3 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

3.1 REVISIONS TO THE EXECUTIVE SUMMARY

In response to Letter O1, the following clarifications have been made to the summary of the project on page ES-2 of the Draft EIR:

Original:

The project consists of the construction and operation of a new 230 kV transmission system with approximately 10.6 miles of new double- circuit 230 kV transmission lines, an expanded substation, a modified substation, a new substation, a new switching station, reconfiguration of four existing 60 kV lines, relocation or extension of two existing 12 kV lines, and upgrades at four remote-end substations and one repeater station.

Revised:

The project consists of the construction and operation of a new 230 kV transmission system with approximately 10.6 miles of new double-~~-~~circuit 230 kV transmission lines <u>including a new double-circuit 230 kV line between PG&E facilities and Lodi Electric Utility (LEU) facilities</u>, an expanded substation, a modified substation, a new substation, a new switching station, reconfiguration of four existing 60 kV lines <u>including disconnecting PG&E and LEU 60 kV facilities, installation of two new 60 kV lines, removal</u>, relocation or extension of ~~two~~ <u>three</u> existing 12 kV lines, and upgrades at four remote-end substations and one repeater station

To provide a correction and clarify the applicability of Mitigation Measure 3.5-2b, the last row of Table ES-1 on page ES-6 of the Draft EIR is revised as follows.

Original:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact ARC-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Archaeological Resources as Defined in State CEQA Guidelines Section 15064.5	S	**Mitigation Measure 3.5-2a [PG&E and LEU]: Inadvertent Archaeological Resource Discoveries Mitigation Measure 3.5-2b [LEU]: Establish a No-Disturbance Buffer for Unevaluated Archeological Resources**	LTS/M

Revised:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact ARC-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Archaeological Resources as Defined in State CEQA Guidelines Section 15064.5	S	**Mitigation Measure 3.5-2a [PG&E and LEU]: Inadvertent Archaeological Resource Discoveries** **Mitigation Measure 3.5-2b [~~LEU~~ PG&E]: Establish a No-Disturbance Buffer for Unevaluated Archeological Resources**	LTS/M

3.2 REVISIONS TO CHAPTER 1, "INTRODUCTION"

The following text on page 1-1 is revised to clarify that the existing reliability and capacity issues are on the PG&E system:

Original:

The proposed project is intended to address reliability and capacity issues on the existing Pacific Gas and Electric (PG&E) 230 kV and Lodi Electric Utility (LEU) 60 kV systems serving the area between the PG&E Lockeford and PG&E Lodi Substations (Lockeford/Lodi, or 230/60 kV system) in northern San Joaquin County (Northern San Joaquin Valley area).

Revised:

The proposed project is intended to address reliability and capacity issues on the existing Pacific Gas and Electric (PG&E) 230 kV and ~~Lodi Electric Utility (LEU)~~ 60 kV systems serving the area between the PG&E Lockeford and PG&E Lodi Substations (Lockeford/Lodi, or 230/60 kV system) in northern San Joaquin County (Northern San Joaquin Valley area).

In addition, the following text on page 1-1 is revised to clarify the project components:

Original:

The project consists of the construction and operation of a new 230 kV transmission system with approximately 10.6 miles of new double- circuit 230 kV transmission lines, an expanded substation, a modified substation, a new substation, a new switching station, reconfiguration of four existing 60 kV lines, relocation or extension of two existing 12 kV lines, and upgrades at four remote-end substations and one repeater station.

Revised:

The project consists of the construction and operation of a new 230 kV transmission system with approximately 10.6 miles of new double-~~-~~circuit 230 kV transmission lines including a new double-circuit 230 kV line between PG&E facilities and Lodi Electric Utility (LEU) facilities. The project includes an expanded PG&E substation, a modified LEU substation, a new LEU substation, a new PG&E switching station, installation of two new LEU 60 kV lines, reconfiguration of four existing PG&E 60 kV lines, removal or relocation of two LEU existing 12 kV lines, or extension of ~~two~~ one PG&E existing 12 kV lines, and upgrades at four PG&E remote-end substations and one PG&E repeater station

3.3 REVISIONS TO CHAPTER 2, "PROJECT DESCRIPTION"

The text on page 2-1 is revised as follows to clarify the proposed LEU actions:

Original:

In a related action, LEU proposes to construct new 230 kV facilities to replace its 60 kV facilities that currently receive electricity from PG&E.

Revised:

In a related action, LEU proposes to construct new 230 kV facilities to connect with the new 230 kV source from PG&E. After the new 230 kV source is in service, LEU proposes to modify its existing 60 kV ~~facilities~~ Industrial Substation that currently receives electricity from three existing PG&E 60 kV lines. The PG&E 60 kV lines will be disconnected from their termination at LEU Industrial Substation.

The text on page 2-1 is revised as follows to clarify the spatial relationship between the switching station and substations in Lodi:

Original:

The project would loop the existing overhead PG&E Brighton-Bellota 230 kV Transmission Line through an expanded PG&E Lockeford Substation and install a new overhead double-circuit 230 kV transmission line between PG&E Lockeford Substation and the proposed PG&E Thurman Switching Station adjacent to LEU's existing Fred M. Reid Industrial Substation (Industrial Substation). LEU would construct the LEU Guild Substation, a new 230/60 kV substation, between its LEU Industrial Substation and the new PG&E Thurman Switching Station.

Revised:

The project would loop the existing overhead PG&E Brighton-Bellota 230 kV Transmission Line through an expanded PG&E Lockeford Substation and install a new overhead double-circuit 230 kV transmission line between PG&E Lockeford Substation and the proposed PG&E Thurman Switching Station ~~adjacent~~ near to LEU's existing Fred M. Reid Industrial Substation (Industrial Substation). LEU would construct the LEU Guild Substation, a new 230/60 kV substation, between its LEU Industrial Substation and the new PG&E Thurman Switching Station.

The text on page 2-1 is revised as follows to specify ownership of the Clayton Hill Repeater Station:

Original:

PG&E would also install two 6-foot dish antennas on an existing microwave tower at the existing Clayton Hill Repeater Station (on a communication tower) in Contra Costa County to create a new digital microwave path allowing redundant communication into PG&E Thurman Switching Station in support of PG&E's system protection scheme.

Revised:

PG&E would also install two 6-foot dish antennas on an existing microwave tower at the existing PG&E Clayton Hill Repeater Station (on a communication tower) in Contra Costa County to create a new digital microwave path allowing redundant communication into PG&E Thurman Switching Station in support of PG&E's system protection scheme.

The text on page 2-1 is revised as follows to include all electrical infrastructure that is proposed as part of the project:

Original:

The project would include construction, modification, and operation of electrical infrastructure (including power lines, transmission lines, a switching station, and substations)[1] from an existing PG&E 230 kV transmission corridor that traverses roughly northwest-southeast of Atkins Road in unincorporated San Joaquin County to an existing substation in eastern Lodi, approximately 9 miles to the west.

Revised:

The project would include construction, modification, and operation of electrical infrastructure (including distribution lines, power lines, transmission lines, a switching station, and substations)[1] from an existing PG&E 230 kV transmission corridor that traverses roughly northwest-southeast of Atkins Road in unincorporated San Joaquin County to an existing substation in eastern Lodi, approximately 9 miles to the west.

The text on page 2-2 is revised as follows to clarify project need:

Original:

The proposed project is needed because the existing PG&E 230/60 kV system is experiencing voltage issues and thermal overloads that could cause systemwide outages.

Revised:

The proposed project is needed because the existing PG&E 230/60 kV system is experiencing voltage issues and thermal overloads that could cause ~~systemwide~~ outages within the northern San Joaquin County area.

The text in the first row of Table 2-1 on page 2-12 of the Draft EIR is revised as follows to more accurately describe the control and battery facilities:

Original:

Table 2-1 Summary of Proposed Removed, Modified, and New Facilities

Component	Facilities Removed	Facilities Modified[1]	New Facilities
PG&E Lockeford Substation	Replace fence	Expand permanent facility fence line by approximately 2.32 acres or approximately 1,330 feet. Replace all existing perimeter fence line in kind and install new sections for new fence line. Expand retention pond and rebuild existing concrete stormwater drainage. Build new 230 kV bay, control, and battery buildings with potential ground system expansion; reconfigure existing 230 kV bay; move existing 230 kV control equipment to new building. Improve existing western internal drive path for all-weather use; install interior gate between western side yard and central yard. Extend AT&T fiber lines within substation. Update system protection scheme in existing control facilities.	None

Revised:

Table 2-1 Summary of Proposed Removed, Modified, and New Facilities

Component	Facilities Removed	Facilities Modified[1]	New Facilities
PG&E Lockeford Substation	Replace fence	Expand permanent facility fence line by approximately 2.32 acres or approximately 1,330 feet. Replace all existing perimeter fence line in kind and install new sections for new fence line. Expand retention pond and rebuild existing concrete stormwater drainage. Build new 230 kV bay, control, and battery enclosures with potential ground system expansion; reconfigure existing 230 kV bay; move existing 230 kV control equipment to new ~~building~~ enclosure. Improve existing western internal drive path for all-weather use; install interior gate between western side yard and central yard. Extend AT&T fiber lines within substation. Update system protection scheme in existing control facilities.	None

The text in the first paragraph on page 2-18 is revised to correct the line names as follows:

Original:

The northern approximately 0.5 miles of the PG&E Industrial Tap Line would be modified between the PG&E Lockeford-Lodi No. 2 Power Line at SR 12 south to the alignment of new PG&E Lockeford-Lodi No. 1 Line.

Revised:

The northern approximately 0.5 miles of the PG&E Industrial Tap Line would be modified between the PG&E Lockeford-Lodi No. 2 Power Line at SR 12 south to the alignment of ~~new~~ existing PG&E Lockeford-~~Lodi No. 1~~ Industrial Line.

The text on page 2-18 is revised as follows to correct the description of the voltage conversion:

Original:

The switching station would switch the PG&E 230 kV feed from PG&E Lockeford-Thurman 230 kV No. 1 and No. 2 Transmission Lines to a lower voltage suitable for LEU's system.

Revised:

The switching station would switch the PG&E 230 kV feed from PG&E Lockeford-Thurman 230 kV No. 1 and No. 2 Transmission Lines to ~~a lower voltage suitable for~~ LEU's system via the new PG&E and LEU 230 kV Thurman-Guild 230 kV No. 1 and No. 2 Transmission Lines.

The text on page 2-21 is revised as follows to clarify fiber optic cable location:

Original:

The fiber optic cable would be installed down the structure, connecting to an underground conduit and into the switching station to the control enclosure.

Revised:

The fiber optic cable would be installed down the transmission line structure (W49), connecting to an underground conduit and into the switching station to the control enclosure.

The text on page 2-27 is revised as follows to add in the name, line length, and voltage of 230 kV loop into Lockeford Substation in the first sentence for consistent presentation:

Original:

The proposed PG&E Brighton-Lockeford Line and PG&E Lockeford-Bellota No. 2 Line would have an average span length of approximately 880 feet with approximately 23 structures.

Revised:

The proposed PG&E Brighton-~~Lockeford Line and PG&E Lockeford-~~Bellota ~~No. 2 Line~~ extension, an approximately 3.8-mile loop of PG&E Brighton-Lockeford 230 kV Line and PG&E Lockeford-Bellota 230 kV No. 2 Line into PG&E Lockeford Substation would have an average span length of approximately 880 feet with approximately 23 structures.

The text on page 2-36 describing the types of work area disturbance has been revised as follows to specify that the undergrounding would be for distribution lines:

Original:

Construction activities would result in temporary disturbance for pole placement, undergrounding lines, station construction, and staging.

Revised:

Construction activities would result in temporary disturbance for pole placement, undergrounding distribution lines, station construction, and staging.

The following change is made to the subheading on page 2-45 to better reflect the project components:

Original:

Removal of PG&E Transmission Tower

Revised:

~~Removal~~ Replacement of PG&E Transmission Tower

The following change is made to the subheading on page 2-45 to better reflect the project components:

Original:

Installation of PG&E Microwave Towers

Revised:

Installation and Modification of PG&E Microwave Towers

The following change is made to the description of the fiber optic cable on page 2-47 to clarify that there would be more than one substation connection point:

Original:

The new fiber optic cable, or OPGW would be installed in the top conductor position of the new transmission line and would be routed into the substation and switching stations using a new underground conduit.

Revised:

The new fiber optic cable, or OPGW would be installed in the top conductor position of the new transmission line and would be routed into the substations and switching stations using a new underground conduit.

In response to Comment A3-2 from East Bay Municipal Utilities District, the following row is added to Table 2-15 on page 2-73 of the Draft EIR, which lists the permits and approvals that may be required for PG&E's portion of the project.

Permit/Authorization | Status	Agency | Contact	Purpose
Local		
Encroachment Permit (ministerial)	East Bay Municipal Utilities District Douglas A. Hooper Assistant Superintendent of Aqueduct Section 1804 West Main Street Stockton, CA 95203	Use of Mokelumne Aqueduct right of way for temporary construction access

In response to Comment A2-6 from the San Joaquin Valley Air Pollution Control District, the following row of Table 2-15 on page 2-73 of the Draft EIR is revised as follows:

Original:

Permit/Authorization | Status	Agency | Contact	Purpose
Regional		
Dust Control Plan (Rule 3135) PG&E would apply after CPCN issued	San Joaquin Valley Air Pollution Control District Central Region Office 1990 E. Gettysburg Avenue Fresno, CA 93726-0244	Projects in which construction-related activities would disturb 5 or more acres of surface area

Revised:

Permit/Authorization | Status	Agency | Contact	Purpose
Regional		
Dust Control Plan (Rules 3135 and 8021) PG&E would apply after CPCN issued	San Joaquin Valley Air Pollution Control District Central Region Office 1990 E. Gettysburg Avenue Fresno, CA 93726-0244	Projects in which construction-related activities would disturb 5 or more acres of surface area

The subheading at the top of page 2-48 is revised as follows for clarification.

Original:

TRANSMISSION LINE CONSTRUCTION (UNDERGROUND)

Revised:

~~TRANSMISSION~~ DISTRIBUTION LINE CONSTRUCTION (UNDERGROUND)

3.4 REVISIONS TO SECTION 3.2, "AESTHETICS"

The following revision is made to the environmental setting on page 3.2-1 to correct the interstate naming in the Altamont pass:

Original:

The foothills of the Diablo Range separate San Joaquin County from Alameda County and Contra Costa County to the west, with the main access between these counties being Interstate 205 (I-205), which cuts through the Altamont Pass.

Revised:

The foothills of the Diablo Range separate San Joaquin County from Alameda County and Contra Costa County to the west, with the main access between these counties being Interstate ~~205 (I-205)~~ 580 (I-580), which cuts through the Altamont Pass.

3.5 REVISIONS TO SECTION 3.3, "AGRICULTURE"

To clarify the applicability of City of Lodi General Plan policy, Policy C-P5 has been removed from the list of regulations in Section 3.3.2, "Regulatory Setting":

- ~~**C-P5:** Ensure that urban development does not constrain agricultural practices or adversely affect the economic viability of adjacent agricultural practices. Use appropriate buffers consistent with the recommendations of the San Joaquin County Department of Agriculture (typically no less than 150 feet) and limit incompatible uses (such as schools and hospitals) near agriculture.~~

3.6 REVISIONS TO SECTION 3.5, "ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES"

To provide a correction and in response to comment Letter A4 and Letter O1, descriptions of archaeological resources on pages 3.5-5 and 3.5-6 are revised as follows:

Original:

P-39-004471
This historic-era site was originally recorded as a row of oak trees along SR 12 (Far Western 2004). Far Western relocated this site as part of the 2022 pedestrian survey.

…

BD-02
This site consists of an old agricultural and railroad equipment debris scatter. Most of the equipment is agricultural, sans one old railroad sign and a railway lever. The agricultural equipment includes historic-era disc plows, disc harrows, pedestrian tractor parts, and various other metal hardware. These materials do not have potential archaeological significance and are not potentially eligible for listing in the CRHR or NRHP (Far Western 2023).

Revised:

P-39-004471
This historic-era site was originally recorded as a row of oak trees along SR 12 (Far Western 2004). Far Western relocated this site as part of the 2022 pedestrian survey. Far Western confirmed there are no trees within the API project boundary. This resource is adjacent to a project access road with no scheduled ground disturbance and will be avoided. Therefore, this site will not be discussed further in this section.

BD-02
This site consists of an old agricultural and railroad equipment debris scatter. Most of the equipment is agricultural, sans one old railroad sign and a railway lever. The agricultural equipment includes historic-era disc plows, disc harrows, pedestrian tractor parts, and various other metal hardware. These materials do not have potential archaeological significance and are not potentially eligible for listing in the CRHR or NRHP (Far Western 2023). Therefore, this site is not considered a historical resource and will not be discussed further in this EIR.

To provide a correction and in response to Letter A4 and Letter O1, Impact ARC-2 on pages 3.5-22 and 3.5-23 of the Draft EIR is revised as follows:

Original:

Impact ARC-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Archaeological Resources as Defined in CEQA Guidelines Section 15064.5

Approximately 85 percent of the project area has a very low or low sensitivity rating, while 15 percent has a high sensitivity for precontact archaeological sites. There is a high potential for buried precontact resources in the central portion of the project area, near SR 88 and Bear Creek, based on the close proximity of this portion of the project to freshwater and the relatively recent age of the sediments. Therefore, this portion has a high potential for previously unidentified archaeological remains to be encountered during blading of the existing road and excavation of tower footings. However, aside from this small portion of the project area, no subsurface precontact archaeological remains are expected because of the relatively low sensitivity in the project area overall.

The depth of ground disturbance would not exceed approximately 30 feet for the majority of the project. Up to approximately four grounding wells would be installed to approximately 100 feet in depth within PG&E Thurman Switching Station. Exact structure type, configuration, and dimensions will be determined by CPUC or City of Lodi requirements. Final engineering and other factors and are likely to change (expanding or reducing areas of ground disturbance) but would not exceed the depths identified above or the disturbance parameters identified in Chapter 2, "Project Description." Although new roads are not being constructed, some existing roads in the project area may be bladed.

The records search identified three archaeological sites within the project area (P-39-004279, P-39-004471, and P-39-004901). P-39-004279 consists of four dilapidated flat-top telegraph poles, P-39-004471 consists of a row of oak trees along SR 12, and P-39-004901 is a 61-meter segment of SR 12. All three sites were revisited as part of the pedestrian survey and updated accordingly. P-39-004279, P-39-004471, and P-39-004901 were not evaluated for the CRHR because there is no proposed ground disturbance within the boundaries of these three archaeological sites. Two new archaeological sites were identified by the pedestrian survey. BD-01 consists of two historic-era portable hydrants; one water catchment feature; an abandoned vineyard with rows of old grape vines; and a row of three old oak stumps. BD-02 consists of an old agricultural and railroad equipment debris scatter. These two resources were not evaluated for the CRHR because there is no proposed ground disturbance within the boundaries of BD-01 and BD-02.

PG&E Project Components

The pedestrian survey and the records search results did not identify any archaeological sites near PG&E's proposed project components. Components of the project that would involve earth-moving and excavation may result in the discovery of previously undiscovered archaeological resources, both precontact and historic-era. Project-related ground disturbance could result in the damage or destruction of these as yet undiscovered archaeological resources.

Implementation of APMs

Components of the project that require earth-moving and excavation may result in impacts to previously undisturbed and unrecorded archaeological deposits, the risks of which would be reduced through compliance with implementation of APM CUL-1 through APM CUL-3. Implementation of APM CUL-1 would require the development of a worker environmental awareness program prior to construction. PG&E would design and implement a worker environmental awareness program that would be provided to all project personnel involved in earth-moving activities. Implementation of APM CUL-2 would require archaeological construction monitoring in high-sensitive areas where surveys did not identify archaeological resources (PG&E structures W12, W13, and W14). Implementation of APM CUL-3 would require ground-disturbing activities to stop if archaeological resources are inadvertently discovered and provides the necessary procedures to be followed. However, APM CUL-3 would only be implemented to the extent feasible and does not recommend preservation in place as the primary form of mitigation to avoid direct and indirect effects during construction or O&M.

LEU Project Components

The pedestrian survey and the records search results identified five archaeological sites within the LEU project components (P-39-004279, P-39-004471, P-39-004901, BD-01, and BD-02). None of these resources were evaluated for CRHR because it is anticipated that the proposed project would not result in ground disturbance within any of the five site boundaries. However, exact structure type, configuration, and dimensions of the infrastructure would be determined by City of Lodi requirements. Final engineering and other factors are likely to change, which could result in impacts to these unevaluated resources. An analysis of sensitivity for buried precontact sites determined that the LEU portion of the project has a low potential. However, archival research found moderate potential for historic-era surface and subsurface deposits. Components of the project that would involve earth-moving and excavation may potentially damage known archaeological resources or result in the discovery and damage or destruction of previously undiscovered archaeological resources.

Implementation of BMPs

Implementation of BMP CUL-1 would require the development of a worker environmental awareness program prior to construction. LEU would design and implement a worker environmental awareness program that would be provided to all project personnel involved in earth-moving activities. Implementation of BMP CUL-3 would require ground-disturbing activities to stop if cultural resources are inadvertently discovered and provides the necessary procedures to be followed.

Components of the project that require earth-moving and excavation could impact known archaeological resources or undiscovered archaeological deposits. The potential for impacts to undiscovered archeological deposits would be minimized through implementation of BMP CUL-1 and BMP CUL-3. However, BPM CUL-3 would only be implemented to the extent feasible and does not recommend preservation in place as the primary form of mitigation, to avoid direct and indirect effects during construction or O&M. In addition, the potential exists for construction activities to damage or destroy identified, but unevaluated resources.

Significance before Mitigation

There are five archaeological sites within the project area. Components of the project that require earth-moving and excavation could impact unevaluated resources (P-39-004279, P-39-004471, P-39-004901, BD-01, and BD-02), although ground disturbance is not proposed within their boundaries. In addition, project-related ground-disturbance could result in discovery and damage of yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5. This would be a **significant** impact.

Revised:

Impact ARC-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Archaeological Resources as Defined in CEQA Guidelines Section 15064.5

Approximately 85 percent of the project area has a very low or low sensitivity rating, while 15 percent has a high sensitivity for precontact archaeological sites. There is a high potential for buried precontact resources in the central portion of the project area, near SR 88 and Bear Creek, based on the close proximity of this portion of the project to freshwater and the relatively recent age of the sediments. Therefore, this portion has a high potential for previously unidentified archaeological remains to be encountered during blading of the existing road and excavation of tower footings. However, aside from this small portion of the project area, no subsurface precontact archaeological remains are expected because of the relatively low sensitivity in the project area overall.

The depth of ground disturbance would not exceed approximately 30 feet for the majority of the project. Up to approximately four grounding wells would be installed to approximately 100 feet in depth within PG&E Thurman Switching Station. Exact structure type, configuration, and dimensions will be determined by CPUC or City of Lodi requirements. Final engineering and other factors and are likely to change (expanding or reducing areas of ground disturbance) but would not exceed the depths identified above or the disturbance parameters identified in Chapter 2, "Project Description." Although new roads are not being constructed, some existing roads in the project area may be bladed.

The records search identified ~~three~~ two archaeological sites within the project area (P-39-004279~~, P-39-004471,~~ and P-39-004901). P-39-004279 consists of four dilapidated flat-top telegraph poles~~, P-39-004471 consists of a row of oak trees along SR 12,~~ and P-39-004901 is a 61-meter segment of SR 12. ~~All three~~ Both sites were revisited as part of the pedestrian survey and updated accordingly. P-39-004279~~, P-39-004471,~~ and P-39-004901 were not evaluated for the CRHR because there is no proposed ground disturbance within the boundaries of these ~~three~~ two archaeological sites. ~~Two new archaeological sites were identified by the pedestrian survey.~~ BD-01 was identified by the pedestrian survey which consists of two historic-era portable hydrants; one water catchment feature; an abandoned vineyard with rows of old grape vines; and a row of three old oak stumps. ~~BD-02 consists of an old agricultural and railroad equipment debris scatter. These two resources were~~ This site was not evaluated for the CRHR because there is no proposed ground disturbance within its boundaries~~ of BD-01 and BD-02~~.

PG&E Project Components

~~The pedestrian survey and the records search results did not identify any archaeological sites near PG&E's proposed project components.~~ The three sites identified above (P-39-004279, P-39-004901, and BD-01) are within the PG&E project components. None of these resources were evaluated for CRHR because ground disturbing activities are not proposed within any of the three site boundaries. However, exact structure type, configuration, and dimensions of the infrastructure would be determined by PG&E requirements. Final engineering and other factors are likely to change, which could result in impacts to these unevaluated resources. Components of the project that would involve earth-moving and excavation may damage known archaeological resources or result in the discovery of previously undiscovered archaeological resources, both precontact and historic-era. Project-related ground disturbance could result in the damage or destruction of these as yet undiscovered archaeological resources.

Implementation of APMs

Components of the project that require earth-moving and excavation may result in impacts to previously undisturbed and unrecorded archaeological deposits, the risks of which would be reduced through compliance with implementation of APM CUL-1 through APM CUL-3. Implementation of APM CUL-1 would require the development of a worker environmental awareness program prior to construction. PG&E would design and implement a worker environmental awareness program that would be provided to all project personnel involved in earth-moving activities. Implementation of APM CUL-2 would require archaeological construction monitoring in high-sensitivity areas where surveys did not identify archaeological resources (PG&E structures W12, W13, and W14). Implementation of APM CUL-3 would require ground-disturbing activities to stop if archaeological resources are inadvertently discovered and ~~provides~~ the necessary procedures to be followed. However, APM CUL-3 ~~would only be implemented to the extent feasible and does not recommend preservation in place as the primary form of mitigation to avoid direct and indirect effects during construction or O&M~~ identifies data recovery as a method of treatment, which may not adequately protect archaeological resources from substantial adverse change. In addition, the potential exists for construction activities to damage or destroy identified, but unevaluated, resources.

LEU Project Components

The pedestrian survey and the records search results ~~identified five archaeological sites within the~~ did not identify any archaeological sites near LEU's project components ~~(P-39-004279, P-39-004471, P-39-004901, BD-01, and BD-02)~~. ~~None of these resources were evaluated for CRHR because it is anticipated that the proposed project would not result in ground disturbance within any of the five site boundaries. However, exact structure type, configuration, and dimensions of the infrastructure would be determined by City of Lodi requirements. Final engineering and other factors are likely to change, which could result in impacts to these unevaluated resources.~~ An analysis of sensitivity for buried precontact sites determined that the LEU portion of the project has a low potential. However, archival research found moderate potential for historic-era surface and subsurface deposits. Components of the project that would involve earth-moving and excavation may ~~potentially damage known archaeological resources~~ or result in the discovery and damage or destruction of previously undiscovered archaeological resources.

Implementation of BMPs

Implementation of BMP CUL-1 would require the development of a worker environmental awareness program prior to construction. LEU would design and implement a worker environmental awareness program that would be provided to all project personnel involved in earth-moving activities. Implementation of BMP CUL-3 would require ground-disturbing activities to stop if cultural resources are inadvertently discovered and provides the necessary procedures to be followed.

Components of the project that require earth-moving and excavation could impact known archaeological resources or undiscovered archaeological deposits. The potential for impacts to undiscovered archeological deposits would be minimized through implementation of BMP CUL-1 and BMP CUL-3. However, BPM CUL-3 ~~would only be implemented to the extent feasible and does not recommend preservation in place as the~~

~~primary form of mitigation, to avoid direct and indirect effects during construction or O&M~~ identifies data recovery as a method of treatment, which may not adequately protect archaeological resources from substantial adverse change. In addition, the potential exists for construction activities to damage or destroy identified, but unevaluated resources.

Significance before Mitigation

There are three archaeological sites within the project area. Components of the project that require ~~earth-moving and excavation~~ final design changes could result in impacts to these unevaluated resources (P-39-004279, ~~P-39-004471,~~ P-39-004901, and BD-01~~, and BD-02~~), although ground disturbance is not ~~proposed~~ anticipated within the~~ir~~ boundaries of these resources. In addition, project-related ground-disturbance could result in discovery and damage of as yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5. This would be a **significant** impact.

To correct and clarify the agency responsible for implementation, the text of Mitigation Measure 3.5-2a on pages 3.5-23 and 3.5-24 of the Draft EIR is revised as follows.

Original:

Mitigation Measure 3.5-2a [PG&E and LEU]: Inadvertent Archaeological Resource Discoveries

The following mitigation measure shall supersede and replace AMP CUL-3 and BMP CUL-3 for inadvertent discoveries:

- If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist (one who meets the Secretary of the Interior's Professional Qualification Standards for archaeology) shall be retained to assess the significance of the find.
- The construction crew would protect the discovery from further disturbance until it has been assessed by a qualified archaeologist.
- The construction supervisor would immediately contact the project construction inspector and LEU or CPUC (as appropriate).
- LEU or CPUC would coordinate with the state lead officials to determine appropriate procedures to reduce effects on the resource.
- If the discovery can be preserved in place (which shall be the preferred manner of mitigating impacts on archaeological and tribal sites) and no further impacts would occur, then the resource would be documented on DPR 523 forms, and no further effort would be required.
- If the resource cannot be avoided and may be subjected to further impacts, qualified archaeologist in coordination with LEU or CPUC (as appropriate) would evaluate the significance of the discovery in accordance with the state laws outlined previously; personnel would implement data recovery or other appropriate treatment measures, if warranted. A qualified historical archaeologist would complete an evaluation of historic-period resources, while evaluation of precontact resources would be completed by a qualified archaeologist specializing in California prehistoric archaeology.
- If it is determined that by the qualified archaeologist in coordination with LEU or CPUC (as appropriate) that the discovery has the potential to be a tribal cultural resource, then Mitigation Measure 3.5-3 shall be followed.
- Ground disturbance within the discovery shall resume only when LEU or CPUC (as appropriate) have determined that all necessary investigation and evaluation of the resource has been completed.

Revised:

Mitigation Measure 3.5-2a [PG&E and LEU]: Inadvertent Archaeological Resource Discoveries

The following mitigation measure shall supersede and replace APM CUL-3 and BMP CUL-3 for inadvertent discoveries:

- If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist (one who meets the Secretary of the Interior's Professional Qualification Standards for archaeology) shall be retained to assess the significance of the find.
- The construction crew would protect the discovery from further disturbance until it has been assessed by a qualified archaeologist.
- The construction supervisor would immediately contact the project construction inspector and ~~LEU~~ City of Lodi or CPUC (as appropriate).
- ~~LEU~~ City of Lodi or CPUC would coordinate with the state lead officials to determine appropriate procedures to reduce effects on the resource.
- If the discovery can be preserved in place (which shall be the preferred manner of mitigating impacts on archaeological and tribal sites) and no further impacts would occur, then the resource would be documented on DPR 523 forms, and no further effort would be required.
- If the resource cannot be avoided and may be subjected to further impacts, qualified archaeologist in coordination with ~~LEU~~ City of Lodi or CPUC (as appropriate) would evaluate the significance of the discovery in accordance with the state laws outlined previously; personnel would implement data recovery or other appropriate treatment measures, if warranted. A qualified historical archaeologist would complete an evaluation of historic-period resources, while evaluation of precontact resources would be completed by a qualified archaeologist specializing in California prehistoric archaeology.
- If it is determined that by the qualified archaeologist in coordination with ~~LEU~~ City of Lodi or CPUC (as appropriate) that the discovery has the potential to be a tribal cultural resource, then Mitigation Measure 3.5-3 shall be followed.
- Ground disturbance within the discovery shall resume only when ~~LEU~~ City of Lodi or CPUC (as appropriate) have determined that all necessary investigation and evaluation of the resource has been completed.

To provide a correction and clarify the applicability of Mitigation Measure 3.5-2b, text on page 3.5-24 of the Draft EIR is revised as follows.

Original:

Mitigation Measure 3.5-2b [LEU]: Establish a No-Disturbance Buffer for Unevaluated Archeological Resources

To ensure that unevaluated archeological resources are properly protected, fencing or stake markers (as appropriate) will be established around P-39-004279, P-39-004471, P-39-004901, BD-01, and BD-02. Before any ground-disturbing activities are conducted in the vicinity of the resources, a qualified archaeologist shall establish a 5-foot buffer of construction fencing around each of the five archaeological resources. After it is established, the fencing or stake markers shall be checked periodically by the archaeologist to make sure it stays in place and no damage has occurred. This will ensure that the five archaeological resources continue to be avoided during project-related work. The fences shall remain in place until project work in the vicinity of the resources is complete; fence removal shall be overseen by the archaeologist.

Revised:

Mitigation Measure 3.5-2b [PG&E]: Establish a No-Disturbance Buffer for Unevaluated Archeological Resources

The following mitigation shall be implemented prior to any ground disturbance (including grading and excavations) associated with poles 18-22 on the PG&E Industrial Tap.

To ensure that unevaluated archeological resources are properly protected, fencing or stake markers (~~as~~ or appropriate markers) will be established around P-39-004279, ~~P-39-004471,~~ P-39-004901, ~~and~~ BD-01~~, and BD-02~~. Before any ~~ground-disturbing~~ project-related activities are conducted in the vicinity of the resources, a qualified archaeologist and/or PG&E cultural resources specialist shall establish a 5-foot buffer of construction fencing ~~around~~ or stakes immediately adjacent to each of the ~~five~~ three archaeological resources. After it is established, the fencing or stake markers shall be checked periodically by the archaeologist to make sure it stays in place and no damage has occurred. This will ensure that the ~~five~~ three archaeological resources continue to be avoided during project-related work. The fences or stakes shall remain in place until project work in the vicinity of the resources is complete; fence or stake removal shall be overseen by the archaeologist.

Text on page 3.5-24 is revised as follows to correct a typographical error:

Original:

Mitigation Measures 3.5-2a and 3.5-b would supersede and replace AMP CUL-3 and BMP CUL-3 to require implementation and preservation in place as the primary form of mitigation.

Revised:

Mitigation Measures 3.5-2a and 3.5-b would supersede and replace ~~AMP~~ APM CUL-3 and BMP CUL-3 to require implementation and preservation in place as the primary form of mitigation.

The following revision is made to the text of Mitigation Measure 3.5-3 on pages 3.5-25 and 3.5-26 to clarify the cross reference:

Original:

Mitigation Measure 3.5-3: Inadvertent Discoveries of Tribal Cultural Resources

The following mitigation measure would be employed (after stopping work and following the procedure for determining eligibility in Mitigation Measure 3.5-1), and shall supersede and replace APM TCR-1 and BMP TCR-1 for inadvertent discoveries:

- As noted on mitigation 3.5-1, construction work shall stop within 100 feet of a resource inadvertently discovered that could potentially be a tribal cultural resource.
- The LEU or CPUC (as appropriate) would identify and contact the lead contact person for the California Native American Tribe(s) potentially associated with the cultural resource and with a traditional and cultural affiliation with the geographic area of the proposed project. The CPUC would communicate with the lead contact person to set up a meeting with LEU (if within LEU jurisdiction) or the CPUC.
- LEU or CPUC would participate in discussions with the California Native American Tribe(s) to determine whether the resource is a "tribal cultural resource" as defined by PRC Section 21074 and the tribe(s)' preferred method of mitigation, if the resource is determined to be a TCR.
- Procedures may include preservation in place (which shall be the preferred manner of mitigating impacts on tribal sites).
- If the tribal cultural resource cannot be avoided and may be subjected to further impacts, the California Native American Tribe(s) in coordination with LEU (if applicable) or CPUC would evaluate the significance

of the discovery in accordance with the state laws outlined previously and shall develop the appropriate method of treatment.

- Ground disturbance within the area of discovery shall resume only when LEU or CPUC (as appropriate), in coordination with the California Native American Tribe(s), have deemed appropriate to do so for tribal cultural resources.

Revised:

Mitigation Measure 3.5-3: Inadvertent Discoveries of Tribal Cultural Resources

The following mitigation measure would be employed (after stopping work and following the procedure for determining eligibility in Mitigation Measure 3.5-~~1~~2a), and shall supersede and replace APM TCR-1 and BMP TCR-1 for inadvertent discoveries:

- As noted on Mitigation Measure 3.5-~~1~~2a, construction work shall stop within 100 feet of a resource inadvertently discovered that could potentially be a tribal cultural resource.
- The LEU or CPUC (as appropriate) would identify and contact the lead contact person for the California Native American Tribe(s) potentially associated with the cultural resource and with a traditional and cultural affiliation with the geographic area of the proposed project. The CPUC would communicate with the lead contact person to set up a meeting with LEU (if within LEU jurisdiction) or the CPUC.
- LEU or CPUC would participate in discussions with the California Native American Tribe(s) to determine whether the resource is a "tribal cultural resource" as defined by PRC Section 21074 and the tribe(s)' preferred method of mitigation, if the resource is determined to be a TCR.
- Procedures may include preservation in place (which shall be the preferred manner of mitigating impacts on tribal sites).
- If the tribal cultural resource cannot be avoided and may be subjected to further impacts, the California Native American Tribe(s) in coordination with LEU (if applicable) or CPUC would evaluate the significance of the discovery in accordance with the state laws outlined previously and shall develop the appropriate method of treatment.
- Ground disturbance within the area of discovery shall resume only when LEU or CPUC (as appropriate), in coordination with the California Native American Tribe(s), have deemed appropriate to do so for tribal cultural resources.

The following text on page 3.5-26 is revised to correct a typographical error:

Original:

If human remains are discovered, PG&E would implement AMP CUL-4, which satisfies PRC requirements.

Revised:

If human remains are discovered, PG&E would implement ~~AMP~~ APM CUL-4, which satisfies PRC requirements.

3.7 REVISIONS TO SECTION 3.6, "BIOLOGICAL RESOURCES"

To provide clarification, the introduction paragraph of Section 3.6.1, "Environmental Setting," on page 3.6-1 of the Draft EIR is revised as follows:

Original:

The following environmental setting describes landcover within the biological study area (BSA), as well as special-status species known to occur in the vicinity of the BSA and their potential for occurrence in the BSA. The BSA encompasses the project area, plus a 50-foot buffer for proposed access roads and a 250-foot buffer for all other proposed project elements. The BSA is intended to incorporate the area of direct and

indirect physical impacts that could occur as a result of project implementation. Impacts on some biological resources (e.g., special-status birds) may occur at greater distances and are not limited to the BSA; a larger area is considered in the evaluation of these resources, and this area is described, where applicable, in the impact analysis below.

Revised:

The following environmental setting describes landcover within the biological study area (BSA), as well as special-status species known to occur in the vicinity of the BSA and their potential for occurrence in the BSA. The BSA encompasses the project area, plus a 50-foot buffer for proposed access roads and a 250-foot buffer for all other proposed project elements. The BSA is intended to incorporate the area of direct and indirect physical impacts that could occur as a result of project implementation. Direct and indirect impacts on some biological resources (e.g., special-status birds, wetlands) may occur at greater distances and are not limited to the BSA; a larger area is considered in the evaluation of these resources, and this area is described, where applicable, in the impact analysis below.

To provide clarification, the description of the PG&E San Joaquin Valley Habitat Conservation Plan on page 3.6-27 of the Draft EIR is revised as follows:

Original:

PG&E's San Joaquin Valley Habitat Conservation Plan

PG&E's San Joaquin Valley Habitat Conservation Plan (SJVHCP) covers infrastructure operation and maintenance (O&M) activities in the San Joaquin Valley. The SJVHCP covers 23 wildlife and 42 plant species, some of which may occur in the BSA, for routine O&M activities for PG&E's electric and gas transmission and distribution systems within nine counties of the San Joaquin Valley. The project is included within the boundaries of the SJVHCP. While construction of the proposed project is not a covered activity under the SJVHCP, O&M activities for the proposed project, including inspections and electrical system tower replacement or repair would be covered activities. The SJVHCP includes 11 avoidance and minimization measures (AMMs) that would be implemented by PG&E during O&M activities as part of the proposed project.

Revised:

PG&E's San Joaquin Valley Habitat Conservation Plan

PG&E's San Joaquin Valley Habitat Conservation Plan (SJVHCP) covers infrastructure operation and maintenance (O&M) activities in the San Joaquin Valley. The SJVHCP covers 23 wildlife and 42 plant species, some of which may occur in the BSA, for routine O&M activities for PG&E's electric and gas transmission and distribution systems within nine counties of the San Joaquin Valley. The ~~project is included within the boundaries of the~~ SJVHCP provides incidental take authorization for those covered species that were listed or candidates for listing under ESA and/or CESA at the time of adoption of the plan. Take of fully protected species (e.g., white-tailed kite) is not authorized by SJVHCP permits. The project is included within the boundaries of the SJVHCP. While construction of the proposed project is not a covered activity under the SJVHCP, O&M activities for the proposed project, including inspections and electrical system tower replacement or repair would be covered activities. The SJVHCP includes 11 avoidance and minimization measures (AMMs) that would be implemented by PG&E during all O&M activities as part of the proposed project. Nineteen additional AMMS are included in the SJVHCP, AMMs 17, 18, 19, 22, and 23 would apply to O&M activities associated with the project. Applicable SJVHCP AMMs are listed below:

- AMM-1: Employees and contractors performing O&M activities will receive ongoing environmental education. Training will include review of environmental laws and guidelines that must be followed by all personnel to reduce or avoid effects on covered species during O&M activities.
- AMM-2: Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.

- AMM-3: The development of new access and ROW roads by PG&E will be minimized, and clearing vegetation and blading for temporary vehicle access will be avoided to the extent practicable.
- AMM-4: Vehicles will not exceed a speed limit of 15 mph in the ROWs or on unpaved roads within sensitive land-cover types.
- AMM-5: Trash dumping, firearms, open fires (such as barbecues) not required by the O&M activity, hunting, and pets (except for safety in remote locations) will be prohibited in O&M work activity sites.
- AMM-6: No vehicles will be refueled within 100 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.
- AMM-7: During any reconstruction of existing overhead electric facilities in areas with a high risk of wildlife electrocution (e.g., nut/fruit orchards, riparian corridors, areas along canal or creek banks, PG&E's raptor concentration zone [RCZ]), PG&E will use insulated jumper wires and bird/animal guards for equipment insulator bushings or will construct lines to conform to the latest revision of PG&E's Bird and Wildlife Protection Standards.
- AMM-8: During fire season in designated State Responsibility Areas (SRAs), all motorized equipment will have federal or state approved spark arrestors; a backpack pump filled with water and a shovel will be carried on all vehicles; and fire-resistant mats and/or windscreens will be used when welding. In addition, during fire "red flag" conditions as determined by California Department of Forestry (CDF), welding will be curtailed, each fuel truck will carry a large fire extinguisher with a minimum rating of 40 B:C, and all equipment parking and storage areas will be cleared of all flammable materials.
- AMM-9: Erosion control measures will be implemented where necessary to reduce erosion and sedimentation in wetlands, waters of the United States, and waters of the state, and habitat occupied by covered animal and plant species when O&M activities are the source of potential erosion problems.
- AMM-10: If an activity disturbs more than 0.25 acre in a grassland, and the landowner approves or it is within PG&E rights and standard practices, the area should be returned to pre-existing conditions and broadcast-seeded using a commercial seed mix. Seed mixtures/straw used for erosion control on projects of all sizes within grasslands will be certified weed-free. PG&E shall not broadcastseed (or apply in other manner) any commercial seed or seed-mix to disturbance sites within other natural land-cover types, within any vernal pool community, or within occupied habitat for any plant covered-species.
- AMM-11: When routine O&M activities are conducted in an area of potential VELB habitat, a qualified individual will survey for the presence of elderberry plants within a minimum of 20 feet from the worksite. If elderberry plants have one or more stems measuring 1 inch or more in diameter at ground level are present, the qualified individual will flag those areas to avoid or minimize potential impacts on elderberry plants. If impacts (pruning/trimming, removal, ground disturbance or damage) are unavoidable or occur, then additional measures identified in the VELB conservation plan and compliance brochure will be implemented. The VELB compliance brochure must be carried in all vehicles performing O&M activities within the potential range of VELB.
- AMM-17: If suitable habitat for covered amphibians and reptiles is present and protocol-level surveys have not been conducted, a qualified biologist will conduct preconstruction surveys prior to O&M activities involving excavation. If necessary, barrier fencing will be constructed around the worksite to prevent reentry by the covered amphibians and reptiles. A qualified biologist will stake and flag an exclusion zone of 50 feet around the potentially occupied habitat. No monofilament plastic will be used for erosion control in the vicinity of listed amphibians and reptiles. Barrier fencing will be removed upon completion of work. Crews will also inspect trenches left open for more than 24 hours for trapped amphibians and reptiles. A qualified biologist will be contacted before trapped amphibians or reptiles (excluding blunt nosed leopard lizard and limestone salamander) are moved to nearby suitable habitat.

- AMM-18: If western burrowing owls are present at the site, a qualified biologist will work with O&M staff to determine whether an exclusion zone of 160 feet during the non-nesting season and 250 feet during the nesting season can be established. If it cannot, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.
- AMM-19: If a Swainson's hawk nest or white-tailed kite nest is known to be within 0.25 mile of a planned worksite, a qualified biologist will evaluate the effects of the planned O&M activity. If the biologist determines that the activity would disrupt nesting, a buffer and limited operation period (LOP) during the nesting season (March 15–June 30) will be implemented. Evaluations will be performed in consultation with the local DFG representative.
- AMM-22: All vegetation management activities will implement the nest protection program to avoid and minimize effects on Swainson's hawk, white-tailed kite, golden eagle, bald eagle, and other nesting birds. Additionally, trained pre-inspectors will use current data from DFG and CNDDB and professional judgment to determine whether active Swainson's hawk, golden eagle, or bald eagle nests are located near proposed work. If pre-inspectors identify an active nest near a proposed work area, they will prescribe measures to avoid nest abandonment and other adverse effects to these species, including working the line another time of year, maintaining a 500-foot setback, or if the line is in need of emergency pruning, contacting HCP Administrator.
- AMM-23: If medium or large disturbance covered activities take place within 0.5 miles of an active breeding colony of tricolored blackbirds or bank swallows or a small disturbance covered activities take place within 350 feet of an active breeding colony of these species a qualified biologist will evaluate the site prior to work during the breeding season (April 1-July 31). If an active colony of either species could be disrupted by the covered activity, the biologist will stake and flag an exclusion zone of at least 350 feet around the colony prior to O&M activities at the site. This exclusion zone will be established in the field based on site conditions, the covered activity, and professional judgment by a qualified PG&E biologist and will be greater than the minimum distance. Work will not occur in this exclusion zone during April 1–July 31.

To provide clarification, the discussion regarding impacts on California tiger salamander on pages 3.6-39 and 39 of the Draft EIR is revised as follows:

Original:

PG&E Project Components

Grassland that may provide upland habitat for California tiger salamander is present within work areas (i.e., where vehicle and equipment use or structure foundation excavation, drilling, construction, or removal could occur during construction) and staging areas, particularly east of the PG&E Lockeford Substation, where there are documented occurrences of the species and potential breeding habitat within the typical dispersal distance (i.e., 1.2 miles). O&M of PG&E project components would include temporary disturbances like those described above for construction activities, such as activities occurring in work areas surrounding proposed structures, temporary access routes, and overland access. Vehicle and equipment use, as well as excavation and construction activities, could inadvertently crush rodent burrows occupied by California tiger salamanders or injure or kill adult salamanders while moving between the grassland habitat to or from nearby vernal pool habitat.

Implementation of APMs

APM BIO-1 would require implementation of a worker environmental awareness program, through which PG&E employees and contractors would become familiar with the identification of special-status species, the regulatory status of the species, and procedures should a salamander be detected in the BSA. APM BIO-4

would, at the discretion of a PG&E biologist, require exclusion fencing to be installed around work areas near habitat for special-status species prior to any ground-disturbing work. APM BIO-5 would, at the discretion of the PG&E biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the PG&E biologist. APM BIO-6 would require that all open holes, pits, and trenches at PG&E work areas be protected and inspected to ensure that wildlife does not become entrapped during wet weather or the rainy season.

Implementation of APMs would minimize potential impacts on California tiger salamanders. While APMs BIO-1, BIO-4, BIO-5, and BIO-6 would reduce impacts on California tiger salamanders, impacts on this species remain significant because the requirements of APMs BIO-4 and BIO-5 are only required at the discretion of a PG&E biologist and would not ensure that installation would occur around all potential upland habitat areas. Furthermore, APMs would not require a survey of grassland habitats in the BSA prior to installation of exclusion fencing; therefore, California tiger salamanders aestivating in uplands may not be detected prior to project implementation.

LEU Project Components

Although grassland habitat is present where LEU project components would be implemented, this area is approximately 5.6 miles west of the nearest documented occurrence of the species (i.e., farther than the typical dispersal range), and there is dense industrial development (e.g., large buildings, paved parking lots, CCT railroad tracks) surrounding the grassland habitat in this portion of the BSA, which would be a substantial barrier for migrating salamanders. Habitat suitable for California tiger salamanders is not present in the LEU portion of the BSA because there are no documented occurrences or vernal pools within 1.2 miles and there are substantial barriers to dispersal surrounding the LEU portion of the BSA; therefore, direct loss of California tiger salamanders or their habitat would not occur as a result of LEU project construction or O&M.

Implementation of BMPs

No applicable BMPs are proposed as part of the project.

Significance before Mitigation

PG&E project construction and O&M activities may result in direct loss of California tiger salamanders in upland grassland habitat, if present. APMs do not require adequate survey protocols or avoidance measures to identify and protect California tiger salamanders, if present, in the PG&E portion of the BSA. Therefore, impacts on California tiger salamanders from implementation of the project would be **significant**.

Revised:

PG&E Project Components

Grassland that may provide upland habitat for California tiger salamander is present within work areas (i.e., where vehicle and equipment use or structure foundation excavation, drilling, construction, or removal could occur during construction) and staging areas, particularly east of the PG&E Lockeford Substation, where there are documented occurrences of the species and potential breeding habitat within the typical dispersal distance (i.e., 1.2 miles). O&M of PG&E project components would include temporary disturbances like those described above for construction activities, such as activities occurring in work areas surrounding proposed structures, temporary access routes, and overland access. Vehicle and equipment use, as well as excavation and construction activities, could inadvertently crush rodent burrows occupied by California tiger salamanders or injure or kill adult salamanders while moving between the grassland habitat to or from nearby vernal pool habitat.

Implementation of APMs

PG&E has take authorization for California tiger salamander pursuant to the SJVHCP for O&M activities, and would implement AMMs 1–11 and AMM-17 as required under the SJVHCP.

APM BIO-1 would require implementation of a worker environmental awareness program, through which PG&E employees and contractors would become familiar with the identification of special-status species, the regulatory status of the species, and procedures should a salamander be detected in the BSA. APM BIO-4 would, at the discretion of a PG&E biologist, require exclusion fencing to be installed around work areas near habitat for special-status species prior to any ground-disturbing work. APM BIO-5 would, at the discretion of the PG&E biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the PG&E biologist. APM BIO-6 would require that all open holes, pits, and trenches at PG&E work areas be protected and inspected to ensure that wildlife does not become entrapped during wet weather or the rainy season.

Implementation of APMs would minimize potential impacts on California tiger salamanders. While APMs BIO-1, BIO-4, BIO-5, and BIO-6 would reduce impacts on California tiger salamanders, impacts on this species remain significant because ~~the requirements of~~ APMs BIO-4 and BIO-5 ~~are only required~~ note that they will be implemented at the discretion of a PG&E biologist, but do not provide additional detail regarding how and when the decision to implement the APMs would be made, and also would not ensure that installation would occur around all potential upland habitat areas. Furthermore, APMs would not require a survey of grassland habitats in the BSA prior to installation of exclusion fencing; therefore, California tiger salamanders aestivating in uplands may not be detected prior to implementation of project construction activities.

LEU Project Components

Although grassland habitat is present where LEU project components would be implemented, this area is approximately 5.6 miles west of the nearest documented occurrence of the species (i.e., farther than the typical dispersal range), and there is dense industrial development (e.g., large buildings, paved parking lots, CCT railroad tracks) surrounding the grassland habitat in this portion of the BSA, which would be a substantial barrier for migrating salamanders. Habitat suitable for California tiger salamanders is not present in the LEU portion of the BSA because there are no documented occurrences or vernal pools within 1.2 miles and there are substantial barriers to dispersal surrounding the LEU portion of the BSA; therefore, direct loss of California tiger salamanders or their habitat would not occur as a result of LEU project construction or O&M.

Implementation of BMPs

No applicable BMPs are proposed as part of the project.

Significance before Mitigation

PG&E project construction and O&M activities may result in direct loss of California tiger salamanders in upland grassland habitat, if present. PG&E has take authorization for California tiger salamander pursuant to the SJVHCP for O&M activities, and would implement AMMs 1–11 and AMM-17 as required under the SJVHCP. These AMMs would ensure that impacts to California tiger salamander due to O&M activities would be less than significant. For construction activities, however, the APMs do not require adequate survey protocols or avoidance measures to identify and protect California tiger salamanders during project construction activities, if present, in the PG&E portion of the BSA. Therefore, impacts on California tiger salamanders from implementation of ~~the~~ project construction activities would be **significant**.

To provide clarification, Mitigation Measure BIO-2a on pages 3.6-46 and 3.6-47 of the Draft EIR is revised as follows:

Original:

Mitigation Measure BIO-2a [PG&E]: Conduct Survey for Estivating California Tiger Salamanders and Monitor Initial Ground Disturbance

The following mitigation measure shall supersede and replace APMs BIO-3 and BIO-4 for California tiger salamander:

- Within 48 hours prior to any ground-disturbing work, vegetation removal, or staging activities in grassland habitat east of the PG&E Lockeford Station (i.e., PG&E staging areas and work areas adjacent to the PG&E Lockeford Station and near E19, E20, E9, E7, and E6 shown in Appendix B to the Draft EIR), a qualified biologist approved by USFWS, CDFW, and CPUC shall survey the areas for California tiger salamander. The survey will include a search for rodent burrows and cracks and inspection of these features using appropriate methods (e.g., a borescope).
  - If California tiger salamanders are detected during the survey, all project construction and staging activities shall cease within a buffer the size of which will be determined by the qualified biologist such that direct and indirect impacts on the salamander would not occur, the grassland habitat determined to be occupied is avoided, and the salamander can leave the project area into adjacent suitable habitat unimpeded by project construction and staging activities or equipment. In addition, USFWS, CDFW, and CPUC shall be notified. Project activities shall not resume in the buffer until CDFW and USFWS have provided input. PG&E shall initiate consultation with CDFW and USFWS, and if it is determined, in consultation with CDFW and USFWS, that take of California tiger salamanders could occur, then PG&E may be required to obtain incidental take authorization through Section 7 consultation or a Section 10 permit pursuant to ESA and through Section 2081 of California Fish and Game Code pursuant to CESA. Additional conservation measures to reduce the possibility of take may be required by CDFW or USFWS during the consultation process, and these measures shall be implemented by PG&E (e.g., biological monitoring, preconstruction surveys, procedures for incidental sightings of California tiger salamanders). CDFW and USFWS may also require compensatory mitigation through on-site habitat restoration or purchase of credits at an appropriate mitigation bank.
  - If no California tiger salamanders are detected, the qualified biologist shall submit a report documenting the survey methods and results to PG&E and CPUC, and then the following measures shall be implemented.
    - After the areas described above are surveyed, and it is determined that California tiger salamanders are not present, further mitigation will not be required.
    - A qualified biologist shall be present during any initial ground-disturbing activities in work areas that contain grassland habitats as described above. If a California tiger salamander is observed or unearthed during initial ground-disturbance activities, all work shall stop immediately, and USFWS, CDFW, and CPUC shall be contacted. All project activities in the work area shall cease until USFWS and CDFW have provided further guidance. The qualified biologist shall have the authority to stop or redirect work if construction activities are likely to affect California tiger salamanders.
    - No exclusion fencing shall be installed in the areas described above to avoid entanglement, entrapment, and potential take of California tiger salamanders.

Revised:

Mitigation Measure BIO-2a [PG&E]: Conduct Survey for Estivating California Tiger Salamanders and Monitor Initial Ground Disturbance

The following mitigation measure shall supersede and replace APMs BIO-3 and BIO-4 for California tiger salamander for project construction activities:

- Within 48 hours prior to any ground-disturbing work, vegetation removal, or staging activities associated with project construction activities in grassland habitat east of the PG&E Lockeford Substation (i.e., PG&E staging areas and work areas adjacent to the PG&E Lockeford Substation and near E19, E20, E9, E7, and E6 shown in Appendix B to the Draft EIR), a qualified biologist approved by CPUC and with an active USFWS~~, CDFW, and CPUC~~ Section 10(a)(1)(A) recovery permit shall survey the areas for California tiger salamander. The survey will include a search for rodent burrows and cracks and inspection of these features using appropriate methods (e.g., a borescope).
  - If California tiger salamanders are detected during the survey, all project construction and staging activities shall cease within a buffer the size of which will be determined by the qualified biologist such that direct and indirect impacts on the salamander would not occur, the grassland habitat determined to be occupied is avoided, and the salamander can leave the project area into adjacent suitable habitat unimpeded by project construction and staging activities or equipment. In addition, USFWS, CDFW, and CPUC shall be notified. Project activities shall not resume in the buffer until CDFW and USFWS have provided input. PG&E shall initiate consultation with CDFW and USFWS, and if it is determined, in consultation with CDFW and USFWS, that take of California tiger salamanders could occur, then PG&E may be required to obtain incidental take authorization through Section 7 consultation or a Section 10 permit pursuant to ESA and through Section 2081 of California Fish and Game Code pursuant to CESA. Additional conservation measures to reduce the possibility of take may be required by CDFW or USFWS during the consultation process, and these measures shall be implemented by PG&E (e.g., biological monitoring, preconstruction surveys, procedures for incidental sightings of California tiger salamanders). CDFW and USFWS may also require compensatory mitigation through on-site habitat restoration or purchase of credits at an appropriate mitigation bank.
  - If no California tiger salamanders are detected, the qualified biologist shall submit a report documenting the survey methods and results to PG&E and CPUC, and then the following measures shall be implemented.
    - After the areas described above are surveyed, and it is determined that California tiger salamanders are not present, further mitigation will not be required.
    - A qualified biologist shall be present during any initial ground-disturbing activities in work areas that contain grassland habitats as described above. If a California tiger salamander is observed or unearthed during initial ground-disturbance activities, all work shall stop immediately, and USFWS, CDFW, and CPUC shall be contacted. All project activities in the work area shall cease until USFWS and CDFW have provided further guidance. The qualified biologist shall have the authority to stop or redirect work if construction activities are likely to affect California tiger salamanders.
    - No exclusion fencing shall be installed in the areas described above to avoid entanglement, entrapment, and potential take of California tiger salamanders.

To provide clarification, the discussion regarding impacts on special-status and other birds on pages 3.6-40 and 3.6-41 of the Draft EIR is revised as follows:

Original:

Implementation of APMs and BMPs

Implementation of APMs would minimize potential impacts on special-status bird species. APM BIO-1 and BMP BIO-1 would require a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the presence, life history, and habitat requirements of special-status bird species, avoidance and minimization measures that are being implemented to protect the species, the terms and conditions of project permits, and the consequences of noncompliance with these acts. APM BIO-2 and BMP BIO-2 would require preconstruction surveys for activities conducted during the avian nesting season and the establishment of an appropriate exclusion zone around active nests within which no heavy equipment would be operated until a biologist has determined that the nest is no longer active and the young have fledged. APM BIO-3 and BMP BIO-2 require sensitive biological resources (e.g., nesting birds) in or near the BSA to be identified and clearly marked in the field and on project maps for avoidance, to the greatest extent feasible.

APM BIO-4 and BMP BIO-4 would, at the discretion of a biologist, require exclusion fencing to be installed around work areas near habitat for special-status species prior to any ground-disturbing work. APM BIO-5 and BMP BIO-5 would, at the discretion of a biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the PG&E biologist.

APMs BIO-2 and BIO-3 and BMPs BIO-2 and BIO-3 would require surveys for special-status and common nesting birds and for nests to be clearly marked in the field and on project maps; however, the avian nesting season cited in APM BIO-2 and BMP BIO-2 would not capture early or late nesting, which is common in the region; surveys are only specified for construction activities that would result in ground disturbance or vegetation removal, which does not incorporate all activities that could result in disturbance to nesting birds (e.g., staging, O&M); the cited search radius for nonlisted raptor and passerine species would not necessarily be sufficient to protect all nearby nesting birds (i.e., 200 feet and 100 feet, respectively). the measure requires only heavy equipment use to be excluded from the exclusion zone, which would not incorporate all activities that could result in disturbance to nesting birds (e.g., vehicle use, staging, personnel activity, helicopters), and specific exclusion zone sizes are not defined. In addition, APM BIO-2 and BMP BIO-2 do not describe specific survey or avoidance protocols for species like burrowing owl and Swainson's hawk to sufficiently identify and avoid impacts on these species or mitigation required if loss of burrowing owl nests or Swainson's hawk nests occur (e.g., compensatory mitigation, incidental take permitting). The search radius measure also does not provide details regarding how and why a biologist would allow work to occur within the exclusion zone or monitor whether disturbance to the nest is occurring. Furthermore, avoidance measures described under APMs BIO-3, BIO-4, and BIO-5 and BMPs BIO-3, BIO-4, and BIO-5 are required only to the greatest extent feasible or at the discretion of the project biologist and would not ensure the avoidance and protection of nesting birds during project implementation.

Significance before Mitigation

PG&E and LEU project construction and O&M activities may result in direct loss of nesting special-status or common native birds, if present. APMs and BMPs do not include adequate measures or do not require surveys or avoidance measures to identify and reduce impacts on special-status or other native bird species, nor do they provide species-specific buffers. Impacts on special-status and common native bird species would be **significant**.

Revised:

Implementation of APMs and BMPs

PG&E has take authorization for Swainson's hawk pursuant to the SJVHCP for O&M activities, and would implement AMMs 1–11 and AMM-19, AMM-22, and AMM-23 as required under the SJVHCP to address potential impacts on Swainson's hawk, bank swallow, burrowing owl, tricolored blackbird, and other nesting birds.

Implementation of APMs would minimize potential impacts on special-status bird species. APM BIO-1 and BMP BIO-1 would require a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the presence, life history, and habitat requirements of special-status bird species, avoidance and minimization measures that are being implemented to protect the species, the terms and conditions of project permits, and the consequences of noncompliance with these acts. APM BIO-2 and BMP BIO-2 would require preconstruction surveys for activities conducted during the avian nesting season and the establishment of an appropriate exclusion zone around active nests within which no heavy equipment would be operated until a biologist has determined that the nest is no longer active and the young have fledged. APM BIO-3 and BMP BIO-2 require sensitive biological resources (e.g., nesting birds) in or near the BSA to be identified and clearly marked in the field and on project maps for avoidance, to the greatest extent feasible.

APM BIO-4 and BMP BIO-4 would, at the discretion of a biologist, require exclusion fencing to be installed around work areas near habitat for special-status species prior to any ground-disturbing work. APM BIO-5 and BMP BIO-5 would, at the discretion of a biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the PG&E biologist.

APMs BIO-2 and BIO-3 and BMPs BIO-2 and BIO-3 would require surveys for special-status and common nesting birds and for nests to be clearly marked in the field and on project maps; however, the avian nesting season cited in APM BIO-2 and BMP BIO-2 would not capture early or late nesting, which is common in the region; surveys are only specified for construction activities that would result in ground disturbance or vegetation removal, which does not incorporate all activities that could result in disturbance to nesting birds (e.g., staging~~, O&M~~); the cited search radius for nonlisted raptor and passerine species would not necessarily be sufficient to protect all nearby nesting birds (i.e., 200 feet and 100 feet, respectively), the measure requires only heavy equipment use to be excluded from the exclusion zone, which would not incorporate all activities that could result in disturbance to nesting birds (e.g., vehicle use, staging, personnel activity, helicopters), and specific exclusion zone sizes are not defined. In addition, APM BIO-2 and BMP BIO-2 do not describe specific survey or avoidance protocols for species like burrowing owl and Swainson's hawk to sufficiently identify and avoid impacts on these species or mitigation required if loss of burrowing owl nests or Swainson's hawk nests occur (e.g., compensatory mitigation, incidental take permitting). The search radius measure also does not provide details regarding how and why a biologist would allow work to occur within the exclusion zone or monitor whether disturbance to the nest is occurring. Furthermore, avoidance measures described under APMs BIO-3, BIO-4, and BIO-5 and BMPs BIO-3, BIO-4, and BIO-5 are required only to the greatest extent feasible ~~or~~ and note that they will be implemented at the discretion of the project biologist but do not provide additional detail regarding how and when the decision to implement the APMs and BMPs would be made and what would occur if the APMs and BMPs are determined to be infeasible, and would not ensure the avoidance and protection of nesting birds during project ~~implementation~~ construction.

Significance before Mitigation

PG&E and LEU project construction activities and LEU O&M activities may result in direct loss of nesting special-status or common native birds, if present. PG&E has take authorization for Swainson's hawk pursuant to the SJVHCP for O&M activities, and would implement AMMs 1–11 and AMM-19, AMM-22, and AMM-23 as required under the SJVHCP to address potential impacts on Swainson's hawk, bank swallow, burrowing owl,

tricolored blackbird, and other nesting birds. These AMMs would ensure that impacts on special-status and other birds due to O&M activities would be less than significant. For construction activities, however, the APMs and BMPs do not include adequate measures or do not require surveys or avoidance measures to identify and reduce impacts on special-status or other native bird species, nor do they provide species-specific buffers. Impacts on special-status and common native bird species from project construction activities would be **significant**.

To provide clarification, Mitigation Measure BIO-2b on pages 3.6-40 and 3.6-41 of the Draft EIR is revised as follows:

Original:

Mitigation Measure BIO-2b [PG&E and LEU]: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers

The following mitigation measure shall supersede and replace APM BIO-2, APM BIO-3, BMP BIO-2, and BMP BIO-3 for special-status birds:

- To minimize the potential for loss of special-status bird species, raptors, and other native birds, project construction and O&M activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1 through January 31, as determined by a qualified biologist), if feasible. If project activities are conducted during the nonbreeding season, no further mitigation shall be required.
- Within 14 days before the onset of all project construction or O&M activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist approved by CPUC, familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas (i.e., publicly accessible areas and areas where PG&E and LEU has existing access) within 0.25 miles of the BSA for Swainson's hawk and white-tailed kite, 500 feet of the BSA for other raptor species and special-status birds, and 100 feet of the BSA for nonraptor common native bird nests. Private property will be observed (e.g., using binoculars or spotting scopes) from adjacent accessible areas.
- Surveys for Swainson's hawk shall be conducted according to the guidelines outlined in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000).
- If no active nests are found, the qualified biologist shall submit a report documenting the survey methods and results to PG&E or LEU and CPUC, and no further mitigation shall be required.
- If active nests are found, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project activity (e.g., ground disturbance, vegetation removal, staging, heavy equipment use, vehicle use, helicopter overflight) shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Buffers typically shall be 0.25 miles for Swainson's hawk and white-tailed kite; 500 feet for tricolored blackbird, great blue heron, northern harrier, and California horned lark (consistent with the SJMSCP); 500 feet for other raptors; and 300 feet for bank swallow (consistent with the SJMSCP). Buffer size for other nonraptor bird species shall be determined by a qualified biologist. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above the ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. Generally, buffer size for these species shall be at least 100 feet for special-status bird species and at least 20 feet for common bird species. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status bird species shall require coordination with CDFW. Periodic monitoring of the nest by a qualified biologist during project activities shall be

required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.

- PG&E and LEU shall develop a nesting bird management plan. The nesting bird management plan shall be submitted to USFWS and CDFW for review and comment. PG&E and LEU shall submit the final plan to CPUC no less than 60 days prior to construction. CPUC approval is required before the plan is implemented. The nesting bird management plan shall include measures and an adaptive management program to avoid and minimize impacts on special-status and bird species protected by the MBTA or California Fish and Game Code during project construction. Specifically, the nesting bird management plans shall refer to the requirements listed above and shall contain the following information:
  - Appropriate survey timing, extents, methods, and surveyor qualifications; approved nest deterrent methods, including areas where vegetation will be cleared for the purpose of deterring nesting; monitoring and reporting protocols during construction; protocols for determining whether a nest is active; and protocols for documenting, reporting, and protecting active nests within construction areas. If preconstruction survey protocols exist for a certain species, the plan shall outline the implementation of these protocols.
  - Guidelines for determining appropriate and effective buffer distances that shall account for specific project settings, bird species, stage of nesting cycle, and construction work type. Language for the buffer reduction process shall be included in the plan and shall include substantial evidence for reducing the buffer including but not limited to relevant scientific literature, studies, and life history accounts. Buffer reduction shall include coordination with the appropriate wildlife agencies and CPUC if reducing the buffer of a raptor or special-status species.

Revised:

Mitigation Measure BIO-2b [PG&E and LEU]: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers

The following mitigation measure shall supersede and replace APM BIO-2, APM BIO-3, BMP BIO-2, and BMP BIO-3 for special-status birds:

- To minimize the potential for loss of special-status bird species, raptors, and other native birds, PG&E and LEU project construction and LEU O&M activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1 through January 31, as determined by a qualified biologist), if feasible. If project activities are conducted during the nonbreeding season, no further mitigation shall be required.
- Within 14 days before the onset of all project construction or O&M activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist approved by CPUC, familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas (i.e., publicly accessible areas and areas where PG&E and LEU ~~has~~ have existing access) within 0.25 miles of the BSA for Swainson's hawk and white-tailed kite~~,~~ and 500 feet of the BSA for other raptor species, special-status birds, and ~~100 feet of the BSA for~~ nonraptor common native bird nests. Private property will be observed (e.g., using binoculars or spotting scopes) from adjacent accessible areas.
- Surveys for Swainson's hawk shall be conducted according to the guidelines outlined in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000).
- If no active nests are found, the qualified biologist shall submit a report documenting the survey methods and results to PG&E or LEU and CPUC, and no further mitigation shall be required.

- If active nests are found, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project activity (e.g., ground disturbance, vegetation removal, staging, heavy equipment use, vehicle use, helicopter overflight) shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Buffers typically shall be 0.25 miles for Swainson's hawk and white-tailed kite; 500 feet for tricolored blackbird, great blue heron, northern harrier, and California horned lark (consistent with the SJMSCP); 500 feet for other raptors; and 300 feet for bank swallow (consistent with the SJMSCP). Buffer size for other nonraptor bird species shall be determined by a qualified biologist. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above the ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. Generally, buffer size for these species shall be at least 100 feet for special-status bird species and at least 20 feet for common bird species. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status bird species shall require coordination with CDFW. Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.
- PG&E and LEU shall each develop a nesting bird management plan for their individual project activities. PG&E shall submit the final plan to CPUC no less than 60 days prior to construction. CPUC approval is required before the plan is implemented. ~~The nesting bird management plan shall be submitted to USFWS and CDFW for review and comment. PG&E and LEU shall submit the final plan to CPUC no less than 60 days prior to construction. CPUC approval is required before the plan is implemented.~~ The nesting bird management plan shall include measures and an adaptive management program to avoid and minimize impacts on special-status and bird species protected by the MBTA or California Fish and Game Code during project construction. Specifically, the nesting bird management plans shall refer to the requirements listed above and shall contain the following information:
  - Appropriate survey timing, extents, methods, and surveyor qualifications; approved nest deterrent methods, including areas where vegetation will be cleared for the purpose of deterring nesting; monitoring and reporting protocols during construction; protocols for determining whether a nest is active; and protocols for documenting, reporting, and protecting active nests within construction areas. If preconstruction survey protocols exist for a certain species, the plan shall outline the implementation of these protocols.
  - Guidelines for determining appropriate and effective buffer distances that shall account for specific project settings, bird species, stage of nesting cycle, and construction work type. Language for the buffer reduction process shall be included in the plan and shall include substantial evidence for reducing the buffer including but not limited to relevant scientific literature, studies, and life history accounts. Buffer reduction shall include coordination with the appropriate wildlife agencies and CPUC if reducing the buffer of a ~~raptor or~~ special-status species.

To provide clarification, the discussion regarding residual impacts on Crotch's bumble bees after implementation of APMs and BMPs on pages 3.6-42 and 3.6-43 of the Draft EIR is revised as follows:

Original:

Implementation of APMs and BMPs

Implementation of APMs would minimize potential impacts on Crotch's bumble bee. APM BIO-1 and BMP BIO-1 would require a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the presence, life history, and habitat requirements of special-status species, avoidance and minimization measures that are

being implemented to protect the species, the terms and conditions of project permits, and the consequences of noncompliance with these acts. APM BIO-3 and BMP BIO-3 require sensitive biological resources in or near the BSA to be identified and clearly marked in the field and on project maps for avoidance, to the greatest extent feasible.

Pursuant to APM BIO-4 and BMP BIO-4, and at the discretion of the biologist, exclusion fencing would be installed around PG&E workspaces prior to any ground-disturbing work in proximity to habitat for special-status species. APM BIO-5 and BMP BIO-5 would, at the discretion of the biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the biologist. When grassland habitat suitable for Crotch's bumble bee is temporarily disturbed by project activities, APM BIO-8 would require restoration and revegetation of these areas, which includes the application of a habitat-appropriate native seed mix for PG&E-owned parcels.

The APMs and BMPs do not include survey requirements for Crotch's bumble bee, nor do they describe protocols or avoidance measures to identify and protect this species, if present. While APMs BIO-3 and BIO-4 and BMPs BIO-3 and BIO-4 would reduce impacts on Crotch's bumble bee through protection of sensitive biological resources, these measures are only required to the greatest extent feasible or at the discretion of the project biologist and would not ensure the detection and sufficient avoidance of Crotch's bumble during project implementation.

Significance before Mitigation

While the APMs and BMPs would reduce impacts on Crotch's bumble bee, APM BIO-3, BMP BIO-3, APM BIO-4, and BMP BIO-4 are required only to the greatest extent feasible or at the discretion of the project biologist and would not ensure the detection and avoidance of Crotch's bumble bee or significant habitat for Crotch's bumble bee. Furthermore, these measures do not include survey requirements for Crotch's bumble bee nor do they describe protocols or avoidance measures to identify and protect this species, if present. The population status of this species is poorly understood, and loss of a colony as a result of project implementation could have a substantial effect on the population. Therefore, loss of Crotch's bumble bees would be a **significant** impact.

Revised:

Implementation of APMs and BMPs

Implementation of APMs would minimize potential impacts on Crotch's bumble bee. APM BIO-1 and BMP BIO-1 would require a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the presence, life history, and habitat requirements of special-status species, avoidance and minimization measures that are being implemented to protect the species, the terms and conditions of project permits, and the consequences of noncompliance with these acts. APM BIO-3 and BMP BIO-3 require sensitive biological resources in or near the BSA to be identified and clearly marked in the field and on project maps for avoidance, to the greatest extent feasible.

Pursuant to APM BIO-4 and BMP BIO-4, and at the discretion of the biologist, exclusion fencing would be installed around PG&E workspaces prior to any ground-disturbing work in proximity to habitat for special-status species. APM BIO-5 and BMP BIO-5 would, at the discretion of the biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the biologist. When grassland habitat suitable for Crotch's bumble bee is temporarily disturbed by project activities, APM BIO-8 would require restoration and revegetation of these areas, which includes the application of a habitat-appropriate native seed mix for PG&E-owned parcels.

The APMs and BMPs do not include survey requirements for Crotch's bumble bee, nor do they describe protocols or avoidance measures to identify and protect this species, if present. While APMs BIO-3 and BIO-4

and BMPs BIO-3 and BIO-4 would reduce impacts on Crotch's bumble bee through protection of sensitive biological resources, these measures are only required to the greatest extent feasible ~~or~~ and note that they will be implemented at the discretion of the project biologist but do not provide additional detail regarding how and when the decision to implement the APMs and BMPs would be made and what would occur if the APMs and BMPs are determined to be infeasible, and would not ensure the detection and sufficient avoidance of Crotch's bumble during project implementation.

Significance before Mitigation

While the APMs and BMPs would reduce impacts on Crotch's bumble bee, APM BIO-3, BMP BIO-3, APM BIO-4, and BMP BIO-4 are required only to the greatest extent feasible or at the discretion of the project biologist and would not ensure the detection and avoidance of Crotch's bumble bee or significant habitat for Crotch's bumble bee. Furthermore, these measures do not include survey requirements for Crotch's bumble bee nor do they describe protocols or avoidance measures to identify and protect this species, if present. The population status of this species is poorly understood, and loss of a colony as a result of project implementation could have a substantial effect on the population. Therefore, loss of Crotch's bumble bees would be a **significant** impact.

To provide clarification, the discussion regarding potential impacts on valley elderberry longhorn beetle on page 3.6-43 of the Draft EIR is revised as follows:

Original:

Elderberry stems of at least 1 inch in diameter may contain eggs, larvae, pupae, or preemergent adults. Removal, trimming, or damage to elderberry shrubs from vegetation clearing during construction and O&M, construction of the proposed guard structure and pull site, and construction activities associated with PG&E Lockeford Substation modification and expansion would result in injury or direct mortality of valley elderberry longhorn beetle. Beetles could also be injured or killed by vehicles or equipment during construction and O&M when they are outside of their host plant during adult emergence, feeding, or dispersal.

Revised:

Elderberry stems of at least 1 inch in diameter may contain eggs, larvae, pupae, or preemergent adults. Removal, trimming, or damage to elderberry shrubs from vegetation clearing during construction and O&M, construction of the proposed guard structure and pull site, and construction activities associated with PG&E Lockeford Substation modification and expansion ~~w~~could result in injury or direct mortality of valley elderberry longhorn beetle if the shrubs are occupied by beetles. Beetles could also be injured or killed by vehicles or equipment during construction and O&M when they are outside of their host plant during adult emergence, feeding, or dispersal.

To provide clarification, the discussion regarding potential impacts on valley elderberry longhorn beetle on page 3.6-44 of the Draft EIR is revised as follows:

Original:

Valley elderberry longhorn beetle is a covered species under the SJVHCP, and PG&E is required to comply with applicable AMMs. Accordingly, during routine O&M activities that are conducted near elderberry shrubs, a qualified individual would survey for the presence of elderberry plants within a minimum of 20 feet from the worksite. If elderberry plants have one or more stems measuring 1 inch or more in diameter at ground level, the qualified individual would flag those areas to avoid or minimize potential impacts on elderberry plants. If impacts (e.g., pruning, trimming, removal, ground disturbance, damage) are unavoidable or occur, then additional measures to reduce, avoid, or compensate for impacts would be implemented, in compliance with the requirements in the SJVHCP. Furthermore, PG&E developed and implemented a Valley Elderberry Longhorn Beetle Conservation Program, which was adopted by USFWS in 2003, after which USFWS issued a biological opinion (BO) as part of formal ESA Section 7 consultation for the species to address impacts of PG&E routine O&M activities (e.g., vegetation management, emergency activities) on valley elderberry

longhorn beetles (USFWS 2003). The Valley Elderberry Longhorn Beetle Conservation Plan and BO do not cover construction activities, such as new electric pole/tower construction, substation expansion, new pipeline installation, or pressure limiting station construction, and these activities would be subject to separate authorizations. The BO required avoidance, minimization, and conservation measures that included environmental training and education for staff and contractors; flagging areas to avoid valley elderberry longhorn beetle habitat; limitations on the use of pesticides near valley elderberry longhorn beetle habitat; directional felling of hazard trees; erosion control; monitoring and reporting of activities that may affect valley elderberry longhorn beetle to USFWS; and PG&E providing incremental funding for acquisition or long-term management of up to 1,000 acres of high-quality habitat near or adjacent to existing valley elderberry longhorn beetle populations in the Sacramento and San Joaquin Valleys.

Revised:

Valley elderberry longhorn beetle is a covered species under the SJVHCP, and PG&E is required to comply with applicable AMMs <u>for project activities that are considered covered activities under the plan</u>. Accordingly, during routine O&M activities that are conducted near elderberry shrubs, a qualified individual would survey for the presence of elderberry plants within a minimum of 20 feet from the worksite. If elderberry plants have one or more stems measuring 1 inch or more in diameter at ground level, the qualified individual would flag those areas to avoid or minimize potential impacts on elderberry plants. If impacts (e.g., pruning, trimming, removal, ground disturbance, damage) are unavoidable or occur, then additional measures to reduce, avoid, or compensate for impacts would be implemented, in compliance with the requirements in the SJVHCP. Furthermore, PG&E developed and implemented a Valley Elderberry Longhorn Beetle Conservation Program, which was adopted by USFWS in 2003, after which USFWS issued a biological opinion (BO) as part of formal ESA Section 7 consultation for the species to address impacts of PG&E routine O&M activities (e.g., vegetation management, emergency activities) on valley elderberry longhorn beetles (USFWS 2003). The Valley Elderberry Longhorn Beetle Conservation Plan and BO do not cover construction activities, such as new electric pole/tower construction, substation expansion, new pipeline installation, or pressure limiting station construction, and these activities would be subject to separate authorizations. The BO required avoidance, minimization, and conservation measures that included environmental training and education for staff and contractors; flagging areas to avoid valley elderberry longhorn beetle habitat; limitations on the use of pesticides near valley elderberry longhorn beetle habitat; directional felling of hazard trees; erosion control; monitoring and reporting of activities that may affect valley elderberry longhorn beetle to USFWS; and PG&E providing incremental funding for acquisition or long-term management of up to 1,000 acres of high-quality habitat near or adjacent to existing valley elderberry longhorn beetle populations in the Sacramento and San Joaquin Valleys.

To provide clarification, the discussion regarding residual impacts on wetlands after implementation of APMs on pages 3.6-54 of the Draft EIR is revised as follows:

Original:

Implementation of APMs

APM BIO-3 would require aquatic resources in or adjacent to PG&E project construction and O&M areas to be clearly marked in the field and on project maps and avoided to the greatest extent feasible. APM BIO-7 and APM HYD-1 require avoidance of wetlands and other waters during construction activities; restrict the refueling of vehicles within approximately 100 feet of a wetland, stream, or other waterway; and require implementation of a SWPPP to minimize construction-related erosion and sediments from entering nearby waterways. To prevent accidental encroachment into nearby wetlands, APM BIO-4 would require the installation of exclusion fencing around PG&E workspaces that are in close proximity to wetlands prior to any ground-disturbing work, at the discretion of the PG&E biologist. APM BIO-1 requires a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the biological resources that may be affected by the project, avoidance and minimization measures that are being implemented to protect biological resources, the terms and conditions of project permits, and the consequences of noncompliance with these acts.

Although APMs BIO-3 and BIO-4 would require the identification, avoidance, and installation of exclusion fencing around wetlands, these measures are required only to the greatest extent feasible or at the discretion of the PG&E biologist. Wetlands in close proximity to the PG&E portion of the BSA may be inadvertently adversely affected if not properly marked. Pursuant to APM HYD-1, a SWPPP would be implemented to minimize construction-related erosion and sediments from entering nearby waterways.

Revised:

Implementation of APMs

APM BIO-3 would require aquatic resources in or adjacent to PG&E project construction and O&M areas to be clearly marked in the field and on project maps and avoided to the greatest extent feasible. APM BIO-7 and APM HYD-1 require avoidance of wetlands and other waters during construction activities; restrict the refueling of vehicles within approximately 100 feet of a wetland, stream, or other waterway; and require implementation of a SWPPP to minimize construction-related erosion and sediments from entering nearby waterways. To prevent accidental encroachment into nearby wetlands, APM BIO-4 would require the installation of exclusion fencing around PG&E workspaces that are in close proximity to wetlands prior to any ground-disturbing work, at the discretion of the PG&E biologist. APM BIO-1 requires a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the biological resources that may be affected by the project, avoidance and minimization measures that are being implemented to protect biological resources, the terms and conditions of project permits, and the consequences of noncompliance with these acts.

Although APMs BIO-3 and BIO-4 would require the identification, avoidance, and installation of exclusion fencing around wetlands, these measures are required only to the greatest extent feasible or at the discretion of the PG&E biologist. Wetlands in close proximity to the PG&E portion of the BSA may be inadvertently adversely affected if not properly marked. <u>If ground disturbance were to occur near these wetlands, indirect effects on the hydrology of the wetlands could occur, leading to degradation of these features, or vehicle and equipment operation directly adjacent to the wetlands could result in inadvertent fill or disruption of hydrology.</u> Pursuant to APM HYD-1, a SWPPP would be implemented to minimize construction-related erosion and sediments from entering nearby waterways.

To provide clarification, Mitigation Measure BIO-3 on page 3.6-55 of the Draft EIR is revised as follows:

Original:

Mitigation Measure BIO-3 [PG&E]: Implement Avoidance Measures for State and Federally Protected Wetlands

The following mitigation measure shall supersede and replace APM BIO-3 and APM BIO-4 for state and federally protected wetlands:

- For any state or federally protected wetlands within a 25-foot buffer of PG&E project construction and O&M activities, a qualified biologist would establish a buffer around the wetlands and mark the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). The buffer would be a minimum width of 25 feet but may be larger if deemed necessary by the qualified biologist. The appropriate size and shape of the buffer would be determined by the qualified biologist and would depend on the type of wetland present (e.g., stream, fresh emergent wetland), the timing of project construction or O&M activities (e.g., wet or dry time of year), environmental conditions and terrain, and the project activity being implemented.

  All PG&E project construction and O&M activities (e.g., road widening, ground disturbance, vegetation removal) would be prohibited within the established buffer. A qualified biologist would periodically inspect the materials demarcating the buffer to confirm that they are intact and visible and that wetland impacts are being avoided.

Revised:

Mitigation Measure BIO-3 [PG&E]: Implement Avoidance Measures for State and Federally Protected Wetlands

The following mitigation measure shall supersede and replace APM BIO-3 and APM BIO-4 for state and federally protected wetlands:

- For any state or federally protected wetlands within a 25-foot buffer of PG&E project construction and O&M activities, a qualified biologist would establish a buffer around the wetlands and mark the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). Where PG&E does not have land rights, or physically demarcating wetlands would result in obstruction of a public road or would draw unnecessary attention to sensitive habitats, at the discretion of the qualified biologist, the boundaries of the wetlands and protectives buffers would be incorporated into all electronic and paper maps and plans used by project personnel. The buffer would be a minimum width of 25 feet but may be ~~larger~~ adjusted if deemed necessary by the qualified biologist. The appropriate size and shape of the buffer would be determined by the qualified biologist and would depend on the type of wetland present (e.g., stream, fresh emergent wetland), the timing of project construction or O&M activities (e.g., wet or dry time of year), environmental conditions and terrain, and the project activity being implemented.

  All PG&E project construction and O&M activities (e.g., road widening, ground disturbance, vegetation removal) would be prohibited within the established buffer. A qualified biologist would periodically inspect the materials demarcating the buffer to confirm that they are intact and visible and that wetland impacts are being avoided.

To provide clarification, Impact BIO-5 and Mitigation Measure BIO-5 on pages 3.6-56 through 3.6-58 of the Draft EIR are revised as follows:

Original:

Impact BIO-5: Conflict with Local Policies and Ordinances

The San Joaquin County General Plan includes policies intended to protect wetlands, riparian areas, vernal pools, significant oak woodlands and heritage trees, and rare, threatened, and endangered species and their habitats. The City of Lodi General Plan Conservation Element includes policies related to compliance with the SJMSCP, preventing the spread of invasive/noxious plant species, sensitive plants and wildlife habitat, and minimizing impacts on and mitigating loss of Swainson's hawk, vernal pool tadpole shrimp, and any threatened, endangered or other sensitive species. These policies are consistent with state and federal regulations that protect these resources. Impacts on rare, threatened, and endangered species (Impacts BIO-1 and BIO-2), riparian habitat (Impact BIO-3), state and federally protected wetlands (Impact BIO-4), and consistency with the SJMSCP (Impact BIO-6) are described above and below. The following analysis includes local policies that are not already addressed in another impact discussion.

PG&E Project Components

Although PG&E is not subject to local (city and county) discretionary regulations, any actions that conflict with the local policies and ordinances described above in Section 3.6.2, "Regulatory Setting," could affect biological resources in the BSA.

The San Joaquin County Ordinance Code includes natural resources regulations that apply to native oak trees, heritage oak trees, and historical trees. Oak trees are present in the PG&E portion of the BSA, and two oak trees would be trimmed along the access route near North Locust Tree Road. Two additional oak trees are expected to be trimmed in the new 230 kV ROW; however, these trees may be removed as necessary to protect electrical lines. Section 9-1505.8 (General Exemptions) of the San Joaquin County Ordinance Code allows oak tree removal by a public utility that is necessary to protect electric power or communication lines or other property owned by the public utility. However, construction activities associated with the project

may not qualify for this exemption because oak trees would be removed for the construction of new power lines, not for the protection of existing power lines. This would result in a conflict with the San Joaquin County Ordinance Code. No native oak trees, heritage oak trees, or historical trees are expected to be removed during O&M; however, if trees are required to be removed during O&M activities, these activities would be necessary to protect electric power or communication line, or other property owned by the public utility and would not conflict with the San Joaquin County Ordinance Code.

Part of the PG&E portion of the BSA is within Lodi; therefore, the City of Lodi's General Plan Conservation Element would apply. The City of Lodi General Plan Conservation Element includes policies related to protection of native tree species and minimizing impacts on and mitigating loss of mature trees. Four mature eucalyptus trees are proposed for removal near East Sargent Road for access and utility line ROW. However, eucalyptus is not a native tree species, and other trees adjacent to these four trees would be retained.

Implementation of APMs

APM BIO-8 would limit tree removal only to what is necessary to establish access routes and allow equipment use in construction work areas. However, the removal of any oak trees for the purpose of development would result in conflict with the San Joaquin County Ordinance Code.

LEU Project Components

No tree removal is proposed in the LEU portion of the BSA during construction. No native oak trees, heritage oak trees, or historical trees are expected to be removed during O&M. LEU project construction and O&M activities would not conflict with local policies or ordinances; therefore, implementation of BMPs is not needed to be consistent with local policies or ordinances.

Implementation of BMPs

No applicable BMPs are proposed as part of the project.

Significance before Mitigation

APM BIO-8 limits the removal of trees to what is necessary for PG&E project implementation, however the removal of any trees for the purpose of development would be in conflict with County Code. This would be a **significant** impact.

Mitigation Measures

Mitigation Measure BIO-5 [PG&E]: Compensate for Removal of Protected Oak Trees Consistent with the San Joaquin County Ordinance Code

- PG&E shall initiate a zoning compliance review with San Joaquin County for the planned removal of oak trees. This review will determine whether the oak trees planned for removal are considered heritage oak trees or historical trees, whether the project is exempt from the requirements of the ordinance, whether tree removal will be permitted by the county, and the number of replacement trees required.
- Tree replacement, if required, shall be in accordance with Section 9-400.080 (Trees on Private Property), which includes the following provisions:
  - Replacement Stock. Replacement stock shall be of healthy commercial nursery stock of the species removed or other species approved by the Zoning Administrator.
  - Replacement Location. Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Zoning Administrator.
  - Timing. Replacement stock shall be planted between October 1 and December 31, and no later than 18 months after the date of tree removal.
  - Number.

- Each Heritage Oak Tree or Historical Tree that has been removed shall be replaced with five trees or acorns, or combination thereof.
- Each Native Oak Tree that has been removed shall be replaced with three trees or acorns, or combination thereof.
- The applicant shall be required to demonstrate to the satisfaction of the Zoning Administrator that replacement stock will be planted and maintained in such a manner as to ensure the survival of said stock at the end of a three-year period commencing from the date of planting.

Significance after Mitigation

Implementation of Mitigation Measure BIO-6 would require compliance with local ordinances by requiring a zoning compliance review for the removal of oak trees for construction of new power lines and associated replacement requirements consistent with the San Joaquin County Ordinance Code. With implementation of mitigation, this impact would be **less than significant**.

Revised:

Impact BIO-5: Conflict with Local Policies and Ordinances

The San Joaquin County General Plan includes policies intended to protect wetlands, riparian areas, vernal pools, significant oak woodlands and heritage trees, and rare, threatened, and endangered species and their habitats. The City of Lodi General Plan Conservation Element includes policies related to compliance with the SJMSCP, preventing the spread of invasive/noxious plant species, sensitive plants and wildlife habitat, and minimizing impacts on and mitigating loss of Swainson's hawk, vernal pool tadpole shrimp, and any threatened, endangered or other sensitive species. These policies are consistent with state and federal regulations that protect these resources. Impacts on rare, threatened, and endangered species (Impacts BIO-1 and BIO-2), riparian habitat (Impact BIO-3), state and federally protected wetlands (Impact BIO-4), and consistency with the SJMSCP (Impact BIO-6) are described above and below. The following analysis includes local policies that are not already addressed in another impact discussion.

PG&E Project Components

Although PG&E is not subject to local (city and county) discretionary regulations, any actions that conflict with the local policies and ordinances described above in Section 3.6.2, "Regulatory Setting," could affect biological resources in the BSA.

The San Joaquin County Ordinance Code includes natural resources regulations that apply to native oak trees, heritage oak trees, and historical trees. Oak trees are present in the PG&E portion of the BSA, and two oak trees would be trimmed along the access route near North Locust Tree Road. Two additional oak trees are expected to be trimmed in the new 230 kV ROW; however, these trees may be removed as necessary to protect electrical lines. Section 9-1505.8 (General Exemptions) of the San Joaquin County Ordinance Code allows oak tree removal by a public utility that is necessary to protect electric power or communication lines or other property owned by the public utility. ~~However, construction activities associated with the project may not qualify for this exemption because oak trees would be removed for the construction of new power lines, not for the protection of existing power lines. This would result in a conflict with the San Joaquin County Ordinance Code. No native oak trees, heritage oak trees, or historical trees are expected to be removed during O&M; however, if trees are required to be removed during O&M activities, these activities would be~~ Because the code allows oak tree removal by a public utility that is necessary to protect electric power or communication line~~,~~s or other property owned by the public utility, and ~~would not conflict with the San Joaquin County Ordinance Code~~ because PG&E is not subject to local discretionary regulations, project activities would be exempt from the provisions of this ordinance.

Part of the PG&E portion of the BSA is within Lodi; therefore, the City of Lodi's General Plan Conservation Element would apply. The City of Lodi General Plan Conservation Element includes policies related to protection of native tree species and minimizing impacts on and mitigating loss of mature trees. Four mature

eucalyptus trees are proposed for removal near East Sargent Road for access and utility line ROW. However, eucalyptus is not a native tree species, and other trees adjacent to these four trees would be retained.

Implementation of APMs

APM BIO-8 would limit tree removal only to what is necessary to establish access routes and allow equipment use in construction work areas. ~~However, the removal of any oak trees for the purpose of development would result in conflict with the San Joaquin County Ordinance Code.~~

LEU Project Components

No tree removal is proposed in the LEU portion of the BSA during construction. No native oak trees, heritage oak trees, or historical trees are expected to be removed during O&M. LEU project construction and O&M activities would not conflict with local policies or ordinances; therefore, implementation of BMPs is not needed to be consistent with local policies or ordinances.

Implementation of BMPs

No applicable BMPs are proposed as part of the project.

Significance before Mitigation

APM BIO-8 limits the removal of trees to what is necessary for PG&E project implementation, ~~however the removal of any trees for the purpose of development would be in conflict with County Code. This would be a significant impact~~ and the San Joaquin County Ordinance Code allows oak tree removal by a public utility that is necessary to protect electric power or communication lines or other property owned by the public utility. Therefore, the project would be exempt from the provisions of this ordinance and there would be **no impact** related to conflict with local policies and ordinances.

Mitigation Measures

No mitigation is required for this impact.

~~**Mitigation Measure BIO-5 [PG&E]: Compensate for Removal of Protected Oak Trees Consistent with the San Joaquin County Ordinance Code**~~

~~► PG&E shall initiate a zoning compliance review with San Joaquin County for the planned removal of oak trees. This review will determine whether the oak trees planned for removal are considered heritage oak trees or historical trees, whether the project is exempt from the requirements of the ordinance, whether tree removal will be permitted by the county, and the number of replacement trees required.~~

~~► Tree replacement, if required, shall be in accordance with Section 9-400.080 (Trees on Private Property), which includes the following provisions:~~

- ~~Replacement Stock. Replacement stock shall be of healthy commercial nursery stock of the species removed or other species approved by the Zoning Administrator.~~
- ~~Replacement Location. Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Zoning Administrator.~~
- ~~Timing. Replacement stock shall be planted between October 1 and December 31, and no later than 18 months after the date of tree removal.~~
- ~~Number.~~
  - ~~Each Heritage Oak Tree or Historical Tree that has been removed shall be replaced with five trees or acorns, or combination thereof.~~
  - ~~Each Native Oak Tree that has been removed shall be replaced with three trees or acorns, or combination thereof.~~

- ~~The applicant shall be required to demonstrate to the satisfaction of the Zoning Administrator that replacement stock will be planted and maintained in such a manner as to ensure the survival of said stock at the end of a three-year period commencing from the date of planting.~~

~~Significance after Mitigation~~
~~Implementation of Mitigation Measure BIO-6 would require compliance with local ordinances by requiring a zoning compliance review for the removal of oak trees for construction of new power lines and associated replacement requirements consistent with the San Joaquin County Ordinance Code. With implementation of mitigation, this impact would be **less than significant**.~~

To narrow the focus of impacts on American badger to construction activities, the American badger impact discussion on page 3.6-46 of the Draft EIR is revised as follows:

Original:

American Badger

PG&E Project Components
Grassland habitat and agricultural areas in the BSA may provide habitat suitable for American badger. Vegetation clearing, ground disturbance, staging, and heavy equipment use associated with construction and O&M may result in direct loss of American badgers or active badger dens if they are present in the BSA.

Implementation of APMs
APM BIO-3 requires sensitive biological resources in or near the BSA to be identified and clearly marked in the field and on project maps for avoidance, to the greatest extent feasible. APM BIO-1 would require a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the presence, life history, and habitat requirements of all special-status species that may be affected by the project, avoidance and minimization measures that are being implemented to protect biological resources, the terms and conditions of project permits, and the consequences of noncompliance with these acts. APM BIO-4 would, at the discretion of a PG&E biologist, require exclusion fencing to be installed around work areas near habitat suitable for special-status species prior to any ground-disturbing work. APM BIO-5 would, at the discretion of the PG&E biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the PG&E biologist.

While APMs BIO-3 and BIO-4 would minimize impacts on American badger, these measures are only required to the greatest extent feasible or at the discretion of the biologist and would not ensure the detection and avoidance of badgers or dens during project implementation. Furthermore, APMs do not describe survey protocols or avoidance measures to identify and protect this species, if present.

LEU Project Components
LEU project components would occur in the grassland west of the existing Industrial Substation. This grassland area is unlikely to provide denning habitat for badger because it is surrounded by industrial development on all sides, including SR 99 to the west and the CCT railroad to the north and east, which are substantial barriers to movement that would likely deter badgers from moving into this area from surrounding areas.

Grassland habitat in the LEU BSA does not provide habitat suitable for American badgers. Therefore, loss of American badgers and their habitat is not expected to occur as a result of implementation of LEU project components.

Implementation of BMPs
No applicable BMPs are proposed as part of the project.

Significance before Mitigation

PG&E project construction and O&M activities could result in direct loss of American badgers. APMs do not require surveys or avoidance measures to identify and protect American badgers, if present, in the PG&E portion of the BSA. Therefore, impacts on American badger from construction and O&M of PG&E project components would be **significant**.

Revised:

American Badger

PG&E Project Components

Grassland habitat and agricultural areas in the BSA may provide habitat suitable for American badger. Vegetation clearing, ground disturbance, staging, and heavy equipment use associated with construction ~~and O&M~~ may result in direct loss of American badgers or active badger dens if they are present in the BSA. O&M activities would result in temporary impacts and would be localized in areas where American badgers would be unlikely to den.

Implementation of APMs

APM BIO-3 requires sensitive biological resources in or near the BSA to be identified and clearly marked in the field and on project maps for avoidance, to the greatest extent feasible. APM BIO-1 would require a biologist to deliver an environmental awareness program for all on-site construction personnel before they begin work on the project. Training would include a discussion of the presence, life history, and habitat requirements of all special-status species that may be affected by the project, avoidance and minimization measures that are being implemented to protect biological resources, the terms and conditions of project permits, and the consequences of noncompliance with these acts. APM BIO-4 would, at the discretion of a PG&E biologist, require exclusion fencing to be installed around work areas near habitat suitable for special-status species prior to any ground-disturbing work. APM BIO-5 would, at the discretion of the PG&E biologist, require a qualified biologist (i.e., monitor) to be on-site during construction activities in sensitive biological resource areas unless the area has been protected by fencing to protect sensitive biological resources and previously cleared by the qualified biologist and the PG&E biologist.

While APMs BIO-3 and BIO-4 would minimize impacts on American badger, these measures are only required to the greatest extent feasible or at the discretion of the biologist and would not ensure the detection and avoidance of badgers or dens during ~~project~~ implementation of construction activities. Furthermore, APMs do not describe survey protocols or avoidance measures to identify and protect this species, if present.

LEU Project Components

LEU project components would occur in the grassland west of the existing Industrial Substation. This grassland area is unlikely to provide denning habitat for badger because it is surrounded by industrial development on all sides, including SR 99 to the west and the CCT railroad to the north and east, which are substantial barriers to movement that would likely deter badgers from moving into this area from surrounding areas.

Grassland habitat in the LEU BSA does not provide habitat suitable for American badgers. Therefore, loss of American badgers and their habitat is not expected to occur as a result of implementation of LEU project components.

Implementation of BMPs

No applicable BMPs are proposed as part of the project.

Significance before Mitigation

PG&E project construction ~~and O&M~~ activities could result in direct loss of American badgers. APMs do not require surveys or avoidance measures to identify and protect American badgers, if present, in the PG&E

portion of the BSA. Therefore, impacts on American badger from construction ~~and O&M~~ of PG&E project components would be **significant**.

To narrow the focus of impacts on American badger to construction activities, Mitigation Measure BIO-2g on page 3.6-52 of the Draft EIR is revised as follows:

Original:

Mitigation Measure BIO-2g [PG&E]: Conduct Focused American Badger Surveys and Establish Protective Buffers

The following mitigation measure shall supersede and replace APM BIO-3 for American badger:

- Within 14 days before commencement of project activities, a qualified wildlife biologist approved by CPUC familiar with American badger and experienced using survey methods for the species shall conduct focused surveys of habitat suitable for the species in the BSA to identify any American badger dens.
- If occupied dens are not found, the qualified biologist shall submit a report summarizing the results of the survey to PG&E and CPUC, and further mitigation shall not be required.
- If occupied dens are found, then dens shall be monitored to determine if occupation is by an adult badger only or if it is a natal den. Impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens. If the qualified biologist determined that the den is a natal den, an exclusion zone of 200 feet shall be maintained around the den until the qualified biologist determines that den has been vacated. If the den is occupied by an adult badger only, the size of the buffer shall be determined by a qualified biologist. No project activities (e.g., vegetation removal, ground disturbance, staging) shall occur within the exclusion zone until denning activities are complete or the den is abandoned, as confirmed by a qualified biologist. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. When it is no longer occupied, project activities within the exclusion zone may occur. Monitoring reports shall be submitted to CDFW and CPUC.

Revised:

Mitigation Measure BIO-2g [PG&E]: Conduct Focused American Badger Surveys and Establish Protective Buffers

The following mitigation measure shall supersede and replace APM BIO-3 for American badger:

- Within 14 days before commencement of project <u>construction</u> activities, a qualified wildlife biologist approved by CPUC familiar with American badger and experienced using survey methods for the species shall conduct focused surveys of habitat suitable for the species in the BSA to identify any American badger dens.
- If occupied dens are not found, the qualified biologist shall submit a report summarizing the results of the survey to PG&E and CPUC, and further mitigation shall not be required.
- If occupied dens are found, then dens shall be monitored to determine if occupation is by an adult badger only or if it is a natal den. Impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens. If the qualified biologist determined that the den is a natal den, an exclusion zone of 200 feet shall be maintained around the den until the qualified biologist determines that den has been vacated. If the den is occupied by an adult badger only, the size of the buffer shall be determined by a qualified biologist. No project <u>construction</u> activities (e.g., vegetation removal, ground disturbance, staging) shall occur within the exclusion zone until denning activities are complete or the den is abandoned, as confirmed by a qualified biologist. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. When it is no longer occupied, project <u>construction</u> activities within the exclusion zone may occur. Monitoring reports shall be submitted to CDFW and CPUC.

To add clarity, Mitigation Measure BIO-2c on page 3.6-48 and 3.6-49 of the Draft EIR is revised as follows:

Original:

Mitigation Measure BIO-2c [PG&E and LEU]: Conduct Protocol-Level Surveys for Burrowing Owl and Implement Avoidance Measures

The following mitigation measure shall supersede and replace APM BIO-2, APM BIO-3, BMP BIO-2, and BMP BIO-3 for burrowing owl:

- A qualified biologist approved by CPUC shall conduct surveys for burrowing owls in areas of habitat suitable for the species on and within 1,640 feet of the BSA. Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of four surveys shall be conducted to determine whether burrowing owls occupy the site. Surveys shall be conducted according to Appendix D of the 2012 *Staff Report on Burrowing Owl Mitigation* prepared by the California Department of Fish and Game (now CDFW) (CDFG 2012) or any subsequent updated guidance. If feasible, at least one survey should be conducted between February 15 and April 15, and the remaining surveys should be conducted between April 15 and July 15, at least three weeks apart. Because burrowing owls may recolonize a site after only a few days, one of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.
- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to PG&E or LEU and CPUC, and no further mitigation shall be required.
- If an active burrow is found within 1,640 feet of pending construction activities, PG&E or LEU shall establish and maintain a buffer around the occupied burrow and any identified satellite burrows (i.e., nonnesting burrows that burrowing owls use to escape predators or move young into after hatching) to prevent take of the burrowing owls.
    - During the nonbreeding season (September 1 through January 31), the minimum buffer distance shall be 164 feet (50 meters). During the breeding season (February 1 through August 31), the minimum buffer distance shall be increased to 1,640 feet (500 meters).
    - The buffer may be adjusted if, in consultation with CDFW, the qualified biologist determines that an alternative buffer shall not result in take of burrowing owl adults, young, or eggs because of particular site features (e.g., topography, natural line-of-sight barriers), level of project disturbance, or other considerations. If the buffer is reduced, the qualified biologist shall monitor the behavior of the burrowing owls during all project activities within 1,640 feet of the burrow. If the owls are disturbed or agitated (e.g., vocalizations, bill snaps, fluffing feathers to increase body size appearance, drooping wings and rotating them forward, crouching and weaving back and forth) by the project activities, the biologist shall have the authority to halt the activities and reestablish a buffer consistent with the first item above until the agitated behavior ceases and normal behavior resumes.
    - The buffer shall remain in place around the occupied burrow and associated satellite burrows until the qualified biologist has determined through noninvasive methods that the burrows are no longer occupied by burrowing owl. A previously occupied burrow will be considered unoccupied if surveys demonstrate that no owls have used the burrow for seven consecutive days.
    - Locations of burrowing owls detected during surveys shall be reported to the CNDDB.

Revised:

Mitigation Measure BIO-2c [PG&E and LEU]: Conduct Protocol-Level Surveys for Burrowing Owl and Implement Avoidance Measures

The following mitigation measure shall supersede and replace APM BIO-2, APM BIO-3, BMP BIO-2, and BMP BIO-3 for burrowing owl:

- A qualified biologist approved by CPUC shall conduct surveys for burrowing owls in areas of habitat suitable for the species on and within 1,640 feet of the BSA. Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of four surveys shall be conducted to determine whether burrowing owls occupy the site. Surveys shall be conducted according to Appendix D of the 2012 *Staff Report on Burrowing Owl Mitigation* prepared by the California Department of Fish and Game (now CDFW) (CDFG 2012) or any subsequent updated guidance. If feasible, at least one survey should be conducted between February 15 and April 15, and the remaining surveys should be conducted between April 15 and July 15, at least three weeks apart. Because burrowing owls may recolonize a site after only a few days, one of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.
- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to PG&E or LEU and CPUC, and no further mitigation shall be required.
- If an active burrow is found within 1,640 feet of pending construction activities, PG&E or LEU shall establish and maintain a buffer around the occupied burrow and any identified satellite burrows (i.e., nonnesting burrows that burrowing owls use to escape predators or move young into after hatching) to prevent take of the burrowing owls.
    - During the nonbreeding season (September 1 through January 31), the minimum buffer distance shall be 164 feet (50 meters). During the breeding season (February 1 through August 31), the minimum buffer distance shall be increased to 1,640 feet (500 meters). <u>If CDFW publishes subsequent guidance, including buffer sizes, in light of the designation of burrowing owl as a candidate for listing under CESA, these guidance and requirements shall take precedence over the buffers described in this mitigation measure.</u>
    - The buffer may be adjusted if, in consultation with CDFW, the qualified biologist determines that an alternative buffer shall not result in take of burrowing owl adults, young, or eggs because of particular site features (e.g., topography, natural line-of-sight barriers), level of project disturbance, or other considerations. If the buffer is reduced, the qualified biologist shall monitor the behavior of the burrowing owls during all project activities within 1,640 feet of the burrow. If the owls are disturbed or agitated (e.g., vocalizations, bill snaps, fluffing feathers to increase body size appearance, drooping wings and rotating them forward, crouching and weaving back and forth) by the project activities, the biologist shall have the authority to halt the activities and reestablish a buffer consistent with the first item above until the agitated behavior ceases and normal behavior resumes.
    - The buffer shall remain in place around the occupied burrow and associated satellite burrows until the qualified biologist has determined through noninvasive methods that the burrows are no longer occupied by burrowing owl. A previously occupied burrow will be considered unoccupied if surveys demonstrate that no owls have used the burrow for seven consecutive days.
    - Locations of burrowing owls detected during surveys shall be reported to the CNDDB.

To increase feasibility and clarify avoidance requirements, Mitigation Measure BIO-2e on page 3.6-50 and 3.6-51 of the Draft EIR is revised as follows:

Original:

Mitigation Measure BIO-2e [PG&E]: Implement Avoidance Measures for Valley Elderberry Longhorn Beetles or Compensate for Unavoidable Impacts Associated with Construction Activities

The following mitigation measure shall supersede and replace APM BIO-3 for valley elderberry longhorn beetle:

- Impacts on valley elderberry longhorn beetle shall be avoided and minimized by following the conservation measures outlined in the USFWS's 2017 *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (Framework) for cases where the elderberry shrubs identified in the BSA can be retained and protected within 165 feet of the project footprint.
- If elderberry shrubs are 165 feet or more from project construction activities, direct or indirect impacts are not expected. Shrubs shall be protected during construction by establishing and maintaining a high-visibility fence at least 165 feet from the drip line of each elderberry shrub.
- If PG&E determines that elderberry shrubs within the project footprint can be retained, project activities may occur up to 20 feet from the drip line of elderberry shrubs if precautions are implemented to minimize the potential for indirect impacts. Specifically, these shall include the following minimization measures:
  - All areas to be avoided during construction activities shall be fenced or flagged as close to construction limits as possible.
  - A minimum avoidance area of at least 20 feet from the dripline of each elderberry plant shall be maintained to avoid direct impacts that could damage or kill the plant.
  - A qualified biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of valley elderberry longhorn beetle, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.
  - A qualified biologist shall monitor the work area at project-appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend on the project specifics and will be discussed with a USFWS biologist.
  - As much as feasible, all activities that could occur within 165 feet of an elderberry shrub shall be conducted outside of the flight season of the valley elderberry longhorn beetle (March through July).
  - Trimming of elderberry shrubs, if required, shall occur between November and February and shall avoid removal of any branches or stems that are greater than or equal to 1 inch in diameter to avoid and minimize adverse effects to valley elderberry longhorn beetle.
  - Project construction activities, such as truck traffic or other use of machinery, shall not create excessive dust on the project site, such that the growth or vigor of elderberry shrubs is adversely affected. Enforcement of a speed limit and watering dirt roadways are potential methods to minimize excessive dust creation.
  - Herbicides shall not be used within the drip line of any elderberry shrub. Insecticides shall not be used within 98 feet of any elderberry shrub. All chemicals shall be applied using a backpack sprayer or similar direct application method. Mechanical weed removal within the drip line of any elderberry shrub shall be limited to the season when adults are not active (August through February) and will avoid damaging the elderberry.
  - Erosion control (e.g., straw wattle) shall be implemented, and the affected area shall be revegetated with appropriate native plants.

- If elderberry shrubs cannot be avoided, compliance with ESA and consultation with USFWS is required and may involve acquiring an incidental take permit through Section 10 or a take exemption through Section 7 (if the project were to establish a federal nexus). All elderberry shrubs with stems greater than 1 inch in diameter that cannot be avoided or have been adversely affected by indirect damage to stems of the entire shrub shall be transplanted.
    - No elderberry shrub shall be removed or transplanted until authorization has been issued by USFWS and CPUC, and PG&E has abided by all pertinent conditions of the incidental take permit or biological opinion.
    - Relocation of existing elderberry shrubs and planting of new elderberry seedlings and associated native riparian plant species shall be implemented according to the Framework (USFWS 2017b). Native associates shall include a mix of woody trees, shrubs, and other natives appropriate for the site, and would help establish historic native riparian conditions when planted with the elderberry shrubs and seedlings, once established. The Framework uses presence or absence of exit holes and whether the affected elderberry shrubs are located in riparian habitat to determine the number of elderberry seedlings or cuttings and associated riparian vegetation that would need to be planted as compensatory mitigation for affected valley elderberry longhorn beetle habitat. Compensatory mitigation may include purchasing credits at a USFWS-approved conservation bank, providing on-site mitigation, or establishing and protecting habitat for valley elderberry longhorn beetle.

Revised:

Mitigation Measure BIO-2e [PG&E]: Implement Avoidance Measures for Valley Elderberry Longhorn Beetles or Compensate for Unavoidable Impacts Associated with Construction Activities

The following mitigation measure shall supersede and replace APM BIO-3 for valley elderberry longhorn beetle:

- Impacts on valley elderberry longhorn beetle shall be avoided and minimized by following the conservation measures outlined in the USFWS's 2017 Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Framework) for cases where the elderberry shrubs identified in the BSA can be retained and protected within 165 feet of the project footprint.
- If elderberry shrubs are 165 feet or more from project construction activities, direct or indirect impacts are not expected. Shrubs shall be protected during construction by establishing and maintaining a high-visibility fence at least ~~165~~ 20 feet from the drip line of each elderberry shrub.
- If PG&E determines that elderberry shrubs within the project footprint can be retained, project activities may occur up to 20 feet from the drip line of elderberry shrubs if precautions are implemented to minimize the potential for indirect impacts. Specifically, these shall include the following minimization measures:
    - All areas to be avoided during construction activities shall be fenced or flagged as close to construction limits as possible.
    - A minimum avoidance area of at least 20 feet from the dripline of each elderberry plant shall be maintained to avoid direct impacts that could damage or kill the plant.
    - A qualified biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of valley elderberry longhorn beetle, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.
    - A qualified biologist shall monitor the work area at project-appropriate intervals to assure that all avoidance and minimization measures are implemented. The amount and duration of monitoring shall depend on the project specifics and will be discussed with a USFWS biologist.

- As much as feasible, all activities that could occur within 165 feet of an elderberry shrub shall be conducted outside of the flight season of the valley elderberry longhorn beetle (March through July).
- Trimming of elderberry shrubs, if required, shall occur between November and February and shall avoid removal of any branches or stems that are greater than or equal to 1 inch in diameter to avoid and minimize adverse effects to valley elderberry longhorn beetle.
- Project construction activities, such as truck traffic or other use of machinery, shall not create excessive dust on the project site, such that the growth or vigor of elderberry shrubs is adversely affected. Enforcement of a speed limit and watering dirt roadways are potential methods to minimize excessive dust creation.
- Herbicides shall not be used within the drip line of any elderberry shrub. Insecticides shall not be used within 98 feet of any elderberry shrub. All chemicals shall be applied using a backpack sprayer or similar direct application method. Mechanical weed removal within the drip line of any elderberry shrub shall be limited to the season when adults are not active (August through February) and will avoid damaging the elderberry.
- Erosion control (e.g., straw wattle) shall be implemented, and the affected area shall be revegetated with appropriate native plants.

- If elderberry shrubs cannot be avoided, compliance with ESA and consultation with USFWS is required and may involve acquiring an incidental take permit through Section 10 or a take exemption through Section 7 (if the project were to establish a federal nexus). All elderberry shrubs with stems greater than 1 inch in diameter that cannot be avoided or have been adversely affected by indirect damage to stems of the entire shrub shall be transplanted.
  - No elderberry shrub shall be removed or transplanted until authorization has been issued by USFWS and CPUC, and PG&E has abided by all pertinent conditions of the incidental take permit or biological opinion.
  - Relocation of existing elderberry shrubs and planting of new elderberry seedlings and associated native riparian plant species shall be implemented according to the Framework (USFWS 2017b). Native associates shall include a mix of woody trees, shrubs, and other natives appropriate for the site, and would help establish historic native riparian conditions when planted with the elderberry shrubs and seedlings, once established. The Framework uses presence or absence of exit holes and whether the affected elderberry shrubs are located in riparian habitat to determine the number of elderberry seedlings or cuttings and associated riparian vegetation that would need to be planted as compensatory mitigation for affected valley elderberry longhorn beetle habitat. Compensatory mitigation may include purchasing credits at a USFWS-approved conservation bank, providing on-site mitigation, or establishing and protecting habitat for valley elderberry longhorn beetle.

3.8 REVISIONS TO SECTION 3.10, "HAZARDS AND HAZARDOUS MATERIALS"

The text on page 3.10-22 of the Draft EIR is revised as follows to correct the description of project components:

Original:

However, the expanded LEU Industrial Substation and the new LEU Guild Substation would also include installation of transformers that rely on mineral oil as a cooling and insulating medium.

Revised:

However, the ~~expanded~~ modified LEU Industrial Substation and the new LEU Guild Substation would also include installation of transformers that rely on mineral oil as a cooling and insulating medium.

The text on page 3.10-29 of the Draft EIR is revised as follows to correct the description of project components:

Original:

Grading activities would be required for construction of the new PG&E Lockeford Substation, for expansion the existing PG&E Thurman Switching Station, for construction and expansion of the LEU Guild Substation, for improvements at the LEU Industrial Substation, and at specific areas along the PG&E 230 kV transmission line route to create temporary work areas or a level structure area.

Revised:

Grading activities would be required for construction of the expanded PG&E Lockeford Substation, ~~for expansion~~ the ~~existing~~ new PG&E Thurman Switching Station, for construction ~~and expansion~~ of the new LEU Guild Substation, for improvements at the LEU Industrial Substation, and at specific areas along the PG&E 230 kV transmission line route to create temporary work areas or a level structure area.

The text on page 3.10-30 of the Draft EIR is revised as follows to correct the description of project components:

Original:

The PG&E project components that would result in additional impervious surfaces include the expanded PG&E Thurman Switching Station, new PG&E Lockeford Substation, and installation of new transmission line poles and pull boxes.

Revised:

The PG&E project components that would result in additional impervious surfaces include the ~~expanded~~ new PG&E Thurman Switching Station, ~~new~~ expanded PG&E Lockeford Substation, and installation of new transmission line poles and ~~service line~~ pull boxes.

The text on page 3.10-32 of the Draft EIR is revised as follows to correct the description of project components:

Original:

These soil types are located under the existing PG&E Thurman Switching Station and the connecting 12 kV secondary station service, the PG&E transmission line alignment, the PG&E reconfigured 60 kV lines, proposed PG&E Lockeford Substation, existing LEU Industrial Substation, and the proposed LEU Guild Substation.

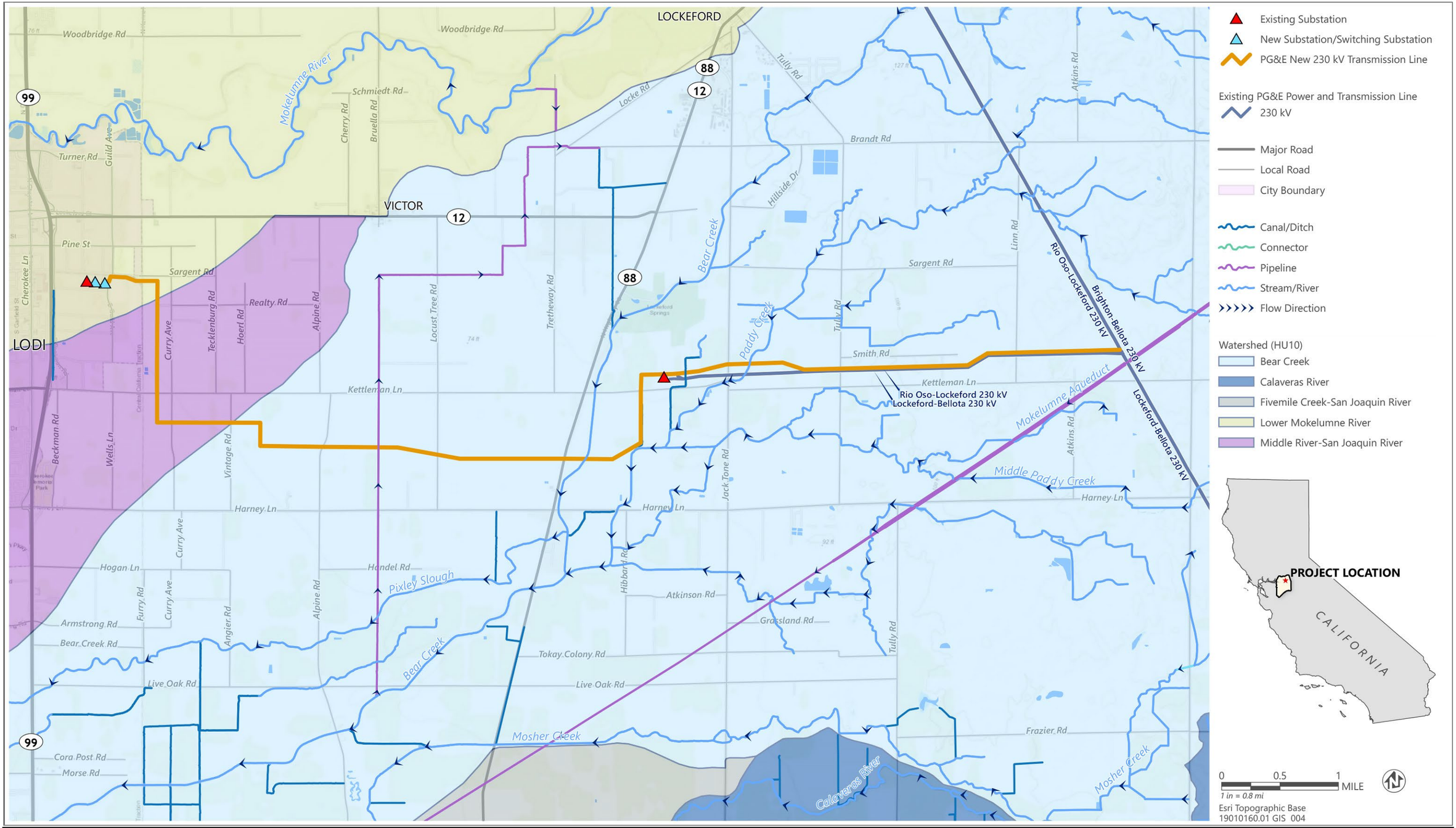
Revised:

These soil types are located under the new PG&E Thurman Switching Station and the connecting 12 kV secondary station service, the PG&E transmission line alignment, the PG&E reconfigured 60 kV lines, ~~proposed~~ new PG&E Lockeford Substation, existing LEU Industrial Substation, and the proposed LEU Guild Substation.

3.9 REVISIONS TO SECTION 3.11, "HYDROLOGY AND WATER QUALITY"

Figure 3.11-1 the Draft EIR is revised as follows to label the Mokelumne Aqueduct in response to Comment A3-1.

Revised:



Source: Data downloaded from the US Geological Survey's National Hydrography Dataset/Watershed Boundary Dataset in 2023; adapted by Ascent in 2024.

Revised Figure 3.11-1 Regional Hydrological Setting for the Project Area

3.10 REVISIONS TO SECTION 3.13, "NOISE"

The text on page 3.13-20 of the Draft EIR is revised as follows to incorporate changes to the APM NOI-2 that were made by PG&E in response to a data request from the CPUC:

Original:

APM NOI-2: PG&E Noise Minimization with Portable Barriers Compressors and other small stationary equipment used during construction of PG&E project components will be shielded with portable barriers if appropriate and if located within approximately 200 feet of a residence.

Revised:

APM NOI-2: PG&E Noise Minimization with Portable Barriers Compressors and other small stationary equipment used during construction of PG&E project components will be shielded with portable barriers if appropriate and if located within approximately 200 feet of a residence ~~or if determined by PG&E to be appropriate~~.

The following text on page 3.13-25 is revised to correct a typographical error:

Original:

The activities that may extend beyond the typical workday are installing the guard netting structure over SR 88 where the 230 kV transmission line passes over SR 88 (if required by the conditions of the Caltrans encroachment permit), testing and commissioning the new 230 kV line to the PG&E Thurman Switching Station and PG&E Lockeford Substation, and trenching and HDD activities at the PG&E Thurman Station.

Revised:

The activities that may extend beyond the typical workday are installing the guard netting structure over SR 88 where the 230 kV transmission line passes over SR 88 (if required by the conditions of the Caltrans encroachment permit), testing and commissioning the new 230 kV line to the PG&E Thurman Switching Station and PG&E Lockeford Substation, and trenching and HDD activities at the PG&E Thurman Switching Station.

The following text on page 3.13-27 is revised to correct a typographical error:

Original:

Lastly, AMP NOI-7 would ensure the equipment is in working order, adequately muffed, and used in accordance with the manufacturers' recommendations.

Revised:

Lastly, ~~AMP~~ APM NOI-7 would ensure the equipment is in working order, adequately muffed, and used in accordance with the manufacturers' recommendations.

3.11 REVISIONS TO SECTION 3.16, "TRANSPORTATION"

The text of APM TRA-2 on page 3.16-10 is revised as follows for consistency:

Original:

APM TRA-2: PG&E Repair of Damaged Transportation Infrastructure. As part of the final construction activities of the project, PG&E will restore all removed curbs, gutters, and sidewalks, and repave all removed or damaged paved surfaces associated with PG&E activities.

Revised:

APM TRA-2: PG&E Repair of Damaged Transportation Infrastructure. As part of the final construction activities of the project, PG&E will restore all removed curbs, gutters, and sidewalks, and repave all removed or damaged paved surfaces associated with PG&E <u>construction</u> activities.