

PUBLIC UTILITIES COMMISSION

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DRAFT

Mitigated Negative Declaration

Pacific Gas & Electric Company's Windsor Substation Project Application No. A.10-04-024

1. Mitigated Negative Declaration

1.1 Introduction to Mitigated Negative Declaration

Pursuant to California Environmental Quality Act (CEQA), California Public Resources Code § 21000 et seq., the California Public Utilities Commission (CPUC) must prepare an Initial Study (IS) for the proposed project to determine if any significant adverse effects on the environment would result from project implementation. The IS uses the significance criteria outlined in Appendix G of the State CEQA *Guidelines*, 14 CCR § 15000 et seq. If the IS for the project indicates that a significant adverse impact could occur, the CPUC would be required to prepare an Environmental Impact Report.

According to Article 6 (Negative Declaration Process) and Section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration) of the CEQA *Guidelines*, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) *The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or*
- (b) *The initial study identifies potentially significant effects, but:*
 - (1) *Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
 - (2) *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.*

Based on the analysis in the IS, it has been determined that all project-related environmental impacts could be reduced to a less than significant level with the incorporation of feasible mitigation measures. Therefore, adoption of a Mitigated Negative Declaration (MND) will satisfy the requirements of CEQA. The mitigation measures included in this MND are designed to reduce or eliminate the potentially significant environmental impacts described in the IS. Where a measure described in this document has been previously incorporated into the project, either as a specific project design feature or as an Applicant Proposed Measure (APM), this is noted in the discussion. Mitigation measures are structured in accordance with the criteria in Section 15370 of the CEQA *Guidelines*.

1.2 Project Description

The Proposed project would include the following activities:

- Constructing a new three-bank 115/12 kV distribution substation (initially energized at 60 kV) on 2.6 acres of a 4.1 acre property in the Town of Windsor, California;
- Connecting the new substation to the existing nearby Fulton No. 1 60 kV transmission line (via a 270-foot 60 kV power line loop);
- Installing underground distribution line vaults and conduits for current and future use;
- Installing 3 underground 12 kV circuits initially, with up to 9 additional circuits to be installed in the future as needed;
- Installing 700 feet (0.1 mile) of new underground distribution line;
- Rebuilding approximately 7,900 feet (1.5 miles) of the existing Fulton No. 1 60 kV Power Line to hold a new double-circuit 12kV distribution line underneath existing higher voltage lines (underbuild); and
- Replacing conductors (reconductoring) on approximately 9,420 feet (1.8 miles) of existing overhead and underground single-circuit distribution line with 12 kV double-circuit conductor along Old Redwood Highway

1.3 Alternatives

The purpose of an alternatives analysis pursuant to CEQA is to identify options that would feasibly attain the project's objectives while reducing the significant environmental impacts resulting from the proposed project. CEQA does not require the inclusion of an alternatives analysis in MNDs because the IS concludes that, with incorporation of mitigation measures, there would be no significant adverse impacts resulting from the proposed project. Therefore, no alternatives analysis needs to be provided in the IS.

1.4 Environmental Determination

The IS was prepared to identify the potential environmental effects resulting from proposed project implementation, and to evaluate the level of significance of these effects. The Initial Study relies on information in PG&E's Proponent's Environmental Assessment (PEA), filed in April 2010; PG&E's supplemental PEA, filed in May 2011; project site reconnaissance by the CPUC environmental team in October 2011, and other environmental analyses.

PG&E identified measures— the Applicant Proposed Measures (APMs) — to address potentially significant impacts. These APMs are considered to be part of the description of the proposed project. Based on the IS analysis, additional mitigation measures are identified for adoption to ensure that impacts of the proposed project would be less than significant. The additional mitigation measures supplement or supersede the APMs. PG&E has agreed to implement all of the additional recommended mitigation measures as part of the proposed project.

Implementation of the following mitigation measures would avoid potentially significant impacts identified in the IS or reduce them to less than significant levels.

Mitigation Measures for Construction-Phase Air Quality

- AQ-1** **Implement measures to control dust and equipment exhaust during construction.** PG&E shall implement measures to control dust and vehicle exhaust during construction of the proposed substation. These measures shall incorporate Applicant Proposed Measures AQ-1 through AQ-12 and additionally shall include the following:
- Limit the speeds of construction vehicles on unpaved surfaces to 15 miles per hour.
 - Limit size of area subject to excavation, grading, or other construction disturbance at any one time to avoid excessive dust; paving shall occur as soon as possible after grading.
 - Provide BAAQMD phone number in a visible location. Post a publicly visible sign 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. PG&E shall report to the CPUC within 1 week regarding complaints and corrective action taken.
 - Construction equipment will be properly maintained. All offroad construction diesel engines not registered under the CARB Statewide Portable Equipment Registration Program will meet at a minimum the Tier 1 California Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations (CCR) Title 13, Chapter 9, Sec. 2423(b)(1).

Mitigation Measure for Biological Resources

- B-1** **Conduct environmental training, pre-construction surveys, and biological resources monitoring.** As described in APM BIO-1, ongoing special-status species/sensitive habitat education program for construction crews will be conducted by a qualified biologist (approved by CPUC) prior to the commencement of the project and during construction activities. Sessions will include discussion of the Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), the consequences of noncompliance with these acts, identification and values of habitats, and the importance of keeping all project activities and sediments within the designated work area. These requirements are supplemented by the following: training shall also address California Species of Special Concern and brochures addressing all potentially affected special-status species shall be provided to all crew members (in multiple languages if appropriate).

As described in APM BIO-4, pre-construction surveys for special-status species shall be conducted prior to the start of construction. These requirements are supplemented by the following: pre-construction surveys shall be conducted by a qualified biologist (approved by CPUC) within 7 days of construction activities. If special-status species are found, CDFW, USFWS, and the CPUC shall be notified within 24 hours and consulted, as appropriate, to confirm appropriate avoidance measures. Project construction (in area where a special-status species is found) shall not begin until the qualified biologist determines that the required or appropriate avoidance, minimization, and mitigation measures have been implemented.

As described in APM BIO-5, a biological monitor shall be present during grading activities and installation of the silt fence around the proposed substation site perimeter and needed areas along the distribution line alignment. The monitor will complete daily reports summarizing construction activities and environmental compliance. These

requirements are supplemented by the following: monitoring shall be conducted by a qualified biologist (approved by CPUC). Daily biological monitoring shall be required during all construction activities near sensitive resources, including special-status species, wetlands, vernal pools, and oak woodlands. If appropriate (based on the phase and location of construction activities), PG&E may request that the CPUC allow less frequent monitoring.

B-2 Preserve special-status plants, wetlands and vernal pools. Special-status plants identified in the survey area were all located within vernal pools. The following avoidance and minimization measures will be used to protect both listed special-status plants and to avoid impacts to wetlands and vernal pools:

- Design project and construction activities to avoid impacts to wetlands and water features to the extent feasible.
- Prior to the onset of construction activities, a qualified biologist (approved by the CPUC) shall delineate any wetland or water features within the right of way as environmentally sensitive areas using clear markers. Construction crews shall be provided with maps of environmentally sensitive areas.
- PG&E shall employ best management practices to avoid wetland impacts. These BMPs may include using padding or vehicles with balloon tires or other protective measures if temporary access roads or other construction activities occur in wetland areas.
- There are three pole replacement locations that are located near vernal pool habitat (*see Biological Resources Figure, map set – poles a7, a8 and a10*). The following additional avoidance measures will be used in these particular locations and in any additional areas where work is required in or adjacent to a vernal pool:
 - Any project activities at these locations shall only take place between June 15 and September 30, after a qualified biologist (approved by CPUC) determines that vernal pools are dry and special-status plant species have completed their entire lifecycle for the year (i.e., seeds have set).
 - A qualified biologist (approved by the CPUC) shall be present during construction activities within the vicinity of these three locations. The biologist shall ensure that fencing remains intact and that construction activities do not affect the delineated vernal pool areas.
 - In the event that it is infeasible to completely avoid a vernal pool, and any associated listed plant species, PG&E will use the following additional avoidance measures: (1) No construction equipment will enter the vernal pool; and (2) Tarps will be placed over the vernal pool to ensure that no excavated soil mixes with the vernal pool vegetation and soils when the pole is removed.
 - The following additional avoidance measures will be used at one pole replacement (*see Biological Resources Figure, map set – pole a10*), which is located adjacent to a vernal pool: (1) The exposed hole from the removed pole will be filled with a clay material that supports vernal pool re-establishment; and (2) The new pole will be installed as far outside of the vernal pool as feasible.

Compensatory mitigation for special-status plants. If impacts to listed plants cannot be avoided, PG&E shall work with CFDW and USFWS to ensure that the impact is fully miti-

gated with compensation measures that are consistent with the Santa Rosa Plain Conservation Strategy, as applicable; these measures may include: habitat acquisition and long-term habitat enhancement, purchase of mitigation credits at mitigation banks approved by CDFW and USFWS to mitigate for the plant species impacted. Any necessary mitigation strategy will include adequate funding to ensure long-term management and monitoring.

Compensatory mitigation for vernal pools. If impacts to wetlands and vernal pools cannot be completely avoided, PG&E will consult with the appropriate agencies to ensure that there is no net loss of wetlands or vernal pools. In consultation with the appropriate resource agencies, PG&E may take the following actions to ensure the no net loss of wetlands or vernal pools, including (1) purchase of mitigation credits in an agency-approved wetlands mitigation bank with a service area that includes the project site, or (2) creation of wetlands according to an agency-approved plan. Any created wetlands shall emulate wetlands affected by the project. Any wetland preserve established on or offsite shall be permanently protected through fee title transfer to a qualified agency or conservation organization, through recordation of a conservation easement deed over the protected property, or some similar deed restriction. Prior to any ground disturbance, a wetland creation and preservation plan shall be approved by the applicable resource agencies.

B-3 Identify and relocate northwestern pond turtles. If northwestern pond turtles are found near any proposed construction areas, impacts to individuals and their habitat shall be avoided to the extent feasible. To avoid impacts to occupied habitat, an exclusion zone shall be established around the habitat and temporary plastic fencing shall be installed around the buffer area with “Sensitive Habitat Area” signs posted and clearly visible on the outside of the fence. If avoidance is not possible and the species is determined to be present in work areas, the biologist (approved by the CPUC) shall capture turtles prior to construction activities and relocate them to nearby, suitable habitat (the closest water body) out of harm’s way (e.g., upstream or downstream from the work area). PG&E shall consult with CDFW regarding any required relocation of western pond turtles.

If deemed necessary by the on-site biological monitor, exclusion fencing shall be installed to prevent turtles from re-entering the work area. For the duration of work in these areas the biologist should conduct regular follow-up visits (at least once per week) to monitor effectiveness and take appropriate corrective action if protection measures are not adequate.

Milestones and Monitoring. Preconstruction surveys shall be conducted by qualified biologist (approved by CPUC) before ground disturbance. Any exclusion fencing that is installed to prevent western pond turtles from entering the work areas will be inspected by the on-site biological monitor to maintain the integrity of the fence. Monitoring of habitat and exclusion fencing shall be conducted by a qualified biological monitor during construction activities as necessary.

B-4 Protect nesting birds. If construction activities occur during the avian nesting season (February 1 through September 15), a preconstruction survey for nesting birds (including raptors) shall be conducted by a qualified wildlife biologist (approved by the CPUC) 7 days or less before the start of vegetation removal or trimming and ground-disturbing construction activities, and prior to the start or re-start of construction in any

new work area. If there is no work in an area for 7 days, it will be considered a new work area if construction or vegetation trimming or removal begins again. At least 10 days before construction activities begin during nesting season, PG&E shall confer with CPUC and CDFW on nesting bird survey methodology. Survey will be submitted to CPUC for record keeping.

No additional measures will be implemented if active nests are more than the following distances from the nearest work site: (a) 500 feet for raptors, or (b) 250 feet for passerine birds. Buffers shall not apply to construction-related traffic using existing roads that is not limited to project-specific use (i.e., county roads, highways, farm roads, etc.).

All references in this mitigation measure to wildlife biologists refer to qualified biologists approved by the CPUC; these biologists may be PG&E employees or subcontractors. References to independent avian biologists refer to qualified avian biologists approved by the CPUC who report directly to CPUC.

Buffer reduction. The specified buffer sizes for birds may be reduced on a case-by-case basis if, based on compelling biological or ecological reasoning (e.g. the biology of the bird species, concealment of the nest site by topography, land use type, vegetation, and level of project activity) and as determined by a qualified wildlife biologist that implementation of a specified smaller buffer distance will still avoid project-related “take” (as defined by Fish and Game Code Section 86). Requests to reduce standard buffers must be submitted to the independent avian biologist(s) to be reviewed in coordination with the California Department of Fish and Wildlife (CDFW). Requests to reduce buffers must include: the species, location, size and expected duration of proposed buffer reduction, reason for the buffer reduction, the name and contact information of the qualified wildlife biologist(s) who request the buffer reduction and will conduct subsequent monitoring. The independent avian biologist shall respond to PG&E’s request for a buffer reduction within 24 hours.

Non-special status species found building nests within the standard buffer zone *after specific project activities begin*, shall be assumed tolerant of that specific project activity and such nests will be protected by the maximum buffer practicable (as determined by the qualified biologist). However, these nests shall be monitored on a daily basis by a qualified biologist until the qualified biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends within the buffer zone (whichever occurs first). If the qualified biologist determines that the nesting bird(s) are not tolerant of project activity, the standard buffer shall be implemented. As appropriate, exclusion techniques may be used for any construction equipment that is left unattended for more than 24 hours to reduce the possibility of birds nesting in the construction equipment.

If nesting birds show signs of distress within a reduced buffer zone and that stress appears to be related to construction activities, the qualified wildlife biologist shall reinstate the recommended buffers. The recommended buffers may only be reduced again following the same process as identified above after the qualified biologist has determined that the nesting birds are no longer exhibiting signs of stress. Reporting regarding reduction of buffers will be documented in the monthly report.

Listed and Fully Protected Species. If the qualified wildlife biologist determines that there are nests of listed or fully protected bird species within 500 feet of project

activities, consultation with CPUC and CDFW (and USFWS as appropriate) shall be required to discuss how to implement the project and avoid “take.” If avoidance of state or federally listed species is not feasible, the applicant shall work with CDFW and and/or USFWS (as appropriate) to determine the necessary avoidance measures and possibly to obtain take authorization, as appropriate and necessary.

Monitoring and reporting. All nests with a reduced buffer shall be monitored on a daily basis by a qualified wildlife biologist until the biologist has determined that the young have fledged, are no longer dependent upon parental care, or construction ends within the reduced buffer (whichever occurs first). A monthly written report shall be submitted to CDFW and CPUC. Monthly reports shall include: all of the information included in buffer reduction requests in addition to duration of buffer reduction, and outcomes for nests, eggs, young and adults during construction within a reduced buffer. No reporting will be required if construction activities do not occur within a reduced buffer during any calendar month. A final report shall be submitted to CDFW and CPUC at the end of each nesting season summarizing all monitoring results and outcomes for the duration of project construction.

B-5

Protect special-status bats. Before the spring breeding season and prior to construction, a qualified biologist (approved by the CPUC) shall conduct a survey for roosting bat habitat. The survey shall include work areas adjacent to appropriate roosting habitat and are accessible from public or project areas within 200 feet of a work area. For trees considered to have a high or moderate probability for bat roosting, acoustic monitoring shall be conducted before any construction activities begin during the breeding season to determine if there are any roosting sites present. Surveys shall be conducted at the appropriate times to maximize detectability. At least ten days before surveys begin, PG&E shall confer with CPUC and CDFW on bat survey methodology. Survey will be submitted to CPUC for record keeping.

Note: All references in this mitigation measure to biologists or biological monitors refer to qualified biologists approved by the CPUC; these biologists may be PG&E employees or contractors. References to independent biologists refer to qualified biologists approved by the CPUC who report directly to the CPUC.

If an active roost or maternity roost is found within 100 feet of a work area, the limits of the work area will be clearly marked and a qualified biological monitor shall remain on-site during construction activities within the vicinity of the roost or maternity roost. The biologist shall ensure that construction activities do not encroach upon the 100 foot buffer around an active roost or maternity colony site. Buffers shall remain in place until the qualified biologist has determined that bats have vacated the occupied roost sites.

Trees containing maternity roosts shall not be removed during the breeding season (March 1 through August 31) to avoid disturbing females with young that cannot fly. No trees containing maternity roosts may be removed until the qualified biologist determines that breeding is complete and young are able to fly.

Requests to reduce buffers or exclude bats shall be submitted to CPUC for review by the CPUC’s independent biologist in consultation with CDFW. The CPUC’s independent biologist shall respond to requests to reduce buffers within 24 hours and shall respond to requests to exclude bats within 5 days. Exclusion plans may include the following:

- If fall/winter hibernacula cannot be avoided, humane techniques may be implemented to passively vacate bats from roosts. Methods to passively evict bats from tree roosts may include incrementally trimming limbs to alter the air flow and temperature around the roost feature where slight changes to the surrounding environment of roost features encourage bats to vacate roost features on their own.
- If acoustic monitoring detects that bats are using trees that need to be cut down, exclusionary one-way doors shall be installed in late August, after completion of the maternity season. Roost trees shall be removed after it has been confirmed that roosting bats have departed.
- If a roost is lost, PG&E shall consult with the CDFW to see to see if additional compensation for loss of habitat is required. Required compensation may include bat boxes be installed in the vicinity of the cut tree.

If an exclusion plan is approved by the independent biologist (in consultation with CDFW), PG&E shall submit a report to CPUC and CDFW after exclusion activities are completed describing the exclusion process and bat behavior after the implementation of the exclusion plan. All exclusion activities shall be closely monitored by the qualified biologist.

If buffer reductions are requested and approved, a monthly report shall be submitted to CPUC and CDFW with all of the information in the buffer reduction requests, monitoring results, and effects on bats. Reports shall be submitted for the duration of construction activities within buffer areas.

Mitigation Measures for Cultural Resources

- C-1** **Mark limits of project area near known cultural resources.** In areas near identified cultural resources, a qualified cultural resources specialist (approved by the CPUC) shall mark the limits of the project area with visible flagging tape. The construction crews shall be instructed that no vehicle access, travel, equipment staging, storage, or other construction-related work shall occur outside the flagged areas to ensure that known historic resources are not inadvertently damaged during implementation of the project.
- Pal-1** **Avoid previously unidentified paleontological resources.** If paleontological remains are discovered during construction, construction will cease or be directed away from the discovery, and the potential resource will be evaluated by a qualified paleontologist. The paleontologist will recommend appropriate measures to avoid, record, preserve, or recover the resource/s.

Mitigation Measure for Hazards and Hazardous Materials

- Haz-1** **If contaminated soil is encountered, ensure proper sampling, data review, regulatory coordination, and documentation of compliance.** If construction crews uncover unanticipated buried contaminated soils, rock, or groundwater during substation construction or excavation activities associated with distribution work, samples shall be collected by an OSHA-trained technician with a minimum of 40-hours hazardous material site worker training. Laboratory data from suspected contaminated material shall be reviewed by the contractor's Health and Safety Officer and/or PG&E's representative and they shall coordinate with the appropriate regulatory agency if contamination is confirmed, to deter-

mine the suitable level of worker protection and the necessary handling and/or disposal requirements.

If during grading or excavation work, the contractor observes visual or olfactory evidence of contamination in the exposed soil, a report of the location and the potential contamination, results of laboratory testing, recommended mitigation (if contamination is verified), and actions taken shall be submitted to the CPUC for each event. This report shall be submitted within 30 days of receipt of laboratory data.

Mitigation Measure for Water Quality

H-1 Construction Site Dewatering. If groundwater is encountered during construction activities, dewatering shall be performed in accordance with the 2011 or most recent version of the *Construction BMP Handbook/Portal* prepared by the California Stormwater Quality Association (CASQA), and shall include, as applicable, the use of sediment traps and sediment basins.

Mitigation Measure for Land Use

LU-1 Provide advance notice of construction.

Advance Notice. Prior to construction, the Applicant shall give at least 30 days advance notice of the start of any construction-related activities. Notification shall be provided by posting signs along affected roadsides to tell the public about the work. The posted signs shall:

- Describe where and when construction is planned;
- Provide contact information for a point of contact for complaints related to construction activities.

Prior to commencing ground disturbing activities, the Applicant shall submit a copy of the template used for the posted sign.

Reporting of Complaints. The Applicant shall document all complaints and strategies for resolving complaints in regular reporting to the CPUC.

Mitigation Measures for Construction Noise

N-1 Avoid unnecessary construction traffic noise. Where feasible, construction traffic shall be routed to avoid noise-sensitive areas, such as residences, schools, religious facilities, hospitals, and parks.

Mitigation Measures for Construction Traffic and Transportation

T-1 Restrict lane closures. PG&E shall restrict all necessary lane closures or obstructions on major roadways associated with overhead or underground construction activities to off-peak periods in congested areas to reduce traffic delays. Lane closures must not occur between 6:00 and 9:30 a.m. or between 3:30 and 6:30 p.m., unless otherwise authorized in writing by the responsible public agency issuing an encroachment permit.

T-2 Ensure emergency response access. PG&E shall coordinate in advance with emergency service providers to avoid restricting movements of emergency vehicles. Police departments, fire departments, ambulance services, and paramedic services serving the project area shall be notified 30 days in advance by PG&E of the proposed locations, nature,

timing, and duration of any construction activities and advised of any access restrictions that could impact their effectiveness. At locations where roads will be temporarily blocked, work crews shall be ready at all times to accommodate emergency vehicles through immediately stopping work for emergency vehicle passage and/or facilitating the use of short detours and alternate routes in conjunction with local agencies.

T-3 Consult with SCT and SMART. PG&E shall consult with Sonoma County Transit District at least one month prior to construction to reduce potential interruption of bus transit services. If necessary, PG&E shall arrange for transit bus routes to be temporarily rerouted until construction in the vicinity is complete. PG&E shall obtain approval from SMART to encroach on the railroad right-of-way.

A Mitigation Monitoring Plan (Section 6 of the IS) has been prepared to ensure that the APMs and mitigation measures presented in this IS are properly implemented. The plan describes specific actions required to implement each measure, including information on timing of implementation and monitoring requirements.

Based on the analysis and conclusions of the IS, the impacts of the project as proposed by PG&E would be mitigated to less than significant levels with the implementation of the mitigation measures presented herein, which have been incorporated into the proposed project.