

El Dorado Irrigation District Sly Park Intertie Improvements Project

Final Environmental Impact Report
March 2024



SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

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Abbreviations

Abbreviations

AB	Assembly Bill
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDDB	California Natural Diversity Database
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
FGC	Fish and Game Code
ITP	Incidental Take Permit
NOA	Notice of Availability
NOP	Notice of Preparation
LSAA	Lake and Streambed Alteration Agreement
MBTA	Migratory Bird Treaty Act
MMRP	Mitigation, Monitoring and Reporting Program
PRC	Public Resources Code
Project	Sly Park Intertie Improvements Project
SWPPP	Stormwater Pollution Prevention Plan
State	State of California
UAIC	United Auburn Indian Community
USFWS	United States Fish and Wildlife Service

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Introduction

1.0 INTRODUCTION

1.1 PURPOSE

This Final Environmental Impact Report (FEIR) document has been prepared in accordance with California Environmental Quality Act (CEQA) as amended (Public Resources Code [PRC] section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR] section 15000 et seq.). Before approving a project, a lead agency must prepare a FEIR (CCR Section 15089[a]). According to the CEQA Guidelines (CCR Section 15132) the FEIR shall consist of the following:

1. The Draft Environmental Impact Report (DEIR) or a revision of the DEIR;
2. Comments and recommendations received on the DEIR either verbatim or in summary;
3. A list of persons, organizations, and public agencies comments on the DEIR;
4. The responses of the lead agency to significant environmental points raised in the review and consultation process; and
5. Any other information added by the lead agency.

The FEIR is the document that decision-makers in the lead and responsible agencies consider before approving or denying a project. Completion and certification of the FEIR precede the lead agency's determination of whether to approve or carry out the project (CCR Section 15089[a] and Section 15090[b]), and its adoption of findings (required by PRC Section 21081 and CCR Section 15091 and Section 15093).

As the lead agency for the Sly Park Intertie Improvements Project (Project), the El Dorado Irrigation District (District or EID) has prepared this FEIR in accordance with the CEQA Guidelines. This FEIR provides documentation of the comments received on the DEIR (State Clearinghouse # 2023020081), a response to these comments, necessary text revisions to the DEIR, clarifying information, and the Mitigation Monitoring and Reporting Program (MMRP). The publicly circulated DEIR described the environmental consequences associated with the implementation of the Project and identified mitigation measures to reduce potentially significant impacts.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to the CEQA Guidelines, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the agencies and the public with an opportunity to comment on the DEIR. Those processes are described below.

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1.2.1 Notice of Preparation Process

On February 3, 2023, the District circulated a Notice of Preparation (NOP) to help identify the types of impacts and potential areas of controversy that could result from the Project as well as solicit input on possible Project alternatives. The NOP included a list of potential environmental impacts that could result from the Project and solicited public input on possible alternatives that could be considered according to the CEQA Guidelines to reduce one or more of those impacts.

The NOP was provided to public agencies and made available to the public for a 30-day review period consistent with CEQA Guideline requirements. A public notice was published on the District's website, was made available at the El Dorado County Clerk's office, and was published in the Mountain Democrat. A scoping meeting was held on February 15, 2023, to provide a forum for public comments on the scope and focus of the Environmental Impact Report (EIR), including feasible alternatives. The comment period for the NOP ended on March 6, 2023. Comments received on the NOP, including those received at the scoping meeting, were considered during the preparation of the DEIR and are contained in Appendix A of the DEIR.

1.2.2 Draft Environmental Impact Report Process

The DEIR was made available for public review on January 16, 2024, and was distributed to local and State of California (State) responsible and trustee agencies. The CEQA-mandated 45-day review and comment period for the public and agencies ended on February 29, 2024.

Pursuant to Section 15087 of the CEQA Guidelines, a public Notice of Availability (NOA) of the DEIR was given. Section 15087 of the CEQA Guidelines requires that the NOA (a) be mailed to the last known name and address of all organizations and individuals who have previously requested such notice in writing, and (b) be provided via at least one of the following procedures:

1. NOA publication in a newspaper of general circulation in the area affected by the project at least once. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
2. NOA posting on and offsite in the area where the project is to be located.
3. NOA direct mailing to the owners and occupants of property contiguous to the parcels on which the project is located. Owners of such property shall be identified as shown on the latest equalized assessment roll.

In accordance with Section 15087 of the CEQA Guidelines, the District published the NOA in the Mountain Democrat, the newspaper of largest circulation in El Dorado County, on January 17, 2024.

Copies of the NOA and the DEIR were available for public review electronically on the District's website starting January 16, 2024. The DEIR was also made available as a hard copy at the following locations:

- Placerville Main Public Library, 345 Fair Lane, Placerville

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- Pollock Pines Public Library, 6210 Pony Express Trail, Pollock Pines
- Pollock Pines-Camino Community Center, 2675 Sanders Drive, Pollock Pines
- District Customer Service Building, 2890 Mosquito Road, Placerville

During the comment period the District received a total of five comment letters. Copies of all written comments received are included in Chapter 2.0 of this document.

1.2.3 Final Environmental Impact Report

Consistent with CEQA Guidelines (Section 15132) the FEIR includes the following: (1) necessary revisions to the DEIR; (2) comments received on the DEIR; (3) responses to significant environmental points raised in the review process and to comments on environmental issues; and (4) related information to clarify and amplify the contents of the DEIR.

The FEIR includes the comments received regarding the DEIR, as well as the District's responses to comments, and incorporates the DEIR by reference. The District evaluated the comments received on environmental issues and prepared written responses to those comments. In addition, the District provided a written response for each CEQA-related comment received during the public review period.

The FEIR also includes revisions to the DEIR and clarifications added to the DEIR after the public review period (Section 3.0, DEIR Text Revisions). These changes and additional clarifying information do not require recirculation of the DEIR because they do not constitute "significant new information" (Section 15088.5). The clarifications do not assess new significant impacts or entail substantial increases in the severity of the impacts analyzed in the DEIR. The changes made to the DEIR and the information provided in the FEIR merely clarify or amplify information contained in the DEIR or make insignificant modifications. No new mitigation measures or substantial revisions to existing mitigation measures were identified as a result of comments on the DEIR.

1.3 DOCUMENT ORGANIZATION

This FEIR document consists of the following chapters:

- **Chapter 1.0: Introduction.** This chapter discusses the purpose and organization of this FEIR and summarizes the environmental review process for the Project.
- **Chapter 2.0: List of Comments and Responses.** This chapter contains lists of agencies, organizations, and individuals who submitted written comments during the public review period; reproductions of all comment letters received on the DEIR; and a written response for each CEQA-related comment received during the public review period.
- **Chapter 3.0: DEIR Text Revisions.** Revisions to the DEIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the DEIR, are contained in this chapter. Double underline text represents language that has been added to the DEIR; text with ~~strikeout~~ has been deleted from the DEIR.

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- **Chapter 4.0: FEIR Document Preparers.** This chapter lists FEIR document contributions, qualifications, and quality control procedures.
- **Chapter 5.0: References.** This chapter includes new references used for preparation of the FEIR.

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Comments and Responses

2.0 COMMENTS AND RESPONSES

This chapter includes the written comments received during the DEIR comment period and the District's responses to significant environmental information raised by those comments (CEQA Guidelines, 14 CCR section 15132). Written comments are organized and grouped by affiliation of the commenter: State agency and individuals (Table 2.11). The written comments received were annotated in the margin according to the following organization and grouped with the corresponding response as follows:

- State, regional, and local agencies comment letters and responses: #A-1
- Individuals' comment letters and responses: #I-1 through I-4

2.1 LIST OF COMMENTS

Table 2.1-1. List of Comments

#	Date	Commenter	Page
Agency			
A-1	February 27, 2024	California Department of Fish and Wildlife (CDFW) Kilgour, Morgan Regional Manager	6
Individual			
I-1	February 26, 2024	Braun, Wendy	23
I-2	February 29, 2024	Bross, Martin	29
I-3	February 1, 2024	Odom, Beverly	31
I-4	February 20, 2024	Schultz, Julie	33

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Comment A-1, February 27, 2027, Kilgour, Morgan, CDFW

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Letter A-1

February 27, 2024

Doug Venable
Environmental Review Analyst
El Dorado Irrigation District
2890 Mosquito Flat Road
Placerville, CA 95667
dvenable@eid.org

Subject: Sly Park Intertie Improvements Project
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2023020081

Dear Doug Venable:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from El Dorado Irrigation District for the Sly Park Intertie Improvements Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise 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 (Fish & G. Code, § 1802.). Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public

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.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act 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 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.

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PROJECT DESCRIPTION SUMMARY

The Project site is located 1.5 southwest of Pollock Pines and 10 miles east of the city of Placerville, California. The project proponent is El Dorado Irrigation District (Proponent). The Project consists of the replacement of 4.5 miles of an existing 22 to 24-inch diameter steel pipeline with a concrete mortar steel pipeline ranging from 12 to 36-inches in diameter. The pipeline would primarily be located within the existing pipeline alignment, but there would be several deviations. This pipeline would convey water from El Dorado Irrigation District's Reservoir 1 to Reservoir A. A treatment plant and pump station would be constructed at Reservoir A. Construction activities would involve excavation and streamflow diversion at four creek crossings (North Fork Weber Creek, South Fork Weber Creek, North Fork Clear Creek, and Clear Creek) and one drainage crossing near a culvert on Starks Grade Road. Project activities at each crossing involve vegetation clearing and trenching for pipeline removal and placement.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Proponent in adequately identifying and, where appropriate, 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. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

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COMMENT 1: Impacts to Foothill Yellow-legged Frog *Section 3.8 Biological Resources, page 3.8.7.5*

Issue: Construction activities will occur at four creek crossings and one drainage crossing within the project area. The DEIR indicates that the project area is within the range of the East/Southern Sierra clade (South Sierra Distinct Population Segment) of foothill yellow-legged frog (*Rana boylei*; FYLF); this clade is state and federally endangered. A season of operation that completely avoids FYLF presence does not

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exist; therefore, FYLF may be encountered in various life stages year-round. The DEIR describes that a Qualified Biologist will conduct visual encounter surveys for FYLF prior to construction but does not provide sufficient detail on survey methods or timing.

Per our recommendations below, a Qualified Biologist is defined as a person who is knowledgeable and experienced in the biology, life stages, natural history and identification of local fish and wildlife resources present at the project site.

Recommendation 1.1: CDFW recommends the Proponent provide additional detail on FYLF bioassessment survey methods and timing. The Proponent should review CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>.

To increase the likelihood of detection, surveys should include at least one visual encounter survey (VES) during the breeding and/or oviposition period (generally April–June), a tadpole survey four to eight weeks after the breeding survey(s), and a subadult survey in late summer/early fall (generally late August–early October). VES conducted during the late summer are often the easiest method for determining presence (generally late August to early October);² subadults and occasionally adults are often observed along river margins, and subadult and adult frogs will likely also be observed in tributary streams (Crump and Scott 1994).

If any survey fails to detect FYLFs within suitable habitat, a follow-up survey should be conducted two to four weeks after the initial survey.

Recommendation 1.2: CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, including FYLF, pursuant to CESA. Regardless of whether FYLF are detected during the bioassessment surveys (described above in Recommendation 2.1), CDFW recommends the Proponent prepare a Pre-Construction Survey Plan (Plan) for FYLF and submit it to CDFW for review at least 30 calendar days prior to commencing ground-disturbing or in-water work activities.

A Qualified Biologist should develop the Plan for FYLF. Prior to preparing the Plan, CDFW recommends the Proponent review CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>. CDFW recommends the following survey and species considerations be incorporated into the Plan and final EIR:

² Frogs are ectothermic, so ambient temperature affects the likelihood of detection. Whether the life form is larval or subadult, both stages will shelter in place under substrate and emerge and become active with warmth (i.e., detection probability increases with temperature).

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- a. The Plan should include what life-stage(s) shall be surveyed for, survey method(s), and timing of survey(s).
- b. The Plan should provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snowpack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions).
- c. If the project site has suitable frog breeding habitat, the Plan should include performing egg mass/larval surveys.

Within 3 to 5 calendar days prior to ground-disturbing and in-water activities at the project site, the Qualified Biologist should perform a pre-construction survey, as specified in the Plan, within the boundaries of the project site, plus a minimum 500-foot buffer zone upstream and downstream of the project site. The survey should include a description of any standing or flowing water. The Proponent should provide Pre-Construction Survey results, notes, and observations to CDFW prior to commencing ground disturbing and in-water activities. Conducting surveys prior to maintenance work may allow avoidance of incidental take.³ If the Proponent encounters any life stages of FYLF during pre-construction surveys, ground-disturbing or in-water activities, work should be suspended at the project site, and CDFW should be notified within 24 hours. Work may not re-initiate in the project site until the Proponent demonstrates compliance with CESA.

Recommendation 1.3: CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. Pending results of the surveys described above, CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, including FYLF, either through construction or over the life of the Project. No relocation shall be done for special status species or CESA listed species without the proper handling permits and/or CESA take coverage (e.g., an ITP).

Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code § 2081 (b)). To facilitate the issuance of an ITP, if applicable, CDFW recommends the EIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the

³ As defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.).

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2 (Cont.) ↑ U.S. Fish and Wildlife Service to coordinate specific measures if both state and federally listed species may be present within the Project vicinity.

COMMENT 2: Impacts to California Red-legged Frog
Section 3.8 Biological Resources, page 3.8.7.4

Issue: Mitigation Measure BIO-04 describes actions that the Proponent will take to minimize impacts to California red-legged frog (*Rana draytonii*; CRLF) and suitable habitat. CRLF are federally threatened and a California Species of Special Concern. The DEIR states that a Qualified Biologist will conduct surveys for CRLF prior to construction but does not specify when these surveys will occur. Additionally, the DEIR describes actions the Proponent will take to prevent CRLF entrapment but does not explicitly mention exclusionary fencing.

Recommendation 2.1: CDFW recommends the Proponent consult United States Fish and Wildlife Service (USFWS) CRLF survey protocol when developing CRLF surveys, available at <https://www.fws.gov/media/revised-guidance-site-assessments-and-field-surveys-california-red-legged-frog>.

Recommendation 2.2: CDFW recommends the following language be added to BIO-04 to minimize impacts to CRLF:

3

Prior to construction, the project site should be surveyed for special-status amphibians (i.e., CRLF) by a Qualified Biologist.

In addition to the USFWS survey protocol recommended above, within 3 to 5 calendar days prior to ground-disturbing and in-water activities at the project site, the Qualified Biologist should perform a pre-construction survey within the boundaries of the project site, plus a minimum 500-foot buffer zone upstream and downstream of the project site. If the result of the surveys above are negative, work may begin as scheduled, however if special-status amphibians are found during any survey, work may not begin until consultation occurs with the Qualified Biologist in determining appropriate avoidance and minimization measures.

If CRLF are found in the project area, CDFW recommends adding an avoidance and minimization measure to include the installation of exclusionary fencing. After installation of exclusionary fencing, the Qualified Biologist should inspect the project area and fencing daily, prior to the commencement of activities. If the Qualified Biologist determines that CRLF and other special status species have been successfully excluded from the work area, then equipment or materials may be moved onto the work site under the observation of the Qualified Biologist.

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COMMENT 3: Impacts to Northwestern Pond Turtle,
Section 3.8 Biological Resources, page 3.8.7.5

Issue: The DEIR states that a Qualified Biologist will conduct visual encounter surveys for northwestern pond turtle (*Actinemys marmorata*) prior to construction but does not provide detail on survey methods or timing.

Recommendation: CDFW recommends the following language be added to Mitigation Measure BIO-05 to clarify survey details and minimize impacts to northwestern pond turtle:

Prior to ground-disturbing and in-water activities, a Qualified Biologist should survey the project site where suitable habitat (including nest sites) occurs for northwestern pond turtle. Surveys shall be performed within 30 days prior to starting project activities and should be performed within 500 feet upstream and downstream of the project activity where accessible. If detected during surveys, a site-specific avoidance, minimization, and/or relocation plan should be prepared and implemented by a Qualified Biologist. The plan should include daily construction monitoring. The plan should be submitted to CDFW.

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COMMENT 4: Impacts of Tree Removal on Nesting Birds
Section 3.8.7 Biological Resources Mitigation, page 3.8.7.7

Issue: The Project would result in the removal of approximately 615 Sierra mixed conifer and hardwood trees. Removal of these trees could result in significant habitat loss for a variety of bird species such as white-headed woodpecker (*Leuconotopicus albolaryvatus*), redbreasted nuthatch (*Sitta canadensis*), black-headed grosbeak (*Pheucticus melanocephalus*), song sparrow (*Melospiza melodia*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), great horned owl (*Bubo virginianus*), spotted owl (*Strix occidentalis occidentalis*), Northern goshawk (*Accipiter gentilis*), and other nesting raptors and migratory birds. The significance of the impact of habitat clearing is not reduced by virtue of the abundance of similar or equivalent habitat adjacent to the project site. The Project would reduce available habitat for wildlife, potentially including special-status species.

Migratory non-game native bird species are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). In addition, §§ 3503, 3503.5, and 3513 of the Fish & G. Code also afford protective measures as follows:

- § 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish & G. Code or any regulation made pursuant thereto.
- § 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or

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- destroy the nest or eggs of any such bird except as otherwise provided by Fish & G. Code or any regulation adopted pursuant thereto.
- § 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.
- Recommendation:** CDFW recommends that the DEIR fully evaluate the impacts of tree removal on wildlife. CDFW also recommends the Proponent propose mitigation for the impact of tree removal during project activities to ensure no net loss of habitat or fish and wildlife resource value occurs because of the Project. Mitigation would serve to offset the impacts of the tree removal and/or habitat loss. Mitigation may include restoring, enhancing, or preserving similar habitat types proposed for removal at higher ratios than those that were removed to compensate for tree removal and/or habitat loss. CDFW recommends that all mitigation measures be actionable and have established performance measures.
- 6
- COMMENT 5: Nesting Bird Surveys and Buffers**
Section 3.8.7 Biological Resources Mitigation, page 3.8.7.7
- Issue:** Mitigation Measure BIO-07 describes measures related to no-disturbance buffers around active nest sites. Additional detail is needed related to buffer determination. It is the Proponent's responsibility to comply with Fish and Game Code §§ 3503, 3503.5, and 3513 (listed above in Comment 4), regardless of the time of year.
- Recommendation:** CDFW recommends that the spatial extent of these buffers be determined by a Qualified Biologist. The appropriate spatial extent of buffers will depend on the species present, the level of noise or construction disturbance, levels of ambient (i.e., existing background) noise and other disturbances, line of sight between the nest and the disturbance, and other topographic or artificial barriers.
- 7
- COMMENT 6: Lake and Streambed Alteration Notification**
Section 2.5 Project Description, page 2.5.2
- Issue:** The DEIR describes construction occurring at four creek crossings and one drainage crossing, with activities involving excavation and streamflow diversion. CDFW believes these activities may trigger a Notification for a Streambed Alteration Agreement. § 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

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- a. Substantially divert or obstruct the natural flow of any river, stream, or lake;
- b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- c. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

If upon review of an entity's notification, CDFW determines that the project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the environmental document should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the project may avoid or reduce impacts to fish and wildlife resources. LSA Notifications must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Recommendation: CDFW recommends that the Proponent notify pursuant to Section 1602 of the Fish and Game Code as early as possible to determine if an LSA is needed.

COMMENT 7: Sensitive Plant Communities

Section 3.8.7 Biological Resources Mitigation, page 3.8.7.1

Issue: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. The DEIR document identified sensitive plant communities near the project area but does not provide adequate details regarding the protection of sensitive plant communities. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the California Natural Diversity Database at <https://wildlife.ca.gov/Data/CNDDDB>.

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(Cont.)

The Native Plant Protection Act (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 or in certain limited circumstances. Take of state-listed rare and/or endangered plants due to Project activities may only be permitted through an Incidental Take Permit (ITP) or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, § 786.9 subdivision (b). Plant species not listed as rare, threatened, endangered, or candidates for listing under CESA or NPPA may nevertheless meet the definition of rare or endangered provided in CEQA (Cal. Code Regs., tit. 14, § 15380, subd. (b).).

Recommendation: The Final EIR should include species-specific measures to fully avoid and otherwise protect sensitive plant communities and/or any state-listed plant species from Project-related direct and indirect impacts.

COMMENT 8: Biological Resources Awareness Training
Section 3.8.7 Biological Resources Mitigation, page 3.8.7.2

Issue: Mitigation Measure BIO-02 states that Project personnel will be trained at Project kickoff and will be provided with printed handouts for future reference. BIO-02 also states that "personnel that are trained during the Project kickoff shall be responsible for making sure that other workers on the Project receive the training before initiating on-site work". CDFW finds this measure insufficient.

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Recommendation: CDFW recommends that a Qualified Biologist be responsible for providing all biological resource training. Any additional training occurring after Project kickoff should not be deferred to other Project personnel. All individuals employed or otherwise working on the project site should be trained by the Qualified Biologist prior to performing any work on-site. Training should consist of an in-person presentation from the Qualified Biologist that includes a discussion of the biology of the habitats and species identified in the DEIR and present at the site. The Qualified Biologist should also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations and project-specific protective measures. Interpretation should be provided for non-English speaking personnel (if present).

COMMENT 9: Mitigation Measures

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Issue 9.1 CEQA Guidelines § 15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. The DEIR lists a number of mitigation measures for biological resources that rely on future approvals or agreements as a means to bring identified significant environmental effects to below a level of significance. Because there is no guarantee that these approvals or cooperation with all of the involved entities will ultimately occur, the mitigation measures are unenforceable and do not reduce the impacts to biological resources to a less-than-significant level.

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10 (Cont.)	<p>Recommendation 9.1: Mitigation measures should describe when the mitigation measure will be implemented and indicate the measure's feasibility. Mitigation measures should not rely on uncertain, future approvals or agreements. CDFW recommends that the EIR include measures that are enforceable and do not defer the details of the mitigation to the future.</p> <p>Issue 9.2: Mitigation measures presented in the EIR do not include performance standards; this makes enforcement and evaluation of mitigation impossible.</p> <p>Recommendation 9.2: Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation and must commit the lead agency to successful completion of the mitigation.</p> <p>Issue 9.3: The use of relocation, salvage, and/or transplantation as the sole mitigation measure for impacts to rare, threatened, or endangered species is generally experimental in nature and largely unsuccessful.</p> <p>Recommendation 9.3: Due to the experimental nature of relocation, salvage, and transplantation, the EIR should consider a range of options to avoid, minimize, and mitigate impacts to rare, threatened, and endangered species. Additional options for mitigation include habitat restoration, conservation, and/or preservation.</p>
11	<p>EDITORIAL COMMENTS</p> <p>Page 137 contains a numbered list of mitigation measures. However, one of the numbered items does not contain any text.</p>
12	<p>ENVIRONMENTAL DATA</p> <p>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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.</p>
13	<p>FILING FEES</p> <p>The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be</p>

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13 (Cont.) ↑ operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

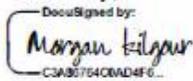
CONCLUSION

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Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the DEIR for the Sly Park Intertie Improvements Project to assist El Dorado Irrigation District in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Alyssa Obester, Senior Environmental Scientist Specialist, at alyssa.obester@wildlife.ca.gov.

Sincerely,

DocuSigned by:

C3A9754C6AD4F6...

Morgan Kilgour
Regional Manager

ec: Ian MacLeod, Senior Environmental Scientist (Supervisory)
Alyssa Obester, or Senior Environmental Scientist (Specialist)
Department of Fish and Wildlife

References

Crump, M. L. and N. J. Scott, Jr. 1994. Visual encounter surveys. 84-92 in Heyer, W.R., Donnelly, M.A., McDiarmid, R.W., Hayek, L.-A.C., & M.S. Foster, (eds.): Measuring and monitoring biological diversity. Standard methods for amphibians. Washington & London, Smithsonian Institution Press, 364 p.

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Response A-1, February 27, 2027, Kilgour, Morgan, CDFW

1	<p>The introductory text regarding CDFW's role as a Trustee Agency and potential Responsible Agency as well as the project description summary is acknowledged.</p>
2	<p>The comment and associated recommendations regarding potential impacts to foothill yellow-legged frog (FYL, <i>Rana boylei</i>) are acknowledged. The commenter requests clarification regarding the foothill yellow-legged frog biological field assessment methods, describes the life stage focused visual encounter survey methodology emphasizing the value of late summer surveys for assessing presence or absence, and recommends a follow up survey 4 weeks after a negative finding. Additionally, the commenter recommends a pre-construction survey plan be prepared. Pending the results of surveys, the commenter recommends the District seek a CDFW Incidental Take Permit (ITP).</p> <p>The commenter is first referred to Table 3.4-1 on page 3.59 of the DEIR which discusses, based on a habitat assessment, the limited potentially suitable habitat crossed by the Project, including the low potential for foothill yellow-legged to occur within the Project area. The habitat assessment and visual encounter survey for foothill yellow-legged frog was completed by qualified biologist with knowledge in the biology, life history, and life stages of the species. More specifically, the biologist's qualifications include over a decade foothill yellow-legged frog survey experience in the Sierra Nevada foothills, including visual encounter surveys and the CDFW-permitted annual relocation of 100s of egg masses, juveniles, and adults over the past four years. The habitat assessment and visual encounter surveys were completed on May 27, 2022, at the two perennial and two intermittent stream crossings within the Project area. Surveys were implemented beginning 300 feet (91 meters) downstream of the proposed stream crossings moving upstream a similar distance, where safely accessible. The habitat characteristics [shading/no direct sunlight, lack of cobble substrate for oviposition, presence of predators (i.e. American bull frogs, <i>Rana catesbiana</i>) and limited flow/ponded water in areas] plus the absence of foothill yellow-legged frog during the breeding and/or oviposition period informed the results of the biological resource impact assessment and mitigation (described on page 3.69 of the DEIR) and concluded there was a low potential for the foothill yellow-legged frog to occur in the Project area. Given the low potential for foothill yellow-legged frog to occur, potential impacts and avoidance and protection measures for foothill yellow-legged frog were discussed on page 3.74 of the DEIR. The impact assessment identified Mitigation Measures BIO-2 (DEIR page 3.86) which requires training for construction personnel to identify and avoid foothill yellow-legged frog and Mitigation Measure BIO-5 (DEIR page 3.90) which avoids the potential for unauthorized incidental take if the species was present. The impact assessment also considered that implementation of Mitigation Measure BIO-4 (DEIR page 3.87) would happen simultaneously for California red-legged frog, which given the focus on aquatic habitat, would also provide an additional check for presence of foothill yellow-legged frog and a protection against unauthorized incidental take. The intent of Mitigation Measure BIO-5 was to follow applicable protocols for the visual encounter survey and if present to avoid or obtain a California Fish and Game Code (FGC) Section 2801 incidental take permit prior to construction. The commenters' expertise on the subject is acknowledged and Mitigation Measure BIO-5 has been revised (as shown in Section 3.1 below) to enumerate specific steps required for visual encounter surveys and procedures for what to do with the results of the surveys. The Project would only result in take if the species occurs in the Project area. Based on the results of the habitat assessment, visual encounter surveys, as well as the plan for preconstruction clearances, and take avoidance (which have been clarified in Mitigation Measure BIO-4), the District anticipates the project will not result in incidental take of foothill yellow-legged frog. This approach aligns with the Draft Lake and Streambed Alteration Agreement (LSAA) conditions (see below) and the United States Fish and Wildlife Service's (USFWS) anticipated concurrence that the Project is not likely to adversely affect foothill yellow-legged frog and thus no federal incidental take permits are required. With the clarification added to mitigation measure BIO-04, the impact remains less than significant with mitigation incorporated.</p> <p>In Mitigation Measure BIO-8, the District also commits to compliance with the LSAA, which at a minimum, based on the Draft LSAA, will include the development of a Pre-Construction Survey Plan for foothill yellow-legged frog. The LSAA will also require Pre-Construction Surveys. Per the Project's Draft LSAA, the survey plan shall include the life-stage being surveyed for, survey methodology, as well as timing of survey(s). The survey plan shall also provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snowpack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). Additionally, the Project's designated biologist shall perform pre-construction surveys, as specified in the Pre-Construction Survey Plan within</p>

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	<p>the boundaries of the Project area plus a 500-foot buffer zone upstream and downstream of the construction area, where safely accessible.</p> <p>Therefore, to address this comment the District has provided clarifications of the survey results and mitigation measure alignment with the LSAA requirements. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
3	<p>The comment and associated recommendations regarding potential impacts to California red-legged frog (<i>Rana draytonii</i>) are acknowledged. The commenter recommends consultation and application of USFWS survey protocols, and measures such as pre-construction clearances, exclusion fencing and monitoring be added to mitigation measures. A habitat assessment was conducted for California red-legged frog per the USFWS's 2005 <i>Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog</i> by a qualified biologist on May 27, 2022, at the four wetted stream crossings within the Project area both up and downstream for up to 300 feet (91 meters), where safely accessible. Results of the habitat assessment were documented in the DEIR biological report and submitted to USFWS, as well as discussed in the Project's Biological Assessment that was prepared in accordance with Section 7 of the Endangered Species Act consultation process (District 2024). Potential impacts and proposed Mitigation Measures BIO-2 and BIO-4 have been reviewed by the USFWS.</p> <p>Pursuant to the Project's draft LSAA, the District will prepare a Pre-Construction Survey Plan for California red-legged frog, similar to the foothill yellow-legged frog's Survey-Plan described in Response A-1.2 above, which will further detail survey timing and methodology. Specifically, the survey plan shall include the life-stage being surveyed for, survey methodology, as well as timing of survey(s). Additionally, the Project's designated biologist shall perform pre-construction surveys, as specified in the Pre-Construction Survey Plan within the boundaries of the Project area plus a 500-foot buffer zone upstream and downstream of the construction area. Therefore, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
4	<p>The comment and associated recommendations regarding potential impacts to northwestern pond turtle survey timing are acknowledged. In addition to the pre-construction survey to be conducted prior to construction per Mitigation Measure BIO-5 (also required by the Project's Draft LSAA), the District will develop and implement a pre-construction survey plan for northwestern pond turtle in coordination with CDFW in the final LSAA, which at a minimum will include site-specific avoidance and minimization measures if turtles are observed, including the preparation and implementation of a site-specific avoidance, minimization, and/or relocation plan. This plan would be prepared by a qualified biologist and submitted to CDFW. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
5	<p>The comment and associated recommendation regarding potential impacts to nesting birds from Project tree removal is acknowledged. Approximately 615 trees within 6 miles ranging in size from 6 to 24 inches in diameter breast height. Suitable nesting habitat throughout the Project area will be surveyed for active bird nests during nesting season (March 1 to August 31) to avoid take per Mitigation Measure BIO-7 of the Project's DEIR (pages 3.92 through 3.94). However, regarding the loss of potential nesting bird habitat, this impact was not considered significant triggering mitigation for the following reasons (DEIR Impact BIO-1 page 3.77). The Project is located along an existing utility corridor that was previously cleared during initial installation of the pipeline and routine maintenance as required for operation. The corridor is narrow relative to nearby forested areas and its maintenance helps protect forested areas from fire. As such, for fire prevention and access reasons, the corridor is to be routinely maintained. The corridor when maintained, provides a shrub and grass habitat good for grounding nesting and foraging for nearby tree nesting. Therefore, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
6	<p>The comment and associated recommendation regarding nesting bird surveys and buffers is acknowledged. As discussed in the DEIR Mitigation Measures BIO-8 and BIO-9, the District will comply with the LSAA. This comment is resolved with the incorporation of the requirements defined within the Project's Draft LSAA Avoidance and Minimization Measure 2.9, by reference. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
7	<p>CDFW's recommendation regarding obtaining a FGC section 1602 LSAA is recognized. All Project-related activities that have the potential to change a bed, bank, or channel of streams or lakes would be required to comply with applicable regulations and obtain a permit. The commenter is referred to Section 1.2, Permits Required, for the Project which states that a LSAA under California FGC Section 1602, would be required for the Project. The Draft LSAA was provided to the District for review on February 27, 2024. This</p>

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	comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.
8	<p>The comment regarding the potential impacts to sensitive plant communities and CDFW's recommendation for species-specific measures are acknowledged. Three special-status species were identified as having a moderate potential to occur or are present in the Project area (Pleasant Valley Mariposa lily, Sierra clarkia, and yellow bur Navarretia). The commenter is referred to Mitigation Measure BIO-1: Pre-Construction Botanical Surveys, on page 3.84 and 3.84 of the DEIR, which includes conducting pre-construction surveys, establishment of exclusion buffers if species are present, and consultation with CDFW if species cannot be avoided during construction activities. Surveys shall follow protocols designated by CDFW (CDFW 2018) and CNPS (CNPS 2001) and shall occur during the appropriate floristic bloom periods. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
9	<p>The comment and associated recommendation regarding biological resources training is acknowledged. The recommendation specifically suggests that a qualified biologist be responsible for providing all biological resources training, even to those that may arrive to the Project site after the initial biological resources training. Mitigation Measure BIO-2 of the DEIR requires that the training materials for the biological resources awareness training be prepared by a qualified biologist. The biological training for the Project will be provided by a qualified biologist at the initial Project kickoff and handouts shall be provided and distributed for future reference, as discussed in Section 3.8.7.2, Mitigation Measure BIO-2, on pages 3.85 and 3.86 of the DEIR. Therefore, the existing mitigation measure ensures that all Project personnel receive the written training materials prepared by a qualified biologist. This ensures that all Project personnel receive the training information. Mitigation Measure BIO-2 also requires that a roster of trained Project personnel be maintained in the Project construction office and made available for review by regulatory agencies, if needed. Similar projects throughout the sierras have used similar methodology for completing biological resources training to adequately train contractor staff, while also being cognizant of the public funds that would be required to retain a qualified biologist onsite throughout Project construction. Mitigation Measure BIO-2 specifies that the training materials prepared by a qualified biologist will provide information on the topics recommended in the comment.</p> <p>Additionally, the following DEIR text revision has been included in Mitigation Measure BIO-2 (page 3.86) of the DEIR and the MMRP to further address the comment:</p> <p style="padding-left: 40px;"><u>“The training shall initially be presented to key Project personnel by a qualified biologist at the Project kickoff and recorded to be used for additional contractor staff that may arrive on the Project site after the Project kickoff.”</u></p> <p>Further, if requested, the training materials provided for the biological resource training would also be provided in additional non-English languages. The recorded training and the training materials provided would sufficiently train any new construction contractor staff that may arrive onsite after the initial Project kickoff. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
10	<p>Comment #10 Introduction</p> <p>The comment and associated recommendations regarding the biological mitigation measures in the document are acknowledged. Specifically, the commenter identifies three suggested issues and recommendations related to mitigation measures which include the following:</p> <p style="padding-left: 40px;">Issue/Recommendation 9.1: Mitigation measures should not be deferred until a future time and rely on future agreements</p> <p style="padding-left: 40px;">Issue/Recommendation 9.2: Mitigation measures should establish performance standards</p> <p style="padding-left: 40px;">Issue/Recommendation 9.3: Additional options for mitigation should be considered, in addition to the use of relocation, salvage, and/or transplantation. Use of relocation, salvage, and/or transplantation as the sole mitigation measure for biological impacts is considered experimental and largely unsuccessful.</p> <p>Issue/Recommendation 9.1: Deferred Mitigation and Reliance on Future Agreements</p> <p>The commenter suggests in Issue 9.1 of the letter that mitigation should not be deferred and suggests that the DEIR's measures for biological resources inappropriately rely on future approvals or agreements as the means to reduce significant impacts.</p> <p>A lead agency may properly defer the specific details of mitigations “when it is impracticable or infeasible” to include those details during CEQA review, but only if the agency “(1) commits itself to the mitigation, (2)</p>

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<p>adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure.” (CEQA Guidelines Section 15126.4[b])</p> <p>Regarding specifically the comment that the DEIR includes mitigation measures that rely on future approvals or agreements, the commenter does not provide reference to which mitigation measures they consider to be deficient. Mitigation Measures BIO-1 through BIO-10 (DEIR pages 3.84 through 3.96, and included within the MMRP) include a combination of requirements for pre-construction surveys, biological awareness training, and reduction and avoidance measures, which collectively reduce potential biological impacts to a less than significant level. The DEIR Mitigation Measures BIO-4, BIO-8, BIO-9, and GEO-1 require at a minimum compliance with existing regulations (CWA Section 404 and 402, FGC 1602, 86, and 1900, Migratory Bird Treaty Act, Endangered Species Act) governed by ‘expert’ regulatory agencies who’s issuance of approval is required for the project to proceed with the impact the measure is mitigating (Citizens Opposing A Dangerous Environment v. County of Kern, 228 Cal.App.4th 360, 5th Dist. July 25, 2014). These mitigation measures also include minimum commitments by the District to reduce impacts to less than significant (DEIR page 3.88, 3.95, 3.129).</p> <p>Issue/Recommendation 9.2: Performance Standards</p> <p>The commenter further identified that the mitigation measures in the biological resources section of the DEIR do not include performance standards. Each of the biological resources mitigation measures (BIO-1 through BIO-10) includes a plan for mitigation implementation. This plan describes the responsible party, timing of implementation, how the measure will be monitored and reported, and the standard for successful implementation of the measure, effectively meeting the requirements of CEQA (CEQA Guidelines Section 15126.4[b]).</p> <p>Mitigation measures included in Section 3.8.7 and the MMRP of the DEIR provide sufficient scientific performance standards to reduce identified potentially significant impacts based on the thresholds of significance identified in Section 3.8.6.1. Performance standards are described for each mitigation measure under the heading “Mitigation Measure BIO-# Implementation” with the subheading “Standards for Success.” These Standards for Success describe the performance standards that provide sufficient information to conduct impact assessment and mitigated potentially significant impacts related to biological resources to a less than significant level.</p> <p>In section 3.8.7 and within the MMRP, the District committed to ten biological mitigation measures and one mitigation measure contained within the geology and soils section (MM GEO-1). The standards for success (i.e., performance standards) for each of these measures are included below:</p> <p><u>Mitigation Measure BIO-1: Pre-Construction Botanical Surveys</u></p> <ul style="list-style-type: none">– Standard for Success: The Mitigation Measure has been updated to include the following “The District will work with a qualified botanist to either protect in place with exclusion fencing and verify no impact via spot check monitoring or the District would pay an in leu fee payment to a local land trust for preservation of an equivalent acreage”. <p><u>Mitigation Measure BIO-2: Biological Resource Awareness Training</u></p> <ul style="list-style-type: none">– Standards for Success: Construction personnel are trained in the key characteristics for identifying and avoiding impacts to special-status species and sensitive habitats. <p><u>Mitigation Measure BIO-3: Reduce the Spread and Introduction of Invasive Noxious Weeds</u></p> <ul style="list-style-type: none">– Standards for Success: Minimize the potential for introduction of new invasive weed species into the Project area through visual inspection of equipment and/or signed affidavits from the contractor of weed free certification. <p><u>Mitigation Measure BIO-4: Avoid and Minimize Impacts to California Red-legged Frog and Suitable Habitat</u></p> <ul style="list-style-type: none">– Standards for Success: California red-legged frog shall not be disturbed without qualified biologist permitted under the project specific Biological Opinion before, during, or after Project construction activities. <p><i>Note: an editorial change was made to this standard for success. See Section 3.1 of this FEIR for additional detail.</i></p> <p><u>Mitigation Measure BIO-5: Avoid or Minimize Impacts to Foothill Yellow-Legged Frog and Northwestern Pond Turtle</u></p> <ul style="list-style-type: none">– Standards for Success: Foothill yellow-legged frog shall not be disturbed without Project-specific permission from CDFW.

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	<p><i>Note: an editorial change was made to this standard for success. See Section 3.1 of this FEIR for additional detail.</i></p> <p><u>Mitigation Measure BIO-6: Native Aquatic Species Rescue and Relocation</u></p> <ul style="list-style-type: none"> - Standards for Success: Native aquatic species will not be disturbed before, during, or after Project construction activities. <p><u>Mitigation Measure BIO-7: Avoid or Minimize Impacts to Special-Status Bird Species, Nesting Raptors, and Other Migratory Birds Protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code (FGC)</u></p> <ul style="list-style-type: none"> - Standards for Success: Special-status species, nesting raptors and other migratory birds covered under the MBTA and FGC will not be disturbed during the Project construction activities; exclusion buffers will be installed and monitored. <p><u>Mitigation Measure BIO-8: Avoid and Minimize Impacts to Riparian Habitat</u></p> <ul style="list-style-type: none"> - Standards for Success: Appropriate permit compliance and compensation in coordination with CDFW. <p><u>Mitigation Measure BIO-9: Avoid and Minimize Impacts on Waters of the United States (WOTUS) and Waters of the State (WOTS)</u></p> <ul style="list-style-type: none"> - Standards for Success: Appropriate State and federal permit compliance and compensation, including no net loss of WOTUS or WOTS from the Project. <p><u>Mitigation Measure BIO-10: Avoid and Minimize Impacts to Oak Trees and Oak Woodlands</u></p> <ul style="list-style-type: none"> - Standards for Success: Impacts to oak trees within the Project area will be minimized to the greatest extent feasible. <p><u>Mitigation Measure GEO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (SWPPP)</u></p> <ul style="list-style-type: none"> - Standards for Success: Adherence to all applicable conditions and no substantial erosion or topsoil loss during or post-construction. <p>Issue/Recommendation 9.3: Use of Relocation, Salvage, and/or Transplantation</p> <p>Finally, the commenter states that relocation, salvage, and/or transplantation should not be used as the sole mitigation to reduce biological impact. Although the commenter does not specify which biological resources and/or mitigation measure they are referencing, it appears to be in reference to potential impacts to plant species Mitigation Measure BIO-1: Pre-Construction Botanical Surveys includes salvage of special-status plant species if Project activities would disturb more than 25 percent of the population. The Mitigation Measure shall be updated to include the following “The District will work with a qualified botanist to either protect in place with exclusion fencing and verify no impact via spot check monitoring or the District would pay an in leu fee payment to a local land trust for preservation of an equivalent acreage”. These requirements help ensure the success of the relocation. Collectively these mitigation measures would effectively reduce impacts to a less than significant level.</p> <p>Comment #10 Conclusion</p> <p>The DEIR included mitigation measures that are sufficient to mitigate any potential significant impacts that could arise and the analysis and conclusions of the DEIR are therefore valid and no additional edits to the biological mitigation measures are required beyond what was described in the response above. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
11	<p>The editorial comment regarding one of the numbered items on page 3.90 (i.e. page 137 of the pdf) not containing any text is acknowledged. The item number “1” on this page was made in error and the list in the mitigation measure ends with item “13”. A DEIR text revision has been added to Section 3.1 of this FEIR with the removal of the “1”. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
12	<p>CDFW’s request for reporting of any special-status species and natural communities detected during surveys is recognized. Any detections made would be reported per the District’s discretion and/or per a Project-specific permit requirement (i.e., CDFW LSAA). This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
13	<p>CDFW’s requirements for fees is acknowledged. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

14	CDFW's request for written notification on proposed actions and decisions regarding the Project as well as contact information for CDFW is acknowledged. All noticing for the FEIR would comply with CEQA Guideline requirements and State regulations. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.
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SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Comment I-1, February 26, 2024, Braun, Wendy

Letter I-1

February 26, 2024

El Dorado Irrigation District
2890 Mosquito Rd
Placerville, CA. 95667
Attn: Doug Venable – Sly Park Intertie Comment

Re: CEQA for Sly Park Intertie Project

To Whom It May Concern,

1 After reviewing the CEQA, I have questions and concerns about the multiple impacts your project will have on the environment, residents, wildlife and cultural resources within the southern end of the project in Segment 2, (2.7). Would you please provide clarity on the items listed below.

2 A temporary access road for the Staging Area as shown on the most recent updated project map (Figure 1.1-1 dated 10/24/23 is on a privately maintained portion of Dolly Varden Lane. This is a single, steep, windy and narrow gravel road that requires only 4 WD/AWD vehicles to access it without becoming stuck and blocking residents or emergency vehicles from a safe and swift passage in the event of an emergency or evacuation. Only 4WD Tow trucks have been successful in towing vehicles, including other tow trucks, off the road. Construction traffic would seriously damage the existing dirt/gravel road and steep grade. This road was built to access a few properties that were built since the original pipeline was installed along these properties and was not built to handle the large construction equipment, multiple oversized vehicles and heavier usage as described in the CEQA fuel usage report than it is currently accommodating without significant damage. EID Construction traffic along with the PGE underground cable project taking place at the same time this spring would seriously restrict safe access during an emergency or fire evacuation for us.

1. Who surveyed this area as a suitable access route?
2. Can you consider an alternative route that would not jeopardize the safety of the residents in this area.
3. If there is no alternative, who would be responsible for maintaining the roadway during usage including repairs when the project is completed?
4. Are you aware that PGE is commencing an underground utility project throughout Sly Park Hills this spring and will also be trenching along this route?

3 The temporary access road looks to be crossing through a 6 acre parcel APN: 077-101-054, adjacent to 077-101-052 and the WTP which is a lava cap meadow filled with the 2 protected flower species as seen in the photographs submitted by the biologist in her Biological report but not on the Map legend for Section 13. I have lived on this land for 31 years and have avoided walking in that meadow and also the meadows of 077-101-028 and 077-101-026 during the early months of spring when they are in full bloom. The staging and access road are on these two parcels and also being lava cap meadows they have the same flowers on them.

5. The biologist's report states that she did not survey these two meadows "at the southern end of the project near Res. A" and also none of the project area during the early bloom period. Why not? Spring 2023 and 2024 are significantly wetter years and will produce a more robust bloom. These protected flowers will be plentiful. The biologist will see they exist here and can then include them on the map where the staging area and the access roadway will be.
6. Would the presence of these two protected flowers on these 3 parcels be inconvenient to the use of them for staging and pipeline access?
7. Can the biologist contact me for a tour of my adjoining property? It has Sierra Clarkia on it as well. When weed eating the property we avoid them because of their vibrant color against the back drop of dry grass and star thistle.

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

According to the information in the CEQA from CAL FIRE, this project is situated in an area considered to be a VERY HIGH fire danger area. This is a major concern for us with the amount of traffic by non-residents into our neighborhood and properties. The FAQ page dated 2/7/24 states that the updated construction time will now begin in Summer 2024. The middle of the hottest season and high risk for forest fire in our communities. In the CEQA Page 3.220 Fire Protection states that

"During the fire hazard season, these regulations include:

- 1) Restricting the use of equipment that may produce a spark, flame or fire.

We are always on high alert for fire danger in our neighborhood because there is only this one small roadway to exit up and out into the sub-division and only one exit out of the neighborhood to Sly Park Road. Year round there are prevailing winds that come directly up the canyon from the south and west and into our neighborhood where the pipeline is.

No one here drives on these grassy areas during the dry season because we are acutely aware that friction from spinning tires can be just as dangerous as sparks.

- 4 During the summer the electricity has been shut down frequently due to these winds and the extremely high fire danger. On these days residents are extremely cautious and concerned, especially since the Caldor Fire. Running heavy construction equipment and vehicles over the dry grass in these lava cap (rock) meadows during these dry months is an accident waiting to happen.

The bare hill above Canchalagua Dr. where a staging area is shown on the Updated Project Vicinity Location Map dated 10-24-23 is an example of what happened in the month of May when a fire started by a downed power line in the prevailing dry winds. It is a massive burn scar. We were all evacuated. Had the winds not shifted, this neighborhood would look like that once densely forested and now bare mountain which we can still see from here 15 years later.

8. What water sources will be here on the project site?
9. Will there be Certified Fire Personnel on site to deal with a fire start immediately?
10. There is little to no reliable cell service in these areas. What reliable communication will the personnel have to communicate an emergency to the 911 system?
11. How quickly would the residents be notified? Timing is everything for our survival in a wildfire here in this community.
12. Who will be overseeing the Mitigation WILD-1 Prepare and Implement a Fire Safety Plan
13. Where can we see a copy of the plan?

I have spoken to Jon Money and Liz Carrington about the Native American Cultural Resources that are in the planned staging areas and I do not see them referenced anywhere within the CEQA.

- 5 14. It appears in the Helix report that their agency was directed by the district not to contact the local tribes. Why?
15. I did not see a reference to the Timber Harvest Plan for the property with the CR's on them among the ones listed in the CEQA. For your information, the protected area I'm referring to can be found in a Timber Harvest Plan, THP 4-06-16/ELD-7 from 2006. I did point out to the surveyor where this area was while he was here in 2023 and also shared it with Jon Money in 2022. Why are you still staging in an area where there are Native American Cultural Resources?

- 6 16. How loud are the new pumps going to be?
17. How often will they be running?
18. This is a quiet, peaceful valley except for the industrial noise coming from Res. A. Will there be more noise generating from the WTP after it is completed?

- 7 19. How will this project impact our ground water, well and water storage tank that sits ~25' from the pipeline?

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

8 | This project will indeed have a major impact on wildlife. This section of the project area is filled with game trails and are hunting grounds for a multitude of wildlife. Protected migratory birds fill this brush in the spring and summer nesting. I also have recent photographs taken here in the last 6 months of 2 Bears, 3 Mountain Lions, a Bobcat, Pileated Wood Peckers, recordings of Great Horned Owls, and a Sierra Red Fox if you need to see the plethora of wildlife that live in and around this project area. They live, hunt, migrate all through here. With 4 creeks North Fork Weber Creek, South Fork Weber Creek, Clear Creek, North Fork Clear, black oak acorns, manzanita berries, conifer cones, there is plenty to sustain them. They will all be displaced during this construction period and will have lost their cover, habitat, food sources. This project has a HUGE impact on the environment.

9 | 20. Can I request a notification of mastication date? There may be a need to rescue injured and orphaned song birds that will be nesting along with the many dusky footed woodrats that have been living in the dozens of very 30+ year old middens within the buck brush that has grown over the pipeline on my property. Also, the nocturnal wildlife that will be displaced during the daylight hours. Dusky Footed Woodrats, Northern Flying Squirrels, Bats, Owls, Bobcat, Bear, Mt Lion, Deer, raccoon, skunk, opossum, field mice.

10 | 21. Why was there no alternative project considered to travel along Sly Park Road to Pony Express Trail? Less destructive, and easier to maintain. Taxpayers have contributed for years through property taxes but see very little repairs to our local roads. This would benefit the community without any more destruction to our aesthetically beautiful communities by a Utility Company.

11 | 22. In the CEQA, it states that there are no known Eagle Nests within 5 miles of the project area. I'm sure EID is aware of the one located at Sly Park Lake that is EID owned now. Why aren't these included in the CEQA?

12 | In Table ES1 "Executive Summary of Impacts and Mitigation Measure", AES-3 states that in non-urbanized areas, potential to substantially degrade the existing visual character or quality of public views of the site and its surroundings. No mitigation is required and for this project as it is considered to be LTS Less than significant.

Our home is situated higher up on the property overlooking the project area and with a westerly view as far as the coastal mountain ranges on a clear day. The destruction of the natural shrubs and construction of a gravel road is degrading to our existing visual character and the quality of our view. This pipeline runs along our property line.

23. Can this section of the pipeline be covered with native soil instead of gravel? If not, what type of material will be used?

13 | Also, because the homes in this area are located adjacent to and at a higher elevation than the EID Water Treatment Plant, we can hear people talking, traffic, equipment, the emergency generators, see more brighter lights at night, and smell chemicals and organic odors more than we ever have in the 30 years we've been here when there was a just a small building, no fencing, one security light and the sounds of a fountain spraying water into the air with Canada geese flying and out freely.

24. What plans do you have to mitigate the impact that the ongoing noise, odors and light pollution from the Water Treatment Plant are having on the residents adjacent to the water treatment plant?

Sincerely,

Wendy Braun
4073 Casselberry Court
Pollock Pines, CA 95726
APN: 077-101-052 and 077-101-050

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Response I-1, February 26, 2024, Braun, Wendy

1	<p>The introductory text is acknowledged. The specific concerns related to the remainder of the comment are addressed as they occur below.</p>
2	<p>The comments regarding access and staging areas near Dolly Varden Lane are acknowledged. Access and staging areas have been identified for the Project by a professional design engineer and selected as potential access and staging areas for the Project. Actual access and staging during construction may vary depending final Project design and will be chosen based on the contractors discretion, however, will be within surveyed areas identified in the DEIR.</p> <p>Additionally, the District has recently been in contact with PG&E and is aware of the undergrounding work that will be occurring in the area. All undergrounding utility projects in the area would be coordinated with PG&E to avoid potentially cumulative impacts related to construction traffic and emergency access or evacuation. As discussed in Section 3.21.5, Transportation Mitigation, Mitigation Measure TRA-1, Prepare an Implement a Traffic Control Plan, would be required and would include approval of this plan by the County Department of Transportation, Caltrans, the California Highway Patrol, and the local fire district. This mitigation measure would ensure that traffic flow remains at acceptable levels and emergency access remains reasonably possible at all times throughout the Project area. Therefore, any potential construction traffic or emergency access or evacuation routes would not be substantially impacted by construction of the Project. Therefore, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
3	<p>The comments regarding the protected wildflower species are acknowledged. The biologist completed a full survey of the Project area. If areas are considered for impact, including staging areas, they have been surveyed for special-status species. The commenter's concerns regarding the importance of the wildflowers is acknowledged. As discussed in the DEIR, Mitigation Measure BIO-1 includes a pre-construction botanical survey, which includes that if special-status plants are present, Project activities shall be reduced and minimized to avoid impacts. The commenter's concern regarding the adjacent property having Sierra clarkia is acknowledged. A full floristic survey was completed during the initial surveys and the biologist observed Sierra clarkia adjacent to the Project area. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
4	<p>The commenters' concern regarding potential construction-related wildfire hazards is acknowledged. As discussed in Section 3.24, Mitigation Measure WILD-1 in the DEIR, a Fire Safety Plan will be prepared for the Project, prior to construction activities. A copy of this plan will be made available upon request when completed. Development of this Fire Safety Plan will be a requirement of the chosen contractor and will be approved by the District's Safety and Security Officer prior to implementation. This Fire Safety Plan will include procedures for evaluating weather and other conditions during which fire risk is elevated (conditions under which specified activities would cease due to elevated fire conditions); equipment used to prevent fire and respond to a fire immediately; personnel responsibilities and assignments to implement the Fire Safety Plan; and other measures to reduce fire risk during construction. Additionally, this Fire Safety Plan will identify reliable methods of communication in the event of a wildfire. Therefore, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
5	<p>The comment regarding the cultural report included in the DEIR and contact with the local tribes is acknowledged. The District sent Assembly Bill (AB) 52 consultation letters to 8 local culturally affiliated tribes and individuals on February 3, 2023. A representative from the United Auburn Indian Community (UAIC) responded to the AB 52 letter and requested to consult on the Project. The District provided the UAIC with current and prior cultural resource reports, site records, and maps associated with the Project area. The UAIC provided the District with tribal cultural resource (TCR) mitigation measures and discussion recommendations for the Project's TCR analysis. The District utilized the UAIC recommendations to develop the Project's TCR discussion and mitigation measures. Additionally, the commenter is referred to Section 3.22.2.4, Native American Outreach, of the DEIR which discusses the letters that were sent out to the local tribes (August 14, 2023). None of the Native American Tribes or individuals contact responded to the request for information. However, a representative from Shingle Springs Band of Miwok Indians responded outside the 30-day consultation request window. The District provided the Tribal representative with the Project's cultural reports as requested and did not receive additional communications.</p> <p>The comment regarding the Timber Harvest Plan (THP) is also acknowledged. The commenter further suggests that the THP identified a Native American cultural resource and Project construction could impact this resource.</p>

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

	<p>The commenter is referred to Section 3.9.4.2, Known Cultural Resources, as well as Section 3.22.2.4, which discusses cultural and tribal cultural resources that were analyzed. The results of the Sacred Lands File search completed for the Project did not identify any known tribal cultural resources within the Project area. Additionally, the commenter is referred to page 8 of the Cultural Resources Assessment (Appendix D of the DEIR), which lists the THP 4-06-16 in a study that was previously conducted within 0.25-miles of the Project. As identified within this study, the two shallow stoned-lined depressions are located more than 0.25-mile from the Project and therefore would not be impacted by Project construction or operation. Therefore, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
6	<p>The questions regarding the potential for noise from the pump station are acknowledged. The commenter is referred to Impact NOS-1 on page 3.183 of the DEIR which discusses operational noise impacts associated with the new pump station. As discussed in the DEIR, the new pump station and backup generator would run periodically and would be enclosed within sound attenuating housings. The approximate sound level at 450 feet from this new structure would be 60 dBA, which would be consistent with the existing noise levels in the area. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
7	<p>The comment regarding potential impacts to a well and water storage tank that is potentially adjacent to Project pipeline is acknowledged. The commenter is referred to Section 3.14.4.1, Impact HYD-1 on page 3.164 of the DEIR which analyzes potential impacts to groundwater quality from Project construction and operation. Potential construction impacts related to both surface and groundwater quality would be reduced to a less than significant level with Mitigation Measure HAZ-1: Prepare and Implement a Hazardous Materials Release and Prevention Plan, Mitigation Measure GEO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (SWPPP), Mitigation Measure BIO-8: Avoid and Minimize Impacts to Riparian Habitat, and Mitigation Measure BIO-9: Avoid and Minimize Impacts of Waters of the United States and Waters of the State. The Project will also comply with Clean Water Act Sections 404 and 401 and Fish and Game Code 1602 agreement stipulations. Once operational, the pipeline would be located underground, similar to existing conditions, and would have no impacts to local groundwater wells or storage. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
8	<p>The comment regarding the potential impacts of the Project on wildlife is acknowledged. However, the species provided by the commenter do not introduce new information not considered within Table 3.4.1 of the DEIR, which addresses the potential for special-status species to occur in the Project area. The commenter is referred to the following sections of the DEIR which describe potential impacts to migratory birds, terrestrial wildlife, and special-status plant species:</p> <ul style="list-style-type: none"> Impact BIO-1, page 3.72 – potential impacts to special-status plant species Impact BIO-1, page 3.77 – potential impacts to special-status bird species, nesting raptors and other migratory birds Impact BIO-4, page 3.80 – potential impacts to movement of terrestrial wildlife species <p>Potential impacts to wildlife species in the DEIR were analyzed in accordance with the CEQA Guidelines and thresholds. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
9	<p>The comment requesting the notification of the mastication date is acknowledged. Construction of the Project is estimated to begin in Summer of 2024 and be completed in 2025, over approximately 18 months. More detailed and specific Project construction dates will be posted to the Project website and will be regularly updated over time. Additionally, the commenter identified multiple wildlife species that they suggest may need to be rescued from the area during Project construction. The DEIR includes several mitigation measures to protect special-status species under the thresholds of CEQA including:</p> <ul style="list-style-type: none"> Mitigation Measure BIO-4: Avoid and Minimize Impacts to California Red-legged Frog and Suitable Habitat (page 3.87 of DEIR and within MMRP) Mitigation Measure BIO-5: Avoid or Minimize Impacts to Foothill Yellow-Legged Frog and Northwestern Pond Turtle (page 3.90 of DEIR and within MMRP) Mitigation Measure BIO-6: Native Aquatic Species Rescue and Relocation (page 3.91 of DEIR and within MMRP) Mitigation Measure BIO-7: Avoid or Minimize Impacts to Special-Status Bird Species, Nesting Raptors, and Other Migratory Birds Protected under the MBTA and FGC (page 3.92 of DEIR and within MMRP) <p>These measures effectively reduce potential impacts to special-status species to a less than significant level. Additionally, common wildlife species (i.e. not listed as special-status) would also have the potential to be</p>

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

	protected through pre-construction surveys and protocols, although not required under the thresholds of CEQA. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.
10	The comment regarding the analysis of an alternative along Sly Park Road to Pony Express Trail is acknowledged. The commenter is referred to Section 4.1.1.1, Infeasible Alternative 1 – Alternative Within Existing Roadway right-of-way (ROW) on page 4.2 of the DEIR which evaluates a potential alternative Project alignment along Sly Park Road. The reasons for infeasibility of this alternative are stated within the DEIR. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.
11	<p>The comment regarding the presence of an eagle at Sly Park Lake is acknowledged. As described in Section 3.8, Biological Resources of the DEIR, the State maintains a list of species recommended for consideration as special-status or species of special concern under CEQA (i.e. California Natural Diversity Database [CNDDDB]). This list was reviewed to identify special-status species that have been known to or have the potential to occur within the Project area. Special-status species either known to occur within the Project area or with potential habitat in the Project area were then evaluated to assess potential impacts that may occur from implementation of the Project. At the time of review of this database, the occurrence identified by the commenter was not included on the CNDDDB list. Further, as stated in Table 3.4-1 on page 3.59 of the DEIR, bald eagles have limited to no suitable habitat and no known occurrences within 5 miles of the Project area based on biological databases, and as such were not further analyzed. However, the District appreciates the comment and will submit the occurrence information to CDFW to update the CNDDDB to include the known eagle nest located in the Sly Park Recreation area.</p> <p>Additionally, when work is proposed within the vicinity of an active eagle nest, disturbance buffers should be established to mitigate disturbance to the nest and its occupants. Specifically, the nest located at Jenkinson Lake is approximately 3.5 miles from the Project area (Reservoir A). According to the <i>National Bald Eagle Management Guidelines</i> (USFWS 2007), the size and shape of disturbance buffers can vary depending on the topography and other ecological characteristics surrounding the nest site. However, the nest at Jenkinson Lake is well over the maximum buffer size distance (0.5 mile) recommended within the USFWS's 2007 guidelines.</p> <p>Additionally, Mitigation Measure BIO-7: Avoid or Minimize Impacts to Special-Status Bird Species, Nesting Raptors, and Other Migratory Birds Protected under the MBTA and FGC includes measures that would protect bald eagles, even though they were determined to have a low potential to occur in the Project area. As such, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
12	The commenters concern regarding the visual character of the Project pipeline adjacent to their property is acknowledged. Further, the commenter requested that this segment of pipeline be covered with native soil instead of gravel. The commenter is referred to Section 2.6.1.5, Start Up, Testing, and Site Restoration on page 2.14 of the DEIR which states that in-road segments associated with the replaced pipeline would be repaved, and any overland segments would be graded to match the existing topography and re-seeded with the appropriate native herbaceous seed mixes for local upland and riparian habitats. Further, this residential property is located adjacent to Segment 3 of the Project, which is not anticipated to result in tree removal, thus further limiting visual impacts. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.
13	<p>The comment regarding mitigating potential impacts from noise, odors, and light pollution at the Water Treatment Plant are acknowledged. Operations lighting impacts, air quality impacts, and noise impacts are discussed in the following sections of the DEIR:</p> <ul style="list-style-type: none"> Section 3.5, Aesthetics and Visual Resources, Impact AES-4, page 3.11 Section 3.7, Air Quality, Impact AIR-4, page 3.36 Section 3.17, Noise and Vibration, Impact NOS-1, page 3.183 <p>As analyzed in these sections of the DEIR, operation of the Project would be consistent with existing operations at the Water Treatment Plant and would comply with state, federal, and local regulations governing visual, air quality, and noise impacts. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Comment I-2, February 29, 2024, Bross Martin

Letter I-2

From: [Martin Bross](#)
To: [# SlyParkIntertieEIR@EID.org](#)
Subject: Sly Park Intertie Comment
Date: Thursday, February 29, 2024 2:00:26 PM

1

I sent an email with the North Fork of Clear Creek pipeline crossing in the subject line, missed the note so I am sending this one. I wrote to address the small fish population downstream of the pipeline crossing in one of the pools, did not have a chance to see the report and if this was addressed in it.

Thank you,
Martin Bross
In God we trust

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Response I-2, February 29, 2024, Bross Martin

1	<p>The comment regarding the small fish population downstream of the pipeline is acknowledged. The commenter is referred to Impact BIO-4 on page 3.81 of the DEIR which discusses potential impacts to the movement of aquatic wildlife species. The Project includes four stream crossings which would include open-trench installation and installation during periods of no or low flows to reduce potential water quality and aquatic wildlife species impacts. Additionally, as discussed in the DEIR, Mitigation Measure BIO-6: Native Aquatic Species Rescue and Relocation (pages 3.91 and 3.92 of the DEIR) would be implemented and would include development of an aquatic species rescue plan prior to any in-water work that would be approved by CDFW. As such, any potential impacts to aquatic species would be less than significant with mitigation incorporated, as analyzed in the DEIR. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
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SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Comment I-3, February 1, 2024, Odom, Beverly

Letter I-3

From: [Beverly Odom](#)
To: [# Sly Park Intertie](#)
Cc: [Keith Odom](#)
Subject: Sly Park Intertie Comment
Date: Thursday, February 1, 2024 10:43:44 AM

1

Hello, we live next to Reservoir A in Sierra Springs off the Foxglove easement. Thanks for the information about the project and the opportunity to provide comments. Our main hope is that the construction of additional pumping stations results in low noise and then no noise after the project is complete. We are situated west of the plant in the canyon, so any noise from the treatment plant travels to our home. For example, sometimes we hear the low humming of an engine when the water is being pumped(?). Is it possible to use quiet pumps or a sound wall? I do not know the specifics, however sometimes we hear noise and given the possibility of an expansion of pumps/infrastructure, it would be nice if it was possible to use the quietest technology and/or sound wall available. We appreciate any consideration of our comments.

Beverly Odom
5173 Sierra Springs Dr.
Pollock Pines, CA 95726

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Response I-3, February 1, 2024, Odom, Beverly

1	The comment regarding the potential for noise from the pump station and proximity to the residence is acknowledged. The commenter is referred to Impact NOS-1 on page 3.183 of the DEIR which discusses operational noise impacts associated with the new pump station. As discussed in the DEIR, the new pump station and backup generator would run periodically and would be enclosed within sound attenuating housings. The approximate sound level at 450 feet from this new structure would be 60 dBA, which would be consistent with the existing noise levels in the area. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.
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SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Comment I-4, February 20, 2024, Schultz, Julie

Letter I-4

From: [Julie Schultz](#)
To: [# SlyParkIntertieEIR@EID.org](#)
Subject: Sly Park Intertie Improvements DEIR Comments
Date: Tuesday, February 20, 2024 11:45:15 AM

- 1 I am requesting my comment to be documented regarding Sly Park Intertie project. I am a home owner at 5955 Dolly Varden Lane, Pollock Pines and my name is Julie Schultz. We are located off Casselbarry Court which is a single lane road with limited to no shoulder. This road is the only way in and out of our property, there is no alternative access road. I have great concern about blocked access and damage to the road due to construction vehicles using the road for access to the project. This is a huge safety concern due to potential fire or medical emergency situations. We need full access to our road, construction vehicles blocking the road is dangerous for the residents living on Casselbarry Court & the tail of Dolly Varden Lane. How will this be addressed for keeping the road cleared of construction vehicles and will our road be resurfaced after construction is completed?
- 2 With the EID project operating through the summer months I additionally have concern about fire safety. Our meadows become very dry potentially creating an opportunity for fire due to a spark from equipment in use. Without fire hydrants available within a mile radius of Casselbarry what is the safety plan to protect the residents and our property?
- 3 Additionally we provide a youth camp on Saturdays & Sundays from May through October. The children are interacting with horses at our camp. This could be a potential dangerous situation since horses can be triggered and severely impacted by unfamiliar noise. Our kids camps have been offered for 4 years here at our ranch on Dolly Varden. We have the privilege due to our properties location of never having distractions of vehicles or disruptive noise. I have concern that the disruptive construction equipment and noise from this project while in our neighborhood could trigger an unsafe and potentially dangerous situation for the kids and the horses.
Julie Schultz

SLY PARK INTERTIE IMPROVEMENTS PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Response I-4, February 20, 2024, Schultz, Julie

1	<p>The comment regarding access to residences on Casselbarry Court and Dolly Varden Lane during Project construction, as well as restoration of roads post-construction, is acknowledged. The commenter is referred to Impact TRA-3 and Impact TRA-4 on pages 3.204 and 3.205 of the DEIR which discuss construction traffic and emergency access impacts resulting from the Project. As analyzed in the DEIR, construction of the Project would result in temporary impacts to traffic, and as such, Mitigation Measure TRA-1, Prepare and Implement a Traffic Control Plan would be required to minimize any potential hazards and ensure adequate ingress and egress for residences as well as emergency response vehicles. Once Project construction is complete, all disturbed roadways would be repaved back to existing conditions or better, as stated on page 3.205 of the DEIR. Therefore, residences on Casselbarry Court and Dolly Varden Lane would have access to their properties throughout construction activities. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
2	<p>The comment regarding concerns with fire safety during Project construction is acknowledged. The commenter is referred to Impact WILD-1 through WILD-4, as well as Mitigation Measure WILD-1, on pages 3.223 through 3.227. As analyzed in the DEIR, Project construction has the potential to include use of equipment that could cause the unintentional release of sparks or heat into nearby flammable material, such as brush or grasses. As such, Mitigation Measure WILD-1 would be implemented and would include preparation and implementation of a Fire Safety Plan which would reduce potential construction impacts related to wildfires to a less than significant level. In addition, Project construction activities would be required to comply with all applicable local, State, and federal requirements, including the California Fire Code, which limits the potential for construction equipment to spark a wildland fire by requiring the implementation of fire protection systems, means of adequate ingress and egress of construction equipment and personnel, and use of fire-resistive construction equipment. This comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>
3	<p>The commenters concern regarding potential impacts to their horse youth camp as a result of Project noise is acknowledged. The commenter indicated that the youth camp occurs on Saturday's and Sunday's from May through October on their property which is adjacent to the Reservoir A Water Treatment Plant. The commenter is referred to Section 3.17, Impact NOS-1 of the DEIR which discusses construction related noise impacts associated with the Project. As discussed on pages 3.182 and 3.183 of the DEIR, construction activities would be consistent with the El Dorado County Municipal Code Chapter 130.70 - Noise Standards Project. Construction dates, schedule, and contact information will be posted to the Project website and regularly updated throughout construction activities. In addition, as stated in the DEIR (page 3.182), the maximum construction sound level from the typical construction equipment would vary from approximately 82 A-weighted decibels (dBA) to 89.7 dBA at a distance of 25 feet. The commenter's property appears to be approximately 400 feet from where construction activities would be occurring at the Reservoir A Water Treatment Plant, which would result in significantly less than 89.7 dbA at 25 feet. Further, this construction noise would be temporary. Therefore, this comment does not introduce significant new information, and no substantial changes to the DEIR text are necessary.</p>

3.0 DEIR TEXT REVISIONS

This Chapter presents text changes to the DEIR that have been made in response to the comments (Included in Section 3.1) and/or District self-initiated changes that amplify, clarify, or make modifications or corrections (Included in Section 3.2). These changes do not change the results or conclusions presented in the DEIR. Changes in the text are indicated by strikeout where text is removed and by double underline where text is added. Section numbers correspond to the section numbers of the DEIR.

3.1 DEIR REVISIONS

The following text from the DEIR is hereby changed to reflect modifications resulting from comments received.

DEIR Appendix E and Section 3.8.7 Page 3.91: Mitigation Measure BIO-5

In Appendix E and page 3.91 of the DEIR – Mitigation Measure BIO-5: Avoid or Minimize Impacts to Foothill Yellow-Legged Frog and Northwestern Pond Turtle, the following edit has been made:

“Foothill yellow legged frog shall not be disturbed without Project-specific permission from CDFW ~~without a Section 10(a)(1)(A) recovery permitted biologist before, during, or after Project construction activities.~~”

The “Section 10(a)(1)(A)” reference is inaccurate because the federal Biological Opinion authorizes Project-specific handling and therefore a 10(a)(1)(A) is not necessary.

Additionally, the following text has been added to Mitigation Measure BIO-5:

1. Provide training specific to the foothill yellow-legged frog and northwestern pond turtle.
2. Per the Project’s LSAA, a qualified biologist shall develop a Pre-Construction Survey Plan for each species. The foothill yellow-legged frog survey plan shall include the life-stage being surveyed for, survey methodology, as well as timing of survey(s). The survey plan shall also provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snowpack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). Additionally, the Project’s designated biologist shall perform pre-construction surveys, as specified in the Pre-Construction Survey Plan within the boundaries of the Project area plus a 500-foot buffer zone upstream and downstream of the construction area.
 - a. If no foothill yellow-legged frogs are found during the pre-construction surveys, then construction of the Project will continue. If foothill yellow legged frog are present during pre-construction surveys, then construction will not occur in the area and the District will coordinate with CDFW to obtain necessary permits to ensure protection of foothill yellow legged frog including an Incidental Take Permit (ITP).

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~~A qualified biologist shall conduct pre-construction visual surveys for foothill yellow-legged frog prior to any work (e.g., excavation, pipe installation, cofferdam installation and removal) within the stream zone.~~

3. Prior to pre-construction surveys, the District will prepare a western pond turtle survey plan including site-specific avoidance, minimization, and/or relocation measures to be submitted for approval by CDFW. A qualified biologist shall conduct the pre-construction northwestern pond turtle surveys prior to any work (e.g., excavation, pipe installation, cofferdam installation and removal) within the stream zones.
 - a. If no northwestern pond turtles are found during the pre-construction surveys, then construction of the Project will continue. If northwestern pond turtles are present during pre-construction surveys, then construction will not occur in the area and the District will follow the CDFW-approved survey plan for the northwestern pond turtle including coordination with CDFW.

DEIR Appendix E and Section 3.8.7 Page 3.90: Mitigation Measure BIO-4

In Appendix E and Section 3.8.7, page 3.90, Mitigation Measure BIO-4, Avoid and Minimize Impacts to California Red-legged Frog and Suitable Habitat, the following edits have been made:

~~“4. “~~

~~“All monitoring shall be conducted by a qualified biologist or trained inspector and records of monitoring shall be developed and kept on file with the District. Relocation, if necessary, shall only be performed by a Section 10(a)(1)(A) recovery permitted qualified biologist permitted under the project-specific Biological Opinion. Additionally, all observed and relocated frogs shall be reported to the USFWS as soon as practicable and no longer than 48 hours from the time of observation.”~~

~~“California red-legged frog shall not be disturbed without a Section 10(a)(1)(A) recovery permitted qualified biologist permitted under the project specific Biological Opinion before, during, or after Project construction activities.”~~

DEIR Appendix E and Section 3.8.7 Page 3.85: Mitigation Measure BIO-1

In Mitigation Measure BIO-1, Pre-Construction Botanical Surveys, the following addition has been made:

~~“The presence or absence of special-status plant species are documented and, if observed, are handled and mitigated according to the performance standards outlined above and developed with the appropriate regulatory agencies.”~~

The District will work with a qualified botanist to either protect in place with exclusion fencing and verify no impact via spot check monitoring or the District would pay an in leu fee payment to a local land trust for preservation of an equivalent acreage.”

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DEIR Appendix E and Section 3.8.7 Page 3.86: Mitigation Measure BIO-2

In Mitigation Measure BIO-2, Biological Resources Awareness Training, the following addition has been made:

“The training shall initially be presented to key Project personnel by a qualified biologist at the Project kickoff and recorded to be used for additional contractor staff that may arrive on the Project site after the Project kickoff.”

3.2 ERRATA

In addition to the DEIR text revisions above an additional global revision has been made to make minor corrections to the DEIR. The information provided herein does not represent significant new information that would affect the analysis or conclusions presented in the DEIR for the Project. Section 15088.5 of the CEQA Guidelines specifically states: “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” Further, according to the CEQA Guidelines Section 15088.5, “significant new information” that would require recirculation includes the following:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The clarifying information does not contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect that the District has declined to adopt. Additionally, information provided in this revision does not present a feasible Project alternative or mitigation measure considerably different from others previously analyzed in the EIR. All of the information added to the DEIR pursuant to this revision merely clarifies information in the DEIR.

Clarifying Information for the Project Description

In Sections 2.5 and 2.5.1 through 2.5.4 of the DEIR include descriptions of the proposed lengths for the four segments of the pipeline alignment. The lengths provided in the DEIR were based off of best available data and review of historic and aerial imagery of the area. Based on recent surveys and further

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review of topographic imagery, these lengths have been updated. Although these lengths have been updated, all segments of the pipeline, acreage of impacts, and surveyed areas are consistent with what was described and analyzed in the DEIR. These updated lengths simply accommodate the varying topography of the area. All figures and analysis in the DEIR are accurate based on current design of the pipeline.

These updated lengths are provided below:

- Segment 1: Approximately 0.6 miles along paved roadways from Pony Express Trail to Ridgeway Drive
- Segment 2: Approximately 4.9 miles cross-country traversing four drainages from Ridgeway Drive to Reservoir A
- Segment 3: Approximately 0.2 miles of pipeline within the Reservoir A facility including a new pump station
- Segment 4: Approximately 0.4 miles cross-country from Reservoir A to the Sly Park Environmental Education Center

The total approximate length of the replaced pipeline is 6.1 miles.

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Report Preparers

4.0 REPORT PREPARERS

As required by the CEQA, this chapter identifies the preparers of this FEIR.

Table 4.1-1. FEIR Preparers and Reviewers

El Dorado Irrigation District Staff	
Doug Venable	Environmental Review Analyst B.S. Chemistry
Brian Deason	Environmental Resources Supervisor B.S. Biology
Liz Carrington	B.S. Civil Engineering PE- 79815
Jon Money	Engineering Manager B.S. Civil Engineering M.S. Civil & Environmental Engineering PE- 63966
Consultant Staff	
Bernadette Bezy	Senior Principal Regulatory Specialist MS, Biology BS, Environmental Science BS, Aquatic Biology and Environmental Science
Kim Clyma	Senior Environmental Planner Woodard and Curran JD, Law BA, Environmental Studies GIS Certificate
Zoryana Pope	Environmental Planner BS, Environmental Protection and Management
Meghan Oats	Biologist B.S., Environmental Science and Management
Emily Eppinger	Wildlife Biologist BS, Wildlife Management; GIS Certificate
Amy Lehman	Administrative Assistant

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References

5.0 REFERENCES

California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. State of California, California Natural Resources Agency, Department of Fish and Wildlife. Available online: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>. Accessed June 2023.

California Native Plant Society (CNPS). 2001. Botanical Survey Guidelines. Pages 38-40 in CNPS inventory of rare and endangered vascular plants of California. Pages 38-40 in California Native Plant Society's inventory of rare and endangered vascular plants of California (D.P. Tibor, editor). Sixth edition. Special Publication No. 1, California Native Plant Society, Sacramento, 387 pp. Available online: https://cnps.org/wp-content/uploads/2018/03/cnps_survey_guidelines.pdf. Accessed June 2023.

El Dorado Irrigation District (District). January 2024. Biological Assessment. Sly Park Intertie Improvements Project. Accessed 2024.

U.S. Fish and Wildlife Service (USFWS). 2007. National Bald Eagle Management Guidelines. Available online: https://www.fws.gov/sites/default/files/documents/national-bald-eagle-management-guidelines_0.pdf. Accessed March 2024.

APPENDIX A

Mitigation, Monitoring, and Reporting Program

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Appendix A Mitigation Monitoring and Reporting Program

APPENDIX A MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 21081.6[a][1]), which require a public agency to adopt a monitoring and/or reporting program to ensure compliance with mitigation measures during Project implementation. This MMRP identifies the measures from the Draft Environmental Impact Report (DEIR) that apply to the Project as evaluated and documented in the DEIR and editorial updated as part of the Final EIR (FEIR). This MMRP identifies the required mitigation and environmental compliance steps to be completed in accordance with CEQA regulations and the parties responsible for implementation and monitoring.

A.1 Project Description

A.1.1 Project Location

The Project is located approximately 1.5 miles southwest of the Pollock Pines community and 10 miles east of the city of Placerville, California, within the Pollock Pines and Sly Park, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles. The northern segment of the Project area starts adjacent to Reservoir 1 on Pony Express Trail and is located on the north side of U.S. Highway 50 (HWY 50). The Project area continues approximately 6.1 miles south-southeast before terminating at the Sly Park Hills Tank, located off Mackinaw Street, approximately 0.5 miles from Reservoir A. The Project area elevations range between approximately 3,000 and 3,730 feet (914 and 1,140 meters) above mean sea level (amsl). The Project traverses lands owned by the District, lands administered by the Eldorado National Forest, and various private property.

A.1.2 Project Summary

The El Dorado Irrigation District (District) is proposing to implement the Sly Park Intertie (SPI) Improvements Project (Project) to replace the connection between the District's two largest drinking water treatment plant facilities that, together, provide two-thirds of the District's drinking water supply. The Project would enable the District to efficiently convey drinking water sourced from its existing water supplies at Jenkinson Lake and the South Fork American River watershed to areas throughout the District's service area (See Figure 1.1-1 of Draft EIR). The SPI is an existing 22- to 24-inch diameter steel pipeline, approximately 6 miles in length, which extends between the District's Reservoir 1 Water Treatment Plant (Reservoir 1) and Reservoir A Water Treatment Plant (Reservoir A), and continues to the Sly Park Hills Tank. Construction is planned to begin in 2024 and to be completed in 2025, over a period of approximately 18 months.

A.1.3 Procedures for Monitoring and Reporting

The District will be responsible for mitigation measure implementation oversight and compliance documentation. The District, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent as long as District maintains final responsibility for ensuring that the actions are taken.

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The District will be responsible for overall administration of the MMRP and for verifying that District staff members and/or the construction contractor and/or consultant have completed the necessary actions for each measure. The District will designate a project manager to oversee the MMRP. The project manager will be charged with the following duties:

- Ensure that routine inspections of the construction site are conducted by appropriate District staff; check plans, reports, and other documents required by the MMRP; and conduct report activities;
- Serve as a liaison between the District and other responsible agencies (where necessary), and the construction contractor regarding mitigation monitoring issues;
- Complete forms and maintain reports and other records and documents generated by the MMRP; and
- Coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

The responsible party for implementation of each item will identify the staff members responsible for coordinating with the District on the MMRP.

A.2 CEQA Mitigation Measures

Table 1 below describes the mitigation measures included in the Project. For each mitigation measure the required action, responsible party, implementation timing, and reporting requirements are described.

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Appendix A Mitigation Monitoring and Reporting Program

Table 1. Summary of the Project Mitigation Measures

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
Aesthetics and Visual Resources				
<p>Mitigation Measure AES-1: Use of Best Management Practices to Minimize Lighting Impacts from Construction The following best management practices (BMPs) shall apply to Project construction activities and staging areas to ensure minimal adverse impacts to nighttime views for adjacent sensitive receptors. These BMPs shall be implemented by the contractor during construction. BMPs shall include, but are not limited to:</p> <ul style="list-style-type: none"> Identify when/where lighting is needed and confine/minimize lighting to the extent necessary to meet safety purposes. Select warm color temperature bulbs (less than 5000K). Limit the height of fixtures to minimize the amount of light crossing property lines and overall light levels. Utilize temporary lighting shields during construction where construction lighting impacts to residences and other habitable structures cannot be avoided. 	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>During construction of the Project</p>	<p>The District shall verify that the chosen contractor is implementing construction light reduction measures and that the design plans meet the operational light reduction measures in accordance with this mitigation measure.</p>	<p>Lighting impacts are reduced to a less than significant level for all residences and habitable structures adjacent to the Project during construction.</p>
Air Quality				
<p>Mitigation Measure AIR-1: Dust and Emissions Control Plan The District shall require that the selected contractor prepare and implement a Project Dust and Emissions Control Plan that is approved by the El Dorado Air Quality Management District (AQMD) prior to construction. The following measures shall be conducted throughout the construction period to limit and control dust and air emissions:</p> <ul style="list-style-type: none"> All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and/or causing a public nuisance. All areas with vehicle traffic shall be watered or have a dust palliative applied as necessary to minimize dust emissions. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads. All land clearing, grading, earth moving, or excavation activities on the Project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph. All inactive portions of the construction site shall be covered, seeded, or watered or otherwise stabilized until a suitable cover is established. All material transported off-site shall be either sufficiently watered or securely covered to prevent it from being entrained in the air and there must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle. Paved streets adjacent to the Project shall be reasonably clean through methods such as sweeping or washing at the end of each day, or more frequently if necessary, to remove excessive accumulations or visibly raised areas of soil which may have resulted from activities at the Project area. Prior to the end of construction, the applicant shall re-establish ground cover on the site through seeding. The Project contractor shall ensure that all construction equipment is properly maintained. <p>The Project is not located in an area mapped as having, or otherwise known to have, ultramafic rock, serpentine, or naturally occurring asbestos (El Dorado County 2015). However, if naturally occurring asbestos is discovered during Project construction, the following shall occur:</p> <ul style="list-style-type: none"> If naturally occurring asbestos, serpentine, or ultramafic rock is discovered in the area to be disturbed after the start of any construction or construction-related activity, a Professional Geologist or the Air Pollution Control Officer must report the discovery to the El Dorado AQMD no later than the next business day; and The Project shall comply with applicable provisions of Rule 223-2 and the California Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (CCR Title 17, Section 93105). 	<p>The District shall require that the contractor prepare and implement a Construction Emissions and Dust Control Plan. The District shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of Project development and construction by the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>An Emissions and Dust Control Plan shall be prepared and approved by the El Dorado AQMD prior to construction and implemented during all phases of grading and activities that generate dust.</p>	<p>During construction, regular inspections shall be performed by a District representative and reports shall be kept on file by the District for inspection by the El Dorado AQMD or other interested parties as specified in the Emissions and Dust Control Plan.</p>	<p>Visible emissions and dust are kept to the lowest practicable level during construction periods. The goal is to minimize dust and emissions during construction, including asbestos particulate matter as a result of any construction activities, and to the extent feasible, avoid activities that would generate air quality complaints from the public.</p>
Biological Resources				
<p>Mitigation Measure GEO-1: Prepare and Implement a SWPPP See Geology and Soils section below</p>	<p>See Geology and Soils Section below</p>	<p>See Geology and Soils Section below</p>	<p>See Geology and Soils Section below</p>	<p>See Geology and Soils Section below</p>
<p>Mitigation Measure BIO-1: Pre-Construction Botanical Surveys A qualified botanist shall conduct special-status plant surveys prior to construction activities in areas with suitable habitat for the three special-status species identified as having a moderate potential to occur or are present in the Project area (Pleasant Valley Mariposa lily, Sierra clarkia, and yellow bur Navarretia). Surveys shall follow protocols designated by California Department of Fish and Wildlife (CDFW) (CDFW 2018) and California Native Plant Society (CNPS) (CNPS 2001) and shall occur during the appropriate floristic bloom periods. The mid-bloom period overlaps for the three species identified occurring May through July, and would be appropriate for the three species with the potential to occur in the Project area.</p>	<p>The District. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Pre-construction rare plant surveys shall be conducted by a qualified botanist or biologist between May and July, or as otherwise deemed appropriate by a qualified botanist.</p>	<p>The survey shall be conducted by a qualified botanist and a Rare Plant Survey Report shall be developed and kept on file with the District. If special-status species are encountered, the Rare Plant Survey Report shall be submitted</p>	<p>The District will work with a qualified botanist to either protect in place with exclusion fencing and verify no impact via spot check monitoring or the District would pay an</p>

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Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>Previous rare plant surveys detected two special-status plant species within the Project area: Sierra clarkia and yellow bur navarretia (Stantec 2023a). To avoid or minimize and compensate for potential impacts on special-status plant species, the following measures are recommended:</p> <ol style="list-style-type: none"> 1. Where special-status plants have been determined to be absent in the Project area, then no further measures are required. 2. Where special-status plants have been determined present within the Project area (e.g., Sierra clarkia and yellow bur navarretia), Project activities shall be reduced and minimized to avoid impacts with the following: <ol style="list-style-type: none"> a. A qualified botanist shall map the population, place flagging to identify the population location, and install environmentally sensitive exclusion fencing and appropriate signage at an appropriate buffer distance (e.g., ~25 feet), starting from the edge of the special-status plant and/or plant population. Signage shall indicate that the area is environmentally sensitive and not to be disturbed. b. Adjust the location of Project activities away from special-status plants to the extent practicable. 3. If Project activities cannot avoid a special-status plant population and would directly disturb more than 25 percent of the population by either number of plants or extent of occupied habitat, a conservation plan shall be implemented in coordination with a qualified botanist and consultation with CDFW. The conservation plan may consist of but is not limited to: plant salvage and relocation; collection and subsequent planting of seed, or incorporating seed from native nursery into seed mix used for revegetation efforts; stockpiling, storing, and replacing topsoil containing the local seed bank; or other measures determined practicable based on the species and site conditions. <p>For some species and site conditions, conservation efforts may not have a reasonable probability of success; or could result in detrimental effects on existing special-status plant populations. In these cases, as determined by a qualified botanist, no conservation measures shall be required.</p>		<p>Avoidance or buffer zones shall be marked before construction begins.</p>	<p>to the appropriate regulatory agencies (i.e., CDFW, USFS, and/or USFWS).</p>	<p>in leu fee payment to a local land trust for preservation of an equivalent acreage.</p>
<p>Mitigation Measure BIO-2: Biological Resources Awareness Training</p> <p>The District shall provide biological resources awareness training for workers prior to beginning Project construction activities. The District shall have a qualified biologist prepare training materials (i.e., printed handouts) that provide information on the following topics:</p> <ul style="list-style-type: none"> How to recognize special-status plant species, wildlife species, and sensitive habitats that could occur in the Project area (i.e., special-status amphibian identification and habitat, special-status avian identification and habitat, wetland habitats, and riparian habitats); What to do if special-status species are encountered in the Project area; Information on practicing good housekeeping (e.g., removing litter, trash, and other debris on a daily basis to avoid attracting animals to the Project site) and implementing BMPs; Information on other mitigation measures relevant to biological resources; Information on regulations and applicable civil and criminal penalties for violations. <p>The training shall initially be presented to key Project personnel by a qualified biologist at the Project kickoff and recorded to be used for additional contractor staff that may arrive on the Project site after the Project kickoff. Printed handouts shall be distributed and used for future reference by Project personnel. Project personnel that are trained during the Project kickoff shall be responsible for making sure that other workers on the Project receive the training before initiating on-site work. A roster of trained Project personnel shall be maintained in the Project construction office and made available for review by regulatory agencies, if needed. This training may be conducted in coordination with the tribal cultural resource awareness training (MM TRIB-2), cultural resources awareness training (MM CUL-2), and paleontological resources awareness training (MM GEO-2).</p>	<p>The District and the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Training shall be conducted before work begins, and new personnel shall be trained before initiating on-site work.</p>	<p>The training shall be conducted by trained personnel and documented (by sign-in sheet or other method) by the District's contractor for the dates the training occurred, and the staff trained. Retention of the training reference pamphlets shall also be kept on the construction site and within District files.</p>	<p>Construction personnel are trained in the key characteristics for identifying and avoiding impacts to special-status species and sensitive habitats.</p>
<p>Mitigation Measure BIO-3: Reduce the Spread and Introduction of Invasive Noxious Weeds</p> <p>Invasive and noxious weeds have the potential to directly and indirectly impact plant communities at or near the Project area. To reduce the spread and introduction of weeds, the following measures shall be implemented:</p> <ul style="list-style-type: none"> All Project-related equipment and vehicles shall be decontaminated of weeds and soils prior to initiation of work on the Project; and Any imported topsoil, mulch, and seed used in Project-related activities (e.g., restoration, reseeding, erosion control, and soil stabilization) shall be certified weed-free. 	<p>The District and the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to the initiation of construction and with each new piece of equipment and/or materials</p>	<p>The District shall verify that all equipment and other materials brought on site are certified weed-free through visual inspection and/or a signed affidavit from the contractor.</p>	<p>Minimize the potential for introduction of new weed species into the Project area through visual inspection of equipment and/or signed affidavits from the contractor of weed free certification.</p>
<p>Mitigation Measure BIO-4: Avoid and Minimize Impacts to California Red-legged Frog and Suitable Habitat</p> <p>The northern portion of the Project area is located within DCH Unit ELD-1 for California red-legged frog, a federally listed species and a California SSC. California red-legged frog are known to occur at Spivey Pond located approximately 0.75 mile upstream from the Project's North Fork Weber Creek crossing (CDFW 2023g).</p>	<p>The District and the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Measures shall be conducted prior to and during construction activities.</p>	<p>All monitoring shall be conducted by a qualified biologist or trained inspector and records of monitoring shall be developed and kept on file with the</p>	<p>California red-legged frog shall not be disturbed without qualified biologist permitted under the</p>

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Appendix A Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>Although no observations of California red-legged frog were made within the Project area during the field surveys performed in May 2022 and June 2023, the Project area, specifically along North Fork Weber Creek, was determined to provide potential aquatic non-breeding, dispersal, and upland habitats.</p> <p>The following measures shall be implemented to avoid or minimize the potential for adverse impacts on California red-legged frog:</p> <ol style="list-style-type: none"> 1. EID shall retain a biological monitor (or qualified biologist) for the Project that possess the necessary qualifications and experience to identify all life stages of CRLF, conduct surveys, and identify suitable aquatic and upland habitat. 2. A qualified biologist shall train other personnel to monitor for California red-legged frog to facilitate compliance with the conservation measures described herein and minimize potential adverse effects to this species associated with implementation of the Proposed Action. Construction personnel will include a trained inspector responsible for monitoring the implementation of RPMs for California red-legged frog on a daily basis. The inspector will contact a qualified biologist as needed during construction. 3. A qualified biologist will conduct focused daytime and nighttime surveys for California red-legged frog within one week of initial ground disturbance or vegetation removal. The surveys will focus on stream and riparian habitats and adjacent upland areas. "Spot check" monitoring will be performed at least once per week by a qualified biologist during construction. 4. EID will ensure the contractor stops work at the request of the qualified biologist, the Service, or the California Department of Fish and Wildlife, if activities are identified that may result in take of a California red-legged frog. The contractor will temporarily suspend activities in the immediate area that could result in take of the animal until it leaves the site of its own volition or is removed by the qualified biologist, the Service, or the California Department of Fish and Wildlife to an appropriate release site using Service-approved techniques. <p>Each California red-legged frog encountered within the Action Area will be treated on a case-by-case basis by the qualified biologist in coordination with the Service (note: in cases of dispute, the Service will have final authority), but the general protocol is as follows: (1) leave the non-injured frog alone if it is not in danger or (2) move the frog to a nearby secure location if it is in danger. These two options are as follows.</p> <ol style="list-style-type: none"> a. When a California red-legged frog is encountered in the Action Area, the first priority will be to temporarily stop activities in the immediate surrounding area that are likely to result in harm, harassment, injury, or death of the individual as determined by the qualified biologist. The qualified biologist will then assess the situation to select a course of action that will minimize adverse effects to the animal. The qualified biologist will determine if the appropriate course of action is to avoid contact with the California red-legged frog and allow it to move out of the hazardous situation on its own volition to a safe location. The animal will not be picked up and moved because it is not moving fast enough or it is inconvenient for the project schedule. This protocol only applies to situations where a California red-legged frog is encountered on the move to a location that contains habitat that will not be damaged or destroyed by the Proposed Action. b. If the qualified biologist determines the appropriate course of action to prevent the immediate injury or death of a California red-legged frog is to move it, it will be captured and moved to a location with suitable habitat that is not proposed for construction, tree or vegetation removal, timber harvest, borrow excavation, or other activities. The qualified biologist will monitor the animal for an appropriate period of time to ensure it does not re-enter a work area. If secure suitable habitat is located immediately adjacent to, or close to, where the animal was captured, the preferred action is relocation to that location. A general guidance is the animal should not be moved outside of the area it would have traveled on its own. Under no circumstances will a California red-legged frog be relocated to a property without the landowner's written permission. It is EID's responsibility to arrange for that permission. The qualified biologist should be the individual to capture and handle California red-legged frogs. Nets or bare hands may be used to capture the animals. Soaps, oils, creams, lotions, repellents, or solvents of any sort will not be used on hands within 2 hours before and during periods when the qualified biologist is capturing and relocating a California red-legged frog. To avoid transferring disease or pathogens between sites when handling the animals, the qualified biologist will follow the appropriate recommendations in the Declining Amphibian Population Task Force Fieldwork Code of Practice (https://www.fws.gov/ventura/docs/species/protocols/DAFTA.pdf). c. After the California red-legged frog is determined to be secure at the original location or it has been moved to a new location by the qualified biologist, and the Service has not been involved, EID will report 			<p>District. Relocation, if necessary, shall only be performed by a qualified biologist permitted under the project-specific Biological Opinion. Additionally, all observed and relocated frogs shall be reported to the USFWS as soon as practicable and no longer than 48 hours from the time of observation.</p>	<p>project specific Biological Opinion before, during, or after Project construction activities.</p>

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<p>all observed and relocated California red-legged frogs to the USFWS, as soon as practicable and no longer than 48 hours from the time of observation.</p> <ol style="list-style-type: none"> 5. If requested verbally by the Service or the California Department of Fish and Wildlife (CDFW), the District shall provide immediate access, when safe to do so, to the Action Area to personnel from one or both of these agencies to inspect potential project-related effects to the California red-legged frog and its habitat. 6. The District shall require all contractors and subcontractors to comply with the biological opinion for the California red-legged frog during the performance of their contract and ensure that all project personnel do their utmost to prevent disturbance to California red-legged frogs. The contracts will include specific language that requires contractors to work within the specific boundaries of the Action Area, including construction, staging areas, and access routes identified in the project description of the biological assessment for the Proposed Action. 7. The District shall provide biological resources awareness training for workers prior to beginning Proposed Action construction activities. The District shall have a qualified biologist prepare training materials (i.e., printed handouts) that provide information on the following topics: <ol style="list-style-type: none"> a. How to recognize special-status plant species, wildlife species, and sensitive habitats that could occur in the Action Area (i.e., special-status amphibian identification and habitat, special-status avian identification and habitat, wetland habitats, and riparian habitats); b. What to do if special-status species are encountered in the Action Area; c. Information on practicing good housekeeping (e.g., removing litter, trash, and other debris on a daily basis to avoid attracting animals to the Action Area) and implementing BMPs; d. Information on other mitigation measures relevant to biological resources; e. Information on regulations and applicable civil and criminal penalties for violations. <p>The training shall initially be presented to key project personnel at the Proposed Action kickoff meeting. Printed handouts shall be distributed and used for future reference by project personnel. Project personnel that are trained during the kickoff meeting shall be responsible for making sure that other workers on the Proposed Action receive the training before initiating on-site work. A roster of trained Proposed Action personnel shall be maintained in the on-site construction office and made available for review by regulatory agencies, if needed.</p> 8. BMPs (e.g., weed free straw bales, straw mulch, non-monofilament fiber rolls, silt fence) will be implemented to prevent erosion and provide stormwater runoff protection. Plastic mono-filament netting or similar non-biodegradable material will not be used for erosion control or other purposes. Additionally, erosion and sediment control measures including the implementation of a SWPPP will be in place throughout construction activities. 9. All food-related trash items, such as wrappers, cans, bottles, and food scraps will be disposed of in a closed container and removed daily from the construction area. 10. EID shall implement a hazardous materials prevention plan and a spill prevention and contingency plan to prevent hazardous substances and construction by-products (e.g., gas, oil, other petroleum products, chemicals, fresh cement, asphalt) from contaminating the soil or entering aquatic habitat. Spill kits with a sufficient quantity of absorbent and barrier materials to adequately contain and recover potential spills of fuels or oils will be maintained on-site. Refueling will be limited to designated locations outside riparian habitat. 11. EID shall implement a stream diversion plan that complies with applicable permit conditions. 12. EID shall implement a site restoration and revegetation plan. 13. To prevent the potential entrapment of California red-legged frog within the Action Area, all steep-walled holes, trenches, pits or any other excavated area more than one foot deep will be filled, covered, or constructed with an escape ramp at the close of each working day. Covers will be provided with plywood or similar material and escape ramps will be constructed of earthen fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped California red-legged frog is discovered, escape ramps or other appropriate structures will be placed to allow the animal to escape, and a qualified biologist will be contacted to assist as needed. Any observations of a California red-legged frog will be reported to the USFWS, as soon as practicable and no longer than 48 hours from the time of observation. 				
<p>Mitigation Measure BIO-5: Avoid or Minimize Impacts to Foothill Yellow-Legged Frog and Northwestern Pond Turtle</p> <p>The Project area is within the range of the East/Southern Sierra clade (South Sierra DPS) of foothill yellow-legged frog, which is listed as endangered under CESA and endangered under the ESA and northwestern pond turtle, which is listed as proposed threatened under the ESA. Foothill yellow-legged frog are not known to occur in the Project area or within the watersheds of the Project area and there is one occurrence of northwestern pond turtle nearby the Project area. However, limited potential suitable habitat for both species was identified within North Fork Weber Creek where the Project area bisects the stream (CDFW 2023g). As such, in addition to the measures described above for the California red-legged frog,</p>	<p>The District and the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Biological resources awareness training as specified in BIO-2 will be provided for all Project personnel before work begins, and new personnel shall be trained before</p>	<p>All surveys shall be conducted by a qualified biologist and a brief survey report shall be developed and kept on file with the District.</p>	<p>Foothill yellow-legged frog shall not be disturbed without Project-specific permission from CDFW.</p>

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<p>the following measures are recommended to avoid or minimize the potential for adverse impacts on foothill yellow-legged frog and northwestern pond turtle:</p> <ol style="list-style-type: none"> 1. Provide training specific to the foothill yellow-legged frog and northwestern pond turtle. 2. Per the Project's LSAA, a qualified biologist shall develop a Pre-Construction Survey Plan for each species. The foothill yellow-legged frog survey plan shall include the life-stage being surveyed for, survey methodology, as well as timing of survey(s). The survey plan shall also provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snowpack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions). Additionally, the Project's designated biologist shall perform pre-construction surveys, as specified in the Pre-Construction Survey Plan within the boundaries of the Project area plus a 500-foot buffer zone upstream and downstream of the construction area. <ol style="list-style-type: none"> a. If no foothill yellow-legged frog are found during the pre-construction surveys, then construction of the Project will continue. If foothill yellow legged frog are present during pre-construction surveys, then construction will not occur in the area and the District will coordinate with CDFW to obtain necessary permits to ensure protection of foothill yellow legged frog including an Incidental Take Permit (ITP). 3. Prior to pre-construction surveys, the District will prepare a western pond turtle survey plan including site-specific avoidance, minimization, and/or relocation measures to be submitted for approval by CDFW. A qualified biologist shall conduct the pre-construction northwestern pond turtle surveys prior to any work (e.g., excavation, pipe installation, cofferdam installation and removal) within the stream zones. <ol style="list-style-type: none"> a. If no northwestern pond turtles are found during the pre-construction surveys, then construction of the Project will continue. If northwestern pond turtles are present during pre-construction surveys, then construction will not occur in the area and the District will follow the CDFW-approved survey plan for the northwestern pond turtle including coordination with CDFW. 		<p>initiating on-site work. A qualified biologist shall conduct pre-construction visual encounter surveys for foothill yellow-legged frog and pre-construction surveys for northwestern pond turtle prior to any in-water work.</p>		
<p>Mitigation Measure BIO-6: Native Aquatic Species Rescue and Relocation</p> <p>To avoid and/or minimize potential impacts on native aquatic species during the four stream crossings within the Project area, an aquatic species rescue plan shall be prepared to determine how native fish and other aquatic species will be rescued and relocated. This plan shall be submitted to the CDFW and shall include the methodology and procedures required to rescue and relocate native aquatic species stranded during the dewatering process including, but not limited to, the following:</p> <ol style="list-style-type: none"> 1. A CDFW-approved biologist (or crew of biologists) shall be on-site immediately prior to and during the dewatering process to conduct any necessary native aquatic species rescue activities in the immediate work area (e.g., fish, frogs). 2. If a special-status species (e.g., California red-legged frog) is present and in harm's way, this species shall be relocated by a qualified biologist according to the aquatic species rescue plan or species-specific measures per USFWS and CDFW guidance. 3. A qualified biologist shall relocate all stranded native aquatic species individuals to appropriate suitable habitat outside of the work areas. 	<p>The District. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Aquatic species rescue shall be conducted as needed prior to any in water work or water diversion is scheduled to take place.</p>	<p>Aquatic species rescue shall be conducted by qualified biologists and a brief aquatic species rescue report shall be developed and kept on file with the District.</p>	<p>Native aquatic species will not be disturbed before, during, or after Project construction activities.</p>

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<p>Mitigation Measure BIO-7: Avoid or Minimize Impacts to Special-Status Bird Species, Nesting Raptors, and Other Migratory Birds Protected under the Migratory Bird Treaty Act (MBTA) and Fish and Game Code (FGC) Suitable nesting habitat for birds occurs throughout the Project area. Therefore, the District will implement one of the following measures, depending on the specific construction timeframe, to avoid disturbance to ground, tree, and other nesting birds:</p> <ol style="list-style-type: none"> 1. If construction activities are scheduled to occur during the nesting season (nesting season is approximately March 1 to August 31), a pre-construction nesting survey shall be conducted by a qualified biologist. <ol style="list-style-type: none"> a. The survey shall be conducted within the Project area and within approximately 100 feet of the Project area for migratory birds and 500 feet for raptors (as accessible). b. The survey shall be conducted within one week before initiation of construction activities. If no active nests are detected, then no additional measures are required. c. If active nests are present in any areas that would be directly or indirectly affected by construction activities, a no-disturbance buffer shall be established around the nest site until after the nesting season or after a qualified biologist determines that the young have fledged (typically late June to mid-July). The extent of the buffer shall be determined by a qualified biologist based on consideration of the species, the expected extent of noise or construction disturbance, ambient levels of noise and other disturbances, and line of sight between the nest and the disturbance (e.g., topographic or other visual barriers). d. For California Spotted Owl, surveys shall be conducted following the latest Service-approved protocols for either callback survey or acoustically-assisted survey. Surveys will be conducted implementing the one-year six-survey guidelines as presented within the Protocol for Surveying Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas (USFS 1993). <ol style="list-style-type: none"> i. If surveys detect nesting or roosting California spotted owl, a limited operating period (LOP) will be implemented within 0.25 mile of the active nest or roost site (if known) or within an Activity Center (if active nest/roost site is not known), or in and within 0.25 mile of nesting/roosting habitat (if surveys were not conducted in habitat). For habitat-manipulating activities (e.g., removal of large trees 20-inch dbh and greater), implement an LOP from March 1 through August 31. For noise-generating activities that do not reduce habitat quantity or quality (e.g., vegetation removal and construction within the utility corridor), implement an LOP from March 1 through July 9. The specified buffer sizes and/or LOPs may be modified on a case-by-case basis if compelling information demonstrates a smaller buffer distance or shortened LOPs will still avoid potential effects. Requests to reduce the specified buffer sizes or LOPs will be submitted to the Service for review and approval. LOPs may be discontinued in a year if protocol-level surveys for determining reproductive status confirm owls are not nesting or fledglings have dispersed in that calendar year. 2. If construction activities are initiated outside the nesting season (approximately September 1 to February 28), then no pre-construction nesting survey shall be required. 3. If construction activities have been continuous (i.e., no lapse in construction activities of 10 days or longer in a specific area) once the nesting season begins, any birds nests that become established in or near the Project area shall be considered to be habituated to the construction activities (assuming there won't be a significant increase in construction disturbance or noise). If there has been a lapse in construction activities of 10 days or longer in a specific area during the nesting season or there will be a significant increase in construction disturbance or noise, a pre-construction nesting survey shall be conducted by a qualified biologist and no-disturbance buffers established (if needed) as described above. 	<p>The District. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>One nesting survey shall be conducted by a qualified biologist within one week prior to construction, should the proposed Project be initiated between March 1 and August 31. Additionally, if the proposed Project is initiated during that time frame, protocol surveys should be conducted for California Spotted Owl using the Protocol for Surveying Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas (USFS 1993).</p>	<p>The survey(s) shall be conducted by a qualified biologist and a brief survey report shall be documented and kept on file with the District.</p>	<p>Special-status species, nesting raptors and other migratory birds covered under the MBTA and FGC will not be disturbed during the Project construction activities; exclusion buffers will be installed and monitored.</p>
<p>Mitigation Measure BIO-8: Avoid and Minimize Impacts to Riparian Habitat Riparian habitat is present at the four stream crossings within the Project area: North Fork Weber Creek, South Fork Weber Creek, North Fork Clear Creek, and Clear Creek. The Project would result in temporary impacts to riparian habitat along the four stream crossings within the Project area, which is considered a sensitive natural community. Therefore, per FGC Section 1602, if Project activities would obstruct the flow of, or alter the bed, channel, or bank of, any stream, a Notification of Lake and Streambed Alteration Agreement (LSAA) shall be submitted to CDFW. If required, an LSAA shall be obtained from CDFW and all conditions of the LSAA shall be implemented. Additionally, the implementation of Mitigation Measure BIO-4: Avoid and Minimize Impacts to California Red-legged Frog and Mitigation Measure BIO-9: Avoid and Minimize Impacts on Waters of the United States (WOTUS)/Waters of the State (WOTS) will further aid in the avoidance or minimization of the potential for adverse impacts on riparian habitat.</p>	<p>The District and the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>If required, an LSAA shall be obtained from CDFW prior to construction.</p>	<p>The District shall ensure that, if required, an LSAA shall be obtained from CDFW prior to construction and the appropriate fees paid to comply with the FGC Section 1602.</p>	<p>Appropriate agreement compliance and compensation in coordination with CDFW.</p>
<p>Mitigation Measure BIO-9: Avoid and Minimize Impacts on Waters of the United States and Waters of the State</p>	<p>The District and the contractor. This mitigation measure shall be referenced</p>	<p>Prior to construction, the District shall obtain a NWP</p>	<p>The District shall ensure that environmental permits/agreement shall</p>	<p>Appropriate State and federal permit/agreement</p>

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<p>The Project, including access and staging areas, has been designed to avoid waters and wetland features to the extent practicable. However, the Project would involve vegetation removal, trenching, and potential dewatering or diversion at the four stream crossings. These streams are WOTUS and WOTS (Stantec 2023b). In addition to Mitigation Measure Bio-4: Avoid and Minimize Impacts to California Red-legged Frog and Mitigation Measure BIO-8: Avoid and Minimize Impacts to Riparian Habitat, the following measures are recommended to avoid or minimize the potential for adverse impacts on WOTUS and WOTS:</p> <ol style="list-style-type: none"> 1. Before any discharge of dredge or fill material into WOTUS/WOTS, the required permits/authorizations shall be obtained from United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB). All terms and conditions of the required permits/authorizations shall be implemented. 2. Before any activities that would obstruct the flow of, or alter the bed, channel, or bank of any stream, a Notification of Streambed Alteration shall be submitted to CDFW. An LSAA shall be obtained from CDFW and all conditions of the LSAA shall be implemented. 3. All WOTUS/WOTS that are temporarily affected by Project construction shall be restored as close as practicable to their original contours within 10 days of the completion of construction activities. 4. Riparian vegetation removal shall be minimized to the greatest extent practicable. Where practicable, vegetation shall be cut with hand tools at ground level to enable regrowth from roots when construction is complete. 	<p>in the contract documents for the Project.</p>	<p>#58 for Utility Line Activities for Water and Other Substances from USACE to comply with CWA Section 404, and a CWA Section 401 WQC from the RWQCB.</p>	<p>be obtained prior to construction and the appropriate fees paid to comply with the regulatory agency compensatory mitigation schedule for temporary and permanent impacts to WOTUS or WOTS and riparian areas.</p>	<p>compliance and compensation, including no net loss of WOTUS or WOTS from the Project.</p>
<p>Mitigation Measure BIO-10: Avoid and Minimize Impacts to Oak Trees and Oak Woodlands</p> <p>Construction of the Project may require oak tree removal within the densely treed portions of the Project area. Also, trenching and other ground disturbance could encroach within the dripline of oak trees. The following measures will be implemented to avoid or minimize the potential for adverse impacts on oak trees and oak woodlands.</p> <ol style="list-style-type: none"> 1. Final design of the Project shall avoid oak tree removal and encroachment into the driplines of oak trees to the maximum extent practicable. 2. Protection zones for oak trees and oak woodlands that can be avoided shall be marked in the field (e.g., by installing and maintaining tree exclusion/protection fencing around oak tree driplines). No encroachment into the fenced areas shall be allowed and fencing shall remain in place until all construction activities in the vicinity have been completed. 3. Excessive soil compaction shall be prevented by carefully selecting storage areas and construction traffic routes. Stockpiled soil, construction materials, and excessive foot traffic shall be prohibited within the driplines of oak trees to the maximum extent practicable. 4. Oak tree roots to be severed shall be the maximum practicable distance from the trunk. To the extent practicable, roots that are damaged as a result of construction activities (e.g., jagged roots resulting from excavation with heavy equipment) shall be traced back and cleanly cut behind any split, cracked, or damaged area. Removed soil shall be backfilled as soon as practicable to minimize the drying of the roots. 5. Removal of soil, leaves, and vegetation within dripline of oaks shall be minimized to the extent practicable. 	<p>The District and the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to construction protection zones for oak trees and oak woodlands that can be avoided shall be marked in the field by installing and maintaining tree exclusion/protection fencing at least 1 foot outside of the oak tree driplines.</p>	<p>Any oak tree removal shall be documented by the contractor and a brief survey report shall be developed and kept on file with the District.</p>	<p>Impacts to oak trees within the Project area will be minimized to the greatest extent feasible.</p>
<p>Cultural Resources</p>				
<p>Mitigation Measure CUL-1: Proper Handling of Inadvertent Discovery of Cultural Resources</p> <p>If cultural resources are encountered during construction, compliance with federal and State regulations and guidelines regarding the treatment of cultural resources and/or human remains shall be required.</p> <ol style="list-style-type: none"> 1. If potential prehistoric or historic-period archaeological resources are encountered during Project implementation, all construction activities within 100-feet shall halt and the District shall be notified. 2. A qualified archaeologist, defined as one meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, shall inspect the findings as soon as practicable following discovery and report the results of the inspection to the District. 3. If the identified archaeological resource is determined to be prehistoric, the District and qualified archaeologist shall coordinate with and solicit input from a culturally affiliated Native American Tribal Representative regarding significance and treatment of the resource as a potential Tribal Cultural Resource. Any Tribal Cultural Resources discovered during Project work shall be treated in consultation with the tribe, with the goal of preserving in place with proper treatment. See MM TRIB-1, TRIB-2, and TRIB-3 for more discussion of tribes and culturally sensitive areas. 4. If the District determines that the resource qualifies as a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines) and that the Project has potential to damage or destroy the resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4. Consistent with CEQA Guidelines Section 15126.4(b)(3), mitigation shall be accomplished through either preservation in place or, if preservation in place is not feasible, data recovery through excavation. 	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to and during implementation of Project activities.</p>	<p>If subsurface cultural resources are uncovered during Project ground disturbing activities, the District's contractor shall complete the above steps.</p>	<p>Protection of archaeological resources.</p>

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<p>5. If preservation in place is feasible, this may be accomplished through one of the following means: (1) modifying the construction plan to avoid the resource; (2) incorporating the resource within open space; (3) capping and covering the resource before building appropriate facilities on the resource site; or (4) deeding the resource site into a permanent conservation easement.</p> <p>6. If avoidance or preservation in place is not feasible, a qualified archaeologist shall prepare and implement a detailed treatment plan to recover the scientifically consequential information from and about the resource, which shall be reviewed and approved by the District prior to any excavation at the resource site.</p> <p>7. Treatment of unique archaeological resources shall follow the applicable requirements of PRC Section 21083.2, including creation of a treatment plan. Treatment for most resources shall consist of (but shall not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the Project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals.</p>				
<p>Mitigation Measure CUL-2: Cultural Resource Awareness Training The District shall provide cultural resources awareness training for workers prior to beginning Project construction activities. The District shall have a qualified archaeologist prepare training materials (i.e., printed handouts) that provide information on the following topics:</p> <ul style="list-style-type: none"> How to recognize cultural resources, including prehistoric and historic artifacts What to do if artifacts are encountered in the Project area Information on other measures relevant to cultural resources Information on regulations and applicable civil and criminal penalties for violations. <p>The training shall initially be presented to key Project personnel at the Project kickoff. Printed handouts shall be distributed and used for future reference by Project personnel. Project personnel that are trained during the Project kickoff shall be responsible for making sure that other workers on the Project receive the training before initiating on-site work. A roster of trained Project personnel shall be maintained in the Project construction office and made available for review by regulatory agencies, if needed. This training may be conducted in coordination with the tribal cultural resource awareness training (MM TRIB-2), biological resources awareness training (MM BIO-2), and paleontological resources awareness training (MM GEO-2).</p>	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Training shall be conducted before work begins, and new personnel shall be trained before initiating on-site work.</p>	<p>The training shall be conducted by trained personnel and documented (by sign-in sheet or other method) by the District's contractor for the dates the training occurred, and the names of the staff trained. Retention of the reference pamphlets shall also be kept on the construction site and within District files.</p>	<p>Construction personnel are trained in the key characteristics for identifying and avoiding impacts to cultural resources.</p>
<p>Mitigation Measure CUL-3: Proper Handling of Inadvertent Discovery of Human Remains If human remains are encountered, work shall halt in the vicinity and the El Dorado County Coroner shall be notified immediately pursuant to Public Resources Code (PRC) Section 7050.5. At the same time, an archaeologist shall be contacted to evaluate the situation. If human remains are of Native American origin, the coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC shall identify the person or persons it believes to be the most likely decedent (MLD) from the deceased Native American. The MLD shall have an opportunity to make a recommendation to the landowner or the person responsible for the excavation work for means of treating, with appropriate dignity, the human remains, and any associated grave goods as provided in PRC Section 5097.98.</p>	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to and during implementation of Project activities.</p>	<p>If human remains are encountered (or are suspected) during any project related activity, the District's contractor shall complete the activities in this mitigation measure.</p>	<p>Protection of archaeological, tribal cultural resources, and human remains.</p>

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Geology and Soils				
<p>Mitigation Measure GEO-1: Prepare and Implement a Stormwater Pollution Prevention Plan (SWPPP) The selected construction contractor shall be required to comply with a site-specific SWPPP to reduce the risk of substantial soil erosion or loss of topsoil in accordance with requirements of the latest amendment of the National Pollution Discharge Elimination System (NPDES) General Construction Permit. The Construction General Permit requires the development of a SWPPP by a certified Qualified SWPPP Developer (QSD). The SWPPP is required to identify appropriate BMPs to prevent erosion or soil loss from the Project site. These measures would include the implementation of construction staging in a manner that minimizes the amount of area disturbed at any one time; secondary containment for storage of fuel and oil; and the management of stockpiles and disturbed areas by means of earth berms, diversion ditches, straw wattles, straw bales, silt fences, gravel filters, mulching, revegetation, and temporary covers as appropriate. The SWPPP shall also meet post-construction performance standards to ensure the post construction site is stabilized appropriately.</p>	<p>The District shall ensure the SWPPP is prepared by a certified QSD and implemented consistent with all applicable requirements. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>The SWPPP shall be prepared prior to construction and implemented during the duration of construction, and the site should be stabilized post-construction.</p>	<p>The District shall monitor implementation of the mitigation measure and a copy of the SWPPP shall be present at the Project site during construction as well as at District offices.</p>	<p>Adherence to all applicable conditions and no substantial erosion or topsoil loss during or post-construction.</p>
<p>Mitigation Measure GEO-2: Paleontological Resources Awareness Training The District shall provide paleontological awareness training for workers prior to beginning Project construction activities. The District shall have a qualified paleontologist prepare training materials (i.e., printed handouts) that provide information on the following topics: How to recognize paleontological resources What to do if paleontological resources are suspected or encountered in the Project area Information on avoidance and other measures relevant to paleontological resources Confidentiality and appropriate treatment of paleontological resources (MM GEO-3) Information on regulations and applicable civil and criminal penalties for violations The training shall initially be presented to key Project personnel at the Project kickoff. Printed handouts shall be distributed and used for future reference by Project personnel. Project personnel that are trained during the Project kickoff shall be responsible for making sure that other workers on the Project receive the training before initiating on-site work. A roster of trained Project personnel shall be maintained in the Project construction office and made available for review by regulatory agencies, if needed. This training may be conducted in coordination with the tribal cultural resource awareness training (MM TRIB-2), cultural resources awareness training (MM CUL-2), and biological resources awareness training (MM BIO-2).</p>	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Training shall be conducted before work begins, and new personnel shall be trained before initiating on-site work.</p>	<p>The training shall be conducted by trained personnel and documented (by sign-in sheet or other method) by the District's contractor for the dates the training occurred, and the staff trained. Retention of the training reference pamphlets shall also be kept on the construction site and within District files.</p>	<p>Construction personnel are trained in the key characteristics for identifying and avoiding impacts to paleontological resources.</p>
<p>Mitigation Measure GEO-3: Proper Handling of the Unanticipated Discovery of Paleontological Resources or Unique Geologic Features If paleontological resources (i.e., fossils) and/or unique geologic features are encountered during construction, compliance with federal regulations (16 United States Code [USC] Chapter 1C, Sections 470aa through 470aaa-11) and guidelines (Society of Vertebrate Paleontology [SVP] guidelines) regarding the treatment of such resources shall be required. If paleontological resources or unique geologic features are encountered during ground disturbing activities, work within 100 feet of the discovery shall be halted until the District notifies a qualified geologist or paleontologist to evaluate the significance of the find. If the find is determined to be significant, the District shall determine the appropriate avoidance measures or other appropriate mitigation in consultation with a qualified geologist or paleontologist and landowner, such as site salvage. Significant paleontological resources recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards. The SVP provides guidelines on assessment and mitigation of adverse impacts to paleontological resources.</p>	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>During all ground-disturbing activities.</p>	<p>If any find is determined to be significant, representatives of the District shall document consultation with a qualified geologist or paleontologist and document the determination of recommended protection and avoidance measures or other appropriate mitigation. The District shall prepare a brief memorandum incorporating notes and records from the contractor and qualified geologist or paleontologist to document steps taken to comply with the avoidance measures or other appropriate mitigation. The memorandum shall be kept on file at the District's offices.</p>	<p>The evaluation and recording of any newly identified paleontological resources and unique geologic features, and treatment by avoidance, protection, or documentation of any discovered resource that qualify as significant.</p>
Hazards and Hazardous Resources				
<p>Mitigation Measure GEO-1: Prepare and Implement a SWPPP See <i>Geology and Soils</i> section above</p>	<p>See <i>Geology and Soils</i> Section above</p>	<p>See <i>Geology and Soils</i> Section above</p>	<p>See <i>Geology and Soils</i> Section above</p>	<p>See <i>Geology and Soils</i> Section above</p>
<p>Mitigation Measure TRA-1: Prepare and Implement a Traffic Control Plan See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>
<p>Mitigation Measure WILD-1: Prepare and Implement a Fire Safety Plan See <i>Wildfires</i> Section below</p>	<p>See <i>Wildfires</i> Section below</p>	<p>See <i>Wildfires</i> Section below</p>	<p>See <i>Wildfires</i> Section below</p>	<p>See <i>Wildfires</i> Section below</p>
<p>Mitigation Measure HAZ-1: Prepare and Implement a Hazardous Materials Release Prevention Plan The District shall create and implement a Hazardous Materials Release Prevention Plan to reduce the risk of exposure to hazards due to the handling of hazardous materials during construction. The plan shall identify control measures to prevent</p>	<p>The District shall be responsible for verifying and documenting that the Hazardous Materials Release</p>	<p>Plan preparation shall be required prior to construction. Plan</p>	<p>The Hazardous Materials Release Prevention Plan shall be developed by the construction contractor and shall be</p>	<p>Hazardous materials release prevention and adherence to plan</p>

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Appendix A Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
<p>the release of hazardous materials, as well as a detailed action plan to respond to an incidental spill in compliance with all local, State, and federal regulations relating to the handling and disposal of hazardous materials.</p> <p>The plan shall include, but would not be limited to, the following:</p> <ul style="list-style-type: none"> Containment and cleanup equipment (e.g., absorbent pads, mats, socks, granules, drip pans, shovels, and lined clean drums) shall be at the staging areas and construction sites for use, as needed. Staging areas where refueling, storage, and maintenance of equipment occur shall not be located within 100 feet of drainages to reduce the potential for contamination by spills. Construction equipment shall be maintained and kept in good operating condition to reduce the likelihood of line breaks or leakage. No refueling or servicing shall be done within 25 feet of a waterway and without absorbent material (e.g., absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled material. If these activities result in an accumulation of materials on the soil, the soil shall be removed and properly disposed of as hazardous waste. If a spill is detected, construction activities shall immediately cease in the area, and the procedures described in the plan shall be immediately enacted to safely contain and remove spilled materials. Hazardous waste shall not be stored or accumulated within the Project area. All contaminated materials shall be classified as hazardous waste and disposed of in accordance with all local, State, and federal regulations. Spill areas shall be restored to pre-spill conditions, as practicable. Spills shall be documented and reported to the District and appropriate resource agency personnel. 	<p>Prevention Plan meets all applicable requirements. The selected construction contractor shall be responsible for following the plan and implementing the action plan in event of a spill. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>implementation shall be required throughout construction.</p>	<p>required to be kept on-site during Project activities. Additionally, the contractor shall provide the District with copies of the plan; one shall remain on file at the Project site and the other shall remain at District offices. The contractor shall ensure all construction workers involved in the operation and movement of construction equipment are familiar with the plan and that the plan is appropriately followed throughout construction.</p>	<p>conditions and release prevention practices.</p>
Hydrology and Water Quality				
<p>Mitigation Measure GEO-1: Prepare and Implement a SWPPP See <i>Geology and Soils</i> section above</p>	<p>See <i>Geology and Soils</i> Section above</p>	<p>See <i>Geology and Soils</i> Section above</p>	<p>See <i>Geology and Soils</i> Section above</p>	<p>See <i>Geology and Soils</i> Section above</p>
<p>Mitigation Measure HAZ-1: Prepare and Implement a Hazardous Materials Release Prevention Plan See <i>Hazards and Hazardous Materials</i> section above</p>	<p>See <i>Hazards and Hazardous Materials</i> section above</p>	<p>See <i>Hazards and Hazardous Materials</i> section above</p>	<p>See <i>Hazards and Hazardous Materials</i> section above</p>	<p>See <i>Hazards and Hazardous Materials</i> section above</p>
<p>Mitigation Measure BIO-8: Avoid and Minimize Impacts to Riparian Habitat See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>
<p>Mitigation Measure BIO-9: Avoid and Minimize Impacts to Waters of the United States and Waters of the State See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>	<p>See <i>Biological Resources</i> section above</p>
Public Services				
<p>Mitigation Measure TRA-1: Prepare and Implement a Traffic Control Plan See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>	<p>See <i>Transportation</i> section below</p>
Transportation				
<p>Mitigation Measure TRA-1: Prepare and Implement a Traffic Control Plan The construction contractor and/or the District shall prepare and implement a traffic control plan. The traffic control plan shall contain detailed measures approved by the County in order to ensure acceptable levels of traffic flow, emergency response notification and response times, and public and school bus transit coordination and detours. The plan shall include at a minimum: discussion of expected construction schedule and locations, traffic control measures, residential access procedures, and coordination with and notification of residents, emergency response agencies, and school districts affected by lane and road closures to ensure delays are minimized, detours are noticed, and that emergency access remains possible at all times.</p>	<p>The District shall ensure the selected contractor appropriately prepares and implements the traffic control plan in accordance with all applicable guidelines and the requirements of this mitigation measure through approval by County Department of Transportation. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to and during construction.</p>	<p>The District shall monitor and coordinate with the contractor during weekly construction meetings to ensure that the traffic control plan is implemented successfully as documented in inspection logs, and the traffic control plan shall remain on file at the District.</p>	<p>Traffic flow remains at acceptable levels, emergency access remains reasonably possible at all times, school bus routes in the area and residents are appropriately apprised of road closures, delays, and lane restrictions, and the Project area remains in compliance with all applicable transportation goals, policies, and requirements.</p>

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Appendix A Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Monitoring Timing	Monitoring and Reporting Program	Standards for Success
Tribal Cultural Resources				
<p>Mitigation Measure TRIB-1: Implement Best Management Practices to Reduce or Avoid Impacts on Tribal Cultural Resources</p> <p>The District shall implement the following measure to reduce or avoid impacts on tribal cultural resources (TCRs). If interested Native American tribe(s) provide information demonstrating the significance of the Project site and specific evidence supporting the determination that the site is sensitive for TCRs, the District will conduct a site visit with tribal representatives to evaluate the potential for TCRs at the Project site. If tribal representatives and the District determine the site is sensitive for TCRs and that the proposed Project may have a significant impact on TCRs, the District, in consultation with tribal representatives, will develop and implement best management practices (BMPs) to reduce or avoid impacts on TCRs. BMPs may include but are not limited to: 1) modify the proposed Project to preserve the TCRs in place, 2) establish exclusion zones and/or minimize work activities in proximity to TCRs, or (3) implement other recommendations developed in consultation with tribal representatives to minimize potential impacts to TCRs.</p>	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to and during implementation of ground disturbing Project activities.</p>	<p>If subsurface TCRs resources are uncovered during Project ground disturbing activities, the District's contractor shall complete the above activities.</p>	<p>Protection of TCRs.</p>
<p>Mitigation Measure TRIB-2: Tribal Cultural Resource Awareness Training</p> <p>The District shall provide TCR awareness training for workers prior to beginning Project construction activities. The District shall utilize information provided by culturally affiliated tribal representatives to develop the training materials (i.e., printed handouts) that provide information on the following topics:</p> <p>How to recognize TCRs</p> <ul style="list-style-type: none"> What to do if TCRs are suspected or encountered in the Project area Information on avoidance and other measures relevant to TCRs Confidentiality and culturally appropriate treatment of TCRs Information on regulations and applicable civil and criminal penalties for violations <p>The training materials will be shared with tribal representatives and tribal representatives will be invited to participate in the training. The training shall be presented to Project personnel at the Project kickoff. Printed handouts shall be distributed and used for future reference by Project personnel. A roster of trained Project personnel shall be maintained in the Project construction office and made available for review by regulatory agencies and culturally affiliated tribal representatives if needed. This training may be conducted in coordination with the cultural resources awareness training (MM CUL-2), paleontological resources training (MM GEO-2), and biological resources awareness training (MM BIO-2).</p>	<p>The District and contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Training shall be conducted before work begins, and new personnel shall be trained before initiating on-site work.</p>	<p>The training shall be conducted by trained personnel and documented (by sign-in sheet or other method) by the District's contractor for the dates the training occurred, and the staff trained. Retention of the training reference pamphlets shall also be kept on the construction site and within District files.</p>	<p>Construction personnel are trained in the key characteristics for identifying and avoiding impacts to TCRs.</p>
<p>Mitigation Measure TRIB-3: Proper Handling of Inadvertent Discovery of Tribal Cultural Resources</p> <p>The District shall implement the following measure to reduce or avoid impacts and address the evaluation and treatment of inadvertent discoveries of potential TCRs during Project activities. If any suspected TCRs are discovered during Project construction activities, all work shall cease within 100-feet of the discovery. The District shall invite a tribal representative from culturally affiliated tribes to visit the site and examine the discovery to determine whether or not the discovery represents a TCR (PRC §21074). Tribal representatives shall have 48 hours to respond to the District's notification and schedule a site visit. If the discovery represents a TCR, the District will work with tribal representatives to develop recommendations for culturally appropriate treatment. Recommendations may include but are not limited to: (1) modifying the Project to preserve the TCR in place, (2) establishing exclusion zones and/or minimizing work activities in proximity to the TCR, or (3) implementing other recommendations developed in consultation with tribal representatives to minimize potential impacts to the TCR. Work at the discovery location will not resume until the agreed upon treatment has been implemented to the satisfaction of the District. See MM CUL-1 for an inadvertent discovery that qualifies as a historical or a unique archaeological resource.</p>	<p>The District; the contractor. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Prior to and during implementation of ground disturbing Project activities.</p>	<p>If TCRs are encountered during Project ground disturbing activities, the District's contractor shall complete the above activities.</p>	<p>Protection of TCRs.</p>
Wildfires				
<p>Mitigation Measure WILD-1: Prepare and Implement a Fire Safety Plan</p> <p>The District shall require the Project contractor to prepare a Fire Safety Plan prior to construction activities and to implement the Fire Safety Plan during all vegetation removal and construction activities. The plan shall describe preventative measures for fire protection; procedures for evaluating weather conditions during which fire risk is elevated (conditions under which activities would cease due to elevated fire conditions); equipment used to prevent fire and respond to a fire immediately; personnel responsibilities and assignments to implement the Fire Safety Plan; and other measures to reduce fire risk during construction.</p>	<p>Responsible Party: The District shall ensure the selected contractor appropriately prepares and implements the Fire Safety Plan in accordance with all applicable guidelines and the requirements of this mitigation measure. This mitigation measure shall be referenced in the contract documents for the Project.</p>	<p>Timing: Prior to and during construction.</p>	<p>The District shall monitor and coordinate with the contractor during weekly construction meetings to ensure that the Fire Safety Plan is implemented successfully as documented in inspection logs, and the Fire Safety Plan shall remain on file at the District.</p>	<p>Fire prevention through adherence to plan conditions and fire prevention practices.</p>