areas). The survey area shall include all suitable habitat within the work areas, plus a 50-foot buffer. Any amphibians found during the pre-construction survey shall be relocated, by a qualified biologist, to nearby habitat outside the construction area that has equivalent value to support the species. If signs of northwestern pond turtle nesting or a nest site are found, an exclusion buffer will be placed around the area, if feasible.

If the northwestern pond turtle is federally listed and an individual or nest is subsequently found on the Project site, the U.S. Fish and Wildlife Service shall be notified and authorization for any handling or relocation shall be required. If the northwestern pond turtle is not listed at the time of work, the species or nests shall be relocated by a qualified biologist, in accordance with MM BIO-14 and without need for USFWS notification, to nearby habitat outside the construction area that has equivalent value to support the species or the nest.

Following the survey, the contractor, under the direction of a qualified biologist, shall install wildlife exclusion fencing along the boundary of the work area containing suitable habitat to prevent special status amphibians and reptiles from entering the work area. The wildlife exclusion fencing must be trenched into the soil at least 4 inches in depth, with the soil compacted against both sides of the fence for its entire length. Turnarounds shall be installed at access points to direct amphibians and reptiles away from gaps in the fencing. Exclusion fencing should be checked daily for tears, gaps, or accidental wildlife entrapment.

A qualified biologist shall monitor low-vegetation and duff clearing, ground disturbance, and excavation work to ensure frogs, salamanders, and turtle nests are not damaged/injured or killed during this work. If species or a nest are discovered during this work, stop-work will be issued to prevent injury to species. The need for veterinary care may be required for injured northwestern pond turtles, depending on listing status.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC prior to ground disturbance, obtain USFWS approval for relocation if needed, submit observation reports

Effectiveness Criteria: Exclusion fencing in place prior to construction, relocation as needed, no species injury or mortality

Responsible Party: PG&E and contractors

Timing: Prior to the start and throughout construction activities conducted within suitable habitat areas

Potential Impact: Presence of special status wildlife species

MM BIO-5: Species Relocation. If special status wildlife species are observed within the construction area during exclusion fence set-up or construction activities, the biologist shall stop-work around the species to prevent injury. The species will be allowed to leave the work area of its own volition or, with proper handling authorization (for listed species), may be captured and relocated out of the area affected by construction activities to nearby habitat that has equivalent value to support the species. The biologist may identify suitable habitats as potential release sites for certain species prior to start of construction activities. If the special status species is a federally or state-listed as threatened or endangered, the biologist shall notify the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and/or National Marine Fisheries Service, as appropriate, prior to capture and relocation to obtain approval, if not already covered by an existing Incidental Take Permit.

Monitoring/Reporting Action: Submit observation reports, consult with USFWS, CDFW, and/or NMFS if needed

Effectiveness Criteria: Stop work, relocation as needed, compliance with Incidental Take Permit if needed

Responsible Party: PG&E and contractors

Timing: Throughout construction activities

Potential Impact: Nesting birds

MM BIO-6: Nesting Birds (including special status birds). Pre-construction surveys must be completed by a qualified biologist no later than two days before the start of Project activities, including site preparation. Surveys will be conducted

during the nesting season (March 15 – August 15). The survey shall cover the limits of vegetation removal and suitable nesting habitat within the standard buffers and document species detections, nests, and active nests. All survey results will be submitted to CSLC and CDFW.

If nesting birds are present, then prior to Project activities commencing that may disturb nesting birds, a qualified biologist will prepare an Avoidance Plan to be submitted to CSLC and CDFW which will include, but not be limited to, the following:

- a. Results of site-specific literature, desktop studies, and nesting bird survey methods and results including a map or the GPS coordinates of the nest location(s).
- b. Nest-specific avoidance buffers between the nesting birds and any project-related activities.
- c. Justification and procedure for the qualified biologist to increase or decrease a proposed buffer distance.
- d. List of species-specific disturbed bird behaviors which a qualified biologist will be monitoring during the project-related activities to confirm the applied nesting bird buffers are appropriate. Some of these behaviors could include, but are not limited to, birds vocalizing, getting up from brooding position, flying off their nests, making defensive flights at intruders, and birds mimicking physical injuries such as broken wings.
- e. Identify any project-related activities that can be done outside of the nesting season (i.e., site preparation and/or staging).

If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than 7 days elapse between the survey and vegetation removal activities.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC and CDFW prior to construction, submit Avoidance Plan to CSLC and CDFW if needed, submit observation reports

Effectiveness Criteria: Compliance with avoidance buffers, monitoring if needed

Responsible Party: PG&E and contractors

Timing: Prior to the start and throughout construction activities during nesting season (March 15 through August 15)

Potential Impact: Roosting bats

MM BIO-7: Roosting Bats (including special status birds). A pre-construction emergence survey for roosting bats shall be conducted within the Work Areas, with a 25-foot buffer area, by a qualified biologist during the maternity season for bats (May 1 through August 31) and no more than 14 days prior to vegetation removal activities. Emergence times may vary depending on species, weather conditions, and time of year and the survey should occur when conditions are favorable (higher temperatures, high humidity, low wind, no precipitation) and be timed to capture bat emergence (typically occurring between sunset and midnight).

If bat maternity roosts are identified within 25 feet of the Project site, heavy equipment use and trimming of vegetation should be delayed until the maternity season is complete, if feasible. If it is not feasible, CDFW should be consulted about alternative mitigation. If a roost is found outside the maternity season, exclusion netting suitable for bats shall be installed at roost openings to allow bats to exit but prevent their re-entry into the roost. Other suitable exclusion methods may be used as determined by a qualified biologist. Nets or exclusion devices shall be checked daily to minimize wildlife entrapment. Exclusion devices shall be left in place and monitored daily for seven days to confirm the exclusion is successful before resuming heavy equipment use or vegetation trimming.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC prior to vegetation work, consult with CDFW if needed, observation reports

Effectiveness Criteria: Compliance with buffers, exclusion devices in place and monitored

Responsible Party: PG&E and contractors

Timing: Prior to the start and throughout construction activities during maternity season for bats (May 1 through August 31)

Potential Impact: Sonoma tree vole, fisher, and Humboldt marten

MM BIO-8: Sonoma Tree Vole, Fisher, and Humboldt Marten. A pre-construction survey shall be conducted to determine whether active or potentially active Sonoma tree vole, fisher, or Humboldt marten dens or nests are present in the

Northern or Southern Work Areas or vicinity shall be conducted by a qualified biologist approximately two days prior to Project mobilization. Surveys shall encompass both the Work Area and a 25-foot buffer around the Work Area. Surveys shall attain 100% visual coverage and be conducted using a maximum of 10-meter (33-foot) transects (or reduced based on topography and vegetation), to determine the presence or absence of individuals, dens, nests, and other signs of their activity.

If potential Sonoma tree vole, fisher, or Humboldt marten dens or nests are located, a qualified wildlife biologist shall monitor the dens or nests using observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the den. If non-natal active dens or nests can be avoided and buffered from Project activities, the biologist shall flag and monitor a minimum 100-foot disturbance-free buffer zone. The biologist shall block inactive dens within the project area or buffer zone that will not be directly impacted by project activities with rocks and sticks to discourage use. The biologist shall periodically check and ensure the inactive burrows remain blocked and are not occupied. The biologist shall remove the obstruction when Project activities are complete. If a natal den is found, a minimum 500-foot disturbance-free buffer shall be placed and monitored by the biologist around the natal den or nest and maintained until juvenile independence is determined by the biologist. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Established buffers will remain until the biologist determines the young have dispersed or the den is no longer active, or until Project activities cease.

If an active den or vole nest will be impacted and relocation is proposed, CDFW shall be notified and a plan shall be prepared for CDFW review and approval prior to implementing the Project activity or resuming Project activities.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC prior to construction, consult with CDFW if needed, submit observation reports

Effectiveness Criteria: Compliance with avoidance buffers, nest monitoring if needed, relocation as needed

Responsible Party: PG&E and contractors

Timing: Prior to the start and throughout construction activities

Potential Impact: Sensitive natural communities

MM BIO-9: Sensitive Natural Community Tree Protection Zone. A tree protection zone shall be established by an arborist or other qualified biologist around the edge of the shining willow riparian community. This will include, at a minimum, the canopy perimeter of the community, especially along the access road to the Northern Work Area. Any root compaction shall be treated by aerating the root zones upon project completion.

Monitoring/Reporting Action: Submit proposed protection zone to CSLC for review if needed

Effectiveness Criteria: Compliance with tree protection zone

Responsible Party: PG&E and contractors

Timing: Prior to and throughout construction activities

Other applicable mitigation measures for potential impacts to biological resources

MM GEO-1: Erosion and Sediment Control Plan, MM HAZ-1: Spill Response and Contingency Plan, MM HYD-1: Inadvertent Release Contingency Plan

1.4.2 CULTURAL RESOURCES/CULTURAL RESOURCES – TRIBAL

Potential Impact: Discovery of previously unknown cultural or tribal cultural resources

MM CUL-1/TCR-1: 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 designated on-site archaeologist, the Tribal Monitor(s), if one is requested by an affected tribe, 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 PG&E CRS, the designated on-site archaeologist, the Tribal Monitor if there is one, 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). 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 archeologist 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: CRS/on-site archaeologist and Tribal Monitor (if requested)

Effectiveness Criteria: Identification and protection of unknown cultural or tribal cultural resources, if present

Responsible Party: PG&E and CSLC

Timing: Throughout construction activities

Potential Impact: Unanticipated discovery of human remains

MM CUL-2/TCR-2: 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.

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: During construction activities

1.4.3 GEOLOGY, SOILS, AND PALEONTOLOGICAL RESOURCES

Potential Impact: Construction erosion and sedimentation

MM GEO-1: Erosion and Sediment Control Plan (ESCP). Prior to the start of construction, the project Applicant shall prepare and implement an Erosion and Sediment Control Plan (ESCP) to minimize the loss of topsoil and prevent sedimentation into the Eel River. Because the project involves trenching in alluvial soils, the following measures shall be mandatory:

- Best Management Practices (BMPs): Installation of physical barriers such as fiber rolls (straw wattles), silt fences, or gravel bags around the perimeter of all trenching areas and soil stockpiles.
- Stockpile Management: All excavated soil stored on-site shall be covered with plastic sheeting or weighted tarps during the rainy season (October 15 through May 1) or when rain is forecast.
- Site Stabilization: Upon completion of trenching activities, all disturbed areas shall be re-contoured and stabilized using hydroseeding with a native seed mix, or permanent erosion control blankets, to ensure long-term soil stability.

- **Monitoring:** A designated inspector shall check all erosion control measures before and after significant rain events to ensure functionality.

The ESCP shall be submitted to the California State Lands Commission for review and approval at least 14 days prior to ground disturbing activities. Should a Stormwater Pollution Prevention Plan (SWPPP) be prepared for the project, the SWPPP may be used in lieu of the ESCP if the SWPPP measures are substantially the same as the ESCP.

Monitoring/Reporting Action: ESCP or equivalent submitted to CSLC for review and approval

Effectiveness Criteria: Minimized soil erosion and sedimentation in the River

Responsible Party: PG&E and contractors

Timing: Throughout construction activities

Potential Impact: Discovery of paleontological resources

MM GEO-2: Worker's Environmental Awareness Training. PG&E (or contractor) will provide environmental awareness training on paleontological resources protection. This training may be administered as a stand-alone training or included as part of the overall environmental awareness training as required by the Project. The training will include, at minimum, the following: types of fossils that could occur; the types of lithologies in which the fossils could be preserved; the procedures that should be taken in the event of a fossil discovery; penalties for disturbing paleontological resources. PG&E or their designee shall maintain a list of all contractors who have been trained and shall submit this list and the final training material to CSLC staff within 30 days after Project mobilization and shall provide an updated final list after Project activities are complete.

Monitoring/Reporting Action: Submit lists of trained employees to CSLC

Effectiveness Criteria: All contractors and employees involved with the Project complete the program to be trained in identification and protection of paleontological resources

Responsible Party: PG&E and contractors

Timing: Prior to and throughout construction activities

Potential Impact: Discovery of paleontological resources

MM GEO-3: Unanticipated Potential Paleontological Resources. If significant paleontological resources are discovered during construction activities, the following procedures will be followed: Stop work immediately within 100 feet; Contact the designated Project inspector and PG&E Cultural Resource Specialist (CRS) immediately; Protect the site from further impacts, including looting, erosion, or other human or natural damage; The PG&E CRS in tandem with pertinent agency staff will arrange for a Principal Paleontologist to evaluate the discovery. If the discovery is determined to be significant, PG&E will implement measures to protect and document the paleontological resource; Work may not resume within 100 feet of the find until approval by the paleontologist, PG&E CRS, and pertinent agency staff.

Monitoring/Reporting Action: CRS and Principal Paleontologist evaluation if needed

Effectiveness Criteria: Identification and protection of unanticipated paleontological resources

Responsible Party: PG&E and contractors

Timing: Throughout construction activities

1.4.4 HAZARDS AND HAZARDOUS MATERIALS

Potential Impact: Spills or leaks of hazardous materials

MM HAZ-1: Spill Response and Contingency Plan (SRCP). A Spill Response and Contingency Plan (SRCP) shall be submitted to CSLC staff and all other pertinent agencies for review and approval at least 30 days prior to Project implementation. The SRCP shall include the following (at a minimum):

- Secondary Containment: All hazardous materials (fuels, lubricants) shall be stored in a dedicated staging area with secondary containment (e.g., berms or spill pallets) capable of holding 110% of the largest container's volume.
- Refueling Protocols: No refueling shall occur within 100 feet of the Eel River bank or any active drainage.
- Spill Kits: "Type II" spill kits (absorbent pads, booms, and neutralizers) shall be maintained at each work area and on every service truck.

- Waste Disposal: All hazardous waste (including oily rags or contaminated soil) shall be profiled and hauled to a Class I or II landfill by a licensed hazardous waste hauler.

Monitoring/Reporting Action: Submit SRCP to CSLC for review and approval

Effectiveness Criteria: Reduced risks of water or soil contamination

Responsible Party: PG&E and contractors

Timing: Prior to and throughout construction activities

Other applicable mitigation measures for potential hazards and hazardous materials impacts

MM HYD-1: Inadvertent Release Contingency Plan

1.4.5 HYDROLOGY AND WATER QUALITY

Potential Impact: Inadvertent release of drilling fluids

MM HYD-1: Inadvertent Release Contingency Plan. The Applicant shall finalize and implement the Inadvertent Release Contingency Plan (IRCP) to detect and address any inadvertent release of drilling fluids associated with the Project's directional drilling operation. The plan shall establish the operational procedures and responsibilities for the prevention, containment, and clean-up of inadvertent release. At least 30 days prior to initiation of construction activities, the Applicant shall submit a Final IRCP to CSLC for review and approval.

Monitoring/Reporting Action: Submit IRCP 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: Prior to and during HDD drilling activities

Other applicable mitigation measures for potential impacts to hydrology and water quality

MM GEO-1: Erosion and Sediment Control Plan, MM HAZ-1: Spill Response and Contingency Plan