

---

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

---

# **MITIGATION MONITORING AND REPORTING PROGRAM**

---

## **PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION FOR TRANSFER AND DONATION OF CERTAIN LANDS IN SHASTA COUNTY (APPLICATION NO.S 00-05-029 AND 00-05-030)**

### **INTRODUCTION**

This document describes the mitigation monitoring program for ensuring the effective implementation of the mitigation measures required for the California Public Utilities Commission (CPUC) approval of the Pacific Gas and Electric (PG&E) applications concerning the Shasta County Land Transfers.

### **California Public Utilities Commission (CPUC)**

The Public Utilities Code confers authority upon the CPUC to regulate the terms of service and safety, practices and equipment of utilities subject to its jurisdiction. It is the standard practice of the CPUC to require that mitigation measures stipulated as conditions of approval are implemented properly, monitored, and reported. Section 21081.6 of the Public Resources Code requires a public agency to adopt a reporting and monitoring program when it approves a Mitigated Negative Declaration.

The purpose of a reporting and monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. The CPUC views the reporting and monitoring program as a working guide to facilitate not only the implementation of mitigation measures by the project proponents, but also the monitoring, compliance and reporting activities of the CPUC and any monitors it may designate.

### **Project Background**

The Proposed Project consists of two separate but related land transfer actions. In May of 2000, Pacific Gas and Electric (PG&E) applied to the California Public Utilities Commission (CPUC) for approval to market value and exchange specific lands for equivalently valued lands owned by California Department of Parks and Recreation (DPR)(Application No. 00-05-030). The

application also addressed PG&E's proposal to subsequently transfer the land received from DPR to the California Waterfowl Association (CWA), which is a non-profit entity. Lands proposed by PG&E for transfer to DPR are commonly known as "Burney Falls" and "Bowman Ditch." Lands received by PG&E from DPR (subsequently transferred to CWA), are commonly referred to as the "Ahjumawi Property."

The second land transfer under evaluation, as part of this environmental documentation, is a proposal to market value and donate certain properties to CWA (Application No. 00-05-029). These land properties consist of areas in Shasta County commonly referred to as the MacArthur Swamp, the Glenburn Dredge Site, and a dredge used to maintain certain levees associated with those properties. The transaction includes a Conservation Easement and other terms designed to maintain existing land uses, enhance certain habitat types, and preserve cultural and historical resources.

In accordance with the California Environmental Quality Act (CEQA), the CPUC prepared an Expanded Initial Study to evaluate the potential environmental impacts related to PG&E's divestiture application. In completing the initial study process, the CPUC determined that the actions taken as a result of approving PG&E's divestiture application would have potentially significant impacts in the areas of:

- Air Quality
- Cultural Resources

In limited instances where the environment could potentially be significantly affected by divestiture, appropriate mitigation measures were recommended for adoption. Over the five year period following the transfer of McArthur Swamp to CWA, The McArthur Swamp Management Plan (MSMP) calls for CWA, and its successors, to take specified actions to improve wildlife habitat, stabilize levees, protect and create habitat for the Shasta crayfish, and improve grazing and vegetation management.

The mitigation measures identified in these areas also have been incorporated into the Mitigation Monitoring and Reporting Program.

## **Roles and Responsibilities**

As the lead agency under CEQA, the CPUC is required to monitor this project to ensure that the adopted mitigation measures are implemented effectively. The CPUC will be responsible for ensuring full compliance with the provisions of this monitoring program and has primary responsibility for implementation of the monitoring program. The purpose of this monitoring program is to document that the mitigation measures adopted by the CPUC are effectively implemented.

The CPUC has the authority to halt any activity associated with the divestiture of PG&E's Shasta County Properties if the activity is determined to be a deviation from the approved project or adopted mitigation measures. For details, refer to the Mitigation Monitoring and Reporting Program discussed below.

## **Mitigation Monitoring and Reporting Program**

The table attached to this program presents a compilation of the Mitigation Measures in the Mitigated Negative Declaration. The purpose of the table is to provide a single comprehensive list of mitigation measures, effectiveness criteria, and timing.

### ***Dispute Resolution Process***

The Mitigation Monitoring and Reporting Program is expected to reduce or eliminate many potential disputes. However, in the event that a dispute occurs, the following procedure will be observed:

Step 1: Disputes and complaints (including those of the public) shall be directed first to the CPUC's designated Project Manager for resolution. The Project Manager will attempt to resolve the dispute.

Step 2: Should this informal process fail, the CPUC Project Manager may initiate enforcement or compliance action to address the deviation from the proposed project or adopted Mitigation Monitoring and Reporting Program.

Step 3: If a dispute or complaint regarding the implementation or evaluation of the Mitigation Monitoring and Reporting Program or the Mitigation Measures cannot be resolved informally or through enforcement or compliance action by the CPUC, any affected participant in the dispute or complaint may file a written "notice of dispute" with the CPUC's Executive Director. This notice shall be filed in order to resolve the dispute in a timely manner, with copies concurrently served on other affected participants. Within 10 days of receipt, the Executive Director or designee(s) shall meet or confer with the filer and other affected participants for purposes of resolving the dispute. The Executive Director shall issue an Executive Resolution describing his decision, and serve it on the filer and the other participants.

Parties may also seek review by the CPUC through existing procedures specified in the CPUC's Rules of Practice and Procedure, although a good faith effort should first be made to use the foregoing procedure.

## Mitigation Monitoring Table

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
<b>AIR QUALITY</b>				
<p>III.1: The project may result in an air quality standard violation or contribute to an existing or projected air quality violation.</p>	<p>III.1: The receiving parties (CWA and RMA) would adopt and implement Standard Mitigation Measures (SMMs), as a condition of approval of the grading permit, required by the Shasta County Air Pollution Control District (SCAPCD). The SMMs shall be included as conditions of approval to the grading permit issued by the Shasta County Environmental Health Department and, as appropriate shall appear on the final construction plans submitted for the permit's approval. With the implementation of the required mitigation measures as described below, the project would not result in a significant effect on the local pollutant concentrations:</p> <ul style="list-style-type: none"> <li>• All material excavated, stockpiled, or graded shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of ambient air quality standards. Watering shall occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.</li> <li>• All areas (including unpaved roads) with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions.</li> <li>• All on-site vehicles shall be limited to a speed of 15 miles per hour on unpaved roads.</li> <li>• All land clearing, grading, earth moving or excavation activities on the project site shall be suspended when winds are expected to exceed 20 miles per hour.</li> <li>• All inactive portions of the development site shall be seeded and watered until a suitable grass cover is established.</li> <li>• The contractor shall be responsible for applying non-toxic stabilizers (according to manufacturers specifications) to all inactive</li> </ul>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) of a commitment to adhere to the terms of the grading permit for five years, and shall give notice of such commitment to the air quality regulations to the SCAPCD.</p>	<p>Documentation of delivery to the CPUC of a commitment to participate in the existing SCAPD SMMs for five years, and notice of such participation to the Shasta County Environmental Health Department.</p>	<p>Prior to approval of the final construction plans submitted for the permit's approval.</p>

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring/ Reporting Action</b>	<b>Effectiveness Criteria</b>	<b>Timing</b>
	<p>construction areas (previously graded areas which remain inactive for 96 hours), in accordance with the Shasta County Grading Ordinance.</p> <ul style="list-style-type: none"> <li>• All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of free board in accordance with the requirements of CVC Section 23114. This provision is enforced by local law enforcement agencies.</li> <li>• All material transported offsite shall be either sufficiently watered or securely covered to prevent a public nuisance.</li> <li>• During initial grading, earth moving, or site preparation, the project shall be required to construct a paved (or dust palliative treated apron, at least 100 feet in length, onto the project site from the adjacent paved road(s).</li> <li>• Paved streets adjacent to the development site shall be swept or washed at the end of the day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.</li> <li>• After construction, the transfer recipient shall re-establish ground cover on the construction site through seeding and watering in accordance with Shasta County Grading Ordinance.</li> </ul>			

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
<b>CULTURAL RESOURCES</b>				
<p><i>McArthur Swamp</i> V-1: Construction and/or excavation activities associated with the implementation of habitat improvements identified in the MSMP could encounter previously unidentified historic, archaeological, or paleontological resources. Excavation into an undiscovered resource could destroy portions of the site, disturb its integrity and context, unearth human remains, or impair the scientific value of the resource.</p> <p>* Refer to McArthur Swamp Impact Discussion in the Expanded Initial Study for complete impact discussion.</p>	<p>V.1a: Prior to the transfer of title of the McArthur Swamp, the applicant shall include specific language in the proposed Conservation Easement and MSMP requiring CWA to appoint a Professional Archaeologist (who is a member of the Registry of Professional Archaeologists), or Archaeologists, at least 15 days prior to the start of the project related vegetation clearance ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion controls measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas resulting from habitat improvements pursuant to the MSMP. As shall be specific in this new language, CWA shall provide the CPUC with the name(s) and statement of qualifications of its designated Professional Archaeologist(s) who will be responsible for implementation of all project-related cultural resources mitigation measures. The statement of qualifications must be sufficient to substantiate that the Archaeologist(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).</p> <ul style="list-style-type: none"> <li>▪ At least 10 days prior to the start of any project-related activity defined above, CWA shall confirm in writing who is reasonable for enforcing the cultural-related terms contained in the MSMP, that the approved designated Professional Archaeologist will be available at the start of the project activities and is prepared to implement the protocol specified in the MSMP.</li> <li>▪ At least 10 days prior to the replacement of a designated Professional Archaeologist, CWA shall obtain the CPUC approval of the proposed replacement Professional Archaeologist.</li> </ul>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed archaeological mitigation program.</p>	<p>Verification that new language has been added to the proposed Conservation Easement and MSMP requiring CWA to appoint a Professional Archaeologist (who is a member of the Registry of Professional Archaeologists), or Archaeologists, at least 15 days prior to the start of the project related activities.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>At least 10 days prior to the start of any project-related activity defined above, CWA shall confirm in writing who is reasonable for enforcing the cultural-related terms contained in the MSMP, that the approved designated Professional Archaeologist will be available at the start of the project activities and is prepared to implement the protocol specified in the MSMP.</p> <p>At least 10 days prior to the replacement of a designated Professional Archaeologist, CWA shall obtain the CPUC approval of the proposed replacement Professional Archaeologist.</p>

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring/ Reporting Action</b>	<b>Effectiveness Criteria</b>	<b>Timing</b>
<p><i>McArthur Swamp</i> V-1: Refer to Impact V-1 of the MMRP for complete impact discussion.</p>	<p>V.1b: Prior to transfer of title of the McArthur Swamp and Glenburn Dredge Site, the receiving parties shall ensure that prior to the commencement of construction and/or ground disturbing activities, the designated Professional Archaeologist shall provide all construction personnel with environmental training in a manner that will inform them of the possibility of encountering cultural or historical resources. All construction personnel will be trained in the identification of archaeological resources (which could include flaked stone, projectile points, mortars, pestles, soil containing shell and bone, or human burials), historic resources (which could include stone features, such as adobe foundations or walls, structures and remains with square nails, and refuse deposits), human remains, and paleontological resources (which could include true and/or trace fossils). In addition, the construction personnel would be trained on the appropriate protocol to follow if any resources are found, as discussed in Mitigation Measure V.3, V.4, and V.5.</p>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed construction personal training program.</p>	<p>Documentation submitted by the receiving parties contractor specifying the date and type of environmental training received by construction personal. Concurrence by the designated Professional Archaeologist.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>Prior to the commencement of any construction and/or ground disturbing activities.</p> <p>If new contractor is hired and different construction personal are brought on-site to perform project-related construction or excavation activities, all new personal will be trained accordingly.</p>

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring/ Reporting Action</b>	<b>Effectiveness Criteria</b>	<b>Timing</b>
<p><i>McArthur Swamp</i> V-1: Refer to Impact V-1 of the MMRP for complete impact discussion.</p>	<p>V.1c: Prior to the transfer of title of the McArthur Swamp, the applicant shall amend the proposed Conservation Easement and MSMP to include specific language requiring that in the event that previously unidentified historic, archaeological, and/or paleontological resources are encountered during habitat improvement activities, the construction crew will halt work within a 100-foot radius of the find and not collect or disturb the materials until the Professional Archaeologist has evaluated the location and determined an appropriate mode of action. The Professional Archaeologist retained by CWA shall evaluate such resources for California Register Historical Resources eligibility ensuring that the evaluations are supervised by individuals meeting the Secretary of the Interior's proposed Historic Preservation Qualification Standards for each particular resource type. An evaluation form shall be submitted to the CPUC, CWF, and the California Historical Resources Information Center. If the Professional Archaeologist determines that the resources are eligible for the California Register of Historical Resources, the Professional Archaeologist shall determine the appropriate action to be taken with preference given to preserving the resources in place, the Professional Archaeologist shall conduct data recovery, if determined necessary. If cultural resources are encountered during construction, construction may resume once the PA has determined an appropriate mode of action.</p> <ul style="list-style-type: none"> <li>▪ Upon approval of this plan by the CPUC Mitigation Monitor, mitigation measures will be implemented prior to any project-related activities within 100 feet of the resource's boundary.</li> </ul>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed archaeological monitoring program.</p>	<p>Verification of the newly amended language in the Proposed Conservation Easement and MSMP by the CPUC's Mitigation Monitor.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>Upon approval of this plan by the CPUC Mitigation Monitor, mitigation measures will be implemented prior to any project-related activities within 100 feet of a newly discovered resource's boundary.</p>

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring/ Reporting Action</b>	<b>Effectiveness Criteria</b>	<b>Timing</b>
<p><i>McArthur Swamp</i> V-1: Refer to Impact V-1 of the MMRP for complete impact discussion.</p>	<p>V.1d: Prior to the transfer of title, the Conservation Easement and MSMP shall be amended to include language requiring CWA to notify a qualified paleontologist of unanticipated paleontological discoveries, made by either the Professional Archaeologist or construction personnel responding to their environmental training classes, and document the discovery as needed. In the event of an unanticipated discovery of vertebrate fossil remains during construction, excavations within a 100-foot radius of the find shall be temporarily halted or diverted until the discovery is examined by a qualified vertebrate paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. Fossil remains collected during the salvage program shall be cleaned, sorted, catalogued, and then deposited in a public, non-profit institution with research interests in the materials.</p>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed archaeological monitoring program.</p>	<p>Verification of the newly amended language in the Proposed Conservation Easement and MSMP by the CPUC's Mitigation Monitor.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>Upon the discovery of a potential paleontological resource, a qualified vertebrate paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.</p>
<p><i>McArthur Swamp</i> V-1: Refer to Impact V-1 of the MMRP for complete impact discussion.</p>	<p>V.1e: Prior to the transfer of title, the Conservation Easement and MSMP shall be amended to require CWA's contractors to immediately stop all work in the event that human remains are found during the MSMP's activities within 100-foot radius of the find. Following any such discovery, the Professional Archaeologist shall be notified immediately and will, in turn, immediately notify the Shasta County coroner, in compliance with Section 7050.5 of the California Health and Safety Code.</p> <p>If the human remains are determined to Native American in origin, the Shasta County coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the find. The most likely descendent shall be given an opportunity to make recommendations to the CWA and its contractors for means of treating or disposing of, with appropriate dignity, the human remains and</p>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed archaeological monitoring program.</p>	<p>Verification of the newly amended Conservation Easement and MSMP requiring CWA's contractors to immediately stop all work in the event that human remains are found during the MSMP's activities within 100-foot radius of the find.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>Should human remains be found during project-related activities, the Professional Archaeologist shall immediately notify the Shasta County coroner.</p> <p>If the human remains are determined to Native American in origin, the Shasta</p>

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Timing
	<p>any associated grave goods as provided in Public Resources Code Section 5097.98. Where conditions A, B. and/or C under Section 15064.5 (e) (2) occur, the land owner or 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.</p>			<p>County coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the find.</p>
<p><i>McArthur Swamp</i> V-1: Refer to Impact V-1 of the MMRP for complete impact discussion.</p>	<p>V.1f: Prior to the transfer of title, the Conservation Easement and MSMP shall be amended to require CWA to provide the opportunity for a Native American monitor, if interested, to be present on-site during project-related vegetation clearance, ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or the movement or parking of heavy equipment or other vehicles onto or over the project surface, within 500 feet of the boundary of known prehistoric resources and within 500 feet of the locations of modern and historic streams.</p> <p>The Native American monitor shall be a member of the Ahjumawi Tribe and will serve in addition to the Professional Archaeologist. Monitoring by the cultural group representative is required within 500 feet of such sites. The amended Conservation Easement and MSMP shall be submitted to the CPUC for review and approval prior to the transfer of title.</p>	<p>The receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed archaeological monitoring program.</p>	<p>Verification of the newly amended Conservation Easement and MSMP requiring CWA to provide the opportunity for a Native American monitor, if interested, to be present on-site during project-related activities.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>A Native American monitor shall be notified 10 days prior to any project-related activities within 500 feet of the boundary of known prehistoric resources and within 500 feet of the locations of modern and historic streams.</p>

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Monitoring/ Reporting Action</b>	<b>Effectiveness Criteria</b>	<b>Timing</b>
<p><i>Glenburn Dredge Site</i>  V.2: The reintroduction of public access to the Glenburn Dredge Site could result in a change in the significance of the newly discovered archaeological site and other potentially undiscovered resources on-site.</p>	<p>V.2: Prior to the transfer of title, the Conservation Easement shall be amended to include the portion of the Glenburn Dredge Site property that is bounded by the fence required by this mitigation measure and the Fall River. The Conservation Easement shall include language requiring that the new owner establish permanent protection of sensitive resources. The amended Conservation Easement and MSMP shall be submitted to the CPUC for review and approval prior to the transfer of title. The new conservation easement shall restrict any uses of this area of the site, except for the sole purpose of preserving the integrity of the sensitive resource. In addition, the Conservation Easement and MSMP shall be amended to include a requirement to reconfigure the existing fence layout at Glenburn to restrict access on and around sensitive resources. The Conservation Easement and MSMP, as amended, shall provide that a four strand barbed-wire fence effective to serve as a barrier to human and livestock access and shall be constructed at a location 100 feet from the boundary of the sensitive site or along the property line where it is closer than 100 feet from the boundary of the sensitive site (but not along the river). Construction of the fence shall comply with the protocols specified in Mitigation Measures <b>V.1a-V.1f</b>. The Conservation Easement and MSMP shall further be amended to provide for regular inspection and maintenance of the fence to ensure that it continues to be a barrier to access.</p>	<p>The donating and receiving parties shall submit documentation to the California Public Utilities Commission (CPUC) Mitigation Monitor of a commitment to participate in the CPUC proposed archaeological monitoring program.</p>	<p>Verification that the Conservation Easement has been amended to include the portion of the Glenburn Dredge Site property that contains the newly discovered resource.</p> <p>Establishment of the reconfigured fencing layout to restrict access on and around the sensitive resource.</p>	<p>Amended language shall be inserted into the Conservation Easement and MSMP prior to the transfer of title.</p> <p>Establishment of the reconfigured fencing layout prior to reintroducing public access to the Fall River at the Glenburn site.</p>