

2.0 REVISIONS TO THE DRAFT MND

In accordance with section 15132 of the CEQA Guidelines, this section presents the changes that have been made to the Draft MND text as a result of comments received on the Draft MND. Only minor technical changes or additions have been made. These changes and additions to the MND do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in section 15088.5(b) of the CEQA Guidelines.

A compilation of revisions to the MND is provided below. Changes in the text are either signified as a replacement, addition, or revision to existing text. Revisions to existing text are signified by ~~strikeout~~ (e.g., ~~strikeout~~) when text is removed, and by underlined text (e.g., underlined) where text is added for clarification. The following revisions are organized sequentially, as they appear in the MND.

Finally, a revised copy of the Mitigation Monitoring Program (with revised text in ~~strikeout~~/underline) has been provided.

1.0 INTRODUCTION

- Item 1, edits to Section 1.4, Permits, Approvals and Regulatory Requirements. The following permit from the appropriate regulatory agency has been included:
 - Encroachment Permit, for work in the public right-of-way – Caltrans.

3.3.3 BIOLOGICAL RESOURCES

- Item 2, edits to text describing the potential impacts to giant garter snake habitat were made as follows to page 3.3.4-37 of the MND:

Project activities are anticipated to permanently impact 0.002 acre of upland habitat through the installation of three tubular steel poles along the two sections of the Project alignment where suitable giant garter snake upland habitat was identified. Installation of tubular steel poles at pole locations 4/94, ~~5/102~~, 5/105, and 5/112 would result in a net loss of suitable upland giant garter snake habitat (see Figures 3-6 and 3-7). Approximately 5.7 acres of suitable upland habitat would be temporarily impacted by construction activities at work areas and at pole locations 4/80 to 4/94, and 5/103 to 5/112, as these locations are considered suitable upland habitat situated within 200 feet

of permanent suitable aquatic habitat. Impacts are anticipated to include vegetation denuding and compaction of soil from heavy equipment and personnel activity at these locations. All temporary impacts to upland giant garter snake habitat will be restored to pre-Project conditions. All other work locations and access routes within potential giant garter snake habitat areas will take place on or within previously disturbed/developed areas (such as established road surfaces and orchards) that offer no upland habitat value for this species.

- Item 3, edits to Mitigation Measure BIO-1m have been made as follows:

MM BIO-1m. Avoidance of Aquatic Habitat. Construction within 200 feet of the banks of giant garter snake aquatic habitat will be ~~avoided~~ minimized to the extent possible. The movement of heavy equipment shall be confined to existing roadways to minimize giant garter snake habitat disturbance.

- Item 4, edits to Mitigation Measure BIO-1u have been made as follows:

MM BIO-1u. Avoidance of Construction During Breeding Season. Construction activities shall be scheduled to avoid the breeding and nesting season of special-status avian species in the area (typically March through August). If construction would take place during this time, pre-construction nesting bird surveys for avian species with potential to occur within 300 feet (500 feet for potentially occurring raptors) of proposed work areas shall be conducted within one week of construction activities by a qualified biologist. For Swainson's hawks (state-listed as threatened), surveys shall be conducted pursuant to the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" prepared by the Swainson's Hawk Technical Advisory Committee on May 31, 2000. Surveys within suitable habitat areas for this species shall be conducted within 0.25 mile of all work areas. Further, within areas where helicopter work shall occur, surveys within suitable nesting habitat will occur within 0.50 mile of all work areas.

- Item 5, edits to Mitigation Measure BIO-1v were made as follows:

MM BIO-1v. Active Nests and Pre-Disturbance Surveys. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors)

will be postponed or halted until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. These determinations shall be made by a qualified biologist. If ground-disturbing activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days elapse between the survey and ground-disturbing activities. Limits on construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers and construction personnel will be instructed on the sensitivity of nest areas. The biologist will serve as a construction monitor during those periods when construction activities are to occur near active nest areas to avoid inadvertent impacts to these nests. The biologist may adjust the 300- or 500-foot setback at his or her discretion and in consultation with the CSLC, depending on the species (particularly if a Swainson's hawk nest is located within 0.25 mile of the alignment for construction work and 0.50 mile for helicopter work) and the location of the nest (e.g., if nest is well protected on a rocky outcrop or buffered by dense vegetation). Any adjustments to these setback distances for Swainson's hawk will be made in consultation with the California Department of Fish and Game.

3.3.4 CULTURAL RESOURCES

- Item 6, edits to Mitigation Measure CUL-1 were made as follows:

MM CUL-1. Placement of Pole 4/904/86. Pole 4/904/86 must be placed outside of the railroad bed of the Northern-Electric Railroad.

3.3.6 GEOLOGY AND SOILS

- Item 7, edits to Mitigation Measure GEO-2 were made as follows:

MM GEO-2. Geotechnical Investigations. At least 90 days prior to the start of construction of the Project, the applicant shall conduct a site-specific geotechnical investigation to active faults, evaluate seismic hazards, including but not limited to peak ground accelerations, liquefaction, and expansive soils for the design of Project components. Recommendations contained therein shall be implemented through Project design and

construction. The final geotechnical report shall be certified by a California registered geotechnical engineer and final Project engineering design and drawings certified by a California registered civil/structural engineer. These reports/drawings shall be submitted to the California State Lands Commission for review and comment.

5.0 MITIGATION MONITORING PROGRAM

- Item 8, edits were made to Section 5.0, Mitigation Monitoring Program, as depicted in the accompanying document from the Draft MND.