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Subject: Collinsville 500/230Kv Substation Project, Draft Environmental Impact Report, SCH No. 2025010149

Dear Ms. Chen:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (draft EIR) from the California Public Utilities Commission (CPUC) for the Collinsville 500/230Kv Substation Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: California Public Utilities Commission (CPUC)

Objective: In their 2021-2022 Transmission Plan, the California Independent System Operator (CAISO) identified a needed upgrade to the California electric grid to address transmission constraints in the Contra Costa region, support increased energy demand in the greater Bay Area, and meet policy-driven objectives for renewable energy integration. As a result, LS Power Grid California, LLC (LSPGC) is proposing the following project:

- Construction of the LSPGC Collinsville 500/230 kV Substation (Collinsville Substation).
- Installation of approximately six miles of LSPGC Collinsville-Pittsburg 230 kV transmission line between the Collinsville Substation and Pacific Gas and Electric Company's (PG&E) existing Pittsburg Substation (comprising an overhead segment in Solano County, submarine segment in the Sacramento River, and an underground segment in Contra Costa County).
- Installation of underground telecommunication interconnection lines for approximately 1.2 miles and connection with telecommunication lines collocated with the proposed 230 kV transmission line.
- Construction of two approximately 1.2-mile-long PG&E 500 kV interconnection lines to connect PG&E's existing Vaca Dixon-Tesla 500 kV transmission line to the proposed Collinsville Substation.
- Installation, modification, or replacement of PG&E 500 kV structures at four transposition sites.
- Installation of an approximately 0.9-mile-long overhead PG&E 12 kV distribution line to connect an existing PG&E distribution line to the Collinsville Substation.
- Construction of an approximately 0.3-acre PG&E telecommunication yard immediately east of the proposed LSPGC Collinsville Substation where a PG&E-owned microwave tower and communications equipment enclosures will be installed for the 500 kV line paths.

- Modification of PG&E substations (Pittsburg Substation, Vaca-Dixon Substation, and Tesla Substation).

Location: The Project site extends through the Greater North Bay and East Bay in Sacramento, Solano, Contra Costa, and Alameda Counties. The proposed 500/230 kV substation will be located near Collinsville, an unincorporated community in Solano County. Submarine cables will extend under the Sacramento-San Joaquin Delta (hereafter the Delta) and transition to overhead cables in Collinsville and to underground cables in Pittsburg. Overhead cables in the Greater North Bay will extend through the Collinsville-Montezuma Hills Wind Resource Area in Solano County and connect to PG&E's existing Vaca-Dixon Substation. They will also connect from the proposed Collinsville substation to a PG&E distribution line. Underground cables in the East Bay will transition to submarine cables. The four transposition sites are located in 1) unincorporated Solano County east of Box R Ranch Road, 2) unincorporated Solano County north and south of Mauds Lane, 3) unincorporated Solano County north of Montezuma Hills Road and south of Birds Landing Road, and 4) Byron in Contra Costa County north and south of Kellogg Creek Road. Pittsburg Substation is located on the south shore in Contra Costa County, Vaca-Dixon Substation is located in Solano County north of the proposed Collinsville substation, and Tesla Substation is located in Alameda County.

Timeframe: Project constriction is expected to occur between May 2026 and July 2028. It will take 27 months to complete. The Project is required to be energized by June 1, 2028.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist CPUC in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

REGULATORY REQUIREMENTS

Raptors and Other Nesting Birds

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include § 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), § 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and § 3513 (regarding unlawful take of any migratory nongame bird).

California Fully Protected Species

Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including: salt marsh harvest mouse (*Reithrodontomys raviventris;* SMHM), California black rail (*Laterallus jamaicensis coturniculus*), California least tern (*Sternula antillarum browni*), white-tailed kite (*Elanus leucurus*), and golden eagle (*Aquila chrysaetos*).

Project activities described in the draft EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

CDFW also recommends the draft EIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the project planning process.

California Endangered Species Act and Native Plant Protection Act

For special-status species that may occur in the area, a CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in “take” of plants or animals listed under CESA or the Native Plant Protection Act (NPPA), either during construction or over the life of the Project. Under CESA, “take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86). CDFW’s issuance of an ITP is subject to CEQA, and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA- or NPPA- listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, intermittent streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through horizontal directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the EIR and complied with its responsibilities as a responsible agency under CEQA.

I. Project Description and Related Impact Shortcoming

COMMENT 1: Permanent impacts to sensitive aquatic resources

Issue: The draft EIR does not address all permanent impacts to biological resources resulting from long-term operational activities.

Specific impact: The LSPGC 230 kV submarine cables are proposed to be buried 6 to 15 feet under the sediment surface. The proposed Project design situates a segment of the LSPGC 230 kV submarine cables within an active sand and gravel mining area of the Delta. On page 2-51 of the draft EIR, Volume 1, it is stated that LPSGC "would obtain a lease agreement and a lease encumbrance permit/agreement from the California State Lands Commission (CSLC) for encumbering on the existing mining lease." The minimization of impacts to the underground cables relies on the lease agreement and lease encumbrance permit/agreement and at this time, no agreement has been secured. The assessment does not address the potential permanent impacts associated with all

substrate-disturbing activities that could expose the cables if an agreement is not obtained.

Why impact would occur: Sediment erosion caused by tidal action by currents, dredging, mining operations, and other substrate-disturbing components may increase the rate of sediment transport and erosion/dispersal, which may inadvertently expose cables over time. Currently, there is no long-term maintenance proposed for the cables and their exposure may result in cumulative effects on sensitive aquatic resources by requiring additional in-water work for maintenance activities.

Evidence impact would be significant: The Delta supports a diverse assemblage of native benthic and pelagic fish. It is a critical migratory corridor for numerous anadromous species including three populations of Chinook salmon (*Oncorhynchus tshawytscha;* Central Valley fall/late fall run Evolutionarily Significant Unit (ESU), Central Valley spring-run ESU, and Sacramento River winter-run ESU), steelhead - Central Valley Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus*), and two species of lamprey (*Entosphenus tridentatus* and *Lampetra ayresi*). It is a known spawning and rearing area for North American green sturgeon – southern DPS (*Acipenser medirostris*). The estuarine and open water habitats of the Project area are also designated critical incubation and nursery habitat for Delta smelt *(Hypomesus transpacificus*) and longfin smelt – San Francisco Bay-Delta DPS (*Spirinchus thaleichthys* pop. 2). These species are listed as California State Species of Special Concern (SSC) or state- and federally- listed as threatened and endangered species. Therefore, they are considered threatened or endangered pursuant to CEQA Guidelines § 15380. Permanent impacts resulting from Project activities may disrupt reproduction or migratory activities, which constitutes a *mandatory finding of significance* pursuant to CEQA Guidelines § 15065(a)(1).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

To reduce impacts to less-than-significant: CDFW recommends relocation of the cables away from sand and gravel mining areas, outside of channel deepening dredge activities, and burial at a minimum of 15 feet below the sediment surface to avoid potential exposure.

Reinforcement, such as concrete mattresses, may be considered to reduce impacts to less-than-significant. If concrete mattresses will be installed to protect the cables, the draft EIR should be revised to include a detailed narrative describing the consequent permanent impacts and compensatory mitigation to offset impacts.

For all permanent impacts resulting from Project activities, the Lead Agency must propose compensatory mitigation at appropriate levels to offset impacts in the draft EIR.

COMMENT 2: Project siting and potential impacts

Issue: The draft EIR states that the proposed Project would result in twelve significant and unavoidable impacts, including "having substantial adverse effects, either directly or indirectly through habitat modifications, on bird species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS" (Table ES-1; Volume 1, ES-5). The draft EIR evaluates alternatives including relocation of the Collinsville 230/500 kV Substation, redirection of a segment of the 230 kV submarine segment route, and replacement of lattice steel towers (LSTs) with tubular steel poles (TSPs) that would reduce these and other impacts to biological resources. These alternatives are described as being functionally equivalent to the proposed Project while still meeting feasibility criteria and most or all Project objectives yet were not selected as part of the final Project design.

Specific impact: The location of the Collinsville Substation, 12kV PG&E distribution poles, LSPGC 230kV TSPs, pulling sites, temporary access roads, and temporary staging sites depicted in Vegetation Community Maps 2-5 in Appendix F1: Proposed Project Biological Resources Map Series, are immediately adjacent to suitable SMHM habitat. While typically associated with tidal salt marshes dense in pickleweed (*Salicornia* spp.), SMHM are also commonly found in brackish and managed wetlands dominated by Chairmaker's bulrush (*Schoenoplectus americanus*; Sustaita et al. 2011, Smith et al. 2020) and interspersed with alkali heath (*Frankenia salina;* Aylward et al. 2022). Both of these are predominant vegetation types in the CDFW-designated sensitive natural communities *Schoenoplectus americanus* Herbaceous Alliance (State Rarity Ranking S3) and *Frankenia salina* Herbaceous Alliance (S3), which are present within the Project site and are likely to be impacted by Project activities. Recent occurrences of SMHM have been documented within and near the Project site by the San Francisco Estuary Institute and extant occurrences exist in the California Natural Diversity Database (CNDDB).

In addition to being located near suitable SMHM habitat, the proposed Collinsville Substation location falls within critical upland habitat as designated in the Delta Plan and Suisun Marsh Protection Plan, which serves as an important refuge for overwintering waterfowl of the Pacific Flyway. Additionally, it is located within the Sacramento Municipal Utility District (SMUD) Collinsville-Montezuma Hills Wind Resource Area, an area primarily used for wind farming and agriculture. At this location, installation of overhead wires and LSTs to connect the proposed Collinsville

Substation to existing PG&E infrastructure poses significant risks to birds. For instance, SMUD recorded 208 avian mortalities between 2020 and 2024 due to wind turbine strikes, including several special-status species such as Swainson's hawk (*Buteo swainsoni*), northern harrier (*Circus hudsonius*), and golden eagle (SMUD 2021; 2022; 2023; 2024; 2025).

Why impact would occur: Vegetation removal, grading, and installation of electrical poles and substations, as well as vehicular traffic and movement of workers required to complete Project activities, may destroy or degrade SMHM habitat. Direct injury or mortality of SMHM may also result from Project activities occurring in and within the vicinity of SMHM habitat, which has the potential to substantially reduce the species' population or restrict its range.

Birds use power lines and LSTs for perching and nesting (Eccleston & Harness 2018), which may lead to power outages and electrocution. Constructing these structures in close proximity to an existing wind farm may also increase the risk of wind turbine collision and consequent injury or mortality.

Evidence impact would be significant: Take or possession of Fully Protected Species is prohibited pursuant to Fish and Game Code, §§ 3511 & 4700. Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the federal MBTA is also a violation of Fish and Game Code §§§ 3503, 3503.5, and 3513.

To Reduce Impacts to a Less-Than-Significant Level: Alternative siting of project infrastructure would substantially reduce impacts to biological resources. CDFW recommends the following adaptations be incorporated into the Project design:

Installation of Tubular Steel Poles. To reduce impacts to nesting and migratory birds, CDFW recommends installation of TSPs in place of LSTs for all 500 kV interconnection lines. TSPs may be monopole or multipole as required to provide adequate support. However, multipole TSPs may require additional foundational work and therefore may have greater impact. The existing and proposed tower and pole locations are located in upland habitat that may support CESA-listed species and California Species of Special Concern. Surveys will have to be done to assess the presence or absence of species,

Relocation of the Collinsville 230/500 kV Substation. To reduce impacts to nesting and migratory birds and fully protected species such as SMHM, CDFW recommends the Collinsville 230/500 kV Substation be relocated north of Talbert Lane away from the existing wind farm and areas containing suitable SMHM habitat. CDFW further recommends implementation of soil erosion best

management practices to reduce impacts of ground disturbing activities such as grading to less-than-significant.

COMMENT 3: Insufficient impact assessments for special-status species

Issue: Focused protocol-level surveys have not been conducted to demonstrate the absence of special-status species across the entire Project area. Species-specific surveys were completed for the Delta and transition sites; however, none were conducted near the proposed TSP sites where special-status species have a likelihood to occur. Determining species presence is essential for evaluating project impacts and developing effective avoidance, minimization, and mitigation measures.

Specific impact: Habitat assessments were conducted by Insignia biologists during daylight hours on February 20 and 21, 2025. During these surveys, incidental observations of special-status plants and wildlife were made. Supplemental desktop surveys identified 41 special-status plants and 46 special-status wildlife species that have the potential to occur in the Tower areas, including: Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*); bearded popcornflower (*Plagiobothrys hystriculus*); Keck's checkerbloom (*Sidalcea keckii*); hispid salty bird's beak (*Chloropyron molle* ssp. *hispidum*), a California State Endangered plant; California red-legged frog (*Rana draytonii);* California tiger salamander – central California DPS (*Amybystoma californiense* pop. 1, CTS); and western burrowing owl (*Athene cunicularia*), a CESA Candidate Species. Golden eagle, a California State Fully Protected Species, was also incidentally observed during habitat assessments.

Habitat assessments are not adequate substitutes for species-specific surveys, which should be planned and conducted during the appropriate time of year and day to ensure species are detectable. For instance, surveys conducted during the month of February may not be sufficient to identify special-status plants as vegetation is still senesced and may not be within their bloom period. Likewise, daytime surveys may not be sufficient to detect nocturnal, secretive, or seasonally absent species. Consequently, reliance solely on habitat assessments and desktop surveys may underestimate the presence of sensitive species within the Project area.

Why impact would occur: Without appropriate surveys to inform as to the presence or absence of special-status species, project activities including ground disturbance, operation of heavy machinery, and movement of workers may unknowingly trample or uproot special-status plants. Special-status wildlife may inadvertently be injured or killed during Project construction if not detected during surveys. Project activities may degrade or destroy habitat that supports special-status species.

Evidence impact would be significant: Impacts to special-status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer 2009). Plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380).

The NPPA (Fish & G. Code §1900 *et seq*.) prohibits the take or possession of state-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW. Take of state-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW.

California State Species of Special Concern qualify as rare, threatened, or endangered species under CEQA (CEQA Guidelines, § 15380). Additionally, CESA-listed and CESA candidate species are afforded the same protection as rare, threatened, or endangered species under CEQA (CEQA Guidelines, § 15380). Due to the Project potential to substantially impact habitat used by various rare and/or endangered species, this constitutes a mandatory finding of significance pursuant to CEQA Guidelines § 15065(a)(1).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

To reduce impacts to less-than-significant: The draft EIR should include an evaluation of all temporary and permanent impacts to special-status species including, but not limited to, species considered rare, threatened, or endangered pursuant to CEQA Guidelines, § 15380. CDFW also recommends incorporation of the following measures into the draft EIR:

Special-Status Plant Surveys. A Qualified Biologist shall conduct fully floristic botanical surveys during the appropriate blooming period and conditions prior to the start of construction. Multiple annual surveys may be necessary to establish baseline conditions and capture floristic diversity. Surveys shall be conducted following CDFW's 2018 *Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and include visiting reference populations.

If special-status plants are found during protocol-level surveys, the draft EIR should outline which species are present, how they will be impacted, and how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. Mitigation measures should be revised to explicitly detail how impacts will be minimized and avoid deferral of mitigation. Results of the updated botanical surveys should be included in the draft EIR to ensure that all impacts to rare plants and/or rare vegetation communities are disclosed and can be mitigated to a level of less-than-significance. Any positive detections of special-status plant species found as a result of Project surveys should be submitted to the CNDDB within 30 days of survey completion.

Special-Status Wildlife Surveys. Species-specific surveys should be conducted following the protocols as outlined on the CDFW's Survey and Monitoring Protocols and Guidelines page, which can be accessed here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280.

COMMENT 4: Impacts to sensitive natural communities and deferral of mitigation

Issue: The draft EIR identifies sensitive natural communities within the Project footprint that may be temporarily or permanently impacted by Project activities. However, it does not specifically quantify Project impacts to these communities, nor does it disclose how these impacts would be quantified. Mitigation measures are proposed at both the entity level, addressing activities undertaken by each organization (i.e., LSPGC and PG&E), and at the Project level to address impacts across the broader Project area, but they unclear and inappropriately defer mitigation to a later date. Without a clear understanding of the extent of impacts and appropriate mitigation measures to protect sensitive natural communities, it cannot be concluded that Project activities have been mitigated to a level that is less-than-significant.

Specific impact: CDFW-designated sensitive natural communities provide essential habitat and support special-status species and communities. Seven sensitive natural communities with State Rarity Ranks of S3 - Vulnerable have been documented within the Project area (Volume 1, pg. 4.4-4 – 4.4-10). Relative acreage and the proportion of the Project area that is composed of these natural communities is provided in Table 4.4-1, but the draft EIR does not disclose the acres that will be impacted by Project activities.

The draft EIR outlines various measures intended to reduce impacts to sensitive natural communities that may occur due to Project activities. These include delineation of sensitive habitat features and establishment of construction buffers to minimize disturbance. Buffers, where provided, would range in size from 5 to 25 feet; however, these would be inadequate to reduce direct and indirect impacts below

significant levels. The draft EIR also proposes Construction Measure BIO-5, which states that special-status plants will be avoided “if feasible”, yet no compensatory mitigation is proposed in the event that avoidance cannot be achieved.

Mitigation Measure (MM) BIO-2, in conjunction with MM BIO-19, proposes implementation of a revegetation, restoration, and monitoring plan. This plan would entail restoration of temporarily impacted areas to near pre-construction conditions through removal of invasive weeds and supplemental planting. However, no plan has yet been prepared, and no compensatory mitigation has been proposed to offset permanent impacts to sensitive natural communities.

Why impact would occur: Project activities such as clearing, grading, dewatering, excavating, and other ground disturbing activities involved in the installation, operation, and maintenance of Project infrastructure may directly impact sensitive natural communities by removing or damaging vegetation. Habitat degradation resulting from erosion, leaching of pollutants, or incursion of invasive plant species may further disrupt ecological function of these communities.

Evidence impact would be significant: Communities with a State Rarity Ranking of S3 are “at moderate risk of extinction or collapse due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors” (CDFW Sensitive Natural Communities, https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#natural%20communities%20lists). Loss or degradation of these habitats that may threaten species considered rare, threatened, or endangered species under CEQA (CEQA Guidelines, § 15380).

Deferral of mitigation to a future date is a violation of CEQA Guidelines, § 15126.4(b). The restoration plan, which has yet to be developed, would not be subject to public review under CEQA, thereby circumventing key purposes of CEQA including informing the public and governmental decision makers about the potential, significant environmental effects of a proposed project and identifying ways that environmental damage can be avoided or significantly reduced (CEQA Guidelines, § 15002). Without specific performance standards, impacts to sensitive natural communities, riparian habitat, and wetlands may still be *potentially significant*.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

To Reduce Impacts to a Less-Than-Significant Level: The draft EIR should include an evaluation of sensitive natural communities, including riparian and wetland habitats, that have the potential to be impacted by Project activities. For Project activities affecting perennial, ephemeral, or intermittent lakes or streams and

associated floodplains and riparian habitat, CDFW recommends notification pursuant to Fish and Game Code § 1600 et seq. A buffer of 50 feet should be implemented to avoid impacts to riparian zones or other sensitive natural communities. If avoidance is not possible, impacted areas should be restored and planted with native trees, shrubs and grasses at a minimum 1:1 (for temporary impacts) or 3:1 (for permanent impacts) mitigation to impact ratio for acres of impacts. Alternatively, the Lead Agency may seek habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and prepare and fund implementation of a long-term management plan.

II. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT 5: Burrowing owl

Issue: MM BIO-8 is not sufficient to reduce potential impacts to burrowing owl to less-than-significant levels.

Specific impact: Burrowing owl was upgraded to a CESA Candidate Species in October 2024, which means they receive the same protections as they would if they were a CESA-listed species. The draft EIR proposes setback distances for Project activities based on time of year and intensity of activity and a 1,500-foot buffer for helicopter work is proposed. The proposed buffer distances are insufficient. Helicopters will be flying low to ground to install infrastructure which will be very noisy and may indirectly impact owls through nest abandonment or result in stress.

Why impact would occur: The Project may impact nesting, foraging, or wintering burrowing owls utilizing burrows on or within up to 500 meters (1,640 feet) of the Project site. The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss.

Evidence impact would be significant: Burrowing owl is a candidate species for CESA, listed as threatened because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrels resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (Shuford & Gardali 2008, CDFW 2012). Preliminary analyses of regional patterns for breeding populations of burrowing owls have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (CDFW 2012). Information indicates a decline in burrowing owl range over time, burrowing owl has experienced population declines in regions of

California and threats to burrowing owl, coupled with long-term population declines, suggest a high degree and immediacy of threat to burrowing owl in California (CDFW 2024). Based on the foregoing, if burrowing owls are wintering, foraging, or nesting on or within 500 meters of the Project site, Project impacts to burrowing owl would be potentially significant.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

To Reduce Impacts to a Less-Than-Significant Level: The draft EIR should clarify several points of the proposed avoidance and minimization measures.

First, setback distances (work exclusion buffers) should be consistent with the *Staff Report on Burrowing Owl* (2012), and exclusion buffers should be in meters and not feet or converted from meters to feet to attain an acceptable exclusion buffer size.

Second, the draft EIR should specify that no passive relocation of burrowing owls shall be permitted during breeding season unless a qualified biologist verifies that an occupied burrow is not occupied by a mated pair and/or *a juvenile that is dependent on the parents.*

Third the draft EIR should specify how long monitoring will occur during activities near exclusion buffers to ensure the buffers are adequate, and how long replacement burrow sites will be monitored to ensure relocation was successful.

Fourth, the draft EIR should specify that if artificial burrows are used as a mitigation measure, the burrows will be monitored and maintained at least once a year in perpetuity.

Fifth, although avoidance measures are proposed to avoid and minimized impacts to burrowing owl, the draft EIR should include a proposal of compensatory mitigation for habitat replacement if the other methods of mitigation are not possible to offset take.

COMMENT 6: Salt Marsh Harvest Mouse

Issue: MM BIO-15 is not sufficient to reduce potential impacts to SMHM to less-than-significant levels.

Specific impact: Project activities are proposed to occur within and immediately adjacent to tidal and brackish habitats that support SMHM. If SMHM are observed in the work area and do not leave on their own volition, the draft EIR proposes obtaining an ITP for relocation purposes.

Why impact would occur: The Project has the potential to result in potentially significant impacts to resources that support SMHM. If permanent impacts are proposed within SMHM habitat, it may not be feasible to incorporate conditions of approval that can reduce the impacts below a level of significance.

Evidence impact would be significant: Take or possession of Fully Protected species is prohibited pursuant to Fish & G. Code, §§ 3511 & 4700. Additionally, please be advised that Fully Protected species are not eligible for ITPs except under limited circumstances as outlined in the CEQA Guidelines § 2081.15.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

To Reduce Impacts to a Less-Than-Significant Level: CDFW recommends the Project avoid, to the greatest extent possible, habitats suitable for SMHM as identified by a Qualified Biologist. Where impacts cannot be avoided, CDFW recommends implementation of the following measure:

Salt Marsh Harvest Mouse Construction Monitoring. A Qualified Biologist shall be present on-site at all times when work is occurring in or within 500 feet of tidal, brackish, or pickleweed habitats that may support SMHM. If a mouse of any species is observed within the Project area, work within the vicinity should be halted immediately by the Qualified Biologist and the mouse should be allowed to leave the work area. SMHM may not be handled or captured at any time during site preparation or Project activities. If an injured or dead SMHM is discovered at the Project sites, consultation with CDFW is required immediately.

Salt Marsh Harvest Mouse Vegetation Removal. A CDFW approved Qualified Biologist familiar with SMHM shall walk through and inspect suitable habitat prior to Project-related vegetation removal and search for signs of harvest mice, such as nests, or other sensitive wildlife and plants. If no SMHM are found, personnel, under the supervision of the Qualified Biologist, shall remove vegetation with hand tools (e.g., weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than two inches.

EDITORIAL COMMENT

COMMENT 1: Clarification required in the Draft EIR for PG&E's Bay Area Operations and Maintenance (BA O&M) ITP

Project activities are proposed in areas that fall within the boundaries of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan and the PG&E Bay Area Operations and Maintenance Habitat Conservation Plan (BA O&M HCP). The Bay Area O&M HCP is a federal permit that does not

provide take authorization for CESA-listed species, unlike the BA O&M ITP. It is unclear if CPUC is seeking take coverage through the plan and permit. It is also unclear which entity (e.g., LSPGC or PG&E) would be covered for take authority.

Recommendation: The draft EIR should include a reference/disclosure to the BA O&M ITP in tandem with the BA O&M HCP discussions. Indicate for which Project activities PG&E will be seeking coverage using the BA O&M HCP and BA O&M ITP, if applicable.

Second, the source of take authorization is unclear for PG&E activities. The draft EIR identifies that most of PG&E's activities will not be covered by the BA O&M HCP, on page 4.4-148, because construction of PG&E project components are not covered activities (e.g., operation and maintenance, minor new construction, or part of a pipeline safety program activity). The transposition site activities are an exception that are a covered activity under the BA O&M HCP. The transposition sites have potential for California tiger salamander and other CESA-listed species to occur according to the draft EIR. If seeking take coverage, please be advised that many of the proposed Project activities (e.g., the proposed LSPGC 230 kV underground segment and telecommunications lines) do not meet the requirements of the ECCC HCP/NCCP or the BA O&M ITP and are therefore not eligible for coverage.

Recommendation: Clarify which activities will receive take coverage under PG&E's BA O&M ITP. CDFW recommends that PG&E is included in the CDFW permits as a co-signer that has equal and severable liability as party to the permit.

Third, it is unclear how the currently proposed mitigation measures in the draft EIR will interact with the Conditions of Approval in the BA O&M HCP and the BA O&M ITP. For example, MM BIO-2 requires that PG&E prepare and implement a Revegetation, Restoration, and Monitoring Plan that addresses temporary impact revegetation and restoration. The BA O&M ITP requires a vegetation plan as well; it is unclear how the mitigation measure would interact with the ITP Revegetation Plan that PG&E is currently implementing. Additionally, MM BIO-4 requires suitable upland habitat be investigated for presence of CTS and take coverage will be applied for if it is occupied. It is unclear if this measure is necessary in areas where PG&E is relying on the HCP and ITP for CTS take coverage.

Recommendation: Mitigation measures should explicitly reference existing take coverage and indicate that consultation between the Lead Agency, CDFW, U.S. Fish and Wildlife Service, LSPGC, and PG&E may be required to ensure all permit and CEQA requirements are adequately met. The draft EIR should clarify which entity is responsible for which project activities and the permit source under which each entity has take authority.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist CPUC in identifying and mitigating Project impacts on biological resources. CDFW recommends the draft EIR should be revised to analyze the feasible alternatives that substantially reduce the environmental impacts of the project as identified above and recirculated for public review.

Questions regarding this letter or further coordination should be directed to Andrea Boertien, Environmental Scientist, at (707) 317-0388 or Andrea.Boertien@wildlife.ca.gov; and Sara Kern, Senior Environmental Scientist (Supervisory) at Sara.Kern@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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