

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
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FINAL MITIGATED NEGATIVE DECLARATION (Revised)

PACIFIC GAS & ELECTRIC COMPANY'S RICHMOND-TO- PITTSBURG PIPELINE DIVESTITURE (APPLICATION # 00-05-035 AND 00-12-008)

PROJECT DESCRIPTION

Pacific Gas and Electric Company (PG&E) is seeking authority, through submittal of a Section 851 Application (A.00-05-035) to the California Public Utilities Commission (CPUC), to sell its heated Richmond-to-Pittsburg Fuel Oil Pipeline (the "Pipeline") to a new owner, the San Pablo Bay Pipeline Company (SPBPC), currently a subsidiary of ConocoPhillips Company. In a separate application (A.00-12-008) to the CPUC, SPBPC is seeking authority under Sections 216 and 228 of the Public Utilities Code to own and operate the Pipeline as a common carrier pipeline corporation.

The proposed sale would transfer ownership of PG&E's Hercules Pump Station (the "Pump Station") and its associated 44.2 acres of property, located in the city of Hercules, and the Pipeline from its point of origin in Castro Street (adjacent to the General Chemical facility) in the city of Richmond to the Mirant Pittsburg Power Plant in the city of Pittsburg. The Pipeline and Pump Station, collectively referred to herein as the "Assets," would be sold in their current "as-is, where-is, with all faults" condition to SPBPC. Subsequent to the Commission's decision authorizing the sale of the Assets, but prior to the actual sale by PG&E, ConocoPhillips has indicated that it intends to sell its sole ownership interest in SPBPC to the Santa Clara Valley Housing Group (SCVHG). SPBPC has indicated that upon completion of the sale by PG&E, it would then abandon the Pump Station and remove it from public utility service. SCVHG would then sell SPBPC to Shell and would retain the Pump Station and its associated 44.2 acres of property. SCVHG would demolish the Pump Station and likely remediate the land on which the Pump Station is located in order to reuse it for residential and/or commercial uses. Any action proposed for the Pump Station property by SCVHG would be subject to a separate environmental review by the City of Hercules. Ultimately, the Pipeline would be owned and operated by SPBPC, which would, per A.00-12-008, be operated as a subsidiary of Shell. Because the CPUC must now decide whether or not to approve the PG&E and SPBPC applications, the California Environmental Quality Act (CEQA) requires the Commission to be the lead agency and consider the potential environmental impacts that may occur as the result of its decisions and require feasibility mitigation for significant impacts that are identified.

The CPUC has reviewed the impacts that would result from approval of the applications, including PG&E’s sale of the Assets to SPBPC, the reconstruction of the 5,500-foot replacement pipeline segment in Martinez, California, and the future operation of the Pipeline by SPBPC. The CPUC has concluded that all potential impacts can be mitigated to less than significant levels. PG&E and SPBPC have agreed to incorporate all the proposed mitigation measures into the project and the CPUC is requiring that these mitigation measures be implemented as a condition of approval of the applications. Approval of the specific divestiture plans by the CPUC is required by the Public Utilities Code Section 851 prior to the transfer of the Assets. It is the responsibility of the CPUC to determine whether the proposed divestiture plans “will be adverse to the public interest.”

ENVIRONMENTAL DETERMINATION

The attached Mitigated Negative Declaration states and analyzes the potential impacts to the environment that would result from for the sale of the Assets, the construction of the 5,500-foot replacement pipeline segment in Martinez, and operation of the Pipeline by SPBPC, and proposes mitigation measures, as appropriate.

Based on the Mitigated Negative Declaration, approval of the two applications would have no impact or less than significant effects in the following areas:

- Agriculture
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Recreation
- Mandatory Findings of Significance

The Mitigated Negative Declaration indicates that approval of the applications would result in potentially significant impacts in the areas of:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology
- Noise
- Public Services
- Transportation and Traffic
- Utilities and Service Systems

For each of the impacts, mitigation measures to avoid the impact or reduce it to a less than significant level are identified. The mitigation measures, all of which PG&E and SPBPC have agreed to include in the project, are as follows:

Aesthetics

Mitigation Measure 2.A-1a

Prior to commencing construction activities, SPBPC shall coordinate construction activities that would affect parklands and trail systems with EBRPD and the City of Martinez. Coordination efforts shall include submittal of an aesthetic resources plan to the City of Martinez and EBRPD

that shall address the potential for construction activities to have impacts on aesthetics resources, including specific measures that will be taken to restore such resources to pre-construction conditions or to make improvements to these resources in cooperation with the City of Martinez and EBRPD. The plan shall also include details of the methods of shielding and placement of new above-ground valve stations that would be viewable where no such facilities currently exist. The Plan shall include specific measures to ensure that the above-ground valve stations are appropriately shielded from view (i.e., through placement of such equipment behind natural features such as trees). The Plan shall also include specific measures (i.e., grading, landscaping, etc.) to ensure that the replacement pipeline segment is restored to pre-project conditions. SPBPC shall not commence construction activities along the replacement pipeline segment in Martinez until the aesthetics resource plan is reviewed and approved by EBRPD, the City of Martinez, and CPUC staff. The CPUC's mitigation monitor shall verify compliance with the aesthetics resource plan during construction of the replacement pipeline segment.

- Monitoring Action:* SPBPC shall submit documentation to the CPUC verifying that it has made a binding commitment to participate in the compilation and implementation of an aesthetics resources plan in coordination with the East Bay Regional Park District and the City of Martinez. The Plan shall be submitted to the CPUC and compliance with the Plan shall be monitored.
- Responsibility:* CPUC
- Timing:* Plan to be submitted prior to commencing construction activities for the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.A-1b

After construction activities associated with the 5,500-foot replacement pipeline segment have been completed, SPBPC and/or its contractor(s) shall restore landscaped areas to preconstruction conditions in accordance with the approved aesthetics resource plan. The CPUC mitigation monitor shall verify SPBPC's compliance with this measure.

- Monitoring Action:* The CPUC shall verify that the SPBPC has restored landscaped areas to preconstruction conditions in accordance with the approved aesthetics resource plan.
- Responsibility:* CPUC
- Timing:* Within 5 business days of completion of construction of the 5,500-foot replacement pipeline segment in Martinez. The CPUC mitigation monitor shall verify SPBPC's compliance with this measure.

Air Quality

Mitigation Measure 2.C-1

SPBPC shall implement the following fugitive dust control and emissions reduction measures during construction of the 5,500-foot replacement pipeline segment. BAAQMD requires the following measures to ensure that construction impacts are less than significant:

- Construction areas, unpaved access roads, and staging areas shall be watered at least twice daily during dry weather, or soil stabilizers shall be applied during active work.
- Trucks hauling soil and other loose material shall either be covered, have at least two feet of freeboard, or be sprayed with water prior to arriving and departing from the construction site.
- Construction vehicles shall use paved roads to access the construction site wherever possible.
- Vehicle speeds shall be limited to 15 mph on unpaved roads and construction areas, or as required to control dust.
- Paved access roads, parking areas, and staging areas at construction sites and streets shall be cleaned daily with water sweepers if excessive soil material is carried onto adjacent public streets.
- A carpooling strategy shall be implemented for construction workers prior to commencing construction (during construction worker orientation and training).
- Vehicles used in construction activities shall be tuned per the manufacturer's recommended maintenance schedule.
- Vehicle idling time shall be minimized whenever possible.

Monitoring Action: SPBPC shall submit documentation to the CPUC that SPBPC has made a binding commitment to participate in BAAQMD prescribed measures and has given notice of such participation to the Planning Director of the BAAQMD. The CPUC's mitigation monitor shall verify compliance.

Responsibility: CPUC

Timing: Prior to commencing construction activities for the 5,500-foot replacement pipeline segment.

Biological Resources

Mitigation Measure 2.D-1

Prior to commencing construction of the 5,500-foot replacement pipeline segment, SPBPC shall perform a pre-construction survey at the project site to determine whether these Special-Status Species are present. If Special-Status Species are present and a potential impact is unavoidable, SPBPC shall develop a Special-Status Species Protection Plan to prevent significant impacts to Special-Status Species and provide the Plan to CPUC staff as well as the applicable regulatory agencies (i.e., USFWS, CDFG, Corps, RWQCB, etc.) for review and approval. The CPUC mitigation monitor shall monitor compliance with the Plan. Additional measures determined through applicable agency consultations shall be incorporated into the Plan. Elements of this Plan shall include but not be limited to the following measures:

General

- Environmental training covering protection of biological resources in the 5,500-foot replacement pipeline segment area shall be given to appropriate project personnel prior to construction. The training program shall include materials describing sensitive resources, resource avoidance, permit conditions, and possible fines for violations of state or federal environmental laws. The program shall also cover the environmental permits and mitigation measures to avoid significant impacts to special-status species.
- SPBPC and/or its contractor(s) shall minimize disturbance to sensitive habitat (i.e. brackish marsh and salt marsh) at Alhambra Creek, the unnamed drainage, and associated wetlands through trenchless construction techniques or other techniques approved by the applicable governmental agencies. Erosion control measures and Best Management Practices (i.e., fencing, exclusion zones, Mitigation Measure 2.H-1 and Best Management Practices in the Storm Water Pollution Prevention Plan (SWPPP)) shall be implemented adjacent to Alhambra Creek, the unnamed drainage, and any associated wetlands to prevent sediment from entering the drainages. If vegetation disturbance occurs, SPBPC and/or its contractor(s) shall stabilize exposed slopes and stream banks immediately upon completion of installation activities. Beds and banks shall be restored in a manner that encourages vegetation to reestablish to its pre-project condition and reduces the effects of erosion on the drainage system.

Botanical Resources

- SPBPC shall install flagging and/or fencing to protect wetland and riparian habitat within the project area to exclude construction equipment and prevent impacts to the area through avoidance to the extent feasible.
- If preconstruction surveys to map the project replacement pipeline easement determine that wetland vegetation cannot be avoided and will be disturbed or removed during construction, a qualified botanist shall conduct pre-construction species-specific surveys for special-status plant species (soft bird's beak, Mason's lilaepsis, Suisun marsh aster, Delta tule pea, Delta mudwort, California seablite, Point Reyes bird's beak, rose-mallow, hairless popcorn-flower, and saline clover) in all areas that may provide suitable habitat during the period of identification for each species. Results of the survey shall be included in the project administrative record. If special-status plant species are found, then these species shall be avoided. In the event that it is infeasible to avoid, then SPBPC shall compensate for the loss of special-status plant species and their habitat at a 2:1 ratio (or potentially larger ratio as agreed to by the permitting agencies) within the project vicinity by creating, restoring, or enhancing special-status species habitat or by contributing in-lieu funds to an existing or new restoration project preserved in perpetuity. Compensation for both individual special-status plants and acreage of habitat lost is likely to be required. If the proposed project would result in potential impacts to listed plant species, consultation with USFWS and CDFG shall be initiated to determine whether further action is required.
- If wetland or riparian habitat will be removed during construction, a revegetation plan shall be developed and implemented.¹ The plan shall require replacement of wetland

¹ Potential impacts to wetlands considered jurisdictional by the Corps under Section 401 of the Clean Water Act are discussed in section (b) below. This section discusses impacts to wetlands that provide habitat for special-status species.

and/or riparian habitat at a ratio of at least 2:1 and implementation of a 5-year monitoring program with the following success criteria: establishing an 80 percent survival rate of restoration plantings native to local watershed; absence of invasive plant species; absence of erosion features; and a functioning and self-sustainable wetland system. If a portion of the restoration area fails to meet the specified criteria, then SPBPC will implement additional measures as approved by oversight agencies, including but not necessarily limited to re-planting, monitoring, and maintenance until the restoration goals and performance criteria are achieved. Following site surveys during the monitoring period, corrective actions will be taken, if necessary, to correct deficiencies in the establishment of the revegetated area. An analysis of the cause of site failures will be made and remedial actions taken to remedy the problem if performance criteria or final criteria are not met.

- Previously vegetated areas that would be cleared during construction activities shall be revegetated with appropriate species, as required.

Wildlife and Fisheries Resources

- Construction activities shall avoid aquatic habitat for special-status fish and northwestern pond turtle by utilizing trenchless construction techniques to cross Alhambra Creek and the unnamed drainage. Mitigation Measure 2.H-1 and Best Management Practices in the Storm Water Pollution Prevention Plan (SWPPP), including bentonite spill containment and cleanup measures or other techniques approved by the applicable governmental agencies, shall be implemented to prevent impacts to aquatic habitat.
- If construction activities occur within wetland or riparian habitat with the potential to support California clapper rail, California black rail, and/or California red-legged frog, prior to construction, surveys shall be performed by a qualified biologist for these species to determine their presence or absence within the project area. California clapper rail and California black rail surveys should be conducted between January 15 and March 31. California red-legged frog surveys should be conducted between May 1 and November 1. If the project will impact wetland or riparian habitat for any of these listed species (California clapper rail, California black rail, California red-legged frog, and/or salt marsh harvest mouse) formal consultation and preparation of a Biological Assessment and Biological Opinion (required by the federal Endangered Species Act) shall occur. Specific measures to protect these species during construction shall be determined in consultation with USFWS, CDFG, and NOAA Fisheries and may include exclusion fencing, seasonal construction windows, biological monitoring, and compensatory mitigation and restoration for habitat disturbance or loss. The proposed project will comply with all measures included in applicable USFWS/NOAA Fisheries Biological Opinions for the project.
- Construction shall be timed to the extent possible to avoid the nesting period for raptors and other special-status birds (February 1 through August 31).
- If construction is scheduled to occur during the nesting season of raptors or other special-status birds, no more than two weeks before construction preconstruction surveys shall be conducted to identify active nests in the project area. No-disturbance buffer zones shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged.

- Construction within 1/2 mile of an active raptor nest shall not begin until the young have fledged from the nest. Buffer zone size may be adjusted in coordination with CDFG based on site-specific conditions.

Monitoring Action: SPBPC shall provide the Special-Status Species Protection Plan to the CPUC. If preconstruction surveys reveal that the 5,500-foot replacement pipeline segment project may potentially impact a listed species, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species. The CPUC’s mitigation monitor shall verify compliance.

Responsibility: CPUC

Timing: At least 30-days prior to the commencing construction activities for the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.D-2a

SPBPC and/or its contractor(s) shall avoid disturbance to or fill of potential jurisdictional wetlands in the project area to the extent feasible as determined by CPUC staff by using trenchless construction techniques for the crossings of Alhambra Creek and the unnamed drainage or other techniques approved by the applicable governmental agencies. The CPUC mitigation monitor shall monitor compliance with such measures during construction.

Monitoring Action: SPBPC shall provide the Special-Status Species Protection Plan to the CPUC. If preconstruction surveys reveal that the 5,500-foot replacement pipeline segment project may potentially impact a listed species, SPBPC shall conduct a formal consulting process with the appropriate resources agencies to address the potential to create a significant impact to listed species.

Based on this consultation process, SPBPC shall implement measures deemed necessary by these agencies to reduce potential impacts to a less than significant level. SPBPC shall inform the CPUC of the results of the coordination and details of such measures to be implemented. The CPUC mitigation monitor shall monitor compliance with such measures during construction.

Responsibility: CPUC

Timing: At least 30-days prior to the commencing construction activities for the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.D-2b

SPBPC and/or its contractor(s) shall implement Mitigation Measure 2.H-1 and Best Management Practices in the Storm Water Pollution Prevention Plan (SWPPP), to prevent sedimentation and erosion within jurisdictional wetlands and/or Waters of the U.S.

Monitoring Action: SPBPC shall submit all approved permits to the CPUC mitigation monitor prior to commencing construction of the 5,500-foot replacement pipeline segment. The CPUC mitigation monitor shall

monitor compliance with these measures during construction of the replacement section in Martinez.
Responsibility: CPUC
Timing: Prior to commencing construction activities for the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.D-2c

If it is infeasible to avoid filling and excavating potentially jurisdictional wetlands, then SPBPC shall conduct a formal wetland delineation and have it verified by the U.S. Army Corps of Engineers (Corps) and confirmed by Regional Water Quality Control Board (RWQCB) and California Department of Fish and Game (CDFG). If the Corps and/or CDFG determine that the potentially affected water-associated features are jurisdictional, then SPBPC shall obtain appropriate wetland permits and implement all conditions contained in the Section 404 Clean Water Act permit from the Corps, Section 1601 Streambed Alteration Agreement from CDFG, and/or Section 401 water quality certification from the RWQCB (i.e., compensation for loss of wetlands, dry season construction, etc.). SPBPC shall compensate for the loss of waters of U.S. at a ratio as agreed to by the permitting agencies within the project area through implementation of the wetland revegetation and monitoring plan as described in Mitigation Measure 2.D-1 above. Copies of wetland permits shall be submitted to the CPUC as evidence of compliance with these regulations.

Monitoring Action: SPBPC shall provide copies of wetland permits to the CPUC prior to commencing construction activities. The CPUC's mitigation monitor shall verify compliance.
Responsibility: CPUC
Timing: Prior to commencing construction activities for the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.D-3a

Prior to commencing construction activities, SPBPC shall contact the East Bay Regional Park District (EBRPD), the sponsor of marsh restoration activities at the Martinez Shoreline Park, to reach agreement on how to coordinate pipeline installation plans with marsh restoration goals. SPBPC shall implement a trenchless crossing of Alhambra Creek and the unnamed drainage. Additional measures to avoid conflicts, such as timing of work, agreements on revegetation or replacement of habitat, shall be included in this agreement. The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to CPUC staff for review and approval prior to construction.

Monitoring Action: The agreement between SPBPC and the EBRPD shall be formalized in writing and submitted to the CPUC staff for review and approval by the CPUC mitigation monitor prior to commencing construction activities that may affect marsh restoration activities.
Responsibility: CPUC
Timing: The agreement shall be provided to the CPUC at least 30 days prior to the commencement of construction activities.

Mitigation Measure 2.D-3b

Prior to commencing construction activities, SPBPC shall apply for and obtain all necessary encroachment permits (i.e. EBRPD, BCDC) required for pipeline replacement in Martinez and comply with the provisions of these permits. Copies of these permits shall be submitted to CPUC as evidence of compliance.

Monitoring Action: SPBPC shall provide copies of all necessary encroachment permits to the CPUC prior to commencing construction activities. The CPUC's mitigation monitor shall verify compliance.

Responsibility: CPUC

Timing: Prior to commencing construction activities for the 5,500-foot replacement pipeline segment.

Cultural Resources

Mitigation Measure 2.E-1a

SPBPC shall appoint an environmental monitor for this project who shall consult with a cultural resources specialist, or specialists, to monitor archaeological issues which may arise during the course of ground disturbing activities. The environmental monitor shall be appointed at least 30 days prior to the start of project-related ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas. At that time, SPBPC shall also confirm in writing to CPUC staff that the environmental monitor consulted with an approved cultural resources specialist(s) and that the environmental monitor will be available at the start of the project and is prepared to implement the mitigation measures.

SPBPC shall provide CPUC staff with the name(s) and statement of qualifications of its designated cultural resources specialist(s) with whom the environmental monitor consulted at least 30 days prior to the start of construction. The CPUC staff shall review the qualifications and approve or disapprove of the environmental monitor and the designated cultural resource specialist(s). The statement of qualifications must be sufficient to substantiate that the specialist(s) meets the Secretary of the Interior's proposed Historic Preservation Qualification Standards as published in the Federal Register (United States Department of the Interior, 1997). The assigned cultural resource monitor shall determine the period and duration of the monitoring schedule based both on site conditions and professional judgment regarding the probability of encountering cultural resources during construction.

Monitoring Action: SPBPC shall provide staff with the name(s), statement(s) of qualifications, and signed contract(s) of its environmental monitor and designated cultural resources specialist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures.

Responsibility: CPUC

Timing: At least 30 days prior to the commencement of construction activities.

Mitigation Measure 2.E-1b

In the event that prehistoric, historic, or paleontological resources are encountered during construction, all work shall immediately stop within 100 feet of the resource. In the event of a paleontological find, the environmental monitor shall notify a qualified paleontologist of unanticipated discoveries in order to evaluate the find. The paleontologist shall notify the CPUC monitor and the CPUC staff to determine procedures that would be followed before construction is allowed to resume at the location of the find. In the event the find is cultural in nature, the project cultural resource specialist(s) shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center office (Northwestern Information Center). The environmental monitor shall also consult with a project cultural resource specialist to evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the specialist(s) determines that the find does not meet the CEQA standards of significance, construction shall proceed. In the case of both paleontologic and cultural resources, if the specialist(s) determines that further information is needed to evaluate significance, the SPBPC and the CPUC staff shall be notified and a data recovery plan shall be prepared.

The Data Recovery Plan shall delineate a plan and timetable for evaluating the find. The Plan shall also emphasize the avoidance, if possible, of significant impacts to archaeological or paleontological resources. If avoidance or preservation is not possible, the acquisition of data from the site or salvage through excavation that produces qualitative and quantitative data sets of scientific value may be considered an effective mitigation measure for damage to or destruction of the deposit (Public Resources Code Section 21083.2 (d); Society of Vertebrate Paleontology 1991). Upon approval of this Plan by the CPUC staff, the Plan shall be implemented prior to reactivation of any project activities within 100 feet of the resources' boundary.

Monitoring Action: In the event of an accidental cultural resource find, SPBPC's contracted cultural resource specialist shall notify the CPUC mitigation monitor and the CPUC staff to determine the procedures that would be followed before construction is allowed to resume at the location of the find. If the cultural resource specialist(s) determines that the find does not meet the CEQA standards of significance, construction shall proceed. In the case of both paleontologic and cultural resources, if the specialist(s) determines that further information is needed to evaluate significance, SPBPC and CPUC staff shall be notified and a data recovery plan shall be prepared. SPBPC shall provide the data recovery plan to the CPUC for review and approval.

Responsibility: The CPUC mitigation monitor shall monitor compliance with the plan.
CPUC

Timing: Notification of any find shall be within 24-hours. The data recovery plan shall be provided to the CPUC within 5 business days of the determination that a plan is needed.

Mitigation Measure 2.E-1c

Prior to the commencement of construction or ground distributing activities, all construction personnel shall receive environmental training in a manner that will inform all personnel of the possibility of encountering cultural resources.

All construction personnel involved in activities that may uncover prehistoric resources shall be trained in the identification of prehistoric resources, which could include flaked stone, projectile points, mortars, pestles, and soil containing shell and bone, or human burials. Historic resources could include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits. Construction personnel shall also be informed of the potential to uncover paleontological resources, which could include true fossils, trace fossils, and/or breas. The level of training for construction activities shall be sufficient such that the workers will know when to call their supervisors to investigate objects that may be a cultural resource. Supervisors shall receive sufficient training to determine when a cultural resources specialist should be contacted to identify any found objects. If cultural resources are encountered during construction, the construction crew shall halt work in the area and not collect or disturb the materials until the environmental monitor, appointed under Mitigation Measure 2.E-1a, has evaluated the location and determined an appropriate mode of action.

Monitoring Action: All construction personnel shall receive environmental training for the possibility of encountering cultural resources. SPBPC shall provide the CPUC with certification of this training and sign-in sheets from the training session.

Responsibility: CPUC

Timing: Prior to the commencement of construction activities.

Mitigation Measure 2.E-4

If discovery of human remains occurs during construction, the following provisions shall be followed:

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

- (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - (B) If the coroner determines the remains to be Native American:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours.
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- (2) Where the following conditions occur, SPBPC or its authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - (A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - (B) The descendant identified fails to make a recommendation; or
 - (C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Upon the completion of the relevant measures above, the cultural resources specialist(s) shall implement Mitigation Measure 2.E-1b.

Monitoring Action: Documentation shall be submitted to the CPUC indicating that SPBPC's cultural resources specialist will be notified immediately if human remains are found. In turn, the cultural resource specialist will immediately notify the Contra Costa County coroner, in compliance with Section 7050.5 of the California Health and Safety Code. Upon the completion of compliance with all relevant sections of the California Health and Safety Code, the cultural resources specialist will implement Mitigation Measure E.1b.

Responsibility:

CPUC

Timing:

Prior to all project-related ground disturbances.

Geology and Soils

Mitigation Measure 2.F-1

Prior to operation of the Pipeline, SPBPC shall perform an evaluation of the effect of tectonic creep on the Pipeline at the Hayward and Concord fault crossings. A civil or geotechnical engineer licensed by the State of California, with expertise in seismic design and structural seismic response, shall conduct this evaluation. The evaluation shall include a review of available geotechnical, engineering, and construction design and testing information to determine original Pipeline bending and compression/elongation capabilities at the fault crossings. The evaluation shall also include an inspection of the Pipeline. The evaluation shall determine the degree to which the Pipeline has been affected by tectonic creep along the Hayward and Concord fault crossings since its installation in the 1970s. This evaluation shall be submitted to the CPUC staff for review of the analysis and recommend actions. Should this evaluation determine that the Pipeline is unable to withstand a major seismic event on the Hayward or Concord fault, or to withstand the further tectonic creep expected along the two faults during the expected operating lifetime of the Pipeline, SPBPC shall undertake necessary repairs or modifications of the Pipeline as recommended by the consulting engineers, and submit documentation to the CPUC staff showing these necessary repairs or modifications, i.e., strengthening sections of the Pipeline or other design modifications to the Pipeline have been completed. In accordance with federal regulations (Title 49, Section 195), the Pipeline shall be inspected on a regular basis, and immediately following a seismic event or any other event that may effect the safety of the Pipeline. The findings of these inspections shall be reported to the State Fire Marshal, which in

California assumes responsibility for enforcement of the above regulations for the U.S. Department of Transportation.

Monitoring Action: SPBPC shall perform an evaluation of the effect of tectonic creep on the Pipeline at the Hayward and Concord faults crossings.

Secondly, the evaluation shall include an inspection of the Pipeline to determine the degree to which it has been affected by tectonic creep along the Hayward and Concord fault crossings since its installation in the 1970s.

Responsibility: This evaluation shall be submitted to the CPUC.
CPUC
Timing: At least 30 days prior to the commencement of pipeline operation by SPBPC.

Mitigation Measure 2.F-2

Prior to commencing construction activities for the 5,500-foot replacement pipeline segment, SPBPC shall prepare a geotechnical analysis for the 5,500-foot replacement pipeline route in Martinez. The geotechnical analysis shall include an analysis of ground shaking effects, liquefaction potential, earthquake-induced settlement, and other seismic hazards and provide recommendations to reduce these hazards. The geotechnical and seismic evaluation shall be conducted by a California-registered geotechnical engineer and shall include appropriate evaluation of anticipated ground motion using currently accepted seismic parameters and methods. Subsurface exploration and soil testing, where appropriate, shall be conducted to assess the soil and bedrock conditions along the proposed 5,500-foot replacement pipeline segment. Where applicable, structural and seismic design parameters shall conform to the current Uniform Building Code (UBC) and the API standards. The geotechnical evaluation shall be submitted to the CPUC staff for review of the analysis and recommendations such as modifications to the proposed design to strengthen sections of the Pipeline. Based on the geotechnical analysis, recommendations of the geotechnical engineer on issues such as, seismic and corrosion concerns under two water crossings, shall be incorporated into the design and construction of the 5,500-foot replacement pipeline segment. In addition to complying with all applicable local, state, and federal policies, codes, and regulations, SPBPC shall submit documentation to the CPUC staff showing these recommendations were implemented.

Monitoring Action: The results of SPBPC's geotechnical evaluation shall be submitted to the CPUC.

Responsibility: CPUC

Timing: Prior to the commencement of construction activities.

Hazards and Hazardous Materials

Mitigation Measure 2.G-1

SPBPC and/or its contractor(s) shall implement construction best management practices including but not limited to the following:

- Follow manufacturer’s recommendations on use, storage and disposal of chemical products used in construction;
- Avoid overtopping construction equipment fuel gas tanks;
- During routine maintenance of construction equipment, properly contain and remove grease and oils; and
- Properly dispose of discarded containers of fuels and other chemicals.

Monitoring Action: SPBPC’s and/or its contractor(s) shall implement construction best management practices. The CPUC mitigation monitor shall monitor compliance with these measures during construction.

Responsibility: CPUC

Timing: Prior to the commencement of construction activities.

Mitigation Measure 2.G-2

If a product heater is included in future configurations of the Pipeline, SPBPC shall conduct a hazard assessment that shall determine the risk of explosion for the additional equipment added to the Pipeline. At the time that a hazard assessment is completed, SPBPC shall submit it to the CPUC staff, BAAQMD, and the State Fire Marshal for review and approval. SPBPC shall ensure that operation of the product heater will not cause a significant risk of explosion and demonstrate this to the CPUC staff and State Fire Marshal. SPBPC shall comply with all recommendations and conditions of approval of the CPUC staff, BAAQMD, and the State Fire Marshal for operation the product heater.

Monitoring Action: SPBPC shall submit the results of its hazard assessment for a product heater to the CPUC for review and approval. SPBPC shall submit evidence of submittal to BAAQMD and the State Fire Marshal to the CPUC.

Responsibility: CPUC

Timing: Prior to installation of any product heater on the Pipeline.

Mitigation Measure 2.G-3

SPBPC and/or its contractor(s) shall install remotely activated block valves (shut off valves) on the replacement pipeline segment at locations designed to provide optimum protection against spills near Alhambra Creek and the unnamed drainage near Ferry Street as approved by the applicable governmental agencies. The CPUC mitigation monitor shall inspect this pipeline segment to ensure that the block valves are installed at the approved locations prior to operation of the Pipeline.

Monitoring Action: SPBPC shall allow the CPUC mitigation monitor to inspect the pipeline segment to ensure that the block valves are installed properly.

Responsibility: CPUC

Timing: At least 5 days prior to the commencement of pipeline operation by SPBPC employing the 5,500-foot replacement section.

Mitigation Measure 2.G-4

SPBPC shall submit a new spill prevention and containment plan covering the entire length of the pipeline to the Department of Fish and Game and CPUC staff for review and approval prior to restoring the Pipeline operation.

Monitoring Action: SPBPC shall submit a new spill prevention and containment plan covering the entire length of the Pipeline to the CPUC for review and approval.

Responsibility: CPUC

Timing: Prior to the commencement of construction activities.

Mitigation Measure 2.G-5a

SPBPC shall conduct a Phase I Environmental Site Assessment along the length of the proposed 5,500-foot replacement pipeline alignment to ascertain the potential for construction activities to encounter impacted soil and/or groundwater. SPBPC shall submit the Phase I Environmental Site Assessment to CPUC staff for review and approval. If the Phase I indicates that construction of the 5,500-foot replacement pipeline segment would likely disturb impacted materials, a Phase II Environmental Site Assessment shall be conducted to quantify levels of contamination along the replacement pipeline alignment and to establish appropriate measures to protect construction workers and the general public from exposure to impacted materials. If a Phase II is conducted, SPBPC shall submit the Phase II Environmental Site Assessment to the CPUC staff for review and approval. In addition, if the Phase I or Phase II Environmental Site Assessments determine that construction activity would involve trenching or tunneling through potentially impacted areas, SPBPC shall prepare an environmental site health and safety plan to address worker safety hazards. The plan shall comply with all applicable OSHA regulations regarding worker safety. The Phase I, Phase II (if necessary) and the environmental site health and safety plan (if necessary) shall be submitted to CPUC staff for review and approval.

Monitoring Action: SPBPC shall submit the Phase I and Phase II (if necessary) Environmental Site Assessment(s) to the CPUC for review and approval.

Responsibility: CPUC

Timing: Prior to the commencement of construction activities.

Mitigation Measure 2.G-5b

SPBPC and/or its contractor(s) shall ensure that impacted soil generated by construction activities be contained on-site and sampled prior to disposal at an appropriate facility, or potential re-use at the project site. Impacted groundwater generated during construction dewatering shall be contained and transported off-site for disposal at an appropriate facility, or treated prior to discharge into the storm drain or sanitary sewer to levels which are acceptable to the RWQCB or Contra Costa Sanitary District, respectively. The CPUC mitigation monitor shall monitor compliance with this measure.

Monitoring Action: SPBPC shall provide the CPUC with a work plan to ensure compliance with this measure. The CPUC mitigation monitor shall monitor compliance with this measure.
Responsibility: CPUC
Timing: Prior to the commencement of construction activities.

Hydrology and Water Quality

Mitigation Measure 2.H-1

Prior to operation of the Pipeline, SPBPC shall inspect the pipeline interior using a “smart pig” device that identifies locations along the interior of the pipe-wall that have undergone deterioration resulting from corrosion. Prior to resuming Pipeline operations, SPBPC shall provide to the CPUC staff for its review and approval the results of this inspection. This information shall also be submitted to and receive approval for verification of pipeline structural integrity and chemical compatibility by the State Fire Marshal in order to return the Pipeline to Active Pipeline status.

Monitoring Action: SPBPC shall submit the results of this inspection to the CPUC prior to the start of Pipeline operation.
Responsibility: CPUC
Timing: At least 30 days prior to the commencement of pipeline operation by SPBPC.

Mitigation Measure 2.H-2

SPBPC shall obtain an NPDES General Construction Activity Storm Water Permit from the State Water Resources Control Board and implement measures to prevent erosion and to control stormwater pollution as specified therein. The general construction permit requires the preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP). SPBPC shall prepare and receive approval for a SWPPP by the Regional Water Quality Control Board which shall identify appropriate stormwater pollution best management practices to reduce pollutants in stormwater discharges from the construction site both during and after construction. Measures and practices required by the SWPPP shall include, but are not limited to, the following:

General Practices

- An environmental training program shall be conducted to communicate appropriate work practices, including spill prevention and response measures. Implementation of work practices shall be monitored.
- All storm drains, drainage swales, and creeks located along the 5,500-foot replacement pipeline segment shall be identified. All construction personnel and subcontractors shall be made aware of the locations of drainage pathways to prevent pollutants from entering them.
- Leaks, drips, and other spills shall be cleaned up immediately.
- All storm drain inlets shall be protected using filter fabric cloth or other best management practices to prevent sediments from entering the storm drainage system during construction activities.
- Stormwater runoff shall otherwise be protected from potential pollutant sources.

Erosion Prevention and Sediment Control

- To the extent possible, the area of construction shall be restored to preconstruction conditions.
- Mulching, seeding, and/or other suitable stabilization measures to protect exposed areas shall be implemented, during and after construction.
- Drainage courses, creeks, and catch basins shall be protected with straw bales, silt fences, and/or temporary drainage swales.
- Routine inspections of erosion control measures shall be conducted especially before and immediately after rainstorms, and shall be repaired if necessary.

General Site Maintenance

- Specific areas of the construction site, well away from creeks or storm drain inlets, shall be designated for auto and equipment parking and routine vehicle and equipment maintenance.
- Accidental releases of drilling mud shall be cleaned up immediately.
- Spill kits shall be maintained on-site during the construction project for small spills.

SPBPC shall submit all approved permits to the CPUC prior to commencing construction of the replacement pipeline segment. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement segment in Martinez.

Monitoring Action: SPBPC shall submit all approved permits to the CPUC prior to commencing construction of the 5,500-foot replacement pipeline segment. The CPUC mitigation monitor shall monitor compliance with these measures during construction of the replacement pipeline segment.

Responsibility: CPUC

Timing: Prior to the commencement of pipeline operation by SPBPC employing the 5,500-foot replacement section.

Noise

Mitigation Measure 2.K-1

During construction of the 5,500-foot replacement pipeline segment in Martinez, SPBPC shall implement the following construction noise reduction measures:

- Require construction contractors to limit construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, or as otherwise specified by the City of Martinez.
- Conduct regular equipment maintenance on all construction equipment and install mufflers on all engine-powered equipment to control noise.
- Shield and orient compressors and other small stationary equipment such that equipment exhaust would face away from noise sensitive buildings and land uses.
- Use existing natural and manmade features (e.g., landscaping, fences) to shield construction noise whenever possible.

The CPUC’s mitigation monitor shall ensure compliance with the above measures by direct inspection during construction.

Monitoring Action: The CPUC's mitigation monitor shall ensure compliance with the measures during construction.

Responsibility: CPUC

Timing: Require construction contractors to limit noisy construction activity to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, or as specified by the City of Martinez.

Public Services

Mitigation Measure 2.M-1b

Construction activities associated with the 5,500-foot replacement pipeline segment shall only occur during the weekdays and the SPBPC and/or its contractor(s) shall ensure that the Bay Trail is fully accessible during weekends, as well as any holidays observed by the City of Martinez. SPBPC shall prepare a work plan to implement this and other construction-related measures and shall provide the work plan to CPUC staff for approval prior to the start of construction. Compliance with this measure shall be monitored by the CPUC mitigation monitor.

Monitoring Action: SPBPC shall prepare a work plan to implement this and other construction-related measures and shall provide the work plan to CPUC staff for approval prior to the start of construction. The CPUC's mitigation monitor shall ensure compliance with the measures during construction.

Responsibility: CPUC

Timing: The work plan shall be submitted to the CPUC at least 30 days prior to the start of construction. The CPUC's mitigation monitor shall ensure compliance with the plan during construction of the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.M-1c

SPBPC shall provide signage that alerts bicyclists to walk their bicycles through the construction area. SPBPC shall also provide notices to local residents (properties within 1 mile of the Martinez Regional Shoreline Park). The notices and signage shall include the following details:

- Expected dates of Bay Trail and/or Martinez Regional Shoreline Park disruption.
- Description and map of temporary relocation of park facilities.
- Name and phone numbers of persons to contact at SPBPC, EBRPD, ABAG Bay Trail, and the City of Martinez.

The notices shall be sent to residents and signage posted at least 14 days in advance of any planned construction activities associated with the 5,500-foot replacement pipeline segment. The CPUC mitigation monitor shall verify the posting of signage and notification prior to construction.

Monitoring Action: SPBPC shall provide signage that alerts bicyclists to walk their bicycles through the construction area. SPBPC shall submit a certificate of service and list of all persons (within 1 mile) that received the notice. The CPUC mitigation monitor shall verify the posting of signage and notification prior to construction.

Responsibility: CPUC

Timing: The notices shall be sent to residents and signage posted at least 14 days in advance of any planned construction activities associated with the 5,500-foot replacement pipeline segment.

Mitigation Measure 2.M-1d

SPBPC and/or its contractor(s) shall ensure that emergency fencing is erected and flagpersons are present when construction work occurs within roadways or when heavy construction equipment is in operation. Compliance with this measure shall be monitored by the CPUC mitigation monitor.

Monitoring Action: SPBPC and/or its contractor(s) shall ensure that emergency fencing is erected and flagpersons are present when construction work occurs within roadways or when heavy construction equipment is in operation. Compliance with this measure shall be monitored by the CPUC mitigation monitor.

Responsibility: CPUC

Timing: Prior to the start of such construction of the proposed 5,500-foot replacement pipeline segment.

Mitigation Measure 2.M-1e

For all pipeline maintenance activities that could disrupt use or enjoyment of the San Francisco Bay Trail, SPBPC shall coordinate such maintenance efforts with the Association of Bay Area Governments (ABAG), the EBRPD, the City of Martinez, and the City of Pinole. SPBPC shall ensure that access to the Bay Trail remains open to the maximum extent possible, and that if necessary, a clearly marked, comparable alternative route is provided on a temporary basis. SPBPC shall inform the CPUC staff of such coordination prior to starting such maintenance actions which could disrupt the San Francisco Bay Trail.

Monitoring Action: SPBPC shall inform CPUC staff of coordination with the Association of Bay Area Governments (ABAG), the EBRPD, the City of Martinez, and the City of Pinole prior to starting such maintenance actions which could disrupt the San Francisco Bay Trail.

Compliance with this measure shall be monitored by the CPUC mitigation monitor during construction.

Responsibility: CPUC

Timing: SPBPC shall inform the CPUC staff of such coordination prior to starting such maintenance actions which could disrupt the San Francisco Bay Trail.

Transportation / Traffic

Mitigation Measure 2.O-1a

Prior to commencing construction activities, SPBPC shall obtain and comply with local and state road encroachment permits, and railroad encroachment permits. SPBPC shall submit all local and state road encroachment permits obtained for the replacement pipeline segment to CPUC. The CPUC mitigation monitor shall monitor compliance with these permits during construction activities.

Monitoring Action: SPBPC shall submit all local and state road encroachment permits obtained for the 5,500-foot replacement pipeline segment in Martinez to the CPUC mitigation monitor for review.

The CPUC's mitigation monitor shall monitor compliance with these permits during construction activities.

Responsibility: CPUC

Timing: The permits should be provided to the CPUC at least 30 days prior to the commencement of construction activities.

Mitigation Measure 2.O-1b

Prior to commencing construction activities, the construction contractor shall prepare a traffic control plan in accordance with professional engineering standards. The traffic control plan shall include the following requirements:

- Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- Develop circulation and detour plans to minimize impacts to local street circulation. This may include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- Schedule truck trips outside of peak morning and evening commute hours.
- Limit lane closures during peak hours to the extent possible.
- Use haul routes minimizing truck traffic on local roadways to the extent possible.
- Include detours for bicycles and pedestrians in all areas potentially affected by project construction.
- Include provisions for temporary alternative dedicated parking spaces when construction activities would prevent access to existing on- and off-site parking.
- Cover open trenches subject to vehicular or pedestrian traffic with metal plates capable of accommodating traffic at the end of each work day.

- Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.
- Install safety fencing where needed, to protect pedestrians from construction areas.
- At a minimum, maintain the UPRR safety and engineering guidelines when installing pipeline within the railroad right-of-way. Train construction crews and project personnel on UPRR safety guidelines prior to commencing work in the railroad right-of-way.
- Prohibit construction vehicles and equipment from crossing the tracks except at established public crossings or as specified by UPRR.
- Develop and implement access plans for highly sensitive land uses such as police and fire stations, transit stations, hospitals and schools. Develop in advance (at least 2 weeks prior to start of construction) the access plans in consultation with the facility administrator. To minimize disruption of emergency vehicle access, the access plans shall inform the facility administrator of the timing, location, and duration of construction activities and the locations of detours and lane closures.
- Store construction materials only in designated areas.
- Coordinate with local transit agencies for temporary relocation of routes or bus stops in works zones, as necessary.
- Restore all roads disturbed during construction to their preconstruction condition.

The traffic control plan shall be submitted to CPUC staff, the EBRPD, and the City of Martinez Public Works Department for review and approval. Copies of the approved plan shall be submitted to CPUC.

Monitoring Action: The CPUC’s mitigation monitor shall monitor compliance with the traffic control plan. SPBPC shall submit the traffic control plan to CPUC staff prior to commencing any construction activities associated with the 5,500-foot replacement pipeline segment.

Responsibility: CPUC

Timing: The traffic control plan shall be submitted to applicable jurisdictions for review and approval at least 30 days prior to the commencement of construction activities.

Utilities and Service Systems

Mitigation Measure 2.P-1a

SPBPC shall ensure that Underground Service Alert (USA) is notified at least 14 days prior to initiation of construction of the 5,500-foot replacement pipeline segment. Underground Service

Alert verifies the location of all existing underground utilities and alerts the other utilities to mark their facilities in the area of anticipated construction activities. Compliance with this measure shall be verified by the CPUC mitigation monitor.

- Monitoring Action:* SPBPC shall submit a written copy of its notification to USA of the proposed construction activities associated with the 5,500-foot replacement pipeline segment. Compliance with this measure shall be verified by the CPUC mitigation monitor.
- Responsibility:* CPUC
- Timing:* SPBPC shall notify USA at least 14 days before initiating construction of the proposed 5,500 replacement pipeline segment and shall provide a written copy of this notification to the CPUC within 3 days of notification to USA.

Mitigation Measure 2.P-1b

Where the replacement pipeline segment crosses or is adjacent to live, overhead electric lines, SPBPC shall install signs warning construction workers of the presence of the line(s). Compliance with this measure shall be verified by the CPUC mitigation monitor.

- Monitoring Action:* SPBPC shall install signs warning construction workers of the presence of overhead electric lines. Compliance with this measure shall be verified by the CPUC mitigation monitor.
- Responsibility:* CPUC
- Timing:* SPBPC shall ensure that the signs are installed at least 48 hours before initiating construction of the proposed 5,500-foot replacement pipeline segment.

DOCUMENTS AVAILABLE FOR REVIEW

The Commission’s Final Mitigated Negative Declaration for this project is available for review at the following locations:

Richmond Public Library Main Branch 325 Civic Center Plaza Richmond, CA 94801 (510) 620-6561	Contra Costa County Library Martinez Branch 740 Court Street Martinez, CA 94553 (925) 646-2898
Contra Costa County Library Pinole Branch 2935 Pinole Valley Road Pinole, CA 94564 (510) 758-2741	Contra Costa County Library Pittsburg Branch 80 Power Avenue Pittsburg, CA 94565 (925) 427-8390

Contra Costa County Library Bay Point Branch @ Riverview Middle School 205 Pacific Avenue Pittsburg, CA 94565 (925) 458-9597	Contra Costa County Library San Pablo Branch 2300 El Portal Drive, Suite D San Pablo, CA 94806 (510) 374-3998
Hercules City Clerk 111 Civic Center Drive Hercules, CA 94547 (510) 799-8215	Contra Costa County Library Antioch Branch 501 W. 18th Street Antioch, CA 94509 (925) 757-9224
Contra Costa County Library Rodeo Branch 220 Pacific Avenue Rodeo, CA 94572 (510) 799-2606	

The full text of this document will also be made directly available on the Internet at the following address: <http://www.pgedivest.com>; or by accessing the CPUC's website at the following address: http://www.cpuc.ca.gov/static/industry/environment/current+projects/_index.htm.