Sacramento Municipal Utility District Jackson Bulk Substation Project

Final Initial Study and Mitigated Negative Declaration • October 2026

State Clearinghouse No. 2026050302



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Lead Agency:

SMUD–Environmental Management
6201 S Street, MS H201
Sacramento, CA 95817-1899

or

P.O. Box 15830 MS H201
Sacramento, CA 95852-1830
Attention: Sarah Ahmed
(916) 732-6974 or Sarah.Ahmed@smud.org

Prepared by:

AECOM
2020 L Street, Suite 300
Sacramento, CA 95811
Contact: Jeff Thomas
(510) 646-2145 or jeff.thomas@aecom.com

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LIST OF ABBREVIATIONS

AB	Assembly Bill
AMM	Avoidance and Minimization Measure
APP	Avian Protection Program
ASTM	ASTM International (American Society for Testing and Materials)
BUOW	Burrowing Owl
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CHRIS	California Historical Resources Information System
CNPS	California Native Plant Society
CVFPB	Central Valley Flood Protection Board
CWA	Clean Water Act
DPR	California Department of Parks and Recreation
EIR	Environmental Impact Report
ESA	Federal Endangered Species Act
FESA	Federal Endangered Species Act
HCP	Habitat Conservation Plan
IS	Initial Study
IS/MND	Initial Study/Mitigated Negative Declaration
ITP	Incidental Take Permit
LSAA	Lake and Streambed Alteration Agreement
MMRP	Mitigation Monitoring and Reporting Program
MND	Mitigated Negative Declaration
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
PM	Particulate Matter
PRC	Public Resources Code
ROG	Reactive Organic Gases
RPA	Registered Professional Archaeologist
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Municipal Utility District
SWPPP	Stormwater Pollution Prevention Plan
TCR	Tribal Cultural Resource
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VP	Vernal Pool

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EXECUTIVE SUMMARY

Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to evaluate the potential physical environmental impacts associated with Sacramento Municipal Utility District's (SMUD) Jackson Bulk Substation Project (proposed project) in compliance with the California Environmental Quality Act (CEQA). SMUD is the lead agency responsible for complying with the provisions of CEQA.

Project Description

SMUD is proposing to construct a new approximately 18-acre bulk substation on a 44-acre site at the corner of Jackson Road and Excelsior Road, and construct new or modified overhead 69,000-volt (69kV) and 230,000-volt (230kV) power lines that would link the substation to the electrical grid. Using transformers, substations transfer power from the transmission system to the distribution system that serves a particular area. The substation reduces the voltage from the large transmission lines and moves power into a system that powers residential and commercial customers. The proposed substation would convert high voltage from 230kV transmission lines to 69kV through transformers for local distribution into residential and commercial customers along the Jackson Corridor.

Findings

As lead agency for compliance with CEQA requirements, SMUD finds that the proposed project would be implemented without causing a significant adverse impact on the environment. Mitigation measures for potential impacts associated with Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources would be implemented as part of SMUD's project through adoption of a mitigation monitoring and reporting program.

Cumulative Impacts

CEQA requires lead agencies to assess whether a project's incremental effects are significant when viewed in connection with the effects of other past, present, and foreseeable future projects. Based on the analysis presented in the Draft IS/MND, the proposed project would not contribute incrementally to considerable environmental changes when considered in combination with other projects in the area. Therefore, the potential cumulative environmental effects of the proposed project were determined to be less than cumulatively considerable. All identified potentially significant impacts would be mitigated to less than significant.

Growth-Inducing Impacts

SMUD exists as a public agency to supply electrical energy to customers in the Sacramento area. It has an obligation to serve all new development approved by the local agencies and Sacramento County. SMUD does not designate where and what new development may occur.

Determination

On the basis of this evaluation, SMUD concludes:

- The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered species, or eliminate important examples of the major periods of California history or prehistory.
- The project would not achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The project would not have impacts that are individually limited, but cumulatively considerable.
- The project would not have environmental effects that cause substantial adverse effects on human beings, either directly or indirectly.
- No substantial evidence exists to demonstrate that the project would have a substantive negative effect on the environment.

Signature	October 1, 2026 Date
Sarah Ahmed Printed Name	Sacramento Municipal Utility District Lead Agency

1.0 INTRODUCTION

1.1 Project Overview

SMUD is proposing to construct and operate the new Jackson Bulk Substation Project (proposed project). The proposed project includes the construction of a new approximately 18-acre bulk substation and new or modified overhead 69,000-volt (69kV) and 230,000-volt (230kV) power lines that would link the substation to the electrical grid. Using transformers, substations transfer power from the transmission system to the distribution system that serves a particular area. The substation reduces the voltage from the large transmission lines and moves power into a system that powers residential and commercial customers. The proposed substation would convert high voltage from 230kV transmission lines to 69kV through transformers for local distribution into residential and commercial customers along Jackson Corridor.

1.2 Environmental Process Summary

Copies of the Draft IS/MND were made available in hard copy form for public review at SMUD offices (Customer Service Center and East Campus Operations Center), posted on SMUD's public website, and distributed to the State Clearinghouse via the Governor's Office of Land Use and Climate Innovation. A notice of intent was distributed to property owners and occupants of record within 1,500 feet of the proposed substation site and within 500 feet of the off-site overhead line work. The 30-day public review period began on May 5, 2026, and ended on June 5, 2026. SMUD held a public meeting on May 18, 2026. Five comment letters were received during the comment period. The comment letters and SMUD's written responses are presented in Section 2.0 of this document. As noted in Section 2.0, the conclusions presented in the Draft IS/MND were not altered in response to comments received, although minor revisions and clarifications to mitigation measures were made.

CEQA Guidelines Section 15073.5 provides the conditions for determining if recirculation of a negative declaration is required before adoption. Section 15073.5(a) states:

> *A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to adoption.*

According to Section 15073.5(b), a substantial revision is defined as:

> *(1) A new, avoidable significant effect is identified, and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or*

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significant and new measures or revisions must be required.

SMUD has determined that none of the aforementioned conditions were satisfied following public notice; therefore, recirculation of the Draft IS/MND is not required. SMUD, as the lead agency, may proceed to present the Final IS/MND to the SMUD Board for action.

Circumstances under which recirculation is not required include:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. (Section 15073.5[c])

No changes to the project or the Draft IS/MND are required that would warrant recirculation of the document.

1.3 Mitigation Measures

This section presents the mitigation measures SMUD would implement to address potential impacts on Air Quality (as addressed in Section 3.2 of the Draft IS/MND), Biological Resources (as addressed in Section 3.4 of the Draft IS/MND), Cultural Resources (as addressed in Section 3.5 of the Draft IS/MND), Geology and Soils (as addressed in Section 3.7 of the Draft IS/MND), Hazards and Hazardous Materials (as addressed in Section 3.9 of the Draft IS/MND), and Tribal Cultural Resources (as addressed in Section 3.18 of the Draft IS/MND). These measures reflect text revisions as documented in Section 3.0 of this Final IS/MND.

1.3.1 Air Quality

Conflict With or Obstruct Implementation of the Applicable Air Quality Plan

As discussed in Section 3.3, "Air Quality" of the Draft IS/MND, project construction-related activities would result in emissions of reactive organic gases (ROG), nitrogen oxides (NO_X), and particulate matter (PM). Construction emissions would be below SMAQMD-recommended daily and annual thresholds of significance for construction activities (Table 3.3-3 in the Draft IS/MND). However, because construction of the proposed project would generate PM emissions, implementation of construction BMPs would be required in order to apply SMAQMD's non-zero thresholds of significance for PM. Therefore, without implementation of applicable SMAQMD construction BMPs for PM emissions, the proposed project's construction activities could potentially conflict with or obstruct implementation of the applicable air quality plans.

Operational activities associated with the proposed project would include regular inspection and maintenance activities and would result in the generation of criteria air pollutant emissions associated with worker vehicle trips, including ROG, NO_X, PM_{10}, and $PM_{2.5}$. Since the project would generate PM emissions during operations, implementation of BMPs would be required to apply SMAQMD's non-zero thresholds of significance for PM. Project operational emissions would not exceed SMAQMD-recommended thresholds of significance (Table 3.3-4 in the Draft IS/MND). However, since the proposed project's operational activities would generate PM emissions during routine maintenance activities, the proposed project could potentially conflict with or obstruct implementation of applicable air quality plans if the applicable BMPs were not implemented.

Mitigation Measures AQ-1a and AQ-1b require implementation of SMAQMD's Basic Construction Emission Control Practices and PM Operational Best Management Practices to avoid conflicts with the applicable air quality control plan. Implementation of the measures would reduce impacts to ***less than significant*.**

Mitigation Measure AQ-1a. Implement SMAQMD Basic Construction Emission Control Practices for Substation Construction Activities

- The construction contractor shall include as a condition in the grading, improvement, and demolition plans, the following basic construction emissions control practices (best management practices) to be initiated at the start and maintained throughout the duration of construction activities associated with the proposed substation.
    - Water all exposed active work areas two times daily, or with adequate frequency for continued moist soil. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas,

and access roads. However, do not overwater to the extent that sediment flows off the site.

- Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- Suspend excavation, grading, and/or demolition activity when average wind speeds exceed 20 mph.
- All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Install wheel washers, rattle plates and/or rock aprons for all exiting trucks or equipment leaving the site.
- Treat site accesses from the paved road with a 6 to 12- inch layer of gravel to reduce generation of road dust and road dust carryout onto public roads.
- Post a publicly visible sign with the telephone number and person to contact at the County of Sacramento regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of SMAQMD shall also be visible to ensure compliance.

- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance_cert1.html.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified

mechanic and determined to be running in proper condition before it is operated.

Mitigation Measure AQ-1b. Implement SMAQMD PM Operational Best Management Practices

- SMUD shall follow best management practice requirements for fugitive dust control during operational and maintenance activities associated with the project:
    - Limit vehicle speeds on unpaved roads to 15 mph.
    - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
    - Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling. Information can be found on the California Air Resources Board's website: https://ww2.arb.ca.gov/ourwork/programs/idle-reduction-technologies/idle-reduction-technologies.

Cumulatively Considerable Net Increase of Any Criteria Pollutant Emissions

Sacramento County is currently in nonattainment for federal and State ozone, State PM_{10}, and federal $PM_{2.5}$. The thresholds developed by SMAQMD are designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards. Projects that would exceed SMAQMD-recommended thresholds of significance would be considered to potentially contribute a cumulatively considerable net increase of criteria air pollutant emissions to the region. As described above, the proposed project would not exceed construction or operational thresholds of significance identified by SMAQMD. However, applicable BMPs identified by SMAQMD for construction and operational project phases would need to be implemented to use SMAQMD's non-zero thresholds of significance. With implementation of **Mitigation Measure AQ-1a** and **AQ-1b** described above, impacts would be ***less than significant*.**

1.3.2 Biological Resources

Substantial Adverse Effect on Vernal Pool Branchiopods

As described in Section 3.4, "Biological Resources" of the Draft IS/MND, the seasonal wetlands, vernal pools, vernal swales, and seasonal swales scattered throughout the

substation site and similar aquatic features along the overhead line corridor provide suitable habitat for vernal pool branchiopods. At the substation site, grading and construction of substation elements would permanently impact 1.993 acre of suitable habitat for vernal pool branchiopods. Construction vehicles and heavy machinery driven through wetland features could cause compaction of soil and disturb branchiopod cysts. Work activities adjacent to wetland features may also result in temporary impact to habitat through sediment runoff or spilling of oil or other pollutants. Pole replacement activities along the overhead line corridor could result in impacts to suitable habitat for vernal pool branchiopods through vehicle movement, ground disturbance, dust generation (from construction activities), spread of invasive or non-native plants, and hazardous materials exposure.

The SWPPP required pursuant to the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, SMUD HCP general and species-specific avoidance and minimization measures (AMMs), and mitigation measures described below would reduce potential impacts on vernal pool branchiopod species to ***less than significant***.

G-AMM2 Minimize Impacts of Work Area. To the extent possible, SMUD field crews and contractors will reduce the work area footprint and the duration of work at a work area to reduce the potential for take of Covered Species.

G-AMM3 Work Area Access. SMUD field crews and contractors will use existing paved and unpaved roads to access the work area where available. Vehicles and equipment will be parked on pavement, existing roads, or previously disturbed areas to the maximum extent feasible. When this is not feasible, SMUD will implement G-AMM4: Off Road Speed Limit, VP-AMM1: Avoid Driving through Vernal Pools, and VP-AMM2: Minimize Vehicle Impacts on Vernal Pools.

G-AMM4 Off Road Speed Limit. When driving off of paved roads in Covered Species habitat, vehicles will not exceed a speed limit of 15 miles per hour.

G-AMM5 Work Area General Guidelines. Trash dumping, littering, open fires (such as barbecues), hunting, and pets will be prohibited in Covered Activity work areas. All garbage will be removed from the project site at the end of each workday.

G-AMM6 Erosion Control Measures. SMUD field crews will utilize standard erosion and sediment control best management practices (BMPs) (pursuant to the most current version of the California Stormwater Best Management Practices Handbook) to prevent construction site runoff into SMUD HCP Riverine; Open Water/Fringe; Other Depressional Wetland; and Vernal Pool, Seasonal Wetland, and Swale land cover types when Covered Activities are the source of potential erosion. Soil will be stockpiled within established work area

boundaries, and stockpiles will be located so as not to enter water bodies, stormwater inlets, or other standing bodies of water. Stockpiled soil will be covered prior to precipitation events. Erosion control materials will be removed once the site has been stabilized.

G-AMM7 Equipment Refueling. SMUD field crews will not refuel or conduct equipment maintenance activities within 250 feet of SMUD HCP Vernal Pool, Seasonal Wetland, and Swale, and within 100 feet of any Riverine, Open Water/Fringe, or Other Depressional Wetlands land cover types. If refueling must be conducted closer to wetlands, SMUD field crews will construct a secondary containment area subject to review by an environmental specialist and/or biologist. SMUD field crews will maintain spill prevention and cleanup equipment in refueling areas.

G-AMM8 Hazardous Materials Clean Up. SMUD field crews will clean up any spilled oil, fuel, or other automotive fluids. SMUD field crews will ensure that all construction areas have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances.

G-AMM11 Stabilization of Disturbed Areas. SMUD field crews will remove any temporary fill or construction debris and will backfill all excavation sites with native soil, and with crushed gravel around the bases of poles for compaction, following completion of Covered Activities. Disturbed areas will be stabilized by compacting soils and returning to pre-project contours so that the areas are commensurate with the topography of the surrounding soil, or qualified stormwater personnel will prescribe BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the site during construction. SMUD field crews will not move weed-infested gravel, rock, and other fill materials to undisturbed areas that are relatively free of weeds, but will focus fill in areas that have previously been disturbed.

G-AMM12 Excess Soil. When excess soil is spread out following an excavation activity, SMUD will not place soil in SMUD HCP Riverine; Open Water/Fringe; Other Depressional Wetlands; or Vernal Pool, Seasonal Wetland, and Swale land cover types or in Covered Species Modeled Habitat that contains burrows.

G-AMM13 Soil Management. SMUD field crews will stockpile soil within established work area boundaries and position stockpiles so as not to enter SMUD HCP Riverine; Open Water/Fringe; Other Depressional Wetlands; or Vernal Pool, Seasonal Wetland, and Swale land cover types or in Modeled Habitat with burrows. SMUD field crews will cover stockpiled soil with visquen or tarps prior to precipitation events.

G-AMM14 Revegetation of Work Areas. If a Covered Activity temporarily disturbs 0.1 acre or more of Modeled Habitat for a Covered Species that contains

herbaceous vegetation, SMUD field crews will revegetate the area with a native weed free seed mix within 6 months of disturbance.

G-AMM15 Temporary Vehicle Access to Work Areas. SMUD field crews will minimize clearing vegetation and grading for temporary vehicle access to the maximum extent feasible. Any temporary road will be returned to pre-project contours and the soil compacted for stabilization, or qualified stormwater personnel will prescribe BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the site during construction.

G-AMM17 Night Lighting. For Covered Activities that occur at night, SMUD field crews will position any temporary lights needed away from any Covered Species habitat. For lighting at permanent facilities, such as substations, all lighting will be oriented downward towards major equipment to minimize glare onto surrounding property.

G-AMM18 Unanticipated Covered or ESA and CESA-Listed Species. SMUD field crews will stop work and contact SMUD Environmental Services if a species listed under the FESA and CESA or a Covered Species is found within the work area or within 100 feet of a work area. SMUD Environmental Services will have authority to stop activities, and will do so, until appropriate corrective measures have been completed or it is determined that the individual FESA and CESA-listed or Covered Species will not be taken (including harmed). If the FESA and CESA-listed or Covered Species is in immediate danger, only a qualified biologist can capture and relocate the Covered Species. The Service must be contacted if the species is FESA and CESA-listed, but is not a Covered Species.

VP-AMM1 Avoid Driving through Vernal Pools. SMUD field crews will avoid driving through SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover to the maximum extent feasible. When this is not feasible, SMUD will implement VP-AMM2: Minimize Vehicle Impacts on Vernal Pools.

VP-AMM2 Minimize Vehicle Impacts on Vernal Pools. If a Covered Activity work area or access to the work area is located on SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover, SMUD field crews will evaluate site conditions and determine if soil moisture is present. If soil moisture is present, the field crew will coordinate with the Environmental Services team to identify alternative measures to minimize disturbance of Covered Species Modeled Habitat. Alternative measures may include laying down rubber matting, creating temporary bridges over swales, or using alternate access routes as prescribed by SMUD Environmental Services to minimize impacts. If it is not feasible for SMUD to avoid driving through Vernal Pool, Seasonal Wetland, and Swale land cover while moisture is present, SMUD will track the acres of disturbance, and those acres will count toward take limits.

VP-AMM3 Vernal Pool Covered Species Soil Stockpile. For Covered Activities in SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover, SMUD field crews will stockpile the upper 4 inches of topsoil from within the ordinary high-water mark of any aquatic features separately during excavations. This topsoil will be replaced within the aquatic feature and manipulated so as to restore the original contours within the aquatic feature. Soil compaction will be minimized to the extent consistent with utility standards. Erosion control measures such as straw wattles, coconut fiber rolls/blankets, silt fencing, and as determined by the qualified biologist, will be implemented where necessary to protect topsoil stockpiles and keep the seed bank and/or cysts in the stockpiled soil viable.

VP-AMM4 Avoid Occupied Orcutt Grass Habitat. SMUD Environmental Services will review design plans to ensure that no new poles or other facilities are placed in vernal pools that are known (as noted in an up to date [current at time of project implementation] California Natural Diversity Database query) to support slender Orcutt grass or Sacramento Orcutt grass.

VP-AMM6 Covered Vernal Pool Invertebrate Work Window. When Vernal Pool Invertebrate Covered Species Modeled Habitat is present within 250 feet of Covered Activities, Environmental Services will schedule the Covered Activity to occur in the dry season (approximately April 15 through October 15) and prior to the first significant rain (0.25 inch in 24 hours) to the maximum extent feasible. If the Covered Activity cannot be performed in the dry season, the field crew will implement additional measures as prescribed by SMUD Environmental Services to avoid or minimize impacts. Additional measures could include, but are not limited to, directing crews on access, use of erosion/sediment fencing, use of access mats or other techniques to avoid direct or indirect effects, requiring foot access, or requiring a biological monitor during the activity. If additional measures do not result in total avoidance, SMUD will mitigate at a 0.5:1 ratio for temporary and/or 3:1 for permanent direct habitat disturbance or loss.

VP-AMM7 Vernal Pool Biological Monitor. If Covered Activities will directly impact SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover (modeled habitat), a qualified biologist will be present onsite and monitor the Covered Activity to ensure that all applicable AMMs are implemented correctly and that no unnecessary ground disturbance or take of species occurs. The qualified biologist will have the authority to stop all activities that could result in such take or destruction, and will do so, until appropriate corrective measures have been completed. SMUD will report any unauthorized take to USFWS and/or CDFW within 24 hours.

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel. All construction personnel will be given environmental awareness training before the start of construction. As part of the training, an

environmental awareness handout will be provided to all personnel that describes and illustrates sensitive resources (i.e., waters of the U.S. and state, special-status species and habitat, nesting birds/raptors) to be avoided during construction and lists applicable permit conditions identified by state and federal agencies to protect these resources.

Mitigation Measure BIO-2: Compensate for Impacts to Wetlands and Aquatic Species Habitat. Mitigation for both temporary and permanent vernal pool tadpole shrimp and vernal pool fairy shrimp habitat disturbance will be provided as part of SMUD's HCP. Temporary impacts would be mitigated at a 0.5:1 ratio and permanent impacts would be mitigated at a 3:1 ratio through a combination of preservation and restoration, and indirect impacts within 250 feet of the substation would be mitigated at a 1:1 ratio. SMUD will use vernal pool restoration or creation credits at a 1:1 ratio (i.e., 2:1 preservation, 1:1 restoration/creation). If required, additional compensation for impacts to aquatic resources (wetlands and other waters) would be determined during Clean Water Act Section 401 and 404 and CFGC Section 1600 permitting.

Substantial Adverse Effect on Monarch Butterfly

Although no monarch adults, eggs, or larvae were observed on the substation site, suitable habitat in the form of narrowleaf milkweed (*Asclepias fascicularis*) was observed within the substation site. Milkweed may also be present along the overhead line corridor. Ground-disturbing activities and vehicles or heavy machinery activity could cause impacts on monarch eggs or larvae that may be present within or adjacent to the substation site or along the overhead line corridor. The following mitigation measures would be implemented to reduce impacts to ***less than significant*:**

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM18 Unanticipated Covered or ESA and CESA-Listed Species (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-3: Conduct a Pre-construction Survey for Monarch Butterfly. A biologist would conduct a pre-construction clearance survey for

milkweed within 48 hours prior to the initiation of ground disturbance within the project work limits at the substation site and overhead line corridor pole locations. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. This survey would consist of walking transects while conducting visual encounter surveys within areas that would be subject to clearing, staging, or other ground disturbing activities. If milkweed is identified within the construction work area, the biologist would determine an appropriate no-disturbance buffer to ensure avoidance of the milkweed. Fencing or flagging would be used to maintain the buffer around milkweed areas during project activities.

If botanical surveys completed for overhead lines/pole work rule out presence of milkweed, a pre-construction survey is not required.

If milkweed plants are observed within the project work limits and no eggs or larvae are observed on the plant(s), the plant(s) should be removed in a manner that allows them to be re-planted outside of the project work limits and fencing should be installed around the placement area to ensure avoidance during construction activities. If the monarch butterfly larvae or eggs are observed on milkweed plants or other vegetation, then the biologist will establish a fenced 5-foot no disturbance buffer around the plant(s). This buffer will remain in place until the egg or larvae have metamorphosed. Once the metamorphosis has occurred, the plant(s) may be removed and replanted.

Substantial Adverse Effects on Crotch's Bumblebee

Although no Crotch's bumblebees were observed in the substation site during the 2025 surveys, the grasses and forbs land cover and seasonal floral resources growing in the seasonal wetland and vernal pools within the substation site and the grasses and forbs land cover along the overhead line corridor offer suitable habitat for the species. Ground-disturbing activities and vehicles or heavy machinery activity could cause impacts on Crotch's bumblebee individuals that may be present within or adjacent to the substation site and along the overhead line corridor. The following mitigation measures would be implemented to reduce impacts to ***less than significant***.

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM18 Unanticipated Covered or ESA and CESA-Listed Species (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-4: Implement Crotch's Bumblebee Avoidance Measures. A qualified biologist will conduct at least 3 focused foraging and nesting surveys within suitable habitat, between April and August the year prior to the initiation of ground disturbance, within the project work limits at the substation site and overhead line corridor pole locations. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. Surveys will follow CDFW's "Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species" dated June 6, 2023 (CDFW 2023) or the most recent guidance. If Crotch's bumblebee is observed, the qualified biologist may propose site-specific measures to avoid take or SMUD would consult with CDFW to obtain an Incidental Take Permit if take of Crotch's bumblebee may occur during project activities.

Substantial Adverse Effects on Western Spadefoot

No western spadefoot were identified on the substation site during the various field surveys, but there is suitable upland, dispersal, and breeding habitat within the substation site and along the overhead line corridor. Project activities may cause impacts to individuals within or near the aquatic features or burrows within the substation site. Temporary impacts may include sediment runoff into aquatic features within the substation site. Pole replacement and installation activities along the overhead line corridor could result in impacts through vehicle movement, ground disturbance, dust generation (from construction activities), spread of invasive or non-native plants, and hazardous materials exposure. The following mitigation measures would be implemented to reduce impacts to ***less than significant***.

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM4 Off Road Speed Limit (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM6 Erosion Control Measures (described above)

G-AMM7 Equipment Refueling (described above)

G-AMM8 Hazardous Materials Clean Up (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM12 Excess Soil (described above)

G-AMM13 Soil Management (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM15 Temporary Vehicle Access to Work Areas (described above)

G-AMM17 Night Lighting (described above)

G-AMM18 Unanticipated Covered or ESA and CESA -Listed Species (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-2: Compensate for Impacts to Wetlands and Aquatic Species Habitat (described above)

Mitigation Measure BIO-5: Environmentally Sensitive Area Exclusion Fencing. Prior to the start of construction at the substation site, environmentally sensitive area (ESA) exclusion fencing will be installed along the wetland avoidance area boundary. The fencing material shall consist of silt fence or equivalent barrier and will be of a height and material suitable for wildlife exclusion. The fencing shall be checked regularly and maintained until all construction is complete.

Mitigation Measure BIO-6: Biological Monitor. A biological monitor shall be present within the substation site during initial ground disturbance (including wildlife exclusion fencing installation and vegetation clearing), dewatering activities in stockponds, and during all pole work along the overhead line corridor within 10 feet of suitable water features.

Mitigation Measure BIO-7: Special-status Species Encounter. Consistent with G-AMM-18, if a special-status wildlife species, including species of special concern, is found within the construction area during project activities, work will immediately stop within a 50-foot radius of the individual. The individual will be allowed to leave the project work limits on their own and construction may resume once it is determined that the individual has moved away safely from the construction zone. If the individual is unable to leave the project work limits on their own, the individual may be moved, unless it is state or federally listed. If it is a state or federally listed wildlife species or SMUD HCP Covered species, procedures described in G-AMM-18 above will be implemented.

Mitigation Measure BIO-8: Conduct Pre-construction Survey for Western Spadefoot. A qualified biologist will conduct a pre-construction clearance survey for western spadefoot within the substation site and overhead line corridor work limits within 48 hours prior to the initiation of ground disturbance. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. The pre-construction clearance survey will be limited to suitable water features, surrounding hydrologic or geographic features that support inundation during rain events, and associated upland habitat (e.g. grasslands and burrows). Crevices and burrows will be searched and avoided to the maximum extent practicable.

If western spadefoot are present within the project work limits (including egg masses or tadpoles), then CDFW will be notified and additional avoidance and minimization measures will be implemented.

Substantial Adverse Effects on Northwestern Pond Turtle

No northwestern pond turtles were observed within the substation site during the 2025 surveys, but there is suitable aquatic and upland habitat within the substation site and along the overhead line corridor, including within and adjacent to Morrison Creek, Elder Creek, tributaries of those streams, and ponds adjacent to the project work limits. Project activities may cause impacts to individuals within or near the aquatic features and upland habitat within the substation site and along the overhead line corridor. Impacts may also include sediment runoff into aquatic features within the substation site or overhead line corridor. The following mitigation measures would be implemented to reduce impacts to ***less than significant***.

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM4 Off Road Speed Limit (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM6 Erosion Control Measures (described above)

G-AMM7 Equipment Refueling (described above)

G-AMM8 Hazardous Materials Clean Up (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM12 Excess Soil (described above)

G-AMM13 Soil Management (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM15 Temporary Vehicle Access to Work Areas (described above)

G-AMM17 Night Lighting (described above)

G-AMM18 Unanticipated Covered or ESA and CESA-Listed Species (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-2: Compensate for Impacts to Wetlands and Aquatic Species Habitat (described above)

Mitigation Measure BIO-5: Wildlife Exclusion Fencing (described above)

Mitigation Measure BIO-6: Biological Monitor (described above)

Mitigation Measure BIO-7: Special-status Species Encounter (described above)

Mitigation Measure BIO-9: Conduct Pre-construction Survey for Northwestern Pond Turtle. A qualified biologist will conduct a pre-construction clearance survey for northwestern pond turtle within 48 hours prior to the initiation of ground disturbance within the project work limits at the substation site and overhead line corridor pole locations. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. Pre-construction clearance surveys will be limited to suitable water features, surrounding hydrologic or geographic features that support inundation during rain events, and associated upland habitat (grasslands and other areas with seasonally friable soils that support burrows).

If an adult northwestern pond turtle is located within upland habitat in the construction work area, the turtle will be allowed to voluntarily move outside of the work area on its own volition. If the species does not move on its own and is in the immediate vicinity of construction activities, a qualified biologist will relocate the turtle. If an active pond turtle nest containing either pond turtle hatchlings or eggs is found, appropriate avoidance measures would be implemented, which may include a “no-disturbance” buffer around the nest site until the hatchlings have moved to a nearby aquatic site.

Substantial Adverse Effects on Special-status Raptors and Nesting Birds

Wetlands provide suitable nesting habitat for tricolored blackbird, while mature trees within the substation site provide suitable nesting habitat for Swainson’s hawk.

Tricolored blackbird and Swainson's hawk were present within the substation site, and burrows present within the substation site offer suitable nesting habitat for burrowing owl. Two adult Swainson's hawks were observed nesting within the substation site in a large eucalyptus tree during April, May, and June 2025 surveys and successfully fledged three chicks in July 2025. Grasses and forbs land cover within the substation site provides suitable foraging habitat for tricolored blackbird, Swainson's hawk, northern harrier, burrowing owl, white-tailed kite, and loggerhead shrike. The grasses and forbs and pasture land cover within the overhead line corridor also provides suitable foraging habitat for the species.

Project construction would remove trees and shrubs within the substation site, which has the potential to directly remove bird nests. Driving vehicles and equipment through the annual grassland (grasses and forbs) may also result in destruction of bird nests. Additionally, if active bird nests are present, construction activities occurring during the nesting season (between February 1 and August 31), such as demolition, ground disturbance, and presence of construction equipment and crews, could generate noise and visual stimuli that may result in disturbance to active bird nests, and potentially resulting in nest abandonment. Nest abandonment may result in death of chicks or loss of eggs if the adult bird does not return to the nest. Nest abandonment would be considered a significant impact. The removal of aquatic vegetation and shrubs, and ground-disturbing activities within the substation site and overhead line work limits could also affect foraging efforts of tricolored blackbird, burrowing owl, Swainson's hawk, northern harrier, and other nesting migratory birds and raptors.

The following mitigation measures would be implemented to reduce these impacts to ***less than significant.***

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM4 Off Road Speed Limit (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM15 Temporary Vehicle Access to Work Areas (described above)

G-AMM18 Unanticipated Covered or ESA and CESA -Listed Species (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-6: Biological Monitor (described above)

Mitigation Measure BIO-7: Special-status Species Encounter (described above)

Mitigation Measure BIO-10: Conduct Pre-construction Survey for Migratory Birds and Raptors, Including Special-status Species. For any construction activities that will occur between February 1 and August 31 within the substation site and overhead line corridor work limits, a qualified biologist shall conduct a pre-construction survey in suitable nesting habitat within 300 feet for passerine nests (including for tricolored blackbird and loggerhead shrike), within 500 feet for raptor nests and ground nests (including for northern harrier and burrowing owl), and within 0.5 mile for Swainson's hawk and white-tailed kite nests. If construction activities occur during bird nesting season (between February 1 and August 31), including equipment staging and construction, surveys shall be conducted within 7 days prior to commencement of construction activities.

If no active nests are found during the pre-construction survey, no additional mitigation measures are required.

If an active bird or raptor nest is identified within the construction work area or an active raptor nest is identified within the appropriate survey buffers from the construction work area, a no-disturbance buffer shall be established around the nest to avoid disturbance of the nesting birds or raptors until a qualified biologist determines that the young have fledged and are foraging on their own or the nest has failed. The extent of these buffers shall be determined by the biologist and shall depend on the species identified, level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographic or artificial barriers. In addition to the establishment of buffers, other avoidance measures may include monitoring the nest during construction and restricting the type of work that can be conducted near the nest site. If a lapse in construction activities for one week or longer occurs during the avian breeding season, another pre-construction survey shall be performed prior to work re-initiation.

Mitigation Measure BIO-11: Conduct Preconstruction Survey for Burrowing Owl and Implement Avoidance Measures.

1. Burrowing Owl Surveys. SMUD shall conduct a BUOW survey over all suitable habitat present within the project site. BUOW surveys shall be conducted by a qualified biologist in accordance with the protocol described in the Staff Report on Burrowing Owl Mitigation (CDFW, March 7, 2012). If possible, surveys should be conducted during both the breeding (February 1 – August 31) and non-breeding seasons (September 1 – January 31) immediately preceding the planned start of construction activities to ascertain

the seasonal residency status of any owls occupying the site. The presence of BUOW or their sign anywhere on the site or within a 500-foot accessible radius around the project site shall be recorded and mapped. Surveys shall disclose all burrows and occurrence of sign of BUOW on the project site and within the 500-foot buffer.

2. Burrowing Owl Take Avoidance. During the breeding season (February 1 to August 31), surveys shall document whether BUOW are nesting in or within 500 feet of the Project area. During the non-breeding season (September 1 to January 31), surveys shall document whether BUOW are using habitat in or directly adjacent to any area to be disturbed. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted. If a lapse in Project-related work of fifteen (15) calendar days or longer occurs, another focused survey and consultation with SMUD and CDFW shall be required before Project work can be reinitiated. If a BUOW or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the Project site, the following measures shall be implemented:

    a. If BUOW are found during the non-breeding season (approximately September 1 to January 31), SMUD shall establish a minimum 160-foot (50-meter) buffer zone around active burrows. The buffer zone shall be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a qualified biologist confirms that such measures do not cause agitated behavior.

    b. If BUOW are found during the breeding season (approximately February 1 to August 31), the Project applicant shall:

        i. Avoid all nest sites that could be disturbed by Project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).

        ii. Establish a minimum 500-foot non-disturbance buffer zone around nests, unless otherwise approved by SMUD in writing, in consultation with CDFW. The buffer zone shall be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. Construction shall only occur within the 500-foot buffer zone during the breeding season if a qualified biologist monitors

the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Any modifications to this buffer shall be approved by SMUD, in consultation with CDFW prior to its implementation. The buffer reduction request shall include relevant information and/or propose new measures to justify the buffer reduction. The buffer area must be clearly marked to prevent Project-related activities from occurring within the buffer zone.

3. Eviction of Burrowing Owls. If after all applicable avoidance and minimization measures are implemented and SMUD needs to evict BUOW, an ITP shall be obtained for the activity and a BUOW eviction plan shall be developed by a qualified biologist for SMUD's review and approval, in consultation with CDFW. This plan, including its proposed mitigation, shall be consistent with the most recent available guidelines (e.g., 2012 Staff Report on Burrowing Owl Mitigation). Burrow eviction shall only be conducted during the non-breeding season for burrows located in the Project footprint, and in limited instances within a buffer zone around the Project site, as determined by SMUD in consultation with CDFW after all avoidance and minimization measures have been exhausted.

Mitigation Measure BIO-12: Raptor Nest Relocation or Removal and Mitigation for Loss of Swainson's Hawk Foraging Habitat.

1. Prior to the relocation (preferred) or removal of raptor nests within the project site, the SMUD Avian Protection Program (APP) Coordinator will be contacted. The APP Coordinator will document the status of the nest to determine when it is unoccupied and coordinate with CDFW regarding the plan for relocation or removal. Removal or relocation will occur during the non-nesting season and when the nest is unoccupied. Once the nest is removed or relocated, the nesting tree will be removed.

2. To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) by providing mitigation lands or securing Swainson's hawk mitigation bank credits. Mitigation shall be provided for impacts to suitable foraging habitat occurring within 10 miles of an active Swainson's hawk nest, as determined by a qualified biologist and in consultation with CDFW. All mitigation lands protected under this mitigation measure shall be protected in a form acceptable to CDFW (e.g., through fee title acquisition or conservation easement) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's hawk.

Substantial Adverse Effects on Pallid Bat

No pallid bats were identified within the substation site during the survey, but suitable foraging and roosting habitat are present throughout the substation site. Tree removal within the substation site and impacts to grasses and forbs land cover within the substation site and overhead line corridor may result in a temporary and permanent loss of roosting and foraging habitat for bats. Temporary impacts may also result from project-related disturbances such as noise or vibration from use of heavy machinery used near roost sites. The following mitigation measures would be implemented to reduce impacts to ***less than significant.***

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM4 Off Road Speed Limit (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM15 Temporary Vehicle Access to Work Areas (described above)

G-AMM17 Night Lighting (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-13: Conduct a Pre-construction Roosting Bat Survey Prior to Tree Removal or Trimming. A qualified biologist shall conduct a pre-construction survey of all trees proposed for removal or trimming within the substation site for the presence of bat roosts. Surveys will be conducted between February 16 to September 30. Surveys will entail direct inspection of trees, including around the base within piles of leaf litter, or nocturnal surveys. The survey shall occur no more than 2 weeks prior to the removal or trimming of trees within the substation site. If roosting habitat is present and occupied, then a qualified biologist shall determine the type of roost. If roosting bats are found within the substation site outside of the inactive season (November 1 to February 15) and the maternity season (April 1 to September 30), the bats may be excluded from the roost using methods developed by a qualified biologist experienced in developing and implementing bat mitigation and exclusion plans in coordination with CDFW. If bats are found to be roosting within the substation site during the inactive season or the maternity season, the roost must be avoided or relocated in consultation with CDFW. Removal of bat roost trees

would be conducted in two phases: the tree will be limbed on day 1 and the tree will be removed on day 2.

Substantial Adverse Effects on American Badger

No American badgers were identified within the substation site during the 2025 biological surveys, but suitable habitat is present throughout the project area. Project activities may have impacts to individuals or dens located within the substation and/or overhead line corridor. Impacts to grasses and forbs land cover within the substation site and overhead line corridor may result in a temporary and permanent loss of habitat for American badgers. Temporary impacts may also result from project-related disturbances such as noise or vibration from use of heavy machinery used near den sites. If active American badger dens are present, construction activities occurring during the natal season (between March 15 and June 15), such as ground disturbance and presence of construction equipment and crews, could generate noise and visual stimuli that may result in disturbance to active dens, and potentially resulting in den abandonment. Den abandonment may result in death of cubs if the adult badger does not return to the den. The following mitigation measures would be implemented to reduce impacts to ***less than significant***.

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM4 Off Road Speed Limit (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM15 Temporary Vehicle Access to Work Areas (described above)

G-AMM17 Night Lighting (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-7: Special-status Species Encounter (described above)

Mitigation Measure BIO-14: Conduct a Pre-construction American Badger Survey Prior to Ground Disturbance. A qualified biologist shall conduct a pre-construction survey of suitable habitat at the substation site and overhead line corridor work limits within 7 days prior to the initiation of construction. The goal of the survey is to search for potentially active badger dens. If potential dens for

American badger are detected during the pre-construction survey, the biologist will determine if the den is active. If the den is deemed inactive or unoccupied, no additional measures are needed. If an American badger is denning on or within 50 feet of the project work limits, SMUD shall avoid the den by a minimum 50-foot buffer. If an active den cannot be avoided, an avoidance or eviction plan must be developed and implemented in coordination with CDFW.

Substantial Adverse Effects on Special-status Plants

No special-status plant species are expected to occur within the proposed substation site. However, special-status plants could be present along the overhead line corridor. The new and upgraded overhead line poles have the potential to adversely affect special-status plants. The avoidance and minimization measures and mitigation measures described below would reduce potential impacts to special-status plants to ***less than significant***.

G-AMM2 Minimize Impacts of Work Area (described above)

G-AMM3 Work Area Access (described above)

G-AMM4 Off Road Speed Limit (described above)

G-AMM5 Work Area General Guidelines (described above)

G-AMM6 Erosion Control Measures (described above)

G-AMM7 Equipment Refueling (described above)

G-AMM8 Hazardous Materials Clean Up (described above)

G-AMM11 Stabilization of Disturbed Areas (described above)

G-AMM12 Excess Soil (described above)

G-AMM13 Soil Management (described above)

G-AMM14 Revegetation of Work Areas (described above)

G-AMM15 Temporary Vehicle Access to Work Areas (described above)

G-AMM18 Unanticipated Covered or ESA and CESA-Listed Species (described above)

VP-AMM4 Avoid Occupied Orcutt Grass Habitat (described above)

Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel (described above)

Mitigation Measure BIO-7: Special-status Species Encounter (described above)

Mitigation Measure BIO-15: Conduct Preconstruction Plant Surveys within Overhead Line Corridor Work Limits and Implement Avoidance Measures. A qualified botanist/biologist will conduct a botanical survey of the pole replacement and installation work limits prior to the initiation of construction activities within suitable land cover for special-status plants along the overhead line corridor. The survey will follow the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) along with the CNPS and USFWS survey protocols. The survey(s) would occur during the appropriate blooming period for the special-status plant species with potential to occur within the overhead line corridor.

If no special-status plant species are found, no further avoidance measures are required.

If special-status plant species are found during botanical surveys, the following measures would be implemented:

- If a federally listed plant species (slender Orcutt grass or Sacramento Orcutt grass) is found, the SMUD HCP avoidance and minimization measures identified in the covered plant conservation strategy would be implemented. This includes the implementation of VP-AMM4 Avoid Occupied Orcutt Grass Habitat as described above.

- If a state-listed plant is found within the overhead line corridor work limits, the botanist will map the extant boundaries of the population and record the number of individuals present. An avoidance buffer along with exclusion fencing will be placed around the area to avoid disturbance to the plants to the greatest extent possible. If avoidance is not possible, SMUD will consult with CDFW to develop mitigation and/or compensation measures necessary to avoid adverse effects to the population.

- If a CNPS-listed plant is found within the overhead line corridor work limits, the botanist will map the extant boundaries of the population and record the number of individuals present. An avoidance buffer along with exclusion fencing will be placed around the area to avoid disturbance to the plants to the greatest extent possible. Where it is not feasible to avoid special-status plants locations within the construction areas, seed collection and transplanting shall be performed for annual plant species in affected areas. Prior to excavation work in areas that support occupied special-status plant habitat, the topsoil (roughly the first 3-4 inches of soil where dormant seeds would be present) will be removed and stockpiled onsite. After finished

grades generally have been achieved, the stockpiled topsoil will be redistributed within disturbed areas in the project area. In particular, the soil should be redistributed into areas that provide appropriate/suitable habitat for the species. Stockpiled topsoil will be protected from wind and water erosion and from compaction. In areas where topsoil has been spread, equipment traffic will be limited, to the extent practicable, to minimize compaction. Post construction, areas where topsoil was spread will be protected from wind and water erosion until after the next growing season (spring/summer) using typical stabilization methods. If hydroseeding is used, hydroseed will be comprised of a native seed mix.

1.3.3 Cultural Resources

Cause a Substantial Adverse Change in the Significance of an Archaeological Resource

As discussed in Section 3.5, “Cultural Resources” of the Draft IS/MND, the records search results from the North Central Information Center (NCIC) and two pedestrian surveys in 2025 revealed eight previously recorded historic-age cultural resources in the project area. The previously identified sites do not appear to be eligible; therefore, they are not considered unique archaeological resources. However, project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. These activities could damage or destroy previously undiscovered archaeological resources. Implementation of Mitigation Measures CUL-1a and CUL-1b would reduce this impact to ***less than significant***.

Mitigation Measure CUL-1a: Worker Awareness Training. A cultural resources awareness and respect training program will be provided to all construction personnel active on the project site prior to implementation of earth moving activities. A representative or representatives from culturally affiliated Native American Tribe(s) will be invited to participate in the development and delivery of the cultural resources training in coordination with a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists. The program will include relevant information regarding sensitive Tribal cultural resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values.

Mitigation Measure CUL-1b: Unanticipated Cultural Resources Discovery. In the event of an inadvertent discovery of cultural resources (excluding human remains or Tribal Cultural Resources [TCRs]) during construction, all work must

halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeology, shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource, unique archaeological resource, or tribal cultural resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include, but would not necessarily be limited to, preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). If the discovery constitutes a TCR, any data recovery shall be in coordination with Tribes. Curation of resources is not recommended under Tribal protocol and reburying of resources where, or in close proximity to where they were excavated, is preferred.

Disturb Any Human Remains, Including Those Interred Outside of Formal Cemeteries

Project construction would involve grading, trenching, excavation, and potentially other earthmoving activities. There has been no indication or evidence that the area has been used for human burials in the recent or distant past; therefore, human remains are unlikely to be encountered. However, in the unlikely event that human remains are discovered during subsurface activities, they could be inadvertently disturbed and damaged. Implementation of Mitigation Measure CUL-2 would reduce this impact to ***less than significant***.

Mitigation Measure CUL-2: Unanticipated Human Remains. Pursuant to Sections 5097.97 and 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, if a human bone or bone of unknown origin is found during construction, all work is to stop and the County Coroner and the District shall be immediately notified. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission within 24 hours, and the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposition of, with appropriate dignity, the human remains and any associated grave goods.

1.3.4 Geology and Soils

Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature

The proposed overhead line corridor along Jackson Road, beginning approximately 1 mile northwest of the substation site and continuing to the northwestern end of the alignment, would be constructed within the Riverbank Formation. The Riverbank Formation is of high paleontological sensitivity, and thus construction activities that occur in this rock formation would have the potential to accidentally damage or destroy any previously unknown unique paleontological resources that may be present. Implementation of Mitigation Measure GEO-1 would reduce this impact to ***less than significant***.

Mitigation Measure GEO-1: Avoid Impacts to Unique Paleontological Resources

- Prior to the start of earthmoving activities associated with the overhead line corridor along Jackson Road northwest of the substation site, SMUD shall retain a qualified archaeologist or paleontologist to present construction worker personnel training. The training shall inform all construction personnel involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify SMUD.

- In the event of a paleontological discovery, SMUD shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan if necessary. The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan shall be implemented by SMUD before construction activities can resume at the site where the paleontological resource or resources were discovered.

1.3.5 Hazards and Hazardous Materials

Create a Significant Hazard to the Public or the Environment

As discussed in Section 3.9, “Hazards and Hazardous Materials” of the Draft IS/MND, ground disturbing activities associated with the substation and overhead line corridor could encounter known or unidentified environmentally contaminated soil or groundwater. Implementation of Mitigation Measure HAZ-1 would reduce risks related to encountering unidentified soil or groundwater contamination and the potential for adverse effects to workers, the public, or the environment through handling, storage, or disposal of contaminated soil or groundwater.

Mitigation Measure HAZ-1: Manage Accidental Discovery of Hazardous Materials. If contaminated soils or potentially hazardous items are discovered during earth moving activities, all ground-disturbing activities within 25 feet shall be halted until a qualified SMUD employee or SMUD representative can assess the conditions on the site. SMUD will notify and coordinate with the appropriate agency regarding findings of hazardous materials, as necessary. If it is determined that the material cannot be re-incorporated into the project site, it shall be hauled by a qualified hauler to an appropriate waste disposal facility.

1.3.6 Tribal Cultural Resources

Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

As discussed in Section 3.18, “Tribal Cultural Resources” of the Draft IS/MND, and based on information shared during AB 52 consultation with Wilton Rancheria, and the positive NAHC Sacred Land Files search received on February 9, 2026, there are presumed Tribal cultural resources near the project area, in addition to the Tosewin District Tribal Cultural Landscape, although no known sites, features, sacred places, or objects have been identified. Project-related ground-disturbing activities could damage or destroy presumed tribal cultural resources. Implementation of Mitigation Measures TCR-1 and TCR-2 would reduce this impact to ***less than significant***.

Mitigation Measure TCR-1: Spot Check Monitoring During Ground-disturbing Activities. There is a potential for unidentified cultural sites, artifacts or unanticipated TCRs to be present below the surface. Therefore, a Tribal monitor from Wilton Rancheria will perform spot check monitoring, up to half-day monitoring, two (2) times per week, during ground-disturbing activities including trenching, excavating, and grading. The Tribal representative will be given 48 hours’ notice before ground disturbance starts. The Tribal monitor will complete daily logs. Logs will confirm any finds, the locations of the find, time and date in accordance with SMUD’s Inadvertent Discovery Plan. If Tribal cultural resources are identified that have the potential to be adversely affected by the project, SMUD will implement *Mitigation Measure TCR-2 Unanticipated Discoveries of Tribal Cultural Resources*.

Mitigation Measure TCR-2: Unanticipated Discoveries of Tribal Cultural Resources. Although surface level TCRs, including human remains, have not been identified for this project, Tribal consultation has shown that there is the potential for unidentified sites of cultural significance to be present in the subsurface context, near the Jackson Bulk Substation and associated offsite construction locations.

If any suspected TCRs or resources of Tribal cultural significance, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects

(artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist. A Tribal Representative from Wilton Rancheria shall be immediately notified and shall determine if the find is a TCR (PRC §21074). Evaluation and treatment will be performed in coordination with Tribes in accordance with SMUD's Inadvertent Discovery Plan.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. If redesign is determined to not be feasible, SMUD shall consult with Tribes to determine appropriate treatment of the find.

Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by Wilton Rancheria.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate Tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects and belongings, and reburial of cultural objects and belongings or cultural soil. The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box or jobsite work box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.

The construction contractor(s) and SMUD shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.

Any discoveries shall be documented on a Department of Parks and Recreation (DPR) 523 form within 2 weeks of the discovery and submitted to the appropriate CHRIS center in a timely manner.

Work at the TCR discovery location shall not resume until authorization is granted by the Lead Agency in coordination with the culturally affiliated Tribe.

If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the Sacramento County Coroner shall be contacted immediately. Upon determination by the Sacramento County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendent who will work with SMUD to define appropriate treatment and disposition of the burials.

For any work required to be undertaken in an area where shoring and or with hazardous materials, including soils, all archaeologists, Tribal Representatives, and Tribal Monitors shall meet the appropriate level of safety training (e.g., confined spaces, hazardous material exposure, etc.) in compliance with California Division of Occupational Safety and Health State and federal Occupational Safety and Health Administration requirements prior to entering construction work areas.

1.4 CEQA Determination

SMUD has determined that although the proposed project could have a significant effect on the environment, a significant effect would not occur with implementation of the aforementioned mitigation measures because the proposed mitigation measures would reduce the effects of any impacts to below the established thresholds of significance. Therefore, SMUD published the Draft IS/MND on May 5, 2026, and SMUD's Board of Directors will consider adoption of this Final IS/MND at a Board meeting on October 15, 2026.

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2.0 COMMENTS AND RESPONSES

2.1 Introduction

This section of the Final IS/MND contains comment letters received during the public review period for the Draft IS/MND. The Draft IS/MND for the Project was circulated for a 30-day public review period (May 5, 2026, to June 5, 2026).

2.2 Responses to Comments

During the public comment period, SMUD received five comment letters. Table 2-1 shows a list of commentors, the date of the comment, and assigns a letter number for reference in the comment responses.

Table 2-1. List of Commentors

Letter Number	Commenter (Agency/Organization/Individual)	Date
1	Chika Oya, SacSewer Development Services, Sacramento Area Sewer District	May 14, 2026
2	Jamie Silva, Environmental Program Manager, Central Valley Flood Protection Board	May 29, 2026
3	Harvey Tran, Senior Environmental Scientist, California Department of Fish and Wildlife	June 3, 2026
4	Sophia Markowskam, Senior California Representative, Defenders of Wildlife California Program Office	June 5, 2026
5	Michelle, C. St. Clair, MA, RPA, Executive Director of Cultural Preservation, Wilton Rancheria	June 5, 2026

Letter 1

SACRAMENTO AREA SEWER DISTRICT
SERVING YOU 24/7

Administrative Office
10060 Goethe Road
Sacramento, CA 95827
Tel 916.876.6000

EchoWater Facility
8521 Laguna Station Road
Elk Grove, CA 95758
Tel 916.875.9000

May 14, 2026

Sarah Ahmed
SMUD Environmental Services
P.O. Box 15830 MS B209
Sacramento, CA 95852-1830

Subject: **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION JACKSON BULK SUBSTATION PROJECT**
APN: **067-0050-039, -040**

Dear Ms. Ahmed,

The Sacramento Area Sewer District (SacSewer) has reviewed the subject document.

The Jackson Bulk Substation Project is located on approximately 44 acres in unincorporated Sacramento County at the southeast corner of Excelsior Road and Jackson Road. The project site consists of two adjacent parcels, one located at 6037 Excelsior Road (APN 067-0050-039), and the other at 10590 Jackson Road (APN 067-0050-040) in Sacramento County, California. The Project area also includes linear corridors extending east, west, and south of the proposed substation that would be used for new or upgraded overhead lines. 1-1

The proposed project consists of the construction of an approximately 18-acre bulk substation. The proposed substation would convert high voltage from 230,000-volt (230kV) transmission lines to 69,000-volt (69kV) through transformers for local distribution into residential and commercial customers along the Jackson Highway corridor. Key features of the new substation include installation of new electrical equipment, a control building, driveway access, site fencing, lighting, stormwater drainage, and utilities. SMUD will also grade the remaining 26 acres for drainage improvements and maintain temporary soil storage south of the substation footprint. The substation will retain a 200-foot setback from Jackson Road and Excelsior Road.

In addition, the Project also includes construction of new or modified overhead power lines that would link the substation to the existing electrical grid. Planned overhead line improvements involve constructing approximately 0.7 miles of new 69kV overhead lines and converting approximately 5.35 miles of existing 12,000-volt (12kV) pole and overhead lines to single-circuit 69kV overhead lines with a 12kV underbuild. This work will require replacing the existing poles with taller, stronger poles.

SacSewer is not a land-use authority and plans and designs its sewer systems using information from land-use authorities. SacSewer bases the projects identified within its planning documents on growth projections provided by these land-use authorities.

In March 2021, the SacSewer Board of Directors approved the most current SacSewer planning document, the 2020 System Capacity Plan Update (SCP). In February 2013, the SacSewer Board of

Ms. Sarah Ahmed
May 14, 2026

Directors adopted the Interceptor Sequencing Study (ISS). The SCP and ISS are on the SacSewer website at System Capacity Plans - Sacramento Area Sewer District (sacsewer.com).

Customers receiving service from SacSewer are responsible for rates and fees outlined within the latest SacSewer ordinance. Fees for connecting to the sewer system recover the capital investment of sewer and treatment facilities that serve new customers. SacSewer does not guarantee sewer service or system capacity to the property until the property obtains proper permits to connect to the system and pays all facility impact (capacity) fees. The SacSewer ordinances are on the SacSewer website at Ordinances - Sacramento Area Sewer District (sacsewer.com).

1-1 (Cont.)

SacSewer has the following comments on the Environmental Impact Report:

The subject property is outside of the SacSewer service area. As such, SacSewer has not planned, designed, or constructed facilities to provide service to the Project area. Contact the Environmental Management Department (EMD) for onsite waste disposal facilities, if necessary.

If you have any questions regarding these comments, please call me at (916) 875-9810.

1-2

Sincerely,

Chika Oya

Chika Oya
SacSewer Development Services

Letter 1. Chika Oya, SacSewer Development Services, Sacramento Area Sewer District, May 14, 2026

1-1 The comment provides introductory remarks to the comment letter, including a summary of the project description and SacSewer planning and permitting processes. This comment does not raise environmental issues or concerns regarding the adequacy, accuracy, or completeness of the environmental document. This comment is noted and no further response is necessary.

1-2 The comment notes that the project is outside of SacSewer's service area. This comment is noted and no further response is necessary.

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Letter 2

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY **GAVIN NEWSOM**, GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609

May 29, 2026

Sarah Ahmed
SMUD Environmental Services
P.O. Box 15830 MS B209
Sacramento, CA 95852-1830
Sarah.Ahmed@smud.org

Subject: Comments for the Draft Initial Study and Mitigated Negative Declaration, Jackson Bulk Substation Project, SCH# 2026050302, Sacramento County

Dear Sarah Ahmed,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed Jackson Bulk Substation Project (proposed project). 2-1

The proposed project involves upgrading existing overhead lines crossing Elder Creek and Morrison Creek, both of which are regulated streams within the Board's permitting authority. Therefore, a Board permit may be required. Board permit information, including information on how to schedule a pre-application meeting with Board staff, is available on the Permitting at the Central Valley Flood Protection Board website.

Please include the Central Valley Flood Protection Board permit regulatory setting under heading 2.6 Potential Permits and Approvals Required.

Responsibility of the Board 2-2
The Board is the State's regulatory agency responsible for enforcing appropriate standards for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley.

The Board operates under authorities as described in California Water Code (Water Code), which requires the Board to oversee future modifications or additions to facilities of the State Plan of Flood Control (SPFC).

Board Permit 2-3
Per Title 23, Section 6, approval by the Board is required for all proposed work or uses, including the alteration of levees within any area for which there is an Adopted Plan of Flood Control within the Board's jurisdiction. In addition, Board approval is required for all proposed encroachments within a floodway, on adjacent levees, and within any Regulated Stream identified in Title 23, Table 8.1. Specifically, Board jurisdiction includes the levee section, the waterward area between project levees, a minimum 10-foot-wide strip adjacent to the landward levee toe, the area within 30 feet from the top of bank(s) of Regulated Streams, and inside the

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Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by the Board, are also under the Board's jurisdiction. Permits may also be required for existing unpermitted encroachments or where it is necessary to establish the conditions normally imposed by permitting, including where responsibility for the encroachment has not been clearly established or ownership or uses have been changed. 2-3 (Cont.)

Flood Impacts Analysis 2-4

Pursuant to Title 23, Section 15, the Board may deny a Board permit if the proposed project could:

- Jeopardize directly or indirectly the physical integrity of levees or other works,
- Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided,
- Cause significant adverse changes in water velocity or flow regimen,
- Impair the inspection of floodways or project works,
- Interfere with the maintenance of floodways or project works,
- Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities,
- Increase the damaging effects of flood flows,
- Be injurious to, or interfere with, the successful execution, functioning, or operation of any adopted plan of flood control, or
- Adversely affect the State Plan of Flood Control, as defined in the California Water Code

The Board, as a Responsible Agency under the California Environmental Quality Act (CEQA), will review and consider the environmental effects of the proposed project identified in the IS/MND, and will reach its own conclusions on whether and how to approve the project involved (14 CCR 15096, subd. (a)). This includes direct impacts to facilities under construction, as well as indirect impacts from the proposed project to surrounding facilities. Accordingly, the comments herein are intended to assist in the development of a robust CEQA document capable of supporting the Board's permitting process.

Closing 2-5

The potential risks to public safety, including increased flood risks, need to be considered when developing proposed projects that seek to modify flood control works or the hydrology of the water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact Jordan Robbins at (916) 524-3454, or via email at Jordan.Robbins@CVFlood.ca.gov if you have any questions.

Sincerely,

Jamie Silva

Jamie Silva
Environmental Program Manager

Docusign Envelope ID: E48040D0-ADFA-8968-82AB-48902C2FD2F2

cc: Office of Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

Steve Lamb
Permitting Section Manager
Steve.Lamb@cvflood.ca.gov

Letter 2, Jamie Silva, Environmental Program Manager, Central Valley Flood Protection Board, May 29, 2026

2-1 The comment provides introductory remarks to the comment letter, including a summary of the project description and the Central Valley Flood Protection Board's (CVFPB) permitting jurisdiction. SMUD does not anticipate the need for a permit from CVFPB, as described further below in the response to comment 2-4.

2-2 The regulatory background and authority of the CVFPB is described. This comment is noted and no further response is necessary.

2-3 The CVFPB permit jurisdiction is described in more detail. This comment is noted and no further response is necessary.

2-4 As described in Section 3.10, "Hydrology and Water Quality" of the IS/MND, the 100-year floodplain of Elder Creek crosses the northwestern corner of the proposed substation site; however, the proposed substation and associated site development would be located outside of the floodplain. The project would maintain existing drainage patterns within the substation site and vicinity to avoid exacerbating flood hazards. Pole replacements within the floodplains of Elder Creek and Morrison Creek would be approximately the same size and occur in the same location as existing poles; thus, floodplain impacts are not anticipated from these installations. The CVFPB jurisdictional area maps were reviewed, and no federal or non-federal levees were observed in the project area. No changes to the IS/MND are required.

2-5 SMUD thanks CVFPB for their comment and interest in the proposed project. If further coordination is needed, SMUD will coordinate with the contact provided.

Letter 3

Outlook

[Draft] Re: CDFW Comments on the MND for the Jackson Bulk Substation Project (SCH No. 2026050302)

From
Draft saved Mon 6/15/2026 12:18 PM

From: Tran, Harvey@Wildlife <Harvey.Tran@Wildlife.ca.gov>
Sent: Wednesday, June 3, 2026 5:54 PM
To: Sarah Ahmed <Sarah.Ahmed@smud.org>
Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; Wood, Dylan@Wildlife <Dylan.Wood@wildlife.ca.gov>; Sheya, Tanya@Wildlife <Tanya.Sheya@wildlife.ca.gov>; Kilgour, Morgan@Wildlife <Morgan.Kilgour@Wildlife.ca.gov>
Subject: [EXTERNAL] CDFW Comments on the MND for the Jackson Bulk Substation Project (SCH No. 2026050302)

CAUTION: This email originated from outside of SMUD. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sarah Ahmed:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from Sacramento Municipal Utility District (SMUD) for the Jackson Bulk Substation Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.[1] 3-1

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 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. 3-1 (Cont)

PROJECT DESCRIPTION SUMMARY

The Project site is located at a 44-acre parcel at the southeast corner of Jackson Road and Excelsior Road in unincorporated Sacramento County. The two parcels consist of 6037 Excelsior Road, Sacramento (APN 067-0050-039) and 10590 Jackson Road, Sacramento (APN 067-0050-040).

The Project consists of the construction of a new bulk transmission substation and new or modified overhead 69kV subtransmission and 230kV transmission power lines that would link the substation to the existing grid. The new substation would include new electrical equipment, a control building, driveway access, site fencing, lighting, stormwater drainage, and utilities.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist SMUD in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

CDFW is primarily concerned with the project impacts to Swainson' hawk (*Buteo swainsoni)*, burrowing owl (*Athene cunicularia*), tricolored blackbird (*Agelaius tricolor*), and the two open water features.

COMMENT 1: Swainson's hawk Preconstruction Survey Radius, Special-Status Raptors and Nesting Birds, page number 3.4-25 3-2

Issue: The MND stated that a preconstruction survey for Swainson's hawk (SWHA) shall be conducted within 0.25-mile of the Project site. CDFW does not believe that the survey buffer is sufficient to capture project impacts on nearby active SWHA nests, especially in a rural setting. While 0.25-mile may be sufficient for an urban setting where traffic and development are more frequent for the SWHA to encounter, the Project site is not located in that same setting, and Project impacts may impact the SWHA farther than the 0.25-mile where the species is not acclimated to the increased construction noise.

Recommendation or Recommended Mitigation Measure: CDFW recommends that the relevant MND section be edited to follow the protocol in the "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley" written by the Swainson's Hawk Technical Advisory Committee in May 31, 2000 which recommends that preconstruction surveys be conducted within a 0.5-mile radius of the Project site.

COMMENT 2: Swainson's hawk Avoidance, Minimization, and Mitigation Measures, Special-Status Raptors and Nesting Birds, page numbers 3.4-25 and 3.4-26 3-3

Issue: The MND states that there was an active SWHA nest within the Project site with three chicks fledging in July 2025. CDFW considers the SWHA nest active if it has been used within the last 5 years due to the species' high nest-site fidelity. The Project proposes to remove all 21 trees within the Project site, including the eucalyptus tree with the active SWHA nest. Removal of a SWHA nest is considered take under CESA. The MND does not include adequate minimization and mitigation measures for the loss of the existing nesting tree and the foraging habitat around it, which would be needed to demonstrate that the Project will mitigate for the take to reduce project impacts to a less-than-significant level under CEQA or meet CESA's fully mitigate definition. The MND only states in G-AMM18 Unanticipated Covered or ESA and CESA-Listed Species that a qualified biologist would capture and relocate the species. The G-AMM18 measure originates from the SMUD HCP which does not cover take of avian species including SWHA.

Recommendation or Recommended Mitigation Measure: CDFW recommends avoiding the existing nesting tree. If avoidance measures are not feasible, then CDFW recommends that the Project proponent consult with CDFW and demonstrate compliance with CESA. 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. CDFW recommends an incidental take permit (ITP) include SWHA 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 the CESA-listed species, either through construction or over the life of the Project. To reduce project impacts to a less-than-significant level under CEQA and fully mitigate under CESA, the MND should include more detailed measures for how SMUD would minimize and mitigate the loss of a SWHA nesting tree and how SMUD would minimize and mitigate potential permanent and temporary impacts to the SWHA foraging habitat before construction commences. Minimization measures can include timing of tree removal to outside the species' nesting season and performance-based no disturbance buffers for nesting SWHA. Mitigation measures can include purchasing SWHA nesting and foraging mitigation credits from a CDFW-approved conservation bank, purchasing and placing a conservation easement on nearby biologically suitable, occupied SWHA nesting habitat, or any other method approved by CDFW. The additional measures should be incorporated into the appropriate MND section(s).

COMMENT 3: Burrowing Owl, Mitigation Measure BIO-11, page number 3.4-26 3-4

Issue: The MND states that the Project site has suitable burrows and foraging habitats for the burrowing owl (BUOW). The California Natural Diversity Database (CNDDB) shows a recorded occurrence of the species west of the Project site within one mile. Based on the occurrence and the suitable habitat, the Project site has a moderate probability of BUOW utilizing the site in either a nesting or wintering capacity. The MND states that if an active BUOW burrow is identified onsite and a non-disturbance buffer cannot be maintained, then coordination with CDFW will be completed. The MND does not provide further clarification of what that

coordination would be and what possible mitigation measures will be needed in order to comply with both CEQA and CESA. The MND does not include mitigation measures for the possible take of an active burrowing owl nest to reduce project impacts to a less-than-significant level under CEQA. If a nesting BUOW is found onsite and proposed to be impacted, early consultation with CDFW is encouraged, as modifications to the proposed Project and mitigation measures may be required in order to obtain an ITP. 3-4 (Cont)

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 facilitate the issuance of an ITP, CDFW recommends the MND include details pertaining to the permanent protection and perpetual management of compensatory habitat necessary to fully mitigate project-related impacts, both permanent and temporary. The type and amount of mitigation should be based on factors including an assessment of the importance of that habitat in the Project site, the extent to which covered activities will impact the habitat, and the estimate of the acreage required to provide for adequate compensation in coordination with CDFW.

Recommendation or Recommended Mitigation Measure: CDFW recommends the relevant MND section should be modified to state that if take of BUOW cannot be avoided, then CDFW recommends the Project proponent obtain an ITP and provide suitable mitigation that fully mitigates the Project impacts.

CDFW recommends the mitigation for the take of an active BUOW best be described in the relevant section of the MND. CDFW recommends that the mitigation ratio for BUOW habitat impacts is a minimum of 3:1 to offset the permanent loss of nesting habitat and 2:1 to offset the permanent loss of foraging habitat. CDFW also recommends that the mitigation for temporary impacts is no less than 1:1 for BUOW and their habitat to reduce project impacts to a less-than-significant level. CDFW recommends that mitigation is in the form of purchasing suitable mitigation credits from a CDFW-approved conservation bank, habitat restoration/enhancement onsite or offsite, partnership with other agencies or non-profit groups on suitable restoration projects, or other biologically suitable mechanisms pre-approved by the Lead Agency.

CDFW also recommends that the MND modifies the Mitigation Measures to include language to demonstrate that all feasible avoidance measures will be exhausted before allowing for eviction as a last resort after obtaining an ITP from CDFW. Example recommended language is provided below:

1. Burrowing Owl Surveys. Project proponent shall conduct a BUOW survey over all suitable habitat present within the Project site. BUOW surveys shall be conducted by a qualified biologist in accordance with the protocol described in the *Staff Report on Burrowing Owl Mitigation* (CDFW, March 7, 2012). If possible, surveys should be conducted during both the breeding (February 1 – August 31) and non-breeding seasons (September 1 – January 31) immediately preceding the planned start of construction activities to ascertain the seasonal residency status of any owls occupying the site. The presence of BUOW or their sign anywhere on

the site or within a 500-foot accessible radius around the Project site shall be recorded and mapped. Surveys shall disclose all burrows and occurrence of sign of BUOW on the Project site and within the 500-foot buffer. Results of the survey shall be submitted to SMUD. 3-4 (Cont)

2. Burrowing Owl Take Avoidance. During the breeding season (February 1 to August 31), surveys shall document whether BUOW are nesting in or within 500 feet of the Project area. During the non-breeding season (September 1 to January 31), surveys shall document whether BUOW are using habitat in or directly adjacent to any area to be disturbed. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted. If a lapse in Project-related work of fifteen (15) calendar days or longer occurs, another focused survey and consultation with SMUD and CDFW shall be required before Project work can be reinitiated. If a BUOW or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the Project site, the following measures shall be implemented:

2.1 If BUOW are found during the non-breeding season (approximately September 1 to January 31), the Project applicant shall establish a minimum 160-foot (50-meter) buffer zone around active burrows. The buffer zone shall be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a qualified biologist confirms that such measures do not cause agitated behavior.

2.2 If BUOW are found during the breeding season (approximately February 1 to August 31), the Project applicant shall:

a. Avoid all nest sites that could be disturbed by Project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).

b. Establish a minimum 500-foot non-disturbance buffer zone around nests, unless otherwise approved by SMUD in writing, in consultation with CDFW. The buffer zone shall be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. Construction shall only occur within the 500-foot buffer zone during the breeding season if a qualified biologist monitors the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Any modifications to this buffer shall be approved by SMUD, in consultation with CDFW prior to its

implementation. The buffer reduction request shall include relevant information and/or propose new measures to justify the buffer reduction. The buffer area must be clearly marked to prevent Project-related activities from occurring within the buffer zone. 3-4 (Cont)

3. Eviction of Burrowing Owls. If after all applicable avoidance and minimization measures are implemented and Project proponent needs to evict BUOW, an ITP shall be obtained for the activity and a BUOW eviction plan shall be developed by a qualified biologist for SMUD's review and approval, in consultation with CDFW. This plan, including its proposed mitigation, shall be consistent with the most recent available guidelines (e.g., *2012 Staff Report on Burrowing Owl Mitigation*). Burrow eviction shall only be conducted during the non-breeding season for burrows located in the Project footprint, and in limited instances within a buffer zone around the Project site, as determined by SMUD in consultation with CDFW after all avoidance and minimization measures have been exhausted.

COMMENT 4: Tricolored Blackbird, Mitigation Measure BIO-11, page number 3.4-26 3-5

Issue: The MND states that tricolored blackbirds (TRBL) were present within the Project site. CNDDB shows numerous recorded occurrences of the species between 2014-2015 within one mile of the Project site. The aquatic features present within the Project contain suitable vegetation (e.g., broad-leaf cattail (*Typha latifolia*), common tule (*Schoenoplectus acutus* var. *occidentalis*), and willow (*Salix spp.*)) for the species to nest and forage. Due to the stock ponds and other depressional wetlands onsite, the species has a high probability of being present onsite during construction. However, the MND does not contain adequate avoidance, minimization, and mitigation measures to demonstrate that the Project will mitigate for possible take of the species to reduce project impacts to a less-than-significant level under CEQA or meet CESA's fully mitigate definition if take of the species is unavoidable. The only avoidance measure included in the MND was a preconstruction survey for the species within 100 feet of the Project site which has an inadequate survey radius.

Recommendation or Recommended Mitigation Measure: CDFW recommends the MND include more detailed measures for how SMUD would avoid, minimize and mitigate for potential permanent and temporary impacts to TRBL nesting habitat before construction commences. Avoidance measures can include a preconstruction survey with a 300 feet radius of the Project site. Minimization measures can include timing of removal of the vegetation to outside the species' nesting season and performance-based no disturbance buffers for nesting TRBL. Mitigation measures can include purchasing TRBL nesting mitigation credits from a CDFW-approved conservation bank, purchasing and placing a conservation easement on nearby biologically suitable, occupied TRBL nesting habitat, or any other method approved by CDFW. The additional measure should be incorporated into the appropriate MND section(s).

CDFW recommends that the Project proponent consult with CDFW and demonstrate compliance with CESA. 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. CDFW recommends an ITP include TRBL 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 the CESA-listed species, either through construction or over the life of the Project. 3-5 (Cont)

COMMENT 5: Impacts to Open Water Features, Section C., page number 3.4-31 3-6

Issue: The MND states that the Project would involve the removal of the two open water features (pond/lake), their associated vegetation, and any other aquatic features that are hydrologically connected to the open water features, including season wetlands and vernal pools. These activities will require notification for a Streambed Alteration Agreement. This was not clearly stated in the MND. In addition, while the impacts to the vernal pools and the wetlands associated with the vernal pool tadpole shrimps are proposed to be mitigated through the SMUD HCP, no mitigation proposal was provided in the MND for the permanent loss of the open water/fringe habitat (stock ponds) or other aquatic resources. Only that it would be determined during the permitting process. As written, the mitigation in the MND does not reduce project impacts to a less-than-significant level under CEQA for the stock ponds and other aquatic features.

Recommendation or Recommended Mitigation Measure: CDFW recommends the MND clearly states that notification for a Streambed Alteration Agreement will be required for the removal of the two open water features (ponds/lakes), their associated vegetation, and any other aquatic features that are hydrologically connected to the open water features. The notification should include mitigation proposals for compensation to any permanent impacts to the aquatic features which may include the purchase of suitable mitigation credits at a 3:1 replacement to loss ratio, habitat restoration/enhancement onsite or offsite, habitat connectivity enhancements (wildlife crossings), partnership with other agencies or non-profit groups on restoration projects, or another mechanism pre-approved by CDFW.

ENVIRONMENTAL DATA 3-7

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 (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

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

3-7 (Cont)

CONCLUSION

3-8

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 MND for the Jackson Bulk Substation Project to assist SMUD 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 Harvey Tran, Senior Environmental Scientist (Specialist) at (916) 358-4035 or harvey.tran@wildlife.ca.gov.

Sincerely,

Harvey Tran
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
Region 2 - North Central Region
1701 Nimbus Road, Rancho Cordova, CA 95670
Habitat Conservation Program
(916) 358-4035
harvey.tran@wildlife.ca.gov

[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.

Letter 3. Harvey Tran, Senior Environmental Scientist, California Department of Fish and Wildlife, June 3, 2026

3-1 The comment provides introductory remarks to the comment letter, including an overview of CDFW's role, a project description summary, and a summary of comments and recommendations. This comment is noted and no further response is necessary.

3-2 The survey radius for Swainson's hawk will be expanded per this recommendation. Mitigation Measure BIO-10 has been modified, as shown in Section 3.0.

3-3 Avoidance of the tree containing the Swainson's hawk nest is infeasible due to its location within the planned substation footprint and the presence of other site constraints, such as the Elder Creek floodplain and mapped wetlands, that make alternative layouts infeasible. SMUD will coordinate with CDFW regarding nest relocation options and tree removal outside of the nesting season to demonstrate compliance with CESA. Mitigation Measure BIO-12 has been modified, as shown in Section 3.0, to include mitigation for permanent impacts to SWHA foraging habitat.

3-4 Mitigation Measure BIO-11 has been updated to reflect CDFW's recommendations for burrowing owl mitigation, as shown in Section 3.0.

3-5 Mitigation Measure BIO-10 has been updated to reflect CDFW's recommendations regarding survey buffer distances for tricolored blackbird, as shown in Section 3.0. Mitigation Measure BIO-10 already established tree removal windows outside of the nesting season and no-disturbance buffers as avoidance measures for tricolored blackbird. Compensation for permanent vernal pool impacts is required at a 3:1 ratio by Mitigation Measure BIO-2. Compensation for impacts to other wetland types that may provide suitable habitat for tricolored blackbird would be further defined through permitting with USACE and CDFW. These measures would also function to compensate for permanent impacts to tricolored blackbird nesting habitat. No mitigation measures have been added.

3-6 Section 2.6 (page 2-15) of the IS/MND states that a Lake and Streambed Alteration Agreement (LSAA) with CDFW may be required in connection with filling the stockponds, based on an assessment of their features. SMUD will conduct a detailed assessment prior to filling the stockponds to determine whether doing so would require obtaining an LSAA. If so, SMUD will secure the necessary agreement.

3-7 CNDDB field survey forms will be prepared for detected special-status species. The appropriate filing fees will be paid when the Notice of Determination is filed.

3-8 SMUD thanks CDFW for their comment and interest in the proposed project. SMUD will continue to coordinate with CDFW as design progresses.

Letter 4

California Program Office
P.O. Box 401, Folsom, California 95763
www.defenders.org

June 5, 2026

Sarah Ahmed
Sacramento Municipal Utility District
Planning and Natural Resources Department
6201 S Street, MS B209
Sacramento, CA 95852

Delivered via email to sarah.ahmed@smud.org

Re: Mitigated Negative Declaration for the Proposed Jackson Bulk Substation Project; SCH No. 2026050302

Dear Ms. Ahmed,

Thank you for the opportunity to provide comments in response to the Mitigated Negative Declaration (MND) for the proposed Jackson Bulk Substation Project (Project). Defenders of Wildlife (Defenders) protects and restores America's wildlife at risk of extinction, advancing a vision of a future in which wildlife thrives, sustained by broad public support and a resilient network of healthy lands and waters and has nearly 2.1 million members and supporters in the United States, with more than 311,000 residing in California. 4-1

A low-carbon energy future is critical for California's economy, communities and environment. It is imperative that we consider the near-term impacts of energy development on our biodiversity, fish and wildlife habitat and natural landscapes while addressing the long-term impacts of climate change. Therefore, energy projects must be planned, sited, developed and operated to avoid, minimize and mitigate adverse impacts on wildlife and lands with known high-resource values.

The Jackson Bulk Substation Project, proposed by the Sacramento Municipal Utility District (SMUD) as lead agency, would construct a new 18-acre, bulk substation on a 44-acre site at the southeast corner of Jackson Road and Excelsior Road in unincorporated Sacramento County, with approximately 5.35 miles of rebuilt and 0.7 miles of new 69kV overhead lines. The substation site has been used historically for grazing and, since 2022, for temporary soil

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storage, and supports vernal pools, seasonal wetlands, vernal swales and two stock ponds in its southeastern half. The site lies within Preserve Planning Unit 3 of the South Sacramento Habitat Conservation Plan and within the permit area of the SMUD Operations, Maintenance, and New Construction Habitat Conservation Plan (SMUD HCP), under which federal incidental take authorization will be obtained. 4-1 (Cont)

Comments 4-2

We offer the following comments on the MND for the proposed Project.

Project Reconfiguration

Table 3.4-2 of the MND discloses that the proposed substation footprint would result in 1.993 acres of permanent impact to seasonal wetland/seasonal swale and vernal pool. That is comprised of 0.172 acres for seasonal swale, 1.172 acres for seasonal wetland, 0.645 acres for vernal pool and 0.004 acres for vernal swale, in addition to 2.3 acres of permanent impact to open water and fringe. The vernal pool and seasonal wetland complex on the substation site is situated in a portion of Sacramento County where regional conservation planning has explicitly recognized that the remaining vernal pool resources are limited and that the loss of additional pools is a cumulative concern.

The MND states that the Project would develop an 18-acre substation footprint within the 44-acre site. The remaining 26 acres would be used for drainage improvements and continued temporary soil storage. The MND does not document any analysis of alternative substation footprint configurations or layouts within the 44-acre parcel that would have further reduced direct impacts to vernal pools, seasonal wetlands and seasonal swales. CEQA requires lead agencies to adopt feasible mitigation measures or alternatives that substantially lessen significant environmental effects.[1]

Defenders requests that the final MND include a documented analysis of substation footprint reconfigurations that would relocate permanent features away from the highest-quality vernal pool, seasonal wetland and seasonal swale features within the 44-acre parcel. If a reconfigured footprint can avoid additional aquatic features without compromising SMUD's stated electrical system reliability objectives, the reconfigured layout should be adopted as the Project. Where reconfiguration cannot avoid all such features, the MND should disclose the rationale and identify which features cannot feasibly be avoided.

[1] Pub. Resources Code § 21002; 14 Cal. Code Regs. § 15021(a)(2)

Hydrology Analysis

The MND identifies a wetland avoidance area in the southeast corner of the proposed substation site, retaining approximately 0.252 acres of seasonal wetland, vernal swale, and other depressional wetland features. However, the document does not analyze how the grading of the surrounding substation footprint, the addition of impervious surfaces (crushed rock, concrete foundations, paved access roads), the capture and rerouting of stormwater through an underground storm drain system and the permanent loss of upgradient swales will affect the hydrologic regime of the preserved features. 4-3

Vernal pools, seasonal wetlands and swales depend on water that flows into them from the surrounding landscape, including rainfall and runoff from adjacent upland areas. The wetland features that the Project proposes to preserve in the southeast corner of the substation site are hydrologically connected to the broader site, including areas that would be graded, paved or otherwise developed under the Project. The MND does not analyze whether the preserved wetlands will continue to receive the water inputs they need once the surrounding site has been developed. The Hydrology and Water Quality section addresses surface water quality, downstream drainage and groundwater recharge at the site level but does not evaluate how Project-related changes to grading, runoff patterns and stormwater routing may alter the hydrology of the avoided wetland features themselves. A hydrology analysis that does not evaluate whether the preserved wetlands will continue to receive the surface and subsurface inputs that sustain them risks understating the indirect effects on those features and on the overall hydrology and the vernal pools that may depend on them. Indirect impacts must be analyzed under CEQA.[2]

Defenders requests that the final MND include a Project-specific hydrologic assessment of the wetland avoidance area that characterizes the contributing watershed area for each preserved feature under existing conditions, evaluates how Project grading, impervious surface placement, removal of upgradient swales and stormwater capture will alter the surface and subsurface hydrology of the preserved features, identifies design measures necessary to maintain the existing hydroperiod and water budget of those features and commits to those design measures as enforceable mitigation. If hydrologic maintenance of the preserved wetlands cannot be assured through Project design, the MND should disclose the resulting loss of function of the preserved wetlands as part of the Project's impact on aquatic resources.

[2] 14 Cal. Code Regs. §§ 15064(d), 15358).

Adequacy of Vernal Pool Surveys

The MND states that "[n]o vernal pool fairy shrimp or vernal pool tadpole shrimp were observed within the substation site during the 2025 visual surveys, though targeted aquatic sampling was not conducted." The document then assumes presence and assesses impacts to 1.993 acres of suitable habitat. While Defenders supports the approach of assuming presence, given the SMUD HCP's mitigation framework, the absence of protocol-level surveys understates the document's disclosure value and forecloses confirmation of species occupancy across the site's pool complex. 4-4

The USFWS provides survey protocols for listed large branchiopods, including vernal pool fairy shrimp and tadpole shrimp.[3] Visual habitat assessments do not substitute for these methods; the existing biological record does not provide a complete account of species presence and distribution within the substation site. Defenders requests that the final MND document the completion of protocol-level vernal pool branchiopod surveys consistent with USFWS guidelines and report results.

Vehicle Access Through Vernal Pool Habitat

Measure VP-AMM1 directs that "SMUD field crews will avoid driving through SMUD HCP vernal pool, seasonal wetland and swale land cover to the maximum extent feasible." VP-AMM2 then describes alternatives if access through vernal pool land cover cannot be avoided, including matting, temporary bridges or alternative routes. The "maximum extent feasible" qualifier, without further specificity, leaves significant discretion to field crews to determine when vehicle access through vernal pool features is permissible. CEQA Guidelines § 15126.4(a)(1)(B) requires that mitigation measures be fully enforceable. The current formulation of VP-AMM1 is not adequately enforceable because it provides no criteria for when driving through vernal pool features may be deemed acceptable. 4-5

Defenders requests that VP-AMM1 be revised to prohibit vehicle access through SMUD HCP vernal pool, seasonal wetland and swale land cover except when prior written authorization has been obtained from CDFW and, for SMUD HCP Covered Species, from USFWS, an alternative means of access (matting, temporary bridges or alternate route) has been determined infeasible by a qualified biologist and a biological monitor is present during the access event.

[3] US Fish and Wildlife Service. 2017. *Survey Guidelines for the Listed Large Branchiopods*.

Vernal Pool Mitigation Ratio for Temporary Impacts 4-6

Mitigation Measure VP-AMM6 commits to mitigating temporary impacts to vernal pool fairy shrimp and vernal pool tadpole shrimp habitat at a 0.5:1 ratio. As a general matter, Defenders recommends a minimum 1:1 ratio for temporary impacts to vernal pool habitat to ensure that the ecological functions are consistent with the no-net-loss principle that CDFW has applied in its review of vernal pool projects. The 0.5:1 ratio identified in BIO-2 reflects the framework established under the SMUD HCP, which provides the operative mitigation standard for the Project's federal incidental take coverage. Defenders recognized that a 0.5:1 ratio is acceptable under the HCP and highlights that temporary vernal pool impacts outside of the HCP, would result in the appropriate 1:1 ratio.

SMUD HCP Coverage Limitations and Open Water Impacts 4-7

The MND relies on the SMUD HCP as the operative mitigation framework for the Project's biological resource impacts. The SMUD HCP provides take authorization under Section 10 of the federal Endangered Species Act and is limited to species it covers; the SMUD HCP does not provide take authorization for Swainson's hawk and burrowing owl and does not address open water and fringe land cover present on the substation site.

The Project would result in 2.30 acres of permanent impact to open water and fringe land cover, including the two stock ponds where suitable tricolored blackbird habitat occurs. Mitigation Measure BIO-2 provides compensation for vernal pool branchiopod habitat only at SMUD HCP-specified ratios; mitigation for impacts to the open water and fringe is not addressed under the SMUD HCP framework and is deferred to future Clean Water Act Section 401, Section 404 and California Fish and Game Code Section 1602 permitting. Deferral of mitigation to future permitting without specific performance standards does not satisfy CEQA's substantive requirements.[4] The cumulative permanent impact of the Project to aquatic resources (open water and fringe, seasonal wetland, vernal pool, seasonal swale and vernal swale) totals 4.29 acres, approximately 10 percent of the Project's total permanent disturbance of 43.67 acres. This is a substantial concentration of impacts on aquatic resources, which warrants a mitigation framework addressing each aquatic resource type, not solely the vernal pool habitat covered by the SMUD HCP.

Defenders requests that the final MND include enforceable mitigation measures with specific performance standards for impacts to the 2.30 acres of open water and fringe habitat, not deferred to future permitting.

[4] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.

Swainson's Hawk

An active Swainson's hawk nest has been observed on the substation site, with a pair of adult hawks successfully fledging three young from a eucalyptus tree near the center of the proposed footprint in 2025. All 21 trees within the substation site, including the documented nest tree, would be removed for Project construction. The SMUD HCP does not include Swainson's hawk among its Covered Species and provides no take authorization for this species.

4-8

Mitigation Measure BIO-10 directs pre-construction nesting bird surveys within 0.25 mile of construction activities between February 1 and August 31. While this addresses individual nest disturbance during the nesting season, it does not address the permanent loss of an established nest tree that has produced young within the immediately preceding breeding season. Swainson's hawks demonstrate strong nest site fidelity, and the loss of a documented productive nest site reduces the local breeding capacity. CDFW guidance recommends mitigation for the loss of foraging habitat and disturbance to active nests but does not directly address the permanent loss of an active nest tree, the circumstance presented here, which warrants direct CDFW consultation.[5]

Defenders recommends that the Project be reconfigured to avoid removal of the documented Swainson's hawk nest tree, either through modification of the substation footprint within the 44-acre parcel or through siting at an alternative location. Avoidance of the documented active nest tree is preferable to compensatory mitigation. If avoidance cannot be achieved, Defenders requests consultation with CDFW prior to removal of the nest tree and the inclusion of enforceable mitigation measures, including compensatory mitigation through replacement nest trees, foraging habitat compensation consistent with the 1994 CDFW Staff Report,[6] and Swainson's hawk-specific protocol surveys consistent with CDFW survey methodology prior to ground disturbance to confirm continued use of the site.

Tricolored Blackbird

Tricolored blackbirds were observed foraging within the Project area, and the MND identifies marginally suitable nesting habitat consisting of cattails and young willows at the edges of the two stock ponds within the proposed substation site. The Project would permanently impact 2,300 acres of open water and fringe habitat, including the stock pond margins. The

4-9

[5] California Department of Fish and Wildlife. 1994. *Mitigation for Impacts to Swainson's Hawks in the Central Valley of California.*
[6] Ibid.

SMUD HCP does not include tricolored blackbird among its Covered Species and provides no take authorization for this species; CESA take authorization from CDFW is therefore required.

Mitigation Measure BIO-10 addresses general nesting bird surveys but does not include species-specific protocols for tricolored blackbird. Given the documented foraging use of the site, the loss of marginally suitable nesting habitat at the stock ponds and recent tricolored blackbird occurrences in the surrounding area, species-specific surveys are warranted in advance of construction. Defenders requests that the final MND commit to CESA take coverage for tricolored blackbird, require species-specific protocol-level tricolored blackbird surveys covering both foraging and potential nesting habitat and commit to species-specific avoidance, minimization and mitigation measures if breeding colonies or sustained foraging use is confirmed.

4-9 (Cont)

Conclusion

Thank you once again for the opportunity to provide scoping comments on the proposed Jackson Bulk Substation Project and for considering our comments. Defenders looks forward to reviewing the Final MND for the Project and requests notification when it is available. Please feel free to contact me with any questions.

4-10

Respectfully submitted,

Sophia Markowska

Sophia Markowska
Senior California Representative
SMarkowska@defenders.org

Letter 4. Sophia Markowskam, Senior California Representative, Defenders of Wildlife California Program Office, June 5, 2026

4-1 The comment provides introductory remarks to the comment letter, including a mission statement and project description summary. This comment is noted and no further response is necessary.

4-2 The comment requests consideration of alternative site configurations within the 44-acre site to maximize avoidance of wetland impacts. Following the completion of aquatic, biological, and other site surveys, SMUD assessed various substation configurations at the project site to reduce impacts on environmentally sensitive areas.

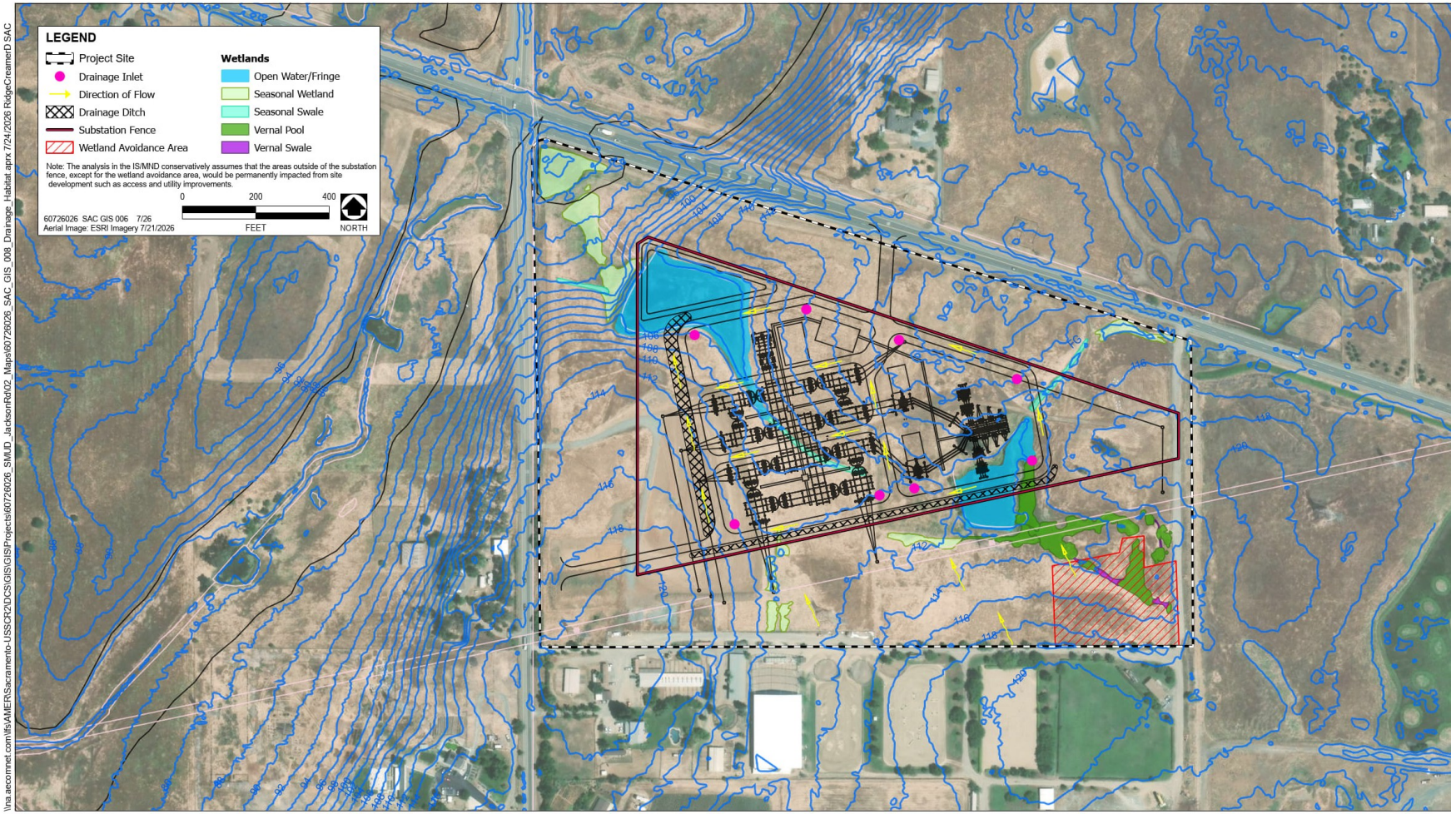
The site constraints significantly influence the location and design of the substation infrastructure. The substation has been strategically positioned on a property adjacent to existing transmission infrastructure to avoid the high costs and logistical challenges associated with extending new transmission lines and to minimize the need for extensive new infrastructure. Several site constraints—such as wetlands, floodplain, setback requirements, and visual impacts—also had to be considered.

- Wetlands and Vernal Pools: The site intersects with seasonal wetlands and vernal pools. Efforts have been made to avoid impacting the existing vernal pools to the greatest extent feasible. See Figure 2.2-1 on page 2-57, which shows the conceptual grading and drainage plan and mapped wetlands, including the wetland avoidance area.
- Floodplain: The northwestern corner of the site crosses the 100-year floodplain of Elder Creek, which limits the placement options in that area.
- Setback Requirements: The County requires a 200-foot setback from the roadway, which occupies approximately 14 acres of the site, further constraining the available space.
- Visual Impact: The visibility of the substation from public roadways was also a consideration in determining the conceptual footprint, aiming to minimize visual impacts.

Based on that detailed assessment, it was determined that no feasible alternative configurations would substantially reduce wetland impacts without compromising SMUD's project objectives or resulting in other environmental or community impacts.

Please refer to Section 2.3.1, "SMUD Bulk Substation Site Selection Guidelines" in the IS/MND for more detailed information on site selection criteria and constraints.

4-3 The comment requests additional analysis supporting the viability of wetlands that would be protected under the proposed project. Figure 2.2-1 on the following page shows the conceptual grading and drainage plan and mapped wetlands, including the wetland avoidance area. As shown on the figure, the proposed project would modify internal drainage patterns within the site by constructing new drainage ditches and inlets to capture and convey runoff. However, stormwater runoff would continue to be conveyed toward the northwest corner of the site and an existing drainage swale that ultimately discharges into Elder Creek. The proposed project would not change the topography of the site and surroundings; as shown by the contours on Figure 2.2-1, drainage flows would continue to travel downgradient toward Elder Creek and provide hydrologic input to the retained vernal pools. The wetland avoidance area would also continue to receive stormwater flows that infiltrate through the upstream pervious surfaces bordering this area. The wetland avoidance area would also be considered during final design of the stormwater drainage system. In addition, detailed hydrologic studies to inform wetland mitigation will be completed as needed to support wetland permitting.



Source: SMUD 2025

Figure 2.2-1: Conceptual Grading and Drainage Plan

4-4 Consistent with the SMUD HCP framework, the IS/MND conservatively assumes presence of vernal pool branchiopods and assesses impacts to the full 1.993 acres of suitable habitat at the substation site. Because presence is assumed and impacts are avoided, minimized, and compensated under the SMUD HCP regardless of occupancy, protocol-level surveys would not alter the impact conclusion or the required compensation under Mitigation Measure BIO-2. No changes to the IS/MND are required.

4-5 The comment requests that VP-AMM1 be revised to prohibit vehicle access through vernal pool, seasonal wetland, and swale land cover except under specified conditions. Mitigation measures VP-AMM1 and VP-AMM2 are avoidance and minimization measures (AMMs) from the approved SMUD HCP and its associated federal and state incidental take permits, which are enforceable as permit conditions and have been reviewed and approved by regulatory agencies. These measures outline a stepwise process which prioritizes avoidance, then minimization of effects using specific methods in coordination with SMUD Environmental Services, and finally, detailed tracking and mitigation consistent with the SMUD HCP conservation strategy. These AMMs are adequately enforceable and include the presence of a qualified biologist onsite to monitor covered activities and ensure compliance with HCP AMMs. Thus, no changes to the IS/MND are required.

4-6 This comment is noted. The 0.5:1 mitigation ratio is in relation to temporary disturbance of vernal pools. The conservation strategy of SMUD's HCP was prepared to meet the regulatory requirements of the federal Endangered Species Act and the California Endangered Species Act. HCPs must fully offset take to the maximum extent practicable as described in the Habitat Conservation Planning and Incidental Take Permit Processing Handbook.

SMUD will also mitigate for estimated indirect impacts on covered vernal pool crustaceans at a 1:1 ratio within 250 feet of the substation. New substation construction could indirectly affect vernal pool invertebrates by altering the hydrology that supports their habitat (e.g., altering surface runoff patterns, breaking through hardpan or claypan restrictive layers), increasing human intrusion, introducing invasive species, and causing pollution; therefore, per SMUD's HCP indirect impacts will be mitigated at a 1:1 ratio. Mitigation Measure BIO-2 has been updated with these details, as shown in Section 3.0.

4-7 As described in Mitigation Measure BIO-2, wetland impacts will be compensated at approved ratios identified in the SMUD HCP for vernal pools or as further defined through regulatory agency permitting. SMUD will obtain Regional Water Quality Control Board authorization for impacts to Waters of the State (e.g., Waste Discharge Requirements under the Porter Cologne Water Quality Control

Act). Currently, the specific mitigation requirements for these wetland impacts are not known but are anticipated to be replacement or restoration at a 1:1 or greater ratio.

4-8 Refer to Response to Comment 3-3.

4-9 Refer to Response to Comment 3-5.

4-10 SMUD thanks Defenders of Wildlife for their comments and interest in the proposed project.

WILTON RANCHERIA
THE CAPITAL TRIBE

Letter 5

June 5, 2026

Sarah Ahmed
SMUD Environmental Services
PO Box 15830 MS B209
Sacramento, CA 95852-1830
Sarah.Ahmed@smud.org

Subject: Public Comment on Draft Initial Study/Mitigated Negative Declaration – Jackson Bulk Substation Project

Dear Ms. Ahmed:

On behalf of Wilton Rancheria, we submit the following comments on the Draft Initial Study/Mitigated Negative Declaration ("IS/MND") for the proposed Jackson Bulk Substation Project ("Project") located on approximately 44 acres in unincorporated Sacramento County. 5-1

Wilton Rancheria ("Wilton Rancheria" or the "Tribe") is a federally recognized Tribe with deep ancestral ties to the Project area, which lies within the Tosewin landscape, a region that has sustained our people since time immemorial and continues to hold cultural, spiritual, and historical importance to our Tribal citizens today. The Tribe has been engaged in Assembly Bill 52 ("AB 52") consultation with SMUD regarding this Project and considers that consultation to be open and ongoing.

Tribal Cultural Resources 5-2

The Tribe remains concerned about the Project's potential to result in significant impacts to Tribal Cultural Resources ("TCRs"). As acknowledged in the IS/MND, Project activities including ground disturbance, grading, trenching, and construction have the potential to adversely affect cultural materials, landscapes, and places of ongoing Tribal significance.

As Wilton Rancheria has previously shared with SMUD, we believe it is highly likely that SMUD will encounter buried cultural resources during ground disturbing activities at the site. The fact that no resources were discovered during pedestrian surveys provides no information about whether there will be buried resources once ground disturbance commences. Boot scrapes are usually used during pedestrian surveys to scrape

WILTON RANCHERIA
THE CAPITAL TRIBE

vegetation off the surface in order to expose the soil, but those are superficial and only go an inch or two into the ground. Reports from Schenk and Dawson and other early archaeologists note that archaeological mounds sometimes extend five to nine feet below the current ground surface. Further, in an alluvial environment, mounds and other sites would easily be covered by alluvial soils. Many sites within the Delta have been covered by such alluvial deposits over time. We have knowledge of several sites that are buried, and buried up to several meters deep, within the Delta and adjacent landscapes. See the attached, *confidential* Exhibit A for further discussion.

5-2
(Cont)

While Wilton Rancheria has engaged in good-faith consultation and has shared relevant Tribal knowledge regarding the sensitivity of the Project area, the mitigation measures proposed in the IS/MND are insufficient to ensure meaningful protection of Tribal Cultural Resources. See the attached, *confidential* Exhibit A for further discussion. As a reminder, AB 52 requires consideration of a tribe's "expertise concerning their tribal cultural resources." Pub. Res. Code § 21080.3.1(a); *Koi Nation of Northern California v. City of Clearlake* (2025) 109 Cal.App.5th 815, 825.

In particular:

- Spot-check monitoring is not an acceptable mitigation measure. Intermittent or limited monitoring does not adequately address the level of risk identified in the IS/MND itself. Where a project is acknowledged to have potentially significant impacts, mitigation must be robust enough to reduce those impacts to a less-than-significant level.
- The Tribe has formally requested full-time Tribal cultural monitoring during all ground-disturbing activities. To date, SMUD has declined to include this measure in the IS/MND.
- Without continuous monitoring, the Tribe's ability to protect and steward its heritage is unduly constrained by project scheduling and oversight decisions made by the applicant.

One reason why spot check monitoring is insufficient to reduce impacts to cultural resources is because it provides no opportunity for the Tribe to pause construction activities immediately upon identifying a buried resource. As a result, it would allow significant disturbance of buried resources before those resources are even identified. The

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disruption of resources itself constitutes harm, including from loss of integrity. According to the National Register of Historic Places, Bulletin 15, "The assessment of integrity for properties considered eligible for information potential depends on the data requirements of the applicable research design. . . .It is important that the significant data contained in the property remain sufficiently intact to yield the expected important information, if the appropriate study techniques are employed."[1] Disturbing resources could impact their integrity and thus their eligibility for listing.

5-2 (Cont)

In addition, disturbing resources constitutes a cultural harm. Native communities have systemically been removed from ancestral territories and prevented from celebrating, practicing, and protecting their tangible and intangible heritage. As opposed to full-time monitoring, where the tribal monitor can halt damage as soon as it begins, spot-check monitoring would allow much more disturbance and damage. This is a significant impact that the IS/MND's measures fail to mitigate.

Given these potentially significant impacts, the mitigation proposed in the IS/MND will not reduce impacts to a less-than-significant level.

Full-time tribal monitoring during ground-disturbing is clearly feasible. Many agencies have provided full-time tribal monitoring during ground-disturbing activities when presented with similar (or even less) evidence about the likelihood of encountering buried resources. See the table below for examples. SMUD has not explained why the Tribe's reasonable request for full-time monitoring is infeasible or was otherwise rejected as a mitigation measure. This failure renders the IS/MND insufficient under CEQA, and falls short of AB 52's consultation requirements.

Project	*Lead agency*
Kiefer Landfill Gas Utilization[2]	Sacramento County
Middle-Mile Broadband Network[3]	Caltrans

[1] Emphasis in original. Accessed at https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf.

[2] https://planningdocuments.saccounty.net/projectdetails.aspx?projectID=7464&communityID=4

[3] https://dot.ca.gov/caltrans-near-me/district-3/d3-programs/d3-environmental/d3-environmental-docs/d123-broadband

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5-2 (Cont)

Creekside at Woodlake[4]	City of Sacramento
East County Service Center[5]	Contra Costa County
Harvest Water[6]	Sacramento Area Sewer District
Lower San Joaquin Multi-Benefit Project[7]	Reclamation District No. 341
Aspen VIII and IX Mining Use Permit Amendment[8]	Sacramento County
Eakle Water Storage Reservoir Grading[9]	Napa County
Shiloh West Medical Offices[10]	City of Victorville
Bonnani Residential Project[11]	City of Fountain Valley

The Tribe respectfully asks: How can Wilton Rancheria effectively protect its cultural heritage if it is not afforded consistent access to observe and respond to ground disturbance in real time?

Further, the IS/MND states generally that a "Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area" shall be notified and shall determine whether a find is a TCR. IS/MND at 3.18-10. The IS/MND confirms that other Tribes notified of AB 52 consultation have not requested consultation or have declined to consult. *Id.* at 3.18-1. Accordingly, the IS/MND should identify Wilton Rancheria as the appropriate tribe for monitoring and potential resource discoveries.

SMUD must revise the IS/MND to require:

- Full-time, on-site Tribal cultural monitoring by qualified Tribal representatives during all ground-disturbing activities;
- Wilton Rancheria's participation in evaluation and treatment decisions; and

[4] https://ceqanet.lci.ca.gov/2025080200

[5] https://ceqanet.lci.ca.gov/2026011121

[6] https://www.sacsewer.com/harvest-water/

[7] https://water.ca.gov/Programs/All-Programs/Multibenefit

[8] https://ceqanet.lci.ca.gov/Project/2015022062

[9] https://ceqanet.lci.ca.gov/2025010729

[10] https://ceqanet.lci.ca.gov/2024101315

[11] https://ceqanet.lci.ca.gov/2023030610

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- Ongoing coordination with the Tribe consistent with AB 52 consultation obligations. 5-2 (Cont)

Biological Resources and Tribal Cultural Landscapes 5-3

Wilton Rancheria is also concerned about the Project's potential impacts to biological resources, which are inextricably linked to Tribal cultural values and practices.

The Project site and surrounding areas include vernal pools and wetlands, which provide critical habitat for sensitive and listed species. The area is also known to support culturally significant wildlife, including:

- Swainson's hawk
- Tricolored blackbird
- Other native bird and animal species of importance to the Tribe

For Wilton Rancheria, these species and their habitats are not merely biological resources; they are part of a living cultural landscape and are appropriately understood as Tribal Cultural Resources.

The degradation or fragmentation of these habitats represents a cultural impact as well as an environmental one.

The Tribe urges SMUD to:

- Strengthen mitigation measures to ensure avoidance and minimization of impacts to vernal pools and wetlands;
- Incorporate Tribal input into biological resource management and monitoring plans; and
- Evaluate impacts to culturally significant species and habitats through a Tribal Cultural Resources lens, in addition to standard biological criteria.

Other Biological Resources Concerns 5-4

SMUD relies in part on its Operations, Maintenance, and New Construction Habitat Conservation Plan[12] ("HCP") to mitigate its impacts on biological resources. E.g., IS/MND

[12] The IS/MND lists a July 2024 version in its References. We could not find a copy of this version, and instead reference the version submitted to the Federal Register in December 2023, accessed here: https://www.regulations.gov/document/FWS-R8-ES-2023-0191-0002.



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at 3.4-15 ("The SWPPP, SMUD HCP general and species-specific avoidance and minimization measures (AMMs), and mitigation measures described below would reduce potential impacts on vernal pool branchiopod species."). However, this reliance is flawed due to conflicts with the HCP, which constitute a significant impact.

5-4 (Cont)

According to the IS/MND, 43.666 acres at the proposed substation site will be permanently impacted. *Id.* at 3.4-13. Further, each new pole replacement/installation will temporarily or permanently disturb 3.14 square feet. *Id.* It is unclear how many poles will be replaced or installed in the 5.35 miles of rebuilt overhead lines and 0.7 miles of new overhead lines, but the amount only adds to the total acres permanently impacted. *Id.* at 2-10.

The HCP assumed that four new transmission substations would be constructed during the 30-year Incidental Take Permit term, and that "[p]ermanent effects would total 11 acres per substation (44 acres over the 30-year permit term)." HCP at 59-60. At minimum, the Project already impacts over 43 acres, reaching or exceeding the HCP's threshold just a few years into the 30-year term. Since this Project, as proposed, upends the assumptions on which the HCP is based, SMUD cannot rely on the HCP, and SMUD's mitigation of the Project's impacts is insufficient.

SMUD's implementation of the HCP uses a "five-year stay-ahead approach":

> At the beginning of each 5-year phase, SMUD will estimate the amount of habitat impact that is anticipated for each species during that phase, and will secure the total amount of mitigation necessary prior to the occurrence of any impacts for that phase. If, at any time during the 5-year phase, SMUD anticipates exceeding the estimated impact amount, SMUD will secure the necessary mitigation to ensure that the mitigation occurs ahead of the impact.

HCP at 287. Since the permit was approved in late 2024[13], SMUD is still in the first five-year phase, for which it should have estimated and secured mitigation in the first year. Since this Project exceeds SMUD's assumed impacts, under its own HCP, SMUD cannot begin construction without *first* securing adequate mitigation, or showing that it already has. The IS/MND does not make this showing. Thus, the IS/MND does in fact conflict with the HCP's

[13] SMUD, 2024 Sustainability Report, https://www.smud.org/Corporate/Environmental-Leadership/2024-Sustainability-Report.

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stay-ahead approach, contrary to SMUD's claims otherwise. *See* IS/MND at 3.4-34. Therefore, there is a significant impact on Biological Resources under subsections a and f, the IS/MND is insufficient under both CEQA and the HCP, and an EIR is required.

5-4 (Cont)

Impermissible Deferral of Mitigation Measures

5-5

Additionally, throughout the IS/MND, SMUD impermissibly defers mitigation measures. "Formulation of mitigation measures should not be deferred until some future time." CEQA Guidelines § 15126.4(a)(1)(B). However, where mitigation for an impact "is known to be feasible," but where "practical considerations prohibit devising such measures early in the planning process," an agency "can commit itself to eventually devising mitigation measures that will satisfy specific performance criteria articulated at the time of project approval." *Cleveland Nat. Forest Foundation v. San Diego Assn. of Govs.* (2017) 17 Cal.App.5th 413, 442-43. In order to defer formulation of mitigation measures, therefore, an agency must demonstrate (a) that mitigation of the impact is feasible; (b) that practical considerations preclude devising measures at the time of review; (c) specific, articulated performance criteria that will avoid or lessen the impact; and (d) a binding commitment to adopt measures that will meet or exceed those performance standards. Here, the IS/MND does not meet these criteria in numerous areas.

The mitigation measures proposed for TCRs constitute impermissible deferral under CEQA because they lack the specific performance criteria required to make deferral lawful. The IS/MND's TCR mitigation measures fall short of this standard in two critical respects.

First, the TCR mitigation measures invoke "feasibility" as a limiting principle without defining what feasibility means in operational terms. IS/MND at 3.18-10. Mitigation measures that condition implementation on a finding of feasibility without specifying objective criteria for making that determination do not constitute enforceable performance standards. *See Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (improper deferral where mitigation measure lacked specific performance standards or guidelines). At minimum, the IS/MND should specify an objective standard for feasibility with respect to TCR mitigation—for example, that the cost of a proposed measure shall not exceed a defined percentage of total project cost. Without such a standard, SMUD retains unfettered discretion to deem any protective measure "infeasible," rendering the mitigation commitment meaningless.

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Second, the TCR mitigation measures rely in part on an Inadvertent Discovery Plan ("IDP") as a mechanism for responding to unanticipated finds during ground-disturbing activities. IS/MND at 3.18-10 ("Evaluation and treatment will be performed in coordination with Tribes in accordance with SMUD's Inadvertent Discovery Plan."). However, this plan is not included in the IS/MND and has not been made available for public or Tribal review. Mitigation that depends on the future preparation of a plan, without committing to specific standards the plan must satisfy, is precisely the kind of deferred mitigation that CEQA prohibits. *See Preserve Wild Santee v. City of Santee*, 210 Cal.App.4th at 281. The IS/MND must either include the IDP as a completed document, or at minimum articulate specific, binding standards that the IDP will be required to incorporate. Without these specifics, the Tribe has no assurance that the IDP provides meaningful protection for TCRs. 5-5 (Cont.)

The IS/MND also impermissibly defers mitigation by relying on a Stormwater Pollution Prevention Plan ("SWPPP") to address impacts in several resource areas, including biological resources. *See, e.g.,* IS/MND at 3.4-15. The SWPPP has not yet been prepared and is not part of the record, and the IS/MND does not specify what the SWPPP will require or what performance standards it will meet. To satisfy CEQA, the IS/MND must articulate the performance standards the SWPPP must achieve with respect to each impact it is intended to mitigate.

Cumulative Impacts 5-6

Finally, the IS/MND's cumulative impacts analysis is inadequate as to both TCRs and biological resources. An IS/MND should evaluate whether a project's impacts, when combined with the impacts of other past, present, and reasonably foreseeable projects, may result in a significant cumulative effect. *See* CEQA Guidelines Appendix G, Evaluation of Environmental Impacts, ¶ 2. The IS/MND does not meet this standard.

With respect to TCRs, the Project lies within the Tosewin landscape, a region of immense cultural significance to Wilton Rancheria that has been subject to centuries of cumulative degradation through colonization, development, and ongoing ground disturbance. The Project does not exist in isolation; it is one of many infrastructure projects that have impacted, and will continue to impact, TCRs within the Tribe's ancestral territory. The IS/MND acknowledges multiple other projects in the area, but its cumulative impacts analysis fails to grapple with the incremental loss of TCRs that each additional project

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causes upon this culturally rich landscape. Accordingly, it cannot support a finding that cumulative impacts to TCRs are less than significant. 5-6 (Cont)

With respect to biological resources, the cumulative analysis is similarly deficient. The Project's sensitive habitat areas are already under pressure from regional development and climate change. The IS/MND's reliance on the HCP to address cumulative biological impacts is insufficient for the reasons discussed above: the Project alone may exhaust a significant portion of the HCP's assumed permanent impact acreage for substations, meaning that the HCP's framework for managing cumulative regional impacts is already strained. The IS/MND must be revised to include a meaningful cumulative impacts analysis for biological resources, and must demonstrate that the Project's mitigation measures are sufficient to address the cumulative degradation of the biological resources at stake. If not, an EIR must be prepared.

Conclusion 5-7

Wilton Rancheria appreciates the opportunity to comment and acknowledges that consultation with SMUD remains ongoing. However, the Tribe cannot support the IS/MND in its current form without stronger, enforceable mitigation measures, particularly with respect to Tribal cultural monitoring and protection of sensitive cultural landscapes.

We respectfully request that SMUD:

1. Commit to full-time Tribal cultural monitoring during all ground disturbance and eliminate reliance on spot-check monitoring;
2. Strengthen protections for biological resources that function as Tribal Cultural Resources;
3. Develop specific feasibility standards for mitigation measures;
4. Secure mitigation ahead of impacts;
5. Prepare an EIR if all impacts cannot be reduced to a less-than-significant level; and
6. Continue to engage in good-faith AB 52 consultation to resolve these concerns prior to project approval.

Wilton Rancheria remains committed to working collaboratively with SMUD to ensure that the Tribe's cultural heritage, resources, and values are appropriately respected and protected.

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Respectfully,

Michelle C. St. Clair

Michelle C. St. Clair, MA, RPA
Executive Director of Cultural Preservation
Wilton Rancheria

Exhibit A : Additional Confidential Information

Letter 5. Michelle C. St. Clair, MA, RPA, Executive Director of Cultural Preservation, Wilton Rancheria, June 5, 2026

5-1 The comment provides introductory remarks and describes the ongoing AB 52 consultation between SMUD and Wilton Rancheria.

5-2 SMUD and Wilton Rancheria engaged in sincere, timely, and collaborative discussions to address potential impacts to Tribal Cultural Resources (TCRs) through four consultation meetings and additional email exchanges. Wilton Rancheria, in its AB 52 consultation with SMUD for the proposed project, did not identify any known TCRs within or in the vicinity of the project area. Additionally, there are no known sites, features, sacred places, or objects located in the vicinity. However, Wilton Rancheria provided information it contends could influence the potential for unidentified cultural sites or artifacts to be present below the surface, particularly near the proposed substation site and offsite construction areas. In response, SMUD has incorporated measures to avoid and minimize potential impacts to unanticipated discoveries of TCRs, including spot check monitoring and a comprehensive program that includes training, monitoring, and coordinated response protocols.

In general, SMUD implements full-time monitoring in situations where there are known TCRs within or adjacent to the project site and when there are strong indicators that TCRs will be onsite. The information provided by Wilton Rancheria for this site is general and does not provide specific evidence of buried TCRs in the project area. SMUD does not consider identifying proximity to a travel route used by the Native American Peoples of the area as a general indication of high sensitivity to be sufficient justification for full-time monitoring in the absence of an identified TCR.

SMUD recognizes that ground-disturbing activities could potentially harm or destroy unanticipated discoveries of TCRs, if present. The current mitigation measures in the IS/MND are designed to sufficiently reduce this risk. Regardless of whether a Tribal Monitor is actively overseeing construction, if any person discovers suspected TCRs or resources of Tribal cultural significance during construction—including features, cultural soils, artifacts, shells, bones, shaped stones, or ash/charcoal deposits—work shall immediately cease within 100 feet of the discovery, or at an agreed-upon distance based on the project area and the nature of the find. In such a case, Wilton Rancheria shall be notified immediately and will determine whether the find constitutes a TCR. If confirmed as a TCR, any treatment or management of the resource shall be conducted in coordination with the appropriate Tribe. These measures minimize potential impacts to TCRs to a less-than-significant level.

In response to the requested revisions to the IS/MND on page 3.18-10, SMUD will revise the IS/MND to identify Wilton Rancheria as the appropriate Tribe for

monitoring and potential resource discoveries. See Section 3.0 for the revisions to the document.

Wilton provided examples of projects for which full-time tribal monitoring during ground-disturbing activities was proposed as mitigation where lead agencies were presented with similar, or even less, evidence regarding the likelihood of encountering buried resources. However, because both SMUD and Wilton were not parties to each of the referenced AB 52 consultations, the specific circumstances that lead to the inclusion of full-time tribal monitoring in those examples are not known. Accordingly, those examples do not establish that full-time monitoring is required or appropriate for this proposed project. A mitigation measure is intended to avoid, minimize, or compensate for environmental impacts caused by a proposed project. Mitigation Measure TCR-1 requires tribal monitors to be present at the project site for up to one half-day, two times per week, during ground-disturbing activities. The tribal monitor will complete daily construction logs and identify any inadvertent discoveries of TCRs with the potential to be adversely affected by the project. Mitigation Measure TCR-2 provides procedures to be followed in the event of inadvertent discovery of a TCR. With implementation of Mitigation Measures TCR-1 and TCR-2, potential impacts to TCRs would be reduced to less-than-significant levels because the measures would provide for monitoring and response procedures designed to avoid or minimize the potential for adverse effects to TCRs. Therefore, the impact to TCRs would be less than significant with mitigation.

5-3 The comment references impacts to biological resources, including species and habitat, and relates these to TCRs. However, biological resources were not discussed during consultation meetings with SMUD before the release of the Draft IS/MND and were not identified by Wilton Rancheria as TCRs. Under CEQA, a “tribal cultural resource” is defined as a site, feature, place, cultural landscape (as geographically defined), sacred place, or object with cultural value to a California Native American tribe that meets specific criteria (see PRC § 21074). SMUD acknowledges that biological resources are meaningful to the Tribe, but also understands that mitigation measures to address impacts to species themselves will have the indirect effect of maintaining cultural and other Tribal connections to those mitigated-for species.

Section 3.4 “Biological Resources” of the IS/MND contains mitigation measures to avoid, minimize, and reduce impacts to biological resources such as Swainson’s hawk, tricolored blackbird, and nesting birds. Complete avoidance of vernal pools is not feasible due to their location within the project footprint and constraints like required setbacks from Jackson Highway and Excelsior Road, as well as the floodplain of Elder Creek. However, impacts to vernal pools will be minimized, and all temporary, indirect, and direct impacts will be fully mitigated in accordance with the SMUD Habitat Conservation Plan. Additionally, as described

in Response to Comment 4-3, vernal pools within the substation site will be avoided and protected in place to the greatest extent possible.

5-4 The comment questions the validity of using the SMUD HCP to mitigate project impacts. SMUD will continue to adhere to the terms of its HCP when implementing the proposed project and other projects within its service area. While the proposed substation is larger than the footprint estimated per substation in the SMUD HCP, the scale of the substation and the area affected does not directly correspond to impacts on the HCP's Covered Species. Consistent with the SMUD HCP, SMUD calculates the potential take of each covered species based on the loss or disturbance of that species' modeled habitat, conservatively assuming that all disturbed modeled habitat is occupied. Within the substation footprint and the surrounding area of disturbance, the only modeled habitats present are those for vernal pool fairy shrimp and vernal pool tadpole shrimp. As shown in Table 3.4-2 of the IS/MND, permanent impacts to SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover total 1.993 acres, and SMUD will implement mitigation for the temporary, indirect, and permanent disturbance to the habitat of these two Covered Species in accordance with the HCP. Permanent impacts to 2.30 acres of open water and fringe land cover, which are not modeled habitat for covered species under the SMUD HCP, would be mitigated as appropriate through the Regional Water Quality Control Board authorization for impacts to Waters of the State (e.g., Waste Discharge Requirements under the Porter Cologne Water Quality Control Act) and an LSAA with CDFW as required, and as described in the Response to Comment 4-7. Consistent with the SMUD HCP five-year stay-ahead approach, SMUD will secure the mitigation necessary to fully offset the project's forecasted impacts to Covered Species modeled habitat. If at any time SMUD anticipates exceeding the estimated impact amount, SMUD will secure the additional mitigation necessary to ensure that mitigation occurs ahead of the impact. Because the project's Covered Species impacts are authorized and mitigated under the SMUD HCP incidental take permit and its other aquatic impacts would be addressed through regulatory permitting, the project does not conflict with the SMUD HCP and the IS/MND's conclusion that impacts to biological resources would be less than significant with mitigation is supported.

5-5 The comment asserts that the IS/MND impermissibly defers mitigation for TCRs and other resource areas. Mitigation measures for impacts to TCRs are provided in the IS/MND via Mitigation Measures TCR-1 and TCR-2. Both measures establish specific, enforceable performance standards, with inclusion of tribal involvement in all determinations of significance and decision-making regarding unanticipated finds. These standards include mandatory Tribal spot-check monitoring during ground-disturbing activities, an immediate work stoppage within 100 feet of any suspected discovery regardless of whether monitoring is occurring, evaluation of the find by a Tribal Representative, preservation in place as the preferred treatment, coordination with the Tribe on culturally appropriate

treatment, and documentation of discoveries on Department of Parks and Recreation 523 forms. SMUD's Inadvertent Discovery Plan is an implementation tool that operationalizes these established standards; it does not supply the performance standards themselves, which are clearly described in the IS/MND.

Similarly, the SWPPP is a required document under the National Pollutant Discharge Elimination System Construction General Permit and must achieve the water-quality performance standards established by that permit. SWPPPs are required to be prepared prior to construction and cannot be effectively prepared until final site designs are completed. The SWPPP performance standards are statutorily required, and SMUD is legally required to adhere to them. Therefore, no changes to the IS/MND are required.

5-6 The comment asserts that the IS/MND's cumulative impacts analysis is inadequate for both TCRs and biological resources. Cumulative impacts are discussed in Section 3.21, "Mandatory Findings" of the IS/MND. With respect to TCRs, no specific resources or sites were identified during AB 52 consultation that would be lost or irreversibly damaged upon implementation of the proposed project. Mitigation Measures TCR-1 and TCR-2 identify the steps SMUD will take to avoid and minimize impacts to unanticipated finds that may be encountered during construction. Furthermore, SMUD has made a commitment to commemorate the use of Jackson Road as a Native American travel route through the installation of a mural along the substation perimeter fence/wall. As stated in Section 3.21, other development projects in the area are subject to individual CEQA and/or NEPA review to disclose and mitigate impacts on TCRs, along with compliance with AB 52 and other federal and state regulations adopted to reduce environmental effects. When considering the existing regulatory framework applicable to cumulative development in the area, along with the mitigation measures identified in the IS/MND to address project-specific effects, the proposed project would not make a cumulatively considerable contribution to an identified significant impact.

With respect to biological resources, the project's Covered Species impacts are addressed within the SMUD HCP regional conservation framework and mitigated under that plan. The mitigation measures in the IS/MND, which are based in part on the SMUD HCP measures, are designed to consider species viability and habitat protection in the context of regional development in SMUD's service area. Cumulative impacts to biological resources are not anticipated with implementation of the mitigation measures identified in Section 3.4, "Biological Resources".

With implementation of the identified mitigation, cumulative impacts to TCRs and biological resources would be less than significant, and an EIR is not required.

5-7 SMUD thanks Wilton Rancheria for their comments and interest in the proposed project. Responses to Comments 5-1 through 5-6 address the issues summarized in this comment.

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3.0 CHANGES TO DRAFT IS/MND TEXT

This chapter contains changes to the text of the Draft IS/MND in response to certain comments. These changes are generally referenced in the responses to comments in Chapter 2 or are provided to be consistent with changes referenced in Chapter 2. The changes are presented in the order in which they appear in the Draft IS/MND and are identified by Draft IS/MND page number. Text deletions are shown in strikeout (~~strikeout~~) and additions are shown in underline (underline). The changes identified below do not alter the conclusions of the IS/MND with respect to any of the significant impacts of the project and do not necessitate recirculation of the Draft IS/MND.

3.1 Changes to Draft IS/MND Text

The text beginning on page 3.4-18 of the Draft IS/MND is revised as follows:

> **Mitigation Measure BIO-2: Compensate for Impacts to Wetlands and Aquatic Species Habitat.** Mitigation for both temporary and permanent vernal pool tadpole shrimp and vernal pool fairy shrimp habitat disturbance will be provided as part of SMUD's HCP. Temporary impacts would be mitigated at a 0.5:1 ratio, ~~and~~ permanent impacts would be mitigated at a 3:1 ratio through a combination of preservation and restoration, and indirect impacts within 250 feet of the substation would be mitigated at a 1:1 ratio. SMUD will use vernal pool restoration or creation credits at a 1:1 ratio (i.e., 2:1 preservation, 1:1 restoration/creation). If required, additional compensation for impacts to aquatic resources (wetlands and other waters) would be determined during Clean Water Act Section 401 and 404 and CFGC Section 1600 permitting.

The text beginning on page 3.4-26 of the Draft IS/MND is revised as follows:

> **Mitigation Measure BIO-10: Conduct Pre-construction Survey for Migratory Birds and Raptors, Including Special-status Species.** For any construction activities that will occur between February 1 and August 31 within the substation site and overhead line corridor work limits, a qualified biologist shall conduct a pre-construction survey in suitable nesting habitat within ~~100~~ 300 feet for passerine nests (including for tricolored blackbird and loggerhead shrike), within 500 feet for raptor nests and ground nests (including for northern harrier and burrowing owl), and within ~~0.25~~ 0.5 mile for Swainson's hawk and white-tailed kite nests. If construction activities occur during bird nesting season (between February 1 and August 31), including equipment staging and construction, surveys shall be conducted within 7 days prior to commencement of construction activities.
>
> If no active nests are found during the pre-construction survey, no additional mitigation measures are required.

If an active bird or raptor nest is identified within the construction work area or an active raptor nest is identified within the appropriate survey buffers from the construction work area, a no-disturbance buffer shall be established around the nest to avoid disturbance of the nesting birds or raptors until a qualified biologist determines that the young have fledged and are foraging on their own or the nest has failed. The extent of these buffers shall be determined by the biologist and shall depend on the species identified, level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographic or artificial barriers. In addition to the establishment of buffers, other avoidance measures may include monitoring the nest during construction and restricting the type of work that can be conducted near the nest site. If a lapse in construction activities for one week or longer occurs during the avian breeding season, another pre-construction survey shall be performed prior to work re-initiation.

The text beginning on page 3.4-26 of the Draft IS/MND is revised as follows:

Mitigation Measure BIO-11: Conduct Preconstruction Survey for Burrowing Owl and Implement Avoidance Measures. ~~Preconstruction surveys for burrowing owls would be completed within the substation site and overhead line corridor work limits prior to the initiation of ground disturbance. This survey would be conducted in all areas of potential habitat within the substation site plus a 500-foot buffer as well as the overhead line corridor work limits consistent with the methods described in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012) or an updated version of this document. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas.~~

~~If the biologist finds an active burrowing owl burrow, the biologist would establish a buffer around the site. The buffer location would be based on the CDFW Staff Report on Burrowing Owl Mitigation (2012) or at the distance which the biologist, in consultation with CDFW, determines that burrowing owls would not be harassed by the project. If an active burrow is identified and a no-disturbance buffer cannot be maintained, coordination with CDFW will be completed.~~

1. Burrowing Owl Surveys. SMUD shall conduct a BUOW survey over all suitable habitat present within the project site. BUOW surveys shall be conducted by a qualified biologist in accordance with the protocol described in the Staff Report on Burrowing Owl Mitigation (CDFW, March 7, 2012). If possible, surveys should be conducted during both the breeding (February 1 – August 31) and non-breeding seasons (September 1 – January 31) immediately preceding the planned start of construction activities to ascertain the seasonal residency status of any owls occupying the site. The presence of BUOW or their sign anywhere on the site or within a 500-foot accessible radius around the project site shall be recorded and mapped. Surveys shall

disclose all burrows and occurrence of sign of BUOW on the project site and within the 500-foot buffer.

2. Burrowing Owl Take Avoidance. During the breeding season (February 1 to August 31), surveys shall document whether BUOW are nesting in or within 500 feet of the Project area. During the non-breeding season (September 1 to January 31), surveys shall document whether BUOW are using habitat in or directly adjacent to any area to be disturbed. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted. If a lapse in Project-related work of fifteen (15) calendar days or longer occurs, another focused survey and consultation with SMUD and CDFW shall be required before Project work can be reinitiated. If a BUOW or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the Project site, the following measures shall be implemented:

    a. If BUOW are found during the non-breeding season (approximately September 1 to January 31), SMUD shall establish a minimum 160-foot (50-meter) buffer zone around active burrows. The buffer zone shall be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a qualified biologist confirms that such measures do not cause agitated behavior.

    b. If BUOW are found during the breeding season (approximately February 1 to August 31), SMUD shall:

        i. Avoid all nest sites that could be disturbed by Project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).

        ii. Establish a minimum 500-foot non-disturbance buffer zone around nests, unless otherwise approved by SMUD in writing, in consultation with CDFW. The buffer zone shall be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. Construction shall only occur within the 500-foot buffer zone during the breeding season if a qualified biologist monitors the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have

fledged and moved off site. Any modifications to this buffer shall be approved by SMUD, in consultation with CDFW prior to its implementation. The buffer reduction request shall include relevant information and/or propose new measures to justify the buffer reduction. The buffer area must be clearly marked to prevent Project-related activities from occurring within the buffer zone.

3. Eviction of Burrowing Owls. If after all applicable avoidance and minimization measures are implemented and SMUD needs to evict BUOW, an ITP shall be obtained for the activity and a BUOW eviction plan shall be developed by a qualified biologist for SMUD's review and approval, in consultation with CDFW. This plan, including its proposed mitigation, shall be consistent with the most recent available guidelines (e.g., 2012 Staff Report on Burrowing Owl Mitigation). Burrow eviction shall only be conducted during the non-breeding season for burrows located in the Project footprint, and in limited instances within a buffer zone around the Project site, as determined by SMUD in consultation with CDFW after all avoidance and minimization measures have been exhausted.

Mitigation Measure BIO-12 Raptor Nest Relocation or Removal and Mitigation for Loss of Swainson's Hawk Foraging Habitat.

1. Prior to the relocation (preferred) or removal of raptor nests within the project site, the SMUD Avian Protection Program (APP) Coordinator will be contacted. The APP coordinator will document the status of the nest to determine when it is unoccupied and coordinate with CDFW regarding the plan for relocation or removal. Removal or relocation will occur during the non-nesting season and when the nest is unoccupied. Once the nest is removed or relocated, the nesting tree will be removed.

2. To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) by providing mitigation lands or securing Swainson's hawk mitigation bank credits. Mitigation shall be provided for impacts to suitable foraging habitat occurring within 10 miles of an active Swainson's hawk nest, as determined by a qualified biologist and in consultation with CDFW. All mitigation lands protected under this mitigation measure shall be protected in a form acceptable to CDFW (e.g., through fee title acquisition or conservation easement) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's hawk.

The text beginning on page 3.13-11 of the Draft IS/MND is revised as follows:

Sacramento County has not adopted its own construction-specific noise standards. Thus, the FTA construction noise standards are used to assess construction noise impacts. FTA has a daytime construction noise standard of 90 dB L_{eq} for residential uses and 100 dB L_{eq} for commercial/industrial uses (FTA 2018). Estimated project-related construction noise levels at the nearest noise-sensitive receptors (residences located along Jackson Road and Excelsior Road) are expected to range from approximately 73 to 80 dBA L_{eq}. Construction noise would not exceed FTA's daytime construction noise standards at these receptors. Therefore, construction noise impacts would be less than significant. ~~This would represent an increase of approximately 14 dB above existing daytime ambient levels. Because the Sacramento County significance threshold identifies a potentially significant impact when construction noise exceeds ambient levels by 5 dB or more, temporary increases in noise could result in a ***potentially significant impact*** at the nearest receptors. SMUD would implement Mitigation Measure NOI-1 to reduce construction noise to the extent feasible.~~

~~Mitigation Measure NOI-1: Construction Noise Reduction~~

~~The contractor shall implement the following measures during project construction:~~

- ~~Whenever construction activities for the proposed substation involve sustained heavy equipment operation within 200 feet[1] of occupied residences (on or offsite), temporary barriers shall be constructed around the active construction area to shield the ground floor of the noise sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance, and shall achieve a Sound Transmission Class of STC-30 or greater, based on certified sound transmission loss data taken according to American Society for Testing and Materials International (ASTM) Test Method E90.~~

- ~~When short-duration and mobile construction activities associated with installation of overhead subtransmission and distribution line poles (e.g., augering, pole setting, and conductor stringing) occur within 200 feet of occupied residences, the contractor shall implement localized noise control measures to the extent feasible, such as positioning equipment to maximize distance from residences, using temporary localized shielding or equipment orientation, and limiting the duration of high-noise activities at any one location.~~

- ~~Construction activities shall comply with the Sacramento County Noise Ordinance (Sacramento County Code, Chapter 6.68), which limits such activities to the hours of 6:00 a.m. to 8:00 p.m. on weekdays and 7:00 a.m. to 8:00 p.m. on Saturdays and Sundays. Nighttime construction between 10:00 p.m. and 7:00 a.m. is prohibited. All construction equipment shall be properly~~

~~maintained and equipped with intake and exhaust mufflers or silencers in good working order to minimize noise emissions.~~

- ~~Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.~~

~~Implementation of Mitigation Measure NOI-1 would reduce the impact of daytime construction-related noise at the nearest sensitive uses to ***less than significant with mitigation***.~~

The text beginning on page 3.18-10 of the Draft IS/MND is revised as follows:

Mitigation Measure TCR-1: Spot Check Monitoring During Ground-disturbing Activities

~~Tribal cultural resources are presumed near the project area~~. There is a potential for unidentified cultural sites, artifacts or unanticipated TCRs to be present below the surface. Therefore, a Tribal monitor from Wilton Rancheria ~~a California Native American Tribe that is traditionally and culturally affiliated with the geographic area~~ will perform spot check monitoring, up to half-day monitoring, two (2) times per week, during ground-disturbing activities including trenching, excavating, and grading. The Tribal representative will be given 48 hours' notice before ground disturbance starts. The Tribal monitor will complete daily logs. Logs will confirm any finds, the locations of the find, time and date in accordance with SMUD's Inadvertent Discovery Plan. If Tribal cultural resources are identified that have the potential to be adversely affected by the project, SMUD will implement *Mitigation Measure TCR-2 Unanticipated Discoveries of Tribal Cultural Resources*.

Mitigation Measure TCR-2: Unanticipated Discoveries of Tribal Cultural Resources

Although surface level TCRs, including human remains, have not been identified for this project, Tribal consultation has shown that there is the potential for unidentified sites of cultural significance to be present in the subsurface context, near the Jackson Bulk Substation and associated offsite construction locations.

If any suspected TCRs or resources of Tribal cultural significance, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist. A Tribal Representative from

Wilton Rancheria ~~a California Native American Tribe that is traditionally and culturally affiliated with a geographic area~~ shall be immediately notified and shall determine if the find is a TCR (PRC §21074). Evaluation and treatment will be performed in coordination with Tribes in accordance with SMUD's Inadvertent Discovery Plan.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. If redesign is determined to not be feasible, SMUD shall consult with Tribes to determine appropriate treatment of the find.

Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by Wilton Rancheria ~~the California Native American Tribe that is traditionally and culturally affiliated with the project area~~.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate Tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects and belongings, and reburial of cultural objects and belongings or cultural soil. The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box or jobsite work box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.

The construction contractor(s) and SMUD shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request.

Any discoveries shall be documented on a Department of Parks and Recreation (DPR) 523 form within 2 weeks of the discovery and submitted to the appropriate CHRIS center in a timely manner.

Work at the TCR discovery location shall not resume until authorization is granted by the Lead Agency in coordination with the culturally affiliated Tribe.

If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the Sacramento County Coroner shall be contacted immediately. Upon determination by the Sacramento County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendent who will work with SMUD to define appropriate treatment and disposition of the burials.

For any work required to be undertaken in an area where shoring ~~and~~ or ~~with~~ hazardous materials would occur, including soils, all archaeologists, Tribal Representatives, and Tribal Monitors shall meet the appropriate level of safety training (e.g., confined spaces, hazardous material exposure, etc.) in compliance with California Division of Occupational Safety and Health State and federal Occupational Safety and Health Administration requirements prior to entering construction work areas.

The text beginning on page 3.21-3 of the Draft IS/MND is revised as follows:

The proposed project would result in a temporary increase in ambient noise levels ~~potentially significant noise impact~~ during construction; however, construction would occur within the allowable hours under the County's Noise Ordinance and noise levels would not exceed applicable construction noise criteria establish by FTA ~~this impact would be addressed by implementing appropriate mitigation measures~~, as outlined in Section 3.13, "Noise". ~~Implementation of these mitigation measures would reduce~~ Therefore, noise impacts would be ~~to~~ ***less than significant***. No other direct or indirect impacts on human beings were identified in this IS/MND.

The text beginning on page 4-9 of the Draft IS/MND is revised as follows:

- **Noise:** The project would generate temporary and short-term construction noise from equipment operating on the substation site, from construction of overhead lines, and from the transport of construction equipment, materials, and workers to and from the site. Construction activities would comply with the Sacramento County Noise Ordinance (Sacramento County Code, Chapter 6.68) ~~and implement Mitigation Measure NOI-1 to reduce~~ and the impact of construction noise at the nearest sensitive uses ~~to~~ would be less than significant. Operational noise impacts from the new substation would be less than significant.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

4.1 Introduction

This mitigation monitoring and reporting program (MMRP) summarizes the mitigation measures, implementation schedule, and responsible parties for monitoring the mitigation measures required of the proposed project, as set forth in the IS/MND prepared for the project.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and Section 15097 of the State CEQA Guidelines require public agencies "to adopt a reporting or monitoring program for changes to the project which it has adopted or made conditions of project approval to mitigate or avoid significant effects on the environment." An MMRP is required because the IS/MND for the project identified potentially significant adverse impacts related to construction and operation of the project, and mitigation measures have been identified to reduce these impacts to a less-than-significant-level.

This MMRP will be adopted by SMUD if it approves the project and will be kept on file at SMUD's Customer Service Center at 6301 S Street, Sacramento, CA 95817. SMUD will use this MMRP to ensure that identified mitigation measures, adopted as a condition of project approval, are implemented appropriately.

4.2 Mitigation Implementation and Monitoring

SMUD will be responsible for monitoring the implementation of mitigation measures designed to minimize impacts associated with the project. While SMUD has ultimate responsibility for ensuring implementation, others may be assigned the responsibility of actually implementing the mitigation. SMUD will retain the primary responsibility for ensuring that the project meets the requirements of this MMRP and other permit conditions imposed by participating regulatory agencies.

SMUD will designate specific personnel who will be responsible for monitoring implementation of the mitigation that will occur during project construction. The designated personnel will be responsible for submitting documentation and reports to SMUD on a schedule consistent with the mitigation measure and in a manner necessary for demonstrating compliance with mitigation requirements. SMUD will ensure that the designated personnel have authority to require implementation of mitigation requirements and will be capable of terminating project construction activities found to be inconsistent with mitigation objectives or project approval conditions.

SMUD and its appointed contractor will also be responsible for ensuring that its construction personnel understand their responsibilities for adhering to the performance requirements of the mitigation plan and other contractual requirements related to the implementation of mitigation as part of project construction. In addition to the prescribed

mitigation measures, Table 4-1 lists each identified environmental resource being affected (in the same order and using the same numbering system as in the IS/MND), the associated CEQA checklist question (used as the thresholds of significance in the IS/MND), the corresponding monitoring and reporting requirement, the party responsible for ensuring implementation of the mitigation measure and monitoring effort, and the project component to which the mitigation measure applies. If an issue addressed in the IS/MND does not result in mitigation, it is not included in the table.

4.3 Mitigation Enforcement

SMUD will be responsible for enforcing mitigation measures. If alternative measures are identified that would be equally effective in mitigating the identified impacts, implementation of these alternative measures will not occur until agreed upon by SMUD.

SMUD shall, or may require the contractor to, prepare a monitoring report upon completion of the project describing the compliance of the activity with the required mitigation measures. Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented consistent with the MMRP requirements. At a minimum, each report shall identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required. The report shall be presented to SMUD's Board of Directors.

Table 4-1. Summary of Impacts and Mitigation Measures

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
Air Quality	Conflicts with or obstruction of an applicable air quality plan related to construction PM emissions.	**Mitigation Measure AQ-1a. Implement SMAQMD Basic Construction Emission Control Practices for Substation Construction Activities** The construction contractor shall include as a condition in the grading, improvement, and demolition plans, the following basic construction emissions control practices (best management practices) to be initiated at the start and maintained throughout the duration of construction activities associated with the proposed substation. • Water all exposed active work areas two times daily, or with adequate frequency for continued moist soil. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads. However, do not overwater to the extent that sediment flows off the site. • Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered. • Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited. • Limit vehicle speeds on unpaved roads to 15 miles per hour (mph). • Suspend excavation, grading, and/or demolition activity when average wind speeds exceed 20 mph.	Before and during substation construction	During substation construction	SMUD	SMUD	Substation construction activities

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		• All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used. • Install wheel washers, rattle plates and/or rock aprons for all exiting trucks or equipment leaving the site. • Treat site accesses from the paved road with a 6 to 12-inch layer of gravel to reduce generation of road dust and road dust carryout onto public roads. • Post a publicly visible sign with the telephone number and person to contact at the County of Sacramento regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of SMAQMD shall also be visible to ensure compliance. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site. • Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, sections 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance_cert1.html. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
Air Quality	Conflict with or obstruction of an applicable air quality plan related to operational PM emissions.	**Mitigation Measure AQ-1b. Implement SMAQMD PM Operational Best Management Practices** SMUD shall follow best management practice requirements for fugitive dust control during operational and maintenance activities associated with the project: • Limit vehicle speeds on unpaved roads to 15 mph. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site. • Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling.	During operation and maintenance activities	During operation and maintenance activities	SMUD	SMUD	All project operational activities
Biological Resources	Potential impacts to special-status species, vernal pool branchiopods, nesting birds, bats, and special-status plants.	**G-AMM2. Minimize Impacts of Work Area.** To the extent possible, SMUD field crews and contractors will reduce the work area footprint and the duration of work at a work area to reduce the potential for take of Covered Species. **G-AMM3. Work Area Access.** SMUD field crews and contractors will use existing paved and unpaved roads to access the work area where available. Vehicles and equipment will be parked on pavement, existing roads, or previously disturbed areas to the maximum extent feasible. When this is not feasible, SMUD will implement G-AMM4: Off Road Speed Limit, VP-AMM1: Avoid Driving through Vernal Pools, and VP-AMM2: Minimize Vehicle Impacts on Vernal Pools.	Before and during construction	During construction	SMUD / Contractor	SMUD	All construction phases within substation site and overhead line corridor

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		G-AMM4. Off Road Speed Limit. When driving off of paved roads in Covered Species habitat, vehicles will not exceed a speed limit of 15 miles per hour. **G-AMM5. Work Area General Guidelines.** Trash dumping, littering, open fires (such as barbecues), hunting, and pets will be prohibited in Covered Activity work areas. All garbage will be removed from the project site at the end of each workday. **G-AMM6. Erosion Control Measures.** SMUD field crews will utilize standard erosion and sediment control best management practices (BMPs) (pursuant to the most current version of the California Stormwater Best Management Practices Handbook) to prevent construction site runoff into SMUD HCP Riverine; Open Water/Fringe; Other Depressional Wetland; and Vernal Pool, Seasonal Wetland, and Swale land cover types when Covered Activities are the source of potential erosion. Soil will be stockpiled within established work area boundaries, and stockpiles will be located so as not to enter water bodies, stormwater inlets, or other standing bodies of water. Stockpiled soil will be covered prior to precipitation events. Erosion control materials will be removed once the site has been stabilized.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		G-AMM7. Equipment Refueling. SMUD field crews will not refuel or conduct equipment maintenance activities within 250 feet of SMUD HCP Vernal Pool, Seasonal Wetland, and Swale, and within 100 feet of any Riverine, Open Water/Fringe, or Other Depressional Wetlands land cover types. If refueling must be conducted closer to wetlands, SMUD field crews will construct a secondary containment area subject to review by an environmental specialist and/or biologist. SMUD field crews will maintain spill prevention and cleanup equipment in refueling areas. **G-AMM8. Hazardous Materials Clean Up.** SMUD field crews will clean up any spilled oil, fuel, or other automotive fluids. SMUD field crews will ensure that all construction areas have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. **G-AMM11. Stabilization of Disturbed Areas.** SMUD field crews will remove any temporary fill or construction debris and will backfill all excavation sites with native soil, and with crushed gravel around the bases of poles for compaction, following completion of Covered Activities. Disturbed areas will be stabilized by compacting soils and returning to pre-project contours so that the areas are commensurate with the topography of the surrounding soil, or qualified stormwater personnel will prescribe BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the site during construction. SMUD field crews will not move weed-infested gravel, rock, and other fill materials to undisturbed areas that are relatively free of weeds, but will focus fill in areas that have previously been disturbed.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		G-AMM12. Excess Soil. When excess soil is spread out following an excavation activity, SMUD will not place soil in SMUD HCP Riverine; Open Water/Fringe; Other Depressional Wetlands; or Vernal Pool, Seasonal Wetland, and Swale land cover types or in Covered Species Modeled Habitat that contains burrows. **G-AMM13. Soil Management.** SMUD field crews will stockpile soil within established work area boundaries and position stockpiles so as not to enter SMUD HCP Riverine; Open Water/Fringe; Other Depressional Wetlands; or Vernal Pool, Seasonal Wetland, and Swale land cover types or in Modeled Habitat with burrows. SMUD field crews will cover stockpiled soil with visquen or tarps prior to precipitation events. **G-AMM14. Revegetation of Work Areas.** If a Covered Activity temporarily disturbs 0.1 acre or more of Modeled Habitat for a Covered Species that contains herbaceous vegetation, SMUD field crews will revegetate the area with a native weed free seed mix within 6 months of disturbance. **G-AMM15. Temporary Vehicle Access to Work Areas.** SMUD field crews will minimize clearing vegetation and grading for temporary vehicle access to the maximum extent feasible. Any temporary road will be returned to pre-project contours and the soil compacted for stabilization, or qualified stormwater personnel will prescribe BMPs to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the site during construction.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		G-AMM17. Night Lighting. For Covered Activities that occur at night, SMUD field crews will position any temporary lights needed away from any Covered Species habitat. For lighting at permanent facilities, such as substations, all lighting will be oriented downward towards major equipment to minimize glare onto surrounding property. **G-AMM18. Unanticipated Covered or ESA and CESA-Listed Species.** SMUD field crews will stop work and contact SMUD Environmental Services if a species listed under the FESA and CESA or a Covered Species is found within the work area or within 100 feet of a work area. SMUD Environmental Services will have authority to stop activities, and will do so, until appropriate corrective measures have been completed or it is determined that the individual FESA and CESA-listed or Covered Species will not be taken (including harmed). If the FESA and CESA-listed or Covered Species is in immediate danger, only a qualified biologist can capture and relocate the Covered Species. The Service must be contacted if the species is FESA and CESA-listed, but is not a Covered Species. **VP-AMM1. Avoid Driving through Vernal Pools.** SMUD field crews will avoid driving through SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover to the maximum extent feasible. When this is not feasible, SMUD will implement VP-AMM2: Minimize Vehicle Impacts on Vernal Pools.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		VP-AMM2. Minimize Vehicle Impacts on Vernal Pools. If a Covered Activity work area or access to the work area is located on SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover, SMUD field crews will evaluate site conditions and determine if soil moisture is present. If soil moisture is present, the field crew will coordinate with the Environmental Services team to identify alternative measures to minimize disturbance of Covered Species Modeled Habitat. Alternative measures may include laying down rubber matting, creating temporary bridges over swales, or using alternate access routes as prescribed by SMUD Environmental Services to minimize impacts. If it is not feasible for SMUD to avoid driving through Vernal Pool, Seasonal Wetland, and Swale land cover while moisture is present, SMUD will track the acres of disturbance, and those acres will count toward take limits. **VP-AMM3. Vernal Pool Covered Species Soil Stockpile.** For Covered Activities in SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover, SMUD field crews will stockpile the upper 4 inches of topsoil from within the ordinary high-water mark of any aquatic features separately during excavations. This topsoil will be replaced within the aquatic feature and manipulated so as to restore the original contours within the aquatic feature. Soil compaction will be minimized to the extent consistent with utility standards. Erosion control measures such as straw wattles, coconut fiber rolls/blankets, silt fencing, and as determined by the qualified biologist, will be implemented where necessary to protect topsoil stockpiles and keep the seed bank and/or cysts in the stockpiled soil viable.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		VP-AMM4. Avoid Occupied Orcutt Grass Habitat. SMUD Environmental Services will review design plans to ensure that no new poles or other facilities are placed in vernal pools that are known (as noted in an up to date [current at time of project implementation] California Natural Diversity Database query) to support slender Orcutt grass or Sacramento Orcutt grass. **VP-AMM6. Covered Vernal Pool Invertebrate Work Window.** When Vernal Pool Invertebrate Covered Species Modeled Habitat is present within 250 feet of Covered Activities, Environmental Services will schedule the Covered Activity to occur in the dry season (approximately April 15 through October 15) and prior to the first significant rain (0.25 inch in 24 hours) to the maximum extent feasible. If the Covered Activity cannot be performed in the dry season, the field crew will implement additional measures as prescribed by SMUD Environmental Services to avoid or minimize impacts. Additional measures could include, but are not limited to, directing crews on access, use of erosion/sediment fencing, use of access mats or other techniques to avoid direct or indirect effects, requiring foot access, or requiring a biological monitor during the activity. If additional measures do not result in total avoidance, SMUD will mitigate at a 0.5:1 ratio for temporary and/or 3:1 for permanent direct habitat disturbance or loss.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		VP-AMM7. Vernal Pool Biological Monitor. If Covered Activities will directly impact SMUD HCP Vernal Pool, Seasonal Wetland, and Swale land cover (modeled habitat), a qualified biologist will be present onsite and monitor the Covered Activity to ensure that all applicable AMMs are implemented correctly and that no unnecessary ground disturbance or take of species occurs. The qualified biologist will have the authority to stop all activities that could result in such take or destruction, and will do so, until appropriate corrective measures have been completed. SMUD will report any unauthorized take to USFWS and/or CDFW within 24 hours. **Mitigation Measure BIO-1: Environmental Awareness Training for Construction Personnel.** All construction personnel will be given environmental awareness training before the start of construction. As part of the training, an environmental awareness handout will be provided to all personnel that describes and illustrates sensitive resources (i.e., waters of the U.S. and state, special-status species and habitat, nesting birds/raptors) to be avoided during construction and lists applicable permit conditions identified by state and federal agencies to protect these resources.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure BIO-2: Compensate for Impacts to Wetlands and Aquatic Species Habitat. Mitigation for both temporary and permanent vernal pool tadpole shrimp and vernal pool fairy shrimp habitat disturbance will be provided as part of SMUD's HCP. Temporary impacts would be mitigated at a 0.5:1 ratio, permanent impacts would be mitigated at a 3:1 ratio through a combination of preservation and restoration, and indirect impacts within 250 feet of the substation would be mitigated at a 1:1 ratio. SMUD will use vernal pool restoration or creation credits at a 1:1 ratio (i.e., 2:1 preservation, 1:1 restoration/creation). If required, additional compensation for impacts to aquatic resources (wetlands and other waters) would be determined during Clean Water Act Section 401 and 404 and CFGC Section 1600 permitting. **Mitigation Measure BIO-3: Conduct a Pre-construction Survey for Monarch Butterfly.** A biologist would conduct a pre-construction clearance survey for milkweed within 48 hours prior to the initiation of ground disturbance within the project work limits at the substation site and overhead line corridor pole locations. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. This survey would consist of walking transects while conducting visual encounter surveys within areas that would be subject to clearing, staging, or other ground disturbing activities. If milkweed is identified within the construction work area, the biologist would determine an appropriate no-disturbance buffer to ensure avoidance of the milkweed. Fencing or flagging would be used to maintain the buffer around milkweed areas during project activities.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		If botanical surveys completed for overhead lines/pole work rule out presence of milkweed, a pre-construction survey is not required. If milkweed plants are observed within the project work limits and no eggs or larvae are observed on the plant(s), the plant(s) should be removed in a manner that allows them to be re-planted outside of the project work limits and fencing should be installed around the placement area to ensure avoidance during construction activities. If the monarch butterfly larvae or eggs are observed on milkweed plants or other vegetation, then the biologist will establish a fenced 5-foot no disturbance buffer around the plant(s). This buffer will remain in place until the egg or larvae have metamorphosed. Once the metamorphosis has occurred, the plant(s) may be removed and replanted. **Mitigation Measure BIO-4: Implement Crotch's Bumblebee Avoidance Measures.** A qualified biologist will conduct at least 3 focused foraging and nesting surveys within suitable habitat, between April and August the year prior to the initiation of ground disturbance, within the project work limits at the substation site and overhead line corridor pole locations. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. Surveys will follow CDFW's "Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species" dated					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		June 6, 2023 (CDFW 2023) or the most recent guidance. If Crotch's bumblebee is observed, the qualified biologist may propose site-specific measures to avoid take or SMUD would consult with CDFW to obtain an Incidental Take Permit if take of Crotch's bumblebee may occur during project activities. **Mitigation Measure BIO-5: Environmentally Sensitive Area Exclusion Fencing.** Prior to the start of construction at the substation site, environmentally sensitive area (ESA) exclusion fencing will be installed along the wetland avoidance area boundary. The fencing material shall consist of silt fence or equivalent barrier and will be of a height and material suitable for wildlife exclusion. The fencing shall be checked regularly and maintained until all construction is complete. **Mitigation Measure BIO-6: Biological Monitor.** A biological monitor shall be present within the substation site during initial ground disturbance (including wildlife exclusion fencing installation and vegetation clearing), dewatering activities in stockponds, and during all pole work along the overhead line corridor within 10 feet of suitable water features.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure BIO-7: Special-status Species Encounter. Consistent with G-AMM-18, if a special-status wildlife species, including species of special concern, is found within the construction area during project activities, work will immediately stop within a 50-foot radius of the individual. The individual will be allowed to leave the project work limits on their own and construction may resume once it is determined that the individual has moved away safely from the construction zone. If the individual is unable to leave the project work limits on their own, the individual may be moved, unless it is state or federally listed. If it is a state or federally listed wildlife species or SMUD HCP Covered species, procedures described in G-AMM-18 will be implemented. **Mitigation Measure BIO-8: Conduct Pre-construction Survey for Western Spadefoot.** A qualified biologist will conduct a pre-construction clearance survey for western spadefoot within the substation site and overhead line corridor work limits within 48 hours prior to the initiation of ground disturbance. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. The pre-construction clearance survey will be limited to suitable water features, surrounding hydrologic or geographic features that support inundation during rain events, and associated upland habitat (e.g., grasslands and burrows). Crevices and burrows will be searched and avoided to the maximum extent practicable. If western spadefoot are present within the project work limits (including egg masses or tadpoles), then CDFW will be notified and additional avoidance and minimization measures will be implemented.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure BIO-9: Conduct Pre-construction Survey for Northwestern Pond Turtle. A qualified biologist will conduct a pre-construction clearance survey for northwestern pond turtle within 48 hours prior to the initiation of ground disturbance within the project work limits at the substation site and overhead line corridor pole locations. If there is a lapse in ground disturbing activities for more than 6 months, an additional clearance survey would be completed in undisturbed areas. Pre-construction clearance surveys will be limited to suitable water features, surrounding hydrologic or geographic features that support inundation during rain events, and associated upland habitat (grasslands and other areas with seasonally friable soils that support burrows). If an adult northwestern pond turtle is located within upland habitat in the construction work area, the turtle will be allowed to voluntarily move outside of the work area on its own volition. If the species does not move on its own and is in the immediate vicinity of construction activities, a qualified biologist will relocate the turtle. If an active pond turtle nest containing either pond turtle hatchlings or eggs is found, appropriate avoidance measures would be implemented, which may include a “no-disturbance” buffer around the nest site until the hatchlings have moved to a nearby aquatic site.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure BIO-10: Conduct Pre-construction Survey for Migratory Birds and Raptors, Including Special-status Species. For any construction activities that will occur between February 1 and August 31 within the substation site and overhead line corridor work limits, a qualified biologist shall conduct a pre-construction survey in suitable nesting habitat within 300 feet for passerine nests (including for tricolored blackbird and loggerhead shrike), within 500 feet for raptor nests and ground nests (including for northern harrier and burrowing owl), and within 0.5 mile for Swainson's hawk and white-tailed kite nests. If construction activities occur during bird nesting season (between February 1 and August 31), including equipment staging and construction, surveys shall be conducted within 7 days prior to commencement of construction activities. If no active nests are found during the pre-construction survey, no additional mitigation measures are required. If an active bird or raptor nest is identified within the construction work area or an active raptor nest is identified within the appropriate survey buffers from the construction work area, a no-disturbance buffer shall be established around the nest to avoid disturbance of the nesting birds or raptors until a qualified biologist determines that the young have fledged and are foraging on their own or the nest has failed.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		The extent of these buffers shall be determined by the biologist and shall depend on the species identified, level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographic or artificial barriers. In addition to the establishment of buffers, other avoidance measures may include monitoring the nest during construction and restricting the type of work that can be conducted near the nest site. If a lapse in construction activities for one week or longer occurs during the avian breeding season, another pre-construction survey shall be performed prior to work re-initiation. **Mitigation Measure BIO-11: Conduct Preconstruction Survey for Burrowing Owl and Implement Avoidance Measures.** 1. Burrowing Owl Surveys. SMUD shall conduct a BUOW survey over all suitable habitat present within the project site. BUOW surveys shall be conducted by a qualified biologist in accordance with the protocol described in the Staff Report on Burrowing Owl Mitigation (CDFW, March 7, 2012). If possible, surveys should be conducted during both the breeding (February 1 – August 31) and non-breeding seasons (September 1 – January 31) immediately preceding the planned start of construction activities to ascertain the seasonal residency status of any owls occupying the site. The presence of BUOW or their sign anywhere on the site or within a 500-foot accessible radius around the project site shall be recorded and mapped. Surveys shall disclose all burrows and occurrence of sign of BUOW on the project site and within the 500-foot buffer.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		2. Burrowing Owl Take Avoidance. During the breeding season (February 1 to August 31), surveys shall document whether BUOW are nesting in or within 500 feet of the Project area. During the non-breeding season (September 1 to January 31), surveys shall document whether BUOW are using habitat in or directly adjacent to any area to be disturbed. Survey results shall only be valid for the season (breeding or non-breeding) during which the survey was conducted. If a lapse in Project-related work of fifteen (15) calendar days or longer occurs, another focused survey and consultation with SMUD and CDFW shall be required before Project work can be reinitiated. If a BUOW or evidence of presence at or near a burrow entrance is found to occur within 500 feet of the Project site, the following measures shall be implemented: a. If BUOW are found during the non-breeding season (approximately September 1 to January 31), SMUD shall establish a minimum 160-foot (50-meter) buffer zone around active burrows. The buffer zone shall be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a qualified biologist confirms that such measures do not cause agitated behavior. b. If BUOW are found during the breeding season (approximately February 1 to August 31), SMUD shall:					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		i. Avoid all nest sites that could be disturbed by Project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). ii. Establish a minimum 500-foot non-disturbance buffer zone around nests, unless otherwise approved by SMUD in writing, in consultation with CDFW. The buffer zone shall be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. Construction shall only occur within the 500-foot buffer zone during the breeding season if a qualified biologist monitors the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Any modifications to this buffer shall be approved by SMUD, in consultation with CDFW prior to its implementation. The buffer reduction request shall include relevant information and/or propose new measures to justify the buffer reduction. The buffer area must be clearly marked to prevent Project-related activities from occurring within the buffer zone.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		3. Eviction of Burrowing Owls. If after all applicable avoidance and minimization measures are implemented and SMUD needs to evict BUOW, an ITP shall be obtained for the activity and a BUOW eviction plan shall be developed by a qualified biologist for SMUD's review and approval, in consultation with CDFW. This plan, including its proposed mitigation, shall be consistent with the most recent available guidelines (e.g., 2012 Staff Report on Burrowing Owl Mitigation). Burrow eviction shall only be conducted during the non-breeding season for burrows located in the Project footprint, and in limited instances within a buffer zone around the Project site, as determined by SMUD in consultation with CDFW after all avoidance and minimization measures have been exhausted. **Mitigation Measure BIO-12: Raptor Nest Relocation or Removal and Mitigation for Loss of Swainson's Hawk Foraging Habitat.** 1. Prior to the relocation (preferred) or removal of raptor nests within the Project site, the SMUD Avian Protection Program (APP) Coordinator will be contacted. The APP Coordinator will document the status of the nest to determine when it is unoccupied and coordinate with CDFW regarding the plan for relocation or removal. Removal or relocation will occur during the non-nesting season and when the nest is unoccupied. Once the nest is removed or relocated, the nesting tree will be removed.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		2. To offset net impacts on foraging habitat for breeding Swainson's hawks SMUD shall mitigate the loss of Swainson's hawk foraging habitat in accordance with CDFW recommendations (CDFG 1994) by providing mitigation lands or securing Swainson's hawk mitigation bank credits. Mitigation shall be provided for impacts to suitable foraging habitat occurring within 10 miles of an active Swainson's hawk nest, as determined by a qualified biologist and in consultation with CDFW. All mitigation lands protected under this mitigation measure shall be protected in a form acceptable to CDFW (e.g., through fee title acquisition or conservation easement) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's hawk. **Mitigation Measure BIO-13: Conduct a Pre-construction Roosting Bat Survey Prior to Tree Removal or Trimming.** A qualified biologist shall conduct a pre-construction survey of all trees proposed for removal or trimming within the substation site for the presence of bat roosts. Surveys will be conducted between February 16 to September 30. Surveys will entail direct inspection of trees, including around the base within piles of leaf litter, or nocturnal surveys. The survey shall occur no more than 2 weeks prior to the removal or trimming of trees within the substation site. If roosting habitat is present and occupied, then a qualified biologist shall determine the type of roost. If roosting bats are found within the substation site outside of the inactive season					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		(November 1 to February 15) and the maternity season (April 1 to September 30), the bats may be excluded from the roost using methods developed by a qualified biologist experienced in developing and implementing bat mitigation and exclusion plans in coordination with CDFW. If bats are found to be roosting within the substation site during the inactive season or the maternity season, the roost must be avoided or relocated in consultation with CDFW. Removal of bat roost trees would be conducted in two phases: the tree will be limbed on day 1 and the tree will be removed on day 2. **Mitigation Measure BIO-14: Conduct a Pre-construction American Badger Survey Prior to Ground Disturbance.** A qualified biologist shall conduct a pre-construction survey of suitable habitat at the substation site and overhead line corridor work limits within 7 days prior to the initiation of construction. The goal of the survey is to search for potentially active badger dens. If potential dens for American badger are detected during the pre-construction survey, the biologist will determine if the den is active. If the den is deemed inactive or unoccupied, no additional measures are needed. If an American badger is denning on or within 50 feet of the project work limits, SMUD shall avoid the den by a minimum 50-foot buffer. If an active den cannot be avoided, an avoidance or eviction plan must be developed and implemented in coordination with CDFW.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure BIO-15: Conduct Preconstruction Plant Surveys within Overhead Line Corridor Work Limits and Implement Avoidance Measures. A qualified botanist/biologist will conduct a botanical survey of the pole replacement and installation work limits prior to the initiation of construction activities within suitable land cover for special-status plants along the overhead line corridor. The survey will follow the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018) along with the CNPS and USFWS survey protocols. The survey(s) would occur during the appropriate blooming period for the special-status plant species with potential to occur within the overhead line corridor. If no special-status plant species are found, no further avoidance measures are required. If special-status plant species are found during botanical surveys, the following measures would be implemented: • If a federally listed plant species (slender Orcutt grass or Sacramento Orcutt grass) is found, the SMUD HCP avoidance and minimization measures identified in the covered plant conservation strategy would be implemented. This includes the implementation of VP-AMM4 Avoid Occupied Orcutt Grass Habitat as described above.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		• If a state-listed plant is found within the overhead line corridor work limits, the botanist will map the extant boundaries of the population and record the number of individuals present. An avoidance buffer along with exclusion fencing will be placed around the area to avoid disturbance to the plants to the greatest extent possible. If avoidance is not possible, SMUD will consult with CDFW to develop mitigation and/or compensation measures necessary to avoid adverse effects to the population. • If a CNPS-listed plant is found within the overhead line corridor work limits, the botanist will map the extant boundaries of the population and record the number of individuals present. An avoidance buffer along with exclusion fencing will be placed around the area to avoid disturbance to the plants to the greatest extent possible. Where it is not feasible to avoid special-status plants locations within the construction areas, seed collection and transplanting shall be performed for annual plant species in affected areas. Prior to excavation work in areas that support occupied special-status plant habitat, the topsoil (roughly the first 3-4 inches of soil where dormant seeds would be present) will be removed and stockpiled onsite. After finished grades generally have been achieved, the stockpiled topsoil will be redistributed within disturbed areas in the project area. In particular, the soil should be redistributed into areas that provide appropriate/suitable habitat for the species.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Stockpiled topsoil will be protected from wind and water erosion and from compaction. In areas where topsoil has been spread, equipment traffic will be limited, to the extent practicable, to minimize compaction. Post construction, areas where topsoil was spread will be protected from wind and water erosion until after the next growing season (spring/summer) using typical stabilization methods. If hydroseeding is used, hydroseed will be comprised of a native seed mix.					
Cultural Resources	Potential for accidental damage to undiscovered archaeological resources during ground-disturbing activities.	**Mitigation Measure CUL-1a: Worker Awareness Training.** A cultural resources awareness and respect training program will be provided to all construction personnel active on the project site prior to implementation of earth moving activities. A representative or representatives from culturally affiliated Native American Tribe(s) will be invited to participate in the development and delivery of the cultural resources training in coordination with a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists. The program will include relevant information regarding sensitive Tribal cultural resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values.	Before and during ground-disturbing activities	During ground-disturbing activities	SMUD / Contractor	SMUD	All ground-disturbing activities

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure CUL-1b: Unanticipated Cultural Resources Discovery. In the event of an inadvertent discovery of cultural resources (excluding human remains or Tribal Cultural Resources [TCRs]) during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeology, shall be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource, unique archaeological resource, or tribal cultural resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include, but would not necessarily be limited to, preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). If the discovery constitutes a TCR, any data recovery shall be in coordination with Tribes. Curation of resources is not recommended under Tribal protocol and reburying of resources where, or in close proximity to where they were excavated, is preferred.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
Cultural Resources	Potential disturbance to human remains during ground-disturbing activities.	**Mitigation Measure CUL-2: Unanticipated Human Remains.** Pursuant to Sections 5097.97 and 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, if a human bone or bone of unknown origin is found during construction, all work is to stop and the County Coroner and the District shall be immediately notified. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission within 24 hours, and the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposition of, with appropriate dignity, the human remains and any associated grave goods.	During ground-disturbing activities	During ground-disturbing activities	SMUD / Contractor	SMUD	All ground-disturbing activities

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
Geology and Soils	Potential for accidental damage to unique paleontological resources during earthmoving activities.	**Mitigation Measure GEO-1: Avoid Impacts to Unique Paleontological Resources.** • Prior to the start of earthmoving activities associated with the overhead line corridor along Jackson Road northwest of the substation site, SMUD shall retain a qualified archaeologist or paleontologist to present construction worker personnel training. The training shall inform all construction personnel involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. • If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify SMUD. • In the event of a paleontological discovery, SMUD shall retain a qualified paleontologist to evaluate the resource, and prepare a recovery plan if necessary. The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan shall be implemented by SMUD before construction activities can resume at the site where the paleontological resource or resources were discovered.	Before and during earthmoving activities	During earthmoving activities	SMUD / Contractor	SMUD	Overhead line corridor along Jackson Road northwest of the substation site

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
Hazards and Hazardous Materials	Potential discovery of hazardous materials during earth moving activities.	**Mitigation Measure HAZ-1: Manage Accidental Discovery of Hazardous Materials.** If contaminated soils or potentially hazardous items are discovered during earth moving activities, all ground-disturbing activities within 25 feet shall be halted until a qualified SMUD employee or SMUD representative can assess the conditions on the site. SMUD will notify and coordinate with the appropriate agency regarding findings of hazardous materials, as necessary. If it is determined that the material cannot be re-incorporated into the project site, it shall be hauled by a qualified hauler to an appropriate waste disposal facility.	During ground-disturbing activities	During ground-disturbing activities	SMUD / Contractor	SMUD	All ground-disturbing activities
Tribal Cultural Resources	Potential for accidental damage to unidentified Tribal Cultural Resources in the project area during ground-disturbing activities.	**Mitigation Measure TCR-1: Spot Check Monitoring During Ground-disturbing Activities.** There is a potential for unidentified cultural sites, artifacts or unanticipated TCRs to be present below the surface. Therefore, a Tribal monitor from Wilton Rancheria will perform spot check monitoring, up to half-day monitoring, two (2) times per week, during ground-disturbing activities including trenching, excavating, and grading. The Tribe representative will be given 48 hours' notice before ground disturbance starts. The Tribal monitor will complete daily logs. Logs will confirm any finds, the locations of the find, time and date in accordance with SMUD's Inadvertent Discovery Plan. If Tribal cultural resources are identified that have the potential to be adversely affected by the project, SMUD will implement Mitigation Measure TCR-2 Unanticipated Discoveries of Tribal Cultural Resources.	Before and during ground-disturbing activities	During ground-disturbing activities	SMUD / Contractor	SMUD	All ground-disturbing activities

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Mitigation Measure TCR-2: Unanticipated Discoveries of Tribal Cultural Resources. Although surface level TCRs have not been identified for this project, Tribal consultation has shown that there is the potential for unidentified sites of cultural significance to be present in the subsurface context near the Jackson Bulk Substation and associated offsite construction locations. If any suspected TCRs or resources of Tribal cultural significance, including but not limited to features, anthropogenic/cultural soils, cultural belongings or objects (artifacts), shell, bone, shaped stones or bone, or ash/charcoal deposits are discovered by any person during construction activities including ground disturbing activities, all work shall pause immediately within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. Work shall cease in and within the immediate vicinity of the find regardless of whether the construction is being actively monitored by a Tribal Monitor, cultural resources specialist, or professional archaeologist. A Tribal Representative from Wilton Rancheria shall be immediately notified and shall determine if the find is a TCR (PRC §21074). Evaluation and treatment will be performed in coordination with Tribes in accordance with SMUD's Inadvertent Discovery Plan. When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. If redesign is determined to not be feasible, SMUD shall consult with Tribes to determine appropriate treatment of the find.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by Wilton Rancheria. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate Tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects and belongings, and reburial of cultural objects and belongings or cultural soil. The construction contractor(s) shall provide secure, on-site storage for culturally sensitive soils or objects that are components of TCRs that are found or recovered during construction. Only Tribal Representatives shall have access to the storage. Storage size shall be determined by the nature of the TCR and can range from a small lock box or jobsite work box to a conex box (shipping container). A secure (locked), fenced area can also provide adequate on-site storage if larger amounts of material must be stored.					

CEQA Issue Area	Impacts	Mitigation Measures	Implementation Duration	Monitoring Duration	Responsible for Implementation	Responsible for Monitoring	Applicable Project Component
		The construction contractor(s) and SMUD shall facilitate the respectful reburial of the culturally sensitive soils or objects. This includes providing a reburial location that is consistent with the Tribe's preferences, excavation of the reburial location, and assisting with the reburial, upon request. Any discoveries shall be documented on a Department of Parks and Recreation (DPR) 523 form within 2 weeks of the discovery and submitted to the appropriate CHRIS center in a timely manner. Work at the TCR discovery location shall not resume until authorization is granted by the Lead Agency in coordination with the culturally affiliated Tribe. If articulated or disarticulated human remains, or human remains in any state of decomposition or skeletal completeness are discovered during construction activities, the Sacramento County Coroner shall be contacted immediately. Upon determination by the Sacramento County Coroner that the find is Native American in origin, the Native American Heritage Commission will assign the Most Likely Descendent who will work with SMUD to define appropriate treatment and disposition of the burials. For any work required to be undertaken in an area where shoring or hazardous materials would occur, including soils, all archaeologists, Tribal Representatives, and Tribal Monitors shall meet the appropriate level of safety training (e.g., confined spaces, hazardous material exposure, etc.) in compliance with California Division of Occupational Safety and Health State and federal Occupational Safety and Health Administration requirements prior to entering construction work areas.					

5.0 LIST OF PREPARERS

The following people contributed to the preparation of this document.

5.1 Sacramento Municipal Utility District—Lead Agency

Ammon Rice, Environmental Project Manager

Kim Crawford, Senior Project Manager

Sarah Ahmed, Environmental Specialist

5.2 Environmental Consultants

5.2.1 AECOM

Jeff Thomas, Project Director

Danny DeBrito, Project Manager

Wendy Copeland, Environmental Scientist

Thea Fuerstenberg, Senior Archaeologist

Heather Miller, Historian

Alivia Gharib, Environmental Planner

Laura Dito, Environmental Planner

Issa Mahmodi, Noise Specialist

Lisa Clements, GIS Specialist

5.2.2 Area West Environmental

Becky Rozumovicz-Kodsuntie, President

Aimee Dour-Smith, Project Manager

Claudia Kodsuntie, Biologist

Emily Deng, Analyst/Technician

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6.0 REFERENCES

None.

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Appendix A Draft IS/MND (As Revised)