MINUTE ITEM
This Calendar Item No. 03 was approved as Minute Item No. 03 by the California State Lands Commission by a vote of 3 to 0 at its 07/13/07 meeting.

Minute Item
03

07/13/07
PRC 8378
J. Porter
T. Filler

NORTH BAJA PIPELINE, LLC (LESSEE)

Regular Item 03: The Commission listened to a staff presentation on the consideration of a certification of an EIR and authorization of an amendment to a lease to North Baja Pipeline, LLC. After taking testimony from North Baja and other state and private agencies, the Commission, by a vote of 3-0 (Lt. Governor John Garamendi, Controller John Chiang and Alternate Anne Sheehan), voted to approve the item with the following amendments included:

In addition to the terms of the lease drafted by the staff of the State Lands Commission, the lease shall require the following:

1) The applicant, in consultation with any California air quality district within whose jurisdiction gas from the North Baja Pipeline will be used, shall conduct a study to determine the impacts, if any, of using gas with a higher Wobbe index than is presently used in the district. This study shall:

a) establish a mutually agreed upon, estimated baseline for measuring and reporting the current average Wobbe index for all natural gas from all sources being consumed in the district as of the date of initial delivery of any gas north of the Mexico California border through the North Baja pipeline. .

b) measure on a regular basis, NOx emissions directly attributable to any incremental increases in the Wobbe index of gas used in the district, resulting from the operation of the North Baja Pipeline. This measurement shall consider the Wobbe index of gas supplies that are supplanted by gas from the Pipeline.

001838

MINUTE PAGE

c) determine appropriate mitigation measures, in cooperation with the relevant local air district and the relevant utilities responsible for gas distribution, that will offset or eliminate any increases to NOX emissions in the district that are attributable to higher Wobbe index gas from the Pipeline.

2) A plan for the study, which will include the calculation of the baseline required in (a), shall be submitted by October 1, 2007 for the review and approval of the State Lands Commission.

3) Within one year after the first delivery in a district of gas from the Pipeline, and annually thereafter, the applicant will submit the results of the study to the Commission for its review and approval.

4) As approved by the Commission, the applicant shall carry out the mitigation measures.

CALENDAR ITEM
03

A 80

S 37

07/13/07
PRC 8378.2
WP 8378
J. Porter
T. Filler

CONSIDER CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT AND AUTHORIZATION OF A LEASE AMENDMENT

LESSEE:
North Baja Pipeline, LLC
1400 SW 5th Avenue
Portland, OR 97201

AREA, LAND TYPE, AND LOCATION:
1.15 acres, more or less, of State school lands in Section 16, T12S, R20E, SBM, near State Highway 78, Imperial County.

AUTHORIZED USE:
Continued use and maintenance of a 30-inch diameter steel pipeline for the transporting of natural gas.

LEASE TERM:
20 years, beginning February 1, 2002.

CONSIDERATION:
$655 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease, and $500 for the area that will be used temporarily during the construction phase.

PROPOSED AMENDMENT:
The construction, use and maintenance of an additional (48-inch diameter) pipeline that will be used to transport natural gas; replace in its entirety the existing lease description with the lands described in Exhibit B, attached and by reference made a part hereof; revise the annual rent from $655 to $1,551; payment of $500 for the area that will be used temporarily during the construction period, inclusion of project specific safety, inspection, maintenance and mitigation monitoring provisions; the amendment will be

effective July 13, 2007, all other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. On January 30, 2002, pursuant to Minute Item 48, the California State Lands Commission (Commission) certified an Environmental Impact Report (EIR) and authorized the issuance to North Baja Pipeline, LLC, (North Baja or Lessee) of a General Lease - Right of Way Use for a parcel of State school land in Imperial County for the construction, use and maintenance of a 30-inch steel pipeline for transporting natural gas and the temporary use of a construction work area. This pipeline, which became operational in 2002, is part of a larger pipeline system that begins near Ehrenberg, Arizona at an interconnection with the El Paso Natural Gas Company interstate pipeline and proceeds through California's Riverside and Imperial counties, to an interconnection at the international border between the United States and Mexico.

2. The EIR certified by the Commission was an EIR/EIS jointly prepared with the Federal Energy Regulatory Commission (FERC). The project analyzed by the EIR/EIS was the natural gas pipeline and appurtenant facilities, but the cumulative impacts analysis discussed potential impacts from activities beyond the pipeline itself, including those from power plants in Mexico that may be served by the pipeline. In March 2002, Imperial County and the city of El Centro challenged the Commission's decisions of January 30, 2002, to certify the EIR and approve the issuance of the right of way lease to North Baja in Sacramento Superior Court (Imperial County, City of El Centro, et al., v. State Lands Commission, N. Baja Pipeline Co., Real Party in Interest). Imperial County and the city of El Centro argued that the "project" should have included the pipelines and power plants in Mexico which would receive gas from the new pipeline, and should have provided more detailed analysis and mitigation measures to address impacts from these activities in Mexico. They asserted that not including activities in Mexico as part of the project resulted in improper "segmentation" of the project under the California Environmental Quality Act (CEQA) and underestimation of its impacts in the environmental analysis. The trial court held that the Commission (1) properly certified the EIR for the North Baja Pipeline, (2) fully complied with required CEQA procedures in the preparation and adoption of the EIR, (3) did not improperly "segment" the project by defining it as the pipeline and appurtenant facilities; and (4) prepared an adequate cumulative impacts

analysis which included an assessment of activities in Mexico in appropriate detail. Imperial County and the city of El Centro appealed the trial court's decision. In an unpublished decision, the Court of Appeal, Third Appellate District, dismissed the case as moot because there was no practical remedy the court could provide. The court found that the project was built and operating, and that under the federal Natural Gas Act, after the FERC approves projects, utility applicants (in this case North Baja) have authority to proceed in eminent domain to obtain access and control over the properties necessary to implement approved projects.

3. The existing pipeline's total length is 79.8 miles, however, only 1,035± linear feet cross State school lands and the only improvements that are constructed on these lands are the buried steel pipeline and occasional above ground markers.

4. On May 17, 2005, North Baja submitted an application to the Commission to amend the lease in order to construct, use and maintain an additional (48-inch steel) pipeline within the existing right of way. This second pipeline also will be used for the transportation of natural gas and is part of the North Baja Pipeline Expansion Project (Project). The proposed Project would be constructed in three phases beginning in 2007 and ending in 2009. Phase I would involve modifications at the existing Ehrenberg Compressor Station and Ogilby and El Paso Meter Stations; construction of the Arrowhead Extension and the Blythe-Arrowhead Meter Station; and installation of a pig launcher, pig receiver, taps, and crossover piping on the Arrowhead Extension. Phase I-A would involve the construction of the IID Lateral. Phase II would involve the construction of the B-Line adjacent to North Baja's existing A-Line between Blythe and the U.S.-Mexico border. At this date, it remains uncertain what the final Phase II volumes would be. Therefore, the environmental review of the Project has been based on the maximum facility footprint (i.e., full looping of the existing A-Line) to ensure a full analysis of the potential environmental impacts. Phases I and Ia involve lands not under the jurisdiction of the Commission. The portion of pipeline covered by this amendment is in Phase II. Whereas the existing pipeline is authorized by the Federal Energy Regulatory Commission (FERC) to transport 512,500 dekatherms per day in a southbound direction, when the existing line is combined with this new pipeline loop, the two lines would be capable of transporting up to 2,932,000 dekatherms per day in a northbound direction. (Note: One dekatherm is the approximate energy content of

1,000 cubic feet of natural gas.).

5. The staffs of the FERC and the Commission, federal and state lead agencies for the proposed project, have jointly caused to be prepared, a Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR). The FEIS/FEIR was prepared pursuant to the provisions of the National Environmental Policy Act (NEPA) and the CEQA.

6. North Baja proposes to expand its existing natural gas transmission pipeline system between Ehrenberg, Arizona and an interconnection at the international border between the United States and Mexico. North Baja's existing system extends approximately 79.8 miles from an interconnection with the facilities of El Paso Natural Gas Company (El Paso) near Ehrenberg through southeast California to a point on the international border between Yuma, Arizona and Mexicali, North Baja Mexico, where the pipeline interconnects with the Gasoducto Bajanorte pipeline. The North Baja system and the Gasoducto Bajanorte pipeline were built in 2002 to supply domestic natural gas from the United States primarily to gas-fired electric generation facilities in Baja California, Mexico. Since that time, several projects have been initiated to build liquefied natural gas (LNG) storage and vaporization terminals on the Baja California coast, near the terminus of the Gasoducto Bajanorte pipeline. This new source of natural gas would be stored in tanks as LNG at the terminals in Baja California, and then re-gasified (vaporized) in Mexico and transported as natural gas into the Gasoducto Bajanorte and North Baja systems. The first of these terminals, Sempra LNG's (Sempra) Energia Costa Azul (ECA) terminal, is already under construction with an anticipated commercial in-service date of early 2008. Sempra has announced its intention to expand the ECA terminal to double its base and peak load capacity and held a non-binding open season between April 17 and May 12, 2006, to solicit commercial interest in additional LNG processing capacity. Although the open season was non-binding, the results indicated high shipper interest in additional processing capacity. Sempra has announced that it will begin working with the shippers that submitted bids to develop binding terminal agreements. Pending regulatory approvals and successful commercial negotiations, the expansion could become operational as early as 2010.

7. Like the original pipeline, this project will be constructed and tested, to meet or, in the case of the 18th Avenue portion of the Project in Blythe,

exceed U.S. Department of Transportation (DOT) construction and safety standards outlined in Title 49 Code of Federal Regulations (CFR) Part 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*. These regulations, which are intended to protect the public and to prevent natural gas facility accidents and failures, include specifications for material selection and qualification; odorization of gas; minimum design requirements; and protection of the pipeline from internal, external, and atmospheric corrosion. While the primary focus of the federal standards is prevention of accidents, North Baja has prepared an emergency response plan that would be coordinated and tested, through drills and exercises, with local fire/police departments and emergency management agencies.

8. Once constructed, this new pipeline system will be operated and maintained in accordance with all applicable Federal and state regulations. North Baja will monitor and control the pipeline system 24 hours per day by a remote dispatch center located in Portland, Oregon. A crew located at the Ehrenberg Compressor Station conducts on-site operations and maintenance and is on call 24 hours a day. North Baja will retain a locally based contractor to assist in routine maintenance services and respond to emergency situations. The existing pipeline has been operational since 2002 and has had zero reportable "incidents" as defined in the DOT Office of Pipeline Safety regulations (49 CFR 191.3).

9. As with the original pipeline, the proposed new pipeline will cross under an existing 161 kV transmission line. The U.S. Bureau of Reclamation (Bureau) is the Commission's Lessee under a General Permit – Public Agency Use, Permit No. PRC 551.9. North Baja has entered into an agreement with the Bureau, or its designee, providing for the proposed pipeline project. Pursuant to the proposed lease conditions, North Baja will be required to maintain the written consent from the Bureau, or its designee, throughout the lease term. It is not anticipated that the construction or operation of the pipeline project will conflict with the Bureau's, or its designee's, operations.

10. The proposed new project, as well as the existing pipeline system, crosses the Colorado River near Blythe, Riverside County, California. Due to prior settlement agreements, the Commission currently does not claim any sovereign land ownership interest in the area of the River crossing. However, the Commission and private landowners in the area

currently are in the process of negotiating a new Settlement Agreement that may result in the acquisition by the Commission of property rights in the Colorado River at this location. If and when this Settlement Agreement is finalized, North Baja may be required to submit an application to the Commission for an amendment to Lease No. PRC 8378.2 to include the relevant areas, or apply for a new lease to cover these newly acquired lands if a lease or other agreement with the previous landowners was not completed.

ENVIRONMENTAL PROCESS

On August 30, 2005, the FERC and the Commission issued a joint Notice of Intent/Notice of Preparation (NOI/NOP) for preparation of a joint environmental impact statement/environmental impact report (EIS/EIR) for the proposed Project. The NOI/NOP was sent to 684 interested parties, including Federal, state, and local agencies; elected officials; environmental and public interest groups; Native American tribes; affected landowners; local libraries, newspapers, and television stations; other interested parties; and the intervenors in this proceeding before the FERC.

In addition, due to an omission in the initial mailing list provided by North Baja, affected landowners along the portion of the proposed pipeline route on 18th Avenue in Riverside County had not been notified during the initial NOI/NOP mailing. Subsequently, a supplemental NOI/NOP was sent to 69 additional landowners along 18th Avenue on March 10, 2006. These landowners were given until April 10, 2006, to submit any comments they had regarding the project. Also, on September 27, 2006, the FERC and the Commission sent a letter to landowners and tenants potentially affected by one of the proposed alternatives known as the Arrowhead Alternative. The purpose of the letter was to inform the recipients that North Baja had identified them as a landowner or tenant that would be potentially affected by the Arrowhead Alternative and to solicit comments about the proposed Project and the Arrowhead Alternative. In accordance with the CEQA, these parties were sent the letter via certified mail. No comments were received from the public for either supplemental mailing.

Two public scoping meetings were held to provide an opportunity for the general public to learn about the proposed project and to participate in the environmental analysis by providing oral or written comments on the issues to be included in the Draft EIS/EIR. The first meeting was held in El Centro, California on

December 5, 2006; the second meeting was in Blythe, California on December 6, 2006. Issues raised during the scoping and public comment period on the Draft EIS/EIR were addressed in the FEIS/FEIR that was released in June, 2007.

ENVIRONMENTAL ISSUES

1. **Air Quality**

Emissions from the proposed Project would occur in two categories: construction and operations. Emissions from construction of the pipeline and aboveground facilities are not expected to cause or significantly contribute to a violation of an applicable ambient air quality standard or contribute substantially to an existing or projected air quality violation because the construction equipment would be operated on an as-needed basis during daylight hours only. Emissions from gasoline and diesel engines would be controlled because the engines must comply with applicable state and federal standards for mobile sources, including such additional standards as may be adopted and become effective before or during the construction of the project.

The analysis in the FEIS/FEIR concluded that the Project would not result in increased operational emissions. Therefore a Health Risk Assessment was not conducted for the proposed Project. The potential for the Project to expose the public to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to one in a million and/or a hazard index (non-cancerous risk) greater than or equal to 0.1, would be less than significant.

A Health Risk Assessment, however, was conducted to address the cumulative impacts associated with nonjurisdictional facilities located outside of state and federal jurisdiction in Mexico to determine the potential impacts of the regulated air pollutants emitted by the existing power plants and proposed compressor stations. The analysis also included the LRPC and TDM Plants. Based on the analysis, the average cancer risks as well as the chronic and acute hazard indexes would be well below the established significance thresholds used by California air districts. In addition, the future chronic and acute hazard indexes would also be well below the more stringent thresholds set by the South Coast AQMD. Therefore, the cumulative risks associated with the emissions from the existing power plants and the future compressor stations would be considered less than significant.

Comments on the Draft EIS/EIR were received from the U.S. Environmental Protection Agency (EPA), the South Coast Air Quality Management District (SCAQMD), the Imperial County Air Pollution Control District (ICAPCD), and the Border Power Plant Working Group expressing concern that the supplies of natural gas from the Mexican LNG facilities that would be transported on the North Baja system would have a higher Wobbe Index (WI) compared to the gas historically transported through the SoCalGas and San Diego Gas and Electric Company (SDG&E) systems. The WI measures the heating potential of the gas; the higher the WI, the higher the heat value. Combustion of natural gas with higher heating values and a higher WI results in increased combustion temperature and, possibly, increased nitrogen oxides (NOx) emissions. The EPA, SCAQMD, ICAPCD and the Border Power Plant Working Group refer to this LNG-source gas as "hot gas" and assert that the introduction of the LNG-source gas would substantially increase emissions of the ozone precursor NOx in the South Coast Air Basin (SCAB), directly affecting air quality and making attainment of the Federal air quality standards more difficult. Some of the commentors requested that the FERC and the Commission impose an upper limit on the WI for the gas received into North Baja's system and urged that Project approval be conditioned upon the treatment of the gas prior to its delivery into the SCAB. The commentors would prefer the maximum WI to be set at 1360.

The CPUC is the regulatory agency responsible for setting the appropriate quality and interchangeability standards for gas on the SoCalGas and SDG&E pipeline systems. The CPUC has determined that the appropriate maximum WI for gas received on these systems should be 1385. The precedent agreements between North Baja and all of the shippers require that the gas delivered to the North Baja system meet the most stringent gas quality standard of any of the pipelines to which the North Baja system might ultimately deliver the gas. The precedent agreements also state that North Baja would file with the FERC to modify its gas quality standards to be consistent with the most stringent standards of any directly interconnecting downstream pipeline. These requirements mean that either the LNG delivered to terminals in Baja California would meet the most stringent gas quality standard, or the receiving terminal would have to process the gas before delivering it to the pipelines to meet this standard. Thus, the gas quality and interchangeability standards of SoCalGas and SDG&E would be met as required by the CPUC.

The current gas quality and interchangeability standards for delivery into the SoCalGas and SDG&E local distribution systems were established in September 2006 in a proceeding before the California Public Utilities Commission (CPUC) in its *Phase 2 Order Addressing Infrastructure Adequacy & Slack Capacity, Interconnection & Operational Balancing Agreements, an Infrastructure Working Group, Natural Gas Supply and Infrastructure Adequacy for Electric Generators, Natural Gas Quality, and Other Matters* (CPUC 2006). In the proceeding, the CPUC specifically adopted new gas quality and interchangeability standards for SoCalGas and SDG&E and reduced the upper WI limit to 1385 for SoCalGas and SDG&E. The limit set by the CPUC is based on the recommendations set forth in the *White Paper on Natural Gas Interchangeability and Non-Combustion End Use* issued by the NGC+ Interchangeability Work Group on February 28, 2005 (NGC+ Interchangeability Work Group 2005). In its *Policy Statement on Provisions Governing Natural Gas Quality and Interchangeability in Interstate Natural Gas Pipeline Company Tariffs* issued on June 15, 2006 (FERC 2006), the FERC encouraged the use of the White Paper as a common scientific reference point for resolving gas quality and interchangeability issues. All gas delivered to end users in southern California is transported through the SoCalGas and SDG&E systems at some point before delivery and, therefore, must comply with the new CPUC-approved gas quality standards. Before the adoption of the new standards, SoCalGas and SDG&E could accept natural gas with a WI as high as 1437.

The natural gas that would be delivered by the Project pipeline cannot have a WI higher than gas currently allowed into the State through other means. Therefore, the Project does not give rise to any new impacts with respect to the WI. As such, imposition of a WI requirement by the Commission that is lower than that required by the agency with jurisdiction over the matter does not appear justified. Also, any potential future increase in emissions impacts due to an increase in WI is too speculative to analyze at this time due to a number of factors, including (1) the precise WI of the natural gas to be delivered, other than it would meet the existing standards set by the CPUC for SoCalGas and SDG&E; (2) the sector of the SoCalGas market to which the gas would be delivered (no specific end users have been identified with the exception of the El Centro Generating Station in El Centro, California, which North Baja proposes to serve through a new lateral pipeline, (3) the ultimate character of the natural gas at the end user (the gas received by North Baja may be blended within the

SoCalGas distribution system and the resultant WI of such blend is unknown); and (4) whether or not the gas would be consumed within the SCAB.

The markets of North Baja's shippers are not limited to the SCAB, and capacity constraints on the SoCalGas system would prevent all of the gas volumes proposed in Phase II from moving into SoCalGas' system. Because the new supplies of North Baja's shippers would compete with existing gas supplies, it is impossible to determine at this time where LNG source gas would be burned, how much LNG gas would be burned, and (due to limited data) the extent of changes in NOx emissions associated with the burning of LNG source gas.

Cumulative Air Quality Impacts

Because the existing and probable future projects listed in Table 4.15-1 of the Final EIS/EIR would take place over a large area; have varying construction schedules; and adhere to Federal, State, and local regulations for the protection of ambient air quality, long-term cumulative impacts on air quality would not be anticipated and the contribution of the project is considered not cumulatively considerable and therefore less than significant. Additionally, because no additional compression facilities would be installed as part of the North Baja Pipeline Expansion Project, the proposed Project would not add any stationary or permanent sources of NOx, CO, VOC, PM10, PM2.5, or SO2 to the environment; therefore, operation of the North Baja Pipeline Expansion Project would not contribute cumulatively to air quality impacts. In their comments on the Draft EIS/EIR, the EPA, the SCAQMD, the ICAPCD, and the Border Power Plant Working Group indicated that the definition of the proposed Project is too limited in focus. Sections 1.1, 1.4, and 4.12 of the FEIS/FEIR have been revised to include additional information supporting the Project definition and cumulative impacts evaluation.

Phase I – Algodones Compressor Station. Sempra's Gasoducto Bajanorte pipeline, which currently takes gas from the North Baja system at the U.S.-Mexico border and moves it west, would be reconfigured to move gas in the opposite direction, similar to the reconfiguration of the North Baja system that would occur during Phase I.

The capacity of the Gasoducto Bajanorte pipeline system would similarly be expanded in coordination with North Baja's Phase II expansion. Up to 100 percent looping of the Gasoducto Bajanorte pipeline and additional compression would be required, both at the Algodones Compressor Station and at a new compressor station near Mexicali (Mexicali Compressor Station). These facilities would be constructed in 2009 to be operational by 2010. Because of the proximity of the proposed compressor stations in Mexico, the potential exists for operating emissions to affect air quality in the United States, specifically in the Imperial Valley portion of Imperial County.

However, modeling analysis provided in the FINAL EIS/EIR predicts that the Algodones Compressor Station's incremental impact will not exceed the federal Significant Impact Level and is well below 0.5 percent of the applicable Federal and/or State emission standards; therefore, it would not significantly impact the existing nonattainment area.

Phase II - Algodones and Mexicali Compressor Stations. Sempra has not yet signed precedent agreements with all of the potential shippers in Phase II and, therefore, has not developed design details for its Phase II expansion. Sempra has indicated to North Baja, however, that the following design assumptions would be applicable for purposes of analyzing the potential cumulative impacts of the future compression additions on the Sempra system as follows:

•The Mexicali Compressor Station would be located on or adjacent immediately to the existing facilities (i.e., either the La Rosita Power Complex [LRPC] or the Termoelectrica de Mexicali Power Plant [TDM Plant]).

•The horsepower needed at the Mexicali Compressor Station would be approximately 75,000, while the required horsepower proposed for the Algodones Compression Station would be approximately 116,000 (of which approximately 15,000 hp would be contributed by the two turbines [with one compressor in continual reserve] already proposed for Phase I, which would leave an additional need at the site of approximately 100,000 hp).

•The turbines would be equipped with the following emissions control technologies:

- installation and operation of low-NOx combustors;

- good combustion practices (e.g., measurement and control of air flow, optimizing air/fuel ratios, etc.) would be implemented to reduce emissions of CO and VOC; and

- clean fuels (natural gas) would be used to reduce emissions of PM10 and PM2.5.

If the new compressor stations would be located near the existing power plants west of Mexicali, the result would be the mixing of the new exhaust plumes with the existing plumes at the existing sites. A complete and rapid mixing of the plumes allows for the characterization of new impacts using the modeling scenarios established in the previous Imperial-Mexicali 230kV Transmission Lines (Imperial-Mexicali) final EIS (DOE 2004). This was accomplished assuming that the resulting downwind impacts would be directly proportional to emissions levels.

Modeling analysis provided in the FINAL EIS/EIR predicts that no emitted pollutants at the Mexicali or Algodones Compressor Station sites would result in a concentration above an established Significant Impact level at the maximally impacted receptor located in the vicinity of the U.S.-Mexico border. Based on this modeling analysis, it is unlikely that emissions from the proposed future compressor stations would result in any significant cumulative ambient air quality impacts at receptors in the vicinity of or across the U.S. border.

At the time the environmental document was being developed, there were no specific requirements to evaluate the potential impacts for greenhouse gas (GHG) emissions. This is due, in part, to these types of emissions not being considered criteria pollutants. Recently, however, with the enactment of the California Global Warming Solutions Act of 2006 (Health and Safety Code section 38500 et seq.), there has been increased concern over GHG emissions and their effect on climate change. In the interest of providing a complete environmental analysis for the proposed project, the Commission requested that the Lessee prepare an analysis for GHG emissions which is included as Exhibit C of this Calendar Item. At this time, there are no regulatory requirements governing GHG emissions, and no established criteria for determining the significance of

these emissions or determining appropriate mitigation. Although emissions occurring in Mexico are outside of state or federal jurisdictional control, the total GHG emissions, from both the Gasoducto Bajanorte pipeline in Mexico and the North Baja Pipeline Expansion Project in the United States, are summarized below:

Total Construction and Operational CO2e Emissions

The approximate GHG emissions totals, expressed as CO2 equivalents (CO2e) from both the construction phases and the operational phases of the proposed Project and non-jurisdictional facilities, are as follows:

US and Mexico Emissions Summary

Project Phase	CO2e
Pipeline and Compressor Station Construction	43,509 tons/construction period
Algodones Station Operational Emissions (Phase I)	55,332 tons/yr
Algodones Station Operational Emissions (Phase II)	427,647 tons/yr
Mexicali Station Operational Emissions (Phase II)	281,306 tons/yr
Pipeline Fugitives (Operational)	37,321 tons/yr

- Total construction related emissions are 43,509 tons CO2e over all phases of construction (nearly all will be related to Phase II).

- Total system approximated operational emissions for Phase I (Algodones Compressor Station + Total Pipeline Fugitive Emissions) are 92,653 tons CO2e/yr.

- Total system approximated operational emissions for Phase II (Algodones Compressor Station Phase II + Mexicali Station Operational Emissions [Phase II] + Pipeline Fugitive Emissions) are 746,274 tons CO2e/yr.

  The above GHG estimates are considered to be conservative, i.e., they overestimate emissions as noted below:

1. The estimate assumes that the compressor stations are running at full capacity all the time. This rarely happens.
2. The estimates do not account for the reduction in GHG that will occur at the Ehrenberg Compressor Station when LNG sourced gas starts to flow on the pipeline in a northerly direction beginning in Phase I.

The total GHG emissions for the Project would represent a minor percentage of total GHG emissions for California, the U.S. and Mexico as shown below.

- 0.15 percent of total California CO2e emissions
- 0.45 percent of total Mexico C02e emissions
- 0.0096 percent of total U.S. CO2e emissions

Above estimates are tentative, conservative and subject to fluctuation due to variability in the current GHG emissions inventories, and for all these reasons the GHG emissions attributable to the project proposed for approval by the Commission are considered less than significant. Therefore, the information on GHG emissions contained above and in Exhibit C of this Calendar Item does not constitute significant new information that requires recirculation of the FEIR, or preparation of a subsequent EIR; instead, the information is presented for the Commission's consideration in this emerging area of concern.

2. **Biology**

The U.S. Fish and Wildlife Service (FWS) identified nine federally listed endangered or threatened species that could potentially occur in the general vicinity of the North Baja Pipeline Expansion Project. With implementation of North Baja's proposed minimization and conservation measures, its Construction Mitigation and Restoration Plan (CM&R) Plan, and the additional Agency recommendations for the southwestern willow flycatcher and the Yuma clapper rail, the Project would have no effect on four species (desert pupfish, bonytail chub, brown pelican, bald eagle) and would not likely adversely affect three species (razorback sucker, southwestern willow flycatcher, Yuma clapper rail).

The proposed Project is likely to adversely affect the federally and California-listed threatened desert tortoise and its designated critical habitat and the federally listed threatened and California-listed endangered Peirson's milk-vetch. As such, impacts on these species would be considered significant.

The draft EIS/EIR served as the Biological Assessment that is necessary for compliance with section 7 of the Endangered Species Act. Copies of the draft EIS/EIR were sent to the FWS along with a letter requesting concurrence with the determinations of effect and initiation of formal consultation. In a letter dated November 1, 2006, the FWS concurred with the determinations of effect. In the BO issued on April 20, 2007, the FWS concluded that the proposed action is not likely to jeopardize the continued existence of the desert tortoise and its critical habitat or the continued existence of the Peirson's milk-vetch. The California Department of Fish and Game (CDFG) has not yet issued its conclusions regarding the impact of the Project on the desert tortoise and the Peirson's milk-vetch; however, all needed CDFG permits are expected to be issued in August of 2007.

Forty-two other special status species were identified as potentially occurring within the Project area. Based on the results of habitat evaluations and species-specific surveys, 18 of these special status species potentially occur in the area that would be impacted by construction of the Project. North Baja's implementation of general and species-specific conservation measures and additional Agency recommendations would allow the Project to avoid, minimize, or compensate for Project impacts on these species. Therefore, with one exception, impacts would be less than significant. Impacts on the flat-tailed horned lizard, which is a California-listed special concern species, and its habitat would be considered significant. The CDFG has not yet issued its conclusions regarding the impact of the Project on the flat-tailed horned lizard.

Because the desert tortoise and its designated critical habitat and the Peirson's milk-vetch are California-listed as well as federally listed, the CDFG is reviewing the BO prepared by the FWS and consider the issuance of a consistency determination pursuant to section 2080.1 of the California Fish and Game Code. Alternatively, the CDFG may issue an Incidental Take Permit under section 2081 of the California Fish and

Game Code. Additionally, approval of the Project would require the Commission to adopt a Statement of Overriding Considerations (see Exhibit E) under the CEQA if, after all feasible mitigation is applied, the Commission finds that the impacts of the Project would not be reduced to a level that is less than significant.

Examples of the Project's proposed mitigation measures for the Peirson's milk-vetch, the desert tortoise, and the flat-tailed horned lizard are shown below (for a complete list of mitigation measures see the MMP Table, Exhibit D):

- **Peirson's milk-vetch** – North Baja would utilize the same techniques used during construction and restoration of the A-Line for the proposed B-Line. Techniques include topsoil and seedbank conservation measures, topsoil segregation to conserve the existing seedbank, respreading of topsoil upon completion of construction, and imprinting the right-of-way during restoration with equipment (e.g., sheepsfoot roller) to provide micro-catchment areas for seed retention. Along the IID Lateral, North Baja would similarly segregate topsoil but would not use a sheepsfoot roller in the dunes because this equipment is ineffective in sand. Construction of the IID Lateral through potential Peirson's milk-vetch habitat would be conducted in the summer months after adult plants (if present) have already set seed.

- **Desert tortoise** – Project activities would not begin until an authorized biologist has been approved. Although other biologists may be employed as biological monitors, only those approved by the FWS as authorized biologists would be permitted to handle tortoises. All persons authorized by the FWS to handle desert tortoises would follow the guidelines established in the *Guidelines for Handling Desert Tortoises During Construction Projects*. A clearance survey for the desert tortoise would be conducted by an authorized biologist within 24 hours before ground disturbance. If a tortoise is located in the construction work area and is not moving, adjacent activities would be halted until an authorized biologist is able to move it out of harm's way. A worker training and a bonus program would be implemented that would reward construction staff who spot a tortoise within the construction work area and, without touching or disturbing the animal, notify the authorized biologist for action.

- **Flat-tailed horned lizard** – Authorized biologists would conduct preconstruction surveys to verify all flat-tailed horned lizard habitat in the construction area. Within 7 days before construction, biologists would identify habitat areas subject to direct construction-related ground disturbance. Biologists would conduct a final clearance survey 1 to 2 days before construction activities, which would include excavating potential burrows and relocating lizards to nearby suitable habitat. North Baja would implement the management strategy guidelines for relocation of flat-tailed horned lizards described in the *Flat-tailed Horned Lizard Range Management Strategy*. A biological monitor would be present in each area of active construction within flat-tailed horned lizard habitat throughout the work day from initial clearing through habitat restoration. The biological monitors would have sufficient education, field experience, and training with this species to understand its biology and behavior.

Because the CDFG has not yet issued its conclusions regarding the impact of the Project on California-listed species, additional mitigation measures recommended by the State Lands Commission and other public resource agencies, as described in the FEIS/FEIR and the proposed Mitigation Monitoring Plan (MMP) and which measures will be implemented if the Commission approves the Project, include that:

- North Baja shall not begin Phase I-A or Phase II construction activities until:

  a. The CDFG makes a consistency determination on the FWS' BO pursuant to section 2080.1 of the California Fish and Game Code or issues an Incidental Take Permit that covers both federally and State-listed species that may be affected;

  b. North Baja obtains an Incidental Take Permit under section 2081 of the California Fish and Game Code for all State-listed species that may be affected, or receives concurrence from the CDFG that an Incidental Take Permit is not required; and

c. North Baja has received written notification from the Executive Officer of the Commission that construction or use of conservation measures (such as required preconstruction surveys to preclear the right-of-way [e.g., for species avoidance]) may begin.

In addition, construction of the proposed Project is currently scheduled to be completed in three phases, with construction of the last phase beginning in late summer of 2009. Due to the potential presence of listed species not observed during surveys conducted in 2005, and the potential for new species to become listed under State or Federal law in the future, additional agency recommended mitigation includes that:

- For those portions of the Project facilities where construction would occur more than one year from the date of issuance of the FERC and Commission approvals for the Project, North Baja shall consult with the FWS, the BLM, and the CDFG to update the species list and to verify that previous consultations and determinations of effect are still current. Documentation of these consultations, the need for additional surveys and survey reports (if required), and FWS, BLM, and CDFG comments on the surveys and survey reports and their conclusions (as applicable), and any required conservation measures, shall be filed with the FERC and the Commission before construction begins on those facilities.

3. **Public Health and Safety**

Transportation of natural gas by pipeline involves some risk to the public in the event of an accident or release of gas, with the greatest hazard being fire or explosion following a rupture. The pipeline and aboveground facilities associated with the proposed Project would be designed, constructed, operated, and maintained to meet or exceed the Department of Transportation (DOT) Minimum Federal Safety Standards in Title 49 CFR Part 192 and other applicable Federal and State regulations including the California Public Utilities Commission, General Order 112-e. These regulations, which are intended to protect the public and to prevent natural gas facility accidents and failures, include specifications for material selection and qualification; odorization of gas; minimum design requirements; and protection of the pipeline from internal, external, and atmospheric corrosion.

To ensure that North Baja's operation and maintenance commitments are documented in a comprehensive plan and to assist the Commission in reviewing the Project for consistency and compliance with the Commission's action on the amended lease across California's School Lands, North Baja would submit to the Commission for approval an Operation and Maintenance Plan, developed in accordance with the requirements in Title 49 CFR Part 192, before placing the pipeline system into service in California. The Operation and Maintenance Plan will incorporate information collected after construction of the pipeline is completed. The Plan will be developed for the pipeline "as built". This plan would address internal and external maintenance inspections of the completed facility, including but not limited to, details of integrity testing methods to be applied, corrosion monitoring and testing of the cathodic protection system, and leak monitoring.

Within the first 6 months of placing the pipeline into operation, North Baja would conduct an internal inspection of the pipeline. Following the initial test, internal inspections with a high resolution instrument would be conducted on a periodic basis, at a minimum of one inspection every 10 years, or sooner if the evidence suggests that significant corrosion or defects exist or if any new Federal or State regulations require more frequent or comparable inspections.

In addition, the Project may affect high consequence areas (HCAs). The DOT defines HCAs with respect to the potential for gas pipeline incidences. The Office of Pipeline Safety (OPS) published a series of rules from August 6, 2002, to May 26, 2004 (69 Federal Register 29903), that defines HCAs as a location where a gas pipeline accident could do considerable harm to people and their property and requires an integrity management program to minimize the potential for an accident.

In accordance with the Pipeline Safety Improvement Act of 2002, North Baja would develop an integrity management program that applies to all HCAs to minimize the potential for an accident. In locations designated as HCAs, the pipeline would be inspected every seven years by North Baja, instead of every 10 years as required for those areas not designated as HCAs.

Three automatic shut off valves will be installed on the mainline expansion on either side of the populated areas along 18th Avenue, matching the

existing valving on the existing pipeline. These valves would isolate the pipeline in the event of a significant loss in pressure and would enable the pipeline to control the gas much faster than the DOT code requires if an incident were to occur.

To address seismic hazards, the facilities would be designed to meet or exceed the requirements contained in the latest edition of the Uniform Building Code or International Building Code and would incorporate current seismological engineering standards, including the *Guidelines for the Design of Buried Steel Pipe* (American Lifelines Alliance 2001) and *Guidelines for the Seismic Design and Assessment of Natural Gas and Liquid Hydrocarbon Pipelines* (Pipeline Research Council International, Inc. 2004). In the unlikely event of a pipeline rupture caused by a seismic event (or any other cause), North Baja would implement its emergency response procedures. All North Baja facilities would be designed with remote manual pipeline block valves with automatic shutdown capability programmed to sense pipeline ruptures and to isolate a specific pipeline valve section in the case of a catastrophic rupture. Like the existing North Baja system, a precipitous pressure drop would trigger an alarm at North Baja's Gas Control Center, which is staffed 24 hours a day. The operator would have 10 minutes in which to determine whether the pressure drop is caused by something other than a rupture and either override the alarm or initiate a shutdown. Before overriding an alarm, the operator would attempt to confirm if there is a valid alternative explanation for a sudden drop in pressure, such as a data transmission problem, equipment malfunction, or an issue at one of the power plants. The pipeline could also lose pressure from a very small hole (pin hole) that would not constitute a hazard and would be easier to locate if pressure remained on the line. If a shutdown override or an alarm override action is not taken by the operator within 10 minutes, or if line pressure decreases to a pre-determined threshold before 10 minutes, the valve would close automatically.

4. **Native American Consultation**

During the preparation of the EIS/EIR, 18 Native American tribes whose traditional territories would be crossed by the Project or who had been identified by the State Historic Preservation Office (SHPO) or another knowledgeable party as having a potential cultural resources concern were initially contacted. In addition, the NOI/NOP was sent to 64

individuals from 33 Native American tribes that had been identified by the California Native American Heritage Commission. Comments from various tribal members and organizations were received that were addressed in the Final EIS/EIR.

In addition, the Bureau of Reclamation, the Quechan Indian Tribe, and the Kwaaymii Laguna Band of Indians requested that a cultural site on the II-D Lateral be avoided. The Commission, the FERC, and the Bureau of Reclamation recommend that North Baja adopt the Modified ISDRA Transmission Line Alternative. With the adoption of this alternative, impacts on this site will be avoided. In response to other Native American requests, North Baja would have a monitor present during ground-disturbing activities along the alternative route south of this cultural site.

No traditional cultural properties have been identified in the proposed Project's area of potential effect to date. North Baja has indicated it would continue consultations with Native American tribes throughout construction of the Project.

CEQA INFORMATION

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15025), the staff has prepared an EIR identified as Commission EIR No. 739, State Clearinghouse No. 2006081127. The EIR was prepared and circulated for public review pursuant to the provisions of the CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6) and is contained in Exhibit D, attached hereto.

2. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15091) are contained in Exhibit E, attached hereto.

3. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15093) is contained in Exhibit F, attached hereto.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all

lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS REQUIRED:

Federal Agencies

Advisory Council on Historic Preservation
Federal Energy Regulatory Commission
International Boundary and Water Commission
Department of the Army Corps of Engineers
Department of the Interior, Bureau of Land Management
Fish and Wildlife Service
Department of Transportation
Department of Justice, Bureau of Alcohol, Tobacco and Firearms
Environmental Protection Agency
Bureau of Reclamation

State of California Agencies

Department of Fish and Game
Department of Transportation
Regional Water Quality Control Board
California State Historic Preservation Office

Local Agencies

Imperial County – Board of Supervisors, Planning, Public Works and Sheriff's Departments
Imperial County Air Pollution Control Board
Mojave Desert Air Quality Management District
Riverside County – Board of Supervisors, Transportation and Planning Departments
Palo Verde Irrigation District
Imperial Valley Irrigation District
City of Blythe
City of El Centro

EXHIBITS:

A. Site Map
B. Legal Description
C. Greenhouse Gas Emissions Analysis
D. Mitigation Monitoring Program
E. CEQA Findings
F. Statement of Overriding Considerations

PERMIT STREAMLINING ACT DEADLINE:

Within 90 days from the action on the Environmental Impact Report (October 11, 2007, if the action on the Environmental Impact Report is taken on July 13, 2007).

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT EIR NO. 739, STATE CLEARINGHOUSE NO. 2006081127, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THAT THE EIR REFLECTS THE COMMISSION'S INDEPENDENT JUDGMENT AND ANALYSIS.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED IN EXHIBIT D, ATTACHED HERETO.

ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15091, AS CONTAINED IN EXHIBIT E, ATTACHED HERETO.

ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, AS CONTAINED IN EXHIBIT F, ATTACHED HERETO.

AUTHORIZATION:

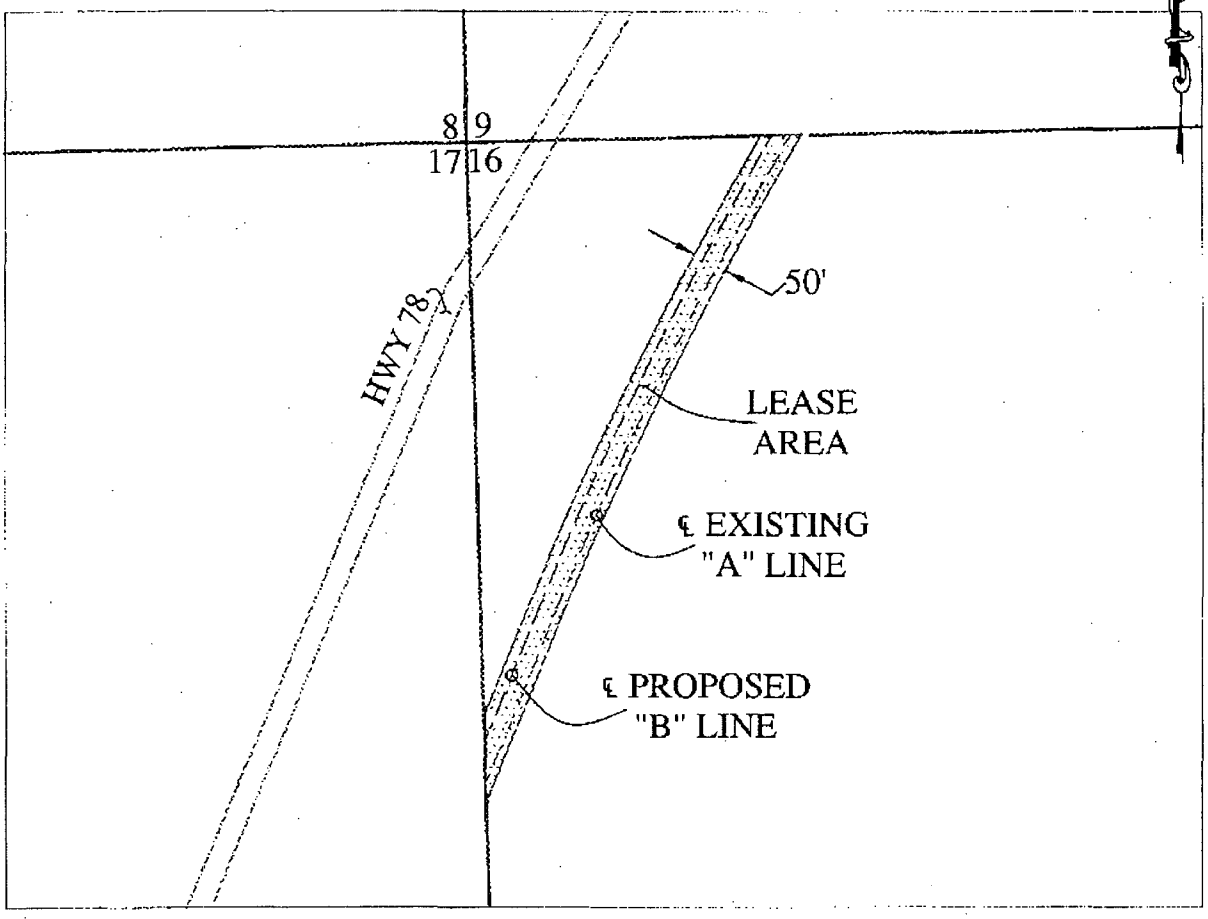
AUTHORIZE THE AMENDMENT, EFFECTIVE JULY 13, 2007, OF LEASE NO. PRC 8378.2, A GENERAL LEASE - RIGHT OF WAY USE, OF STATE SCHOOL LANDS LOCATED NEAR STATE HIGHWAY 78 IN

IMPERIAL COUNTY SHOWN ON EXHIBIT A AND DESCRIBED ON EXHIBIT B, BOTH ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF TO AMEND THE LEASE FOR THE CONSTRUCTION, USE AND MAINTENANCE OF AN ADDITIONAL UNDERGROUND (48-INCH STEEL) NATURAL GAS TRANSMISSION PIPELINE IN THE EXISTING RIGHT OF WAY, TEMPORARY USE OF A CONSTRUCTION AREA, REVISE THE RENT FROM $655 PER YEAR TO $1,551 PER YEAR, EFFECTIVE JULY 1, 2007, PAYMENT OF $500 FOR THE USE OF A TEMPORARY CONSTRUCTION AREA DURING THE CONSTRUCTION PERIOD, INCLUSION OF PROJECT SPECIFIC SAFETY, INSPECTION, MAINTENANCE AND MITIGATION MONITORING PROVISIONS; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

AUTHORIZE AND DIRECT STAFF TO MONITOR COMPLIANCE BY THE LESSEE WITH ALL THE TERMS AND CONDITIONS OF THE LEASE, AS AMENDED, AND THE MITIGATION MONITORING PROGRAM MADE A PART THEREOF.

NO SCALE

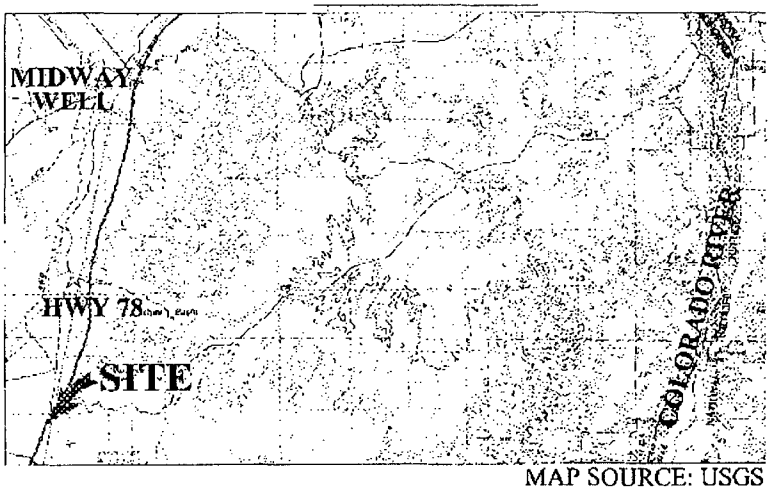
SITE



Section 16, T12S, R20E, S.B.M.

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

WP 8378
NORTH BAJA PIPELINE, LLC
GENERAL LEASE
RIGHT OF WAY USE
SCHOOL LANDS
IMPERIAL COUNTY

MJF 3/28/07

EXHIBIT B

PIPELINE LEASE AREA:

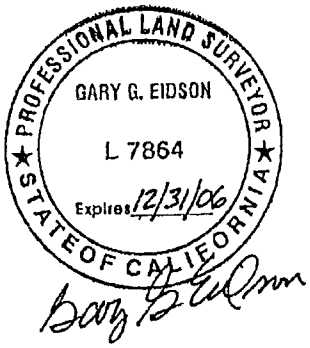
That portion of Section 16, Township 12 South, Range 20 East, San Bernardino Base and Meridian, in Imperial County, State of California; according to the U.S. Government Survey approved, February 13, 1919, and owned by the State of California by Act of Congress, March 3, 1853, Tax I.D. 031-14-016-01; described by metes and bounds as follows:

Commencing at the northwest corner of said Section 16; thence N88°42'58"E, along the north line of said section a distance of 423.65 feet to the POINT OF BEGINNING;

Thence S29°44'58"W, 97.36 feet to the beginning of a tangent curve concave to the southeast having a radius of 4780 feet; thence southwesterly 656.48 feet along said curve through a central angle of 7°52'08";
Thence S21°52'50"W, 174.09 feet to the west line of said section;
Thence S01°42'40"E, 138.93 feet along said section line;
Thence N10°47'00"E, 29.10 feet;
Thence N21°52'50"E, 272.85 feet to the beginning of a tangent curve concave to the southeast having a radius of 4730 feet; thence northeasterly 649.61 feet along said curve through a central angle of 7°52'08";
Thence N29°44'58"E, 127.45 feet to the north line of said Section 16;
Thence S88°42'58"W, 58.34 feet along said north section line and the north line of this parcel, to the POINT OF BEGINNING.

Containing 1.15 acres of land, more or less.

END OF DESCRIPTION



SENSITIVE SECURITY INFORMATION

If you are asked to release this document, please contact 503-833-4000 prior to releasing

PG&E Gas Transmission, Northwest Corp.
North Baja Pipeline, LLC

Exhibit C: Greenhouse Gas Emissions Analysis

NO TEXT THIS PAGE

North Baja Pipeline, LLC's Response to the
California State Lands Commission's Data Request
Revised June 28, 2007

Data Request

Provide the estimated greenhouse gas (GHG) emissions, in tons, associated with construction and operation of the proposed North Baja Pipeline Expansion Project (Project). Specifically, include GHG emissions estimates for construction and operation of the jurisdictional facilities associated with the proposed Project and the following non-jurisdictional facilities:

- **the Gasoducto Bajanorte pipeline expansion;**
- **the Algodones Compressor Station; and**
- **the Mexicali Compressor Station.**

Include detailed supporting calculations that document the emission factors, methodology, assumptions, and operating rates used as the basis to estimate the GHG emissions.

Response:

The following data response is presented in two (2) basic sections, i.e., construction and operational emissions for the facilities delineated in the above data request. Emissions of greenhouse gases (GHGs) are calculated for the following species; carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O). Emissions of methane and nitrous oxide are converted to CO2 equivalents (CO2e) via the global warming potential (GWP) SAR-1996 factors, i.e., methane CO2e factor is 21, the nitrous oxide CO2e factor is 310. The methodologies followed in preparing the emissions estimates are those found in the California Climate Action Registry General Reporting Protocol, Version 2.1, dated June 2006 (CCAR1), and the Power/Utility Reporting Protocol dated October, 2004 (CCAR2). Other references used are noted in the text. In addition to the facilities listed in the data request, we have identified GHG emissions associated with the associated meter stations

Lastly, there is always a degree of uncertainty associated with the preparation of emissions inventories, such is the case with the estimates provided herein. GHG and criteria emissions inventory protocols developed by a number of agencies clearly discuss these uncertainties and need not be included herein.

Construction Emissions of GHGs

The basic construction emissions support data was derived from the previously supplied construction emissions tables for the various project phases. These tables present construction emissions estimates for the three phases of the pipeline construction, i.e., B-Line Phase 1 and the Arrowhead Alternative, B-Line Phase 2, and the IID Lateral. GHG emissions are generated from the following construction related activities; (1) construction equipment use, (2) delivery vehicle

emissions, and (3) construction worker travel. Table 1 presents a summary of the basic support data from these previously supplied tables.

Table 1 Summary Data from Construction Emission Tables

Parameter	B-Line Phase I	B-Line Phase II	IID Lateral
Construction Equipment Fuel Use, (gals/hr)	398	928	398
Construction Equipment Fuel Use, (gals/day)	2,347	5,476	2,347
Construction Equipment Fuel Use, (gals/const period)	122,023	854,203	140,796
Construction Equipment (equivalent miles/period)	*659,584*	*4,617,314*	*761,059*
HDDT Delivery, VMT /const period	31,200	740,376	556,920
LDT Delivery (gas), VMT/const period	10,400	917,280	91,000
LDT Delivery (diesel), VMT/const period	10,400	936,000	91,000
Worker Travel, VMT/const period	7,800	370,188	278,460

1. Construction equipment fuel use is based on the total Hp-Hrs and an average fuel use factor of 0.055 gal/Hp-hr derived from the South Coast AQMD Proposed Rule XXI Staff Report dated 3-15-95, and the EPA Non-Road Equipment Emissions Model..
2. VMT/const period values are the daily VMT values multiplied by the construction period duration (days).
3. Worker travel is assumed to be a combination of light duty passenger car and light duty truck use (gas and diesel).
4. Construction equipment fuel use converted to equivalent miles using HDDT fuel use rate factor in Table 2.

Additional Response #1 – Table 1, footnote reads as follows: "Construction equipment fuel use is based on the total Hp-Hrs and an average fuel use factor of 0.055 gal/Hp-hr derived from the South Coast AQMD Proposed Rule XXI Staff Report dated 3-15-95, and the EPA Non-Road Equipment Emissions Model."

The average fuel use rate (noted above) was simply multiplied by the total Hp-Hrs already calculated on the construction emissions calculation sheets, i.e., NBX-Tables A-2.xls, A-3.xls, and A-4.xls. These tables already calculate hourly, daily, and construction period Hp-Hrs. The fuel use rate of 0.055gal/hp-hr is a mid-range value between the SCAQMD value and the EPA value of 0.06 gal/Hp-hr from the EPA Non-Road Equipment Emissions Model.

Additional Response #2 – Regulation XXI (Rule 2100-Registration of Portable Equipment) was adopted by the South Coast AQMD on 12-7-95, and amended on 7-11-97. This can be verified by

simply accessing the District's website, and downloading the current version of Regulation XXI (Rule 2100). The fuel use rate value was presented in the original staff report for the rule, in Attachment B, dated 3-15-95. A copy of the diesel-fueled engine page is attached (diesel.pdf) from this Attachment. (The data presented in Attachment B, to our knowledge, was not changed when the rule was amended on 7-11-97. A copy of the staff report may be acquired by requesting it from the SCAQMD. We do not believe that a copy of the staff report is available on-line.)

Fuel use rates for other vehicles (non-construction equipment), etc. were derived from the EMFAC 2007 (Version 2.3, 11/06) "burden" run for Imperial County for calendar year 2008, for a vehicle year mix of 1965 to 2008. These values are presented in the following table.

Table 2 Fuel Use Rates

Vehicle Class	Fuel Use Rate (gals/VMT)
Light duty passenger car (gas)	0.0446
Light duty passenger car (diesel)	0.034
Light duty truck (gas)	0.0541
Light duty truck (diesel)	0.0344
Avg. Light Duty Vehicles	*0.042*
Heavy duty diesel truck (diesel)	0.185

Table 3 presents a summary of the non-construction vehicle use rates as calculated from the data in Tables 1 and 2.

Table 3 Total Fuel Use Rates by Vehicle Class

Vehicle Class	B-Line Phase I	B-Line Phase II	IID Lateral
HDDT Delivery, Gals/const period	5,772	136,970	103,030
LDT Delivery (gas), Gals/const period	563	49,625	4,923
LDT Delivery (diesel), Gals/const period	358	32,198	3,130
Worker Travel, Gals/const period	328	15,548	11,695

GHG emissions factors derived from CCAR1 for the equipment and vehicle types noted above are as follows in Table 4.

Table 4 CCAR1 Emissions Factors

Vehicle Class	CO2	Methane	N2O
Construction Equipment (diesel)	21.96 lbs/gal	0.08 lbs/1000 miles	0.05 lbs/1000 miles
HDDT	21.96 lbs/gal	0.08 lbs/1000 miles	0.05 lbs/1000 miles
LDT (gas)	18.85 lbs/gal	0.1211 lbs/1000 miles	0.0767 lbs/1000 miles
LDT (diesel)	21.96 lbs/gal	0.01 lbs/1000 miles	0.03 lbs/1000 miles
Worker Vehicles (LDPC and LDT, gas and diesel)	20.41 lbs/gal	0.059 lbs/1000 miles	0.0442 lbs/1000 miles

1. Diesel fuel is California low sulfur blend.
2. Gasoline is California formulation.
3. CCAR1 CO2 factors in terms of kg/gal, multiplied by 2.2046 to yield lbs/gal.
4. CCAR1 methane and N2O factors in terms of g/mile, multiplied by 2.2046 to yield lbs/1000 miles.

Table 5 presents a tabulation of GHG emissions for the various construction phases.

Table 5 Construction Phase GHG Emissions (tons)

Phase	CO2	Methane	N2O	CO2e
Phase I (Arrowhead Extension)	1,424	0.03	0.02	1,431
B-Line Phase II	12,112	0.30	0.20	12,180
IID Lateral	3,010	0.07	0.05	3,027
Mexico Portion [1]	26,646	0.66	0.44	26,796
Estimated Total Construction GHG Emissions	*43,192*	*1.06*	*0.71*	*43,434*

1. Pipeline construction phase GHG emissions which will occur in Mexico are based upon a ratio of the total miles of construction estimated to occur in Mexico to the B-Line Phase II portion of the project. Total construction in Mexico is estimated to be 170 miles. This represents approximately 213% (multiplier of 2.13) of the B-Line Phase II construction effort. The multiplier has been increased to 2.2 to account for slight differences in traffic support patterns and fuel specs.

The above estimated construction emissions are temporary in nature and occur only during the construction period.

Additional Response #3 – Emissions given in Table 5, for the Mexico Portion are for construction of the pipeline only. Construction emissions from the Algodones compressor station are "de minimus". (De Minimus is defined by the CCAR as emissions "from any combination of sources and/or gases, which, when summed equal less than 5% of your total emissions." De minimus emissions are not required to be reported under the CCAR reporting or certification guidelines.) The Algodones compressor station is expected to take approximately 9 months to construct. The station will consist of a single turbine/compressor building with several small support structures. The construction activities at the site are similar in scope and duration to the proposed MMC Chula Vista turbine site which will consist of 2 turbines and the necessary support facilities and structures. The MMC site is expected to take 7 months to construct. The MMC emissions have been scaled-up based upon the length of the construction period to gain estimates of the emissions for the Algodones station. The multiplier applied to Algodones was 1.3 (ratio of construction time, i.e., 9/7). The construction equipment Hp-hrs for Algodones are as follows, based upon this scale-up:

- *100 hp-hrs/hr*
- *802 hp-hrs/day*
- *123600 hp-hrs/const period*

Application of the fuel use value from Table 1 (footnote 1) and the emissions factors from Table 4 results in GHG emissions (CO2 only) for the Algodones station construction as follows:

- *0.07 tons CO2/hr*
- *0.5 tons CO2/day*
- *75 tons CO2/period*

Phase II at the Algodones compressor station will consist of additional turbine installation in the existing building constructed during Phase I, therefore emissions from this phase would be "de minimus" as well.

Operations Emissions of GHGs

Algodones Compressor Site

Phase I of the Algodones Compressor Site (ACS) will be comprised of two turbines (Solar Mars 100 units), each rated at 107 mmbtu/hr, firing natural gas at a rate of 0.1044 mmscf/hr, or 914.5 mmscf/yr. Only one turbine will operate at any given time, with one turbine in backup mode. Therefore the total fuel use for the ACS Phase I is 914.5 mmscf/yr. Assuming the gas has a heat value of 1,025 btu/scf, the total annual fuel use in terms of mmbtu/yr is 937,320 . CCAR2 emissions factors for natural gas for combustion turbines are as follows:

- 53.05 kg CO2/mmbtu or 116.95 lbs/mmbtu
- 0.003901 kg CH4/mmbtu or 0.0086 lbs/mmbtu
- 0.001361 kg N2O/mmbtu or 0.003 lbs/mmbtu

Additional Response #4 – values in the bulleted lists have been clarified to the proper units as requested.

The total GHG emissions from the ACS Phase I operation would be:

- 54,810 tons/yr CO2
- 4.03 tons/yr CH4
- 1.41 tons/yr N2O
- 55,332 tons/yr CO2e

ACS Phase II anticipates the addition of approximately 101,000 hp. which can be achieved by adding five (5) Solar Titan 130 units. Each Titan 130 unit is rated at 144 mmbtu/hr, and would fire natural gas at a rate of 0.14 mmscf/hr. The Mars plus the Titan units would fire approximately 0.8068 mmscf/hr, or 7,067.8 mmscf/yr (assuming gas at 1,025 btu/scf). 7,067.8 mmscf/yr equates to 7,244,520 mmbtu/yr. Using the CCAR2 factors from above, the GHG emissions from Phase II of the ACS would be as follows: (Phase I Mars 100 plus Phase II Titan 130s (5).

- 423,623 tons/yr CO2
- 31.15 tons/yr CH4
- 10.87 tons/yr N2O
- 427,647 tons/yr CO23

Mexicali Compressor Station

The Mexicali Compressor Station (MCS) is expected to require approximately 75,000 hp, which will be supplied by a combination of three (3) Titan 130 turbines and one (1) Mars 100 turbine. The total fuel use will be approximately 544 mmbtu/hr, or 0.531 mmscf/hr, at 1,025 btu/scf. Total annual fuel use will be 4,652 mmscf or 4,765,440 mmbtu/yr. Applying the CCAR2 emissions factors above results in estimated GHG emissions from the MCS as follows:

- 278,659 tons/yr CO2
- 20.5 tons/yr CH4
- 7.15 tons/yr N2O
- 281,306 tons/yr CO2e

Pipeline Losses

The pipeline itself is expected to incur some losses of methane and CO2 which are included herein in the tabulation of GHGs. The Interstate Natural Gas Association of America recommends the following Tier 1 emissions factors for CH4 and CO2 losses:

- 1.972 tons CH4/mile/yr (venting emissions)
- 3.966 tons CH4/mile/yr (fugitive emissions)
- 0.003795 tons CO2/mile/yr (fugitive emissions, CO2 from CH4 oxidation)

- 0.23335 tons CO2/mile/yr (fugitive emissions, CO2 in natural gas)

(INGAA, Greenhouse Gas Emission Estimation Guidelines for Natural Gas Transmission and Storage, Volume-GHG Emission Estimation Methodologies and Procedures, E-2005-1, Revision 2, Sept 2005). The total pipeline length associated with the North Baja Extension project is approximately 298 miles (total miles for U.S. and Mexico portions). This results in estimated CO2 and methane emissions from pipeline operations of approximately 71 tons and 1,770 tons respectively. These CH4 emissions, subsequent to GWP/SAR conversion represent 37,170 tons CO2e/yr. Emissions from the three (3) metering stations, based upon the Tier 2 factors in the INGAA report (Table 4-3), amount to approximately 80 tons/yr of CO2e.

Total Construction and Operational CO2e Emissions

The approximate GHG emissions totals, expressed as CO2e from both the construction phases and the operational phases of the proposed NBX project, are as follows:

Table 6 U.S. and Mexico Emissions Summary

Project Phase	CO2e
Pipeline and Compressor Station Construction	43,509 tons/construction period
Algodones Station Operational Emissions (Phase I)	55,332 tons/yr
Algodones Station Operational Emissions (Phase II)	427,647 tons/yr
Mexicali Station Operational Emissions (Phase II)	281,306 tons/yr
Pipeline Fugitives (Operational)	37,321 tons/yr

- Total construction related emissions are 43,509 tons CO2e over all phases of construction (nearly all will be related to Phase II).
- Total system approximated operational emissions for Phase I are 92,653 tons CO2e/yr.
- Total system approximated operational emissions for Phase II are 746,274 tons CO2e/yr.

The above GHG estimates are considered to be conservative, i.e., they overestimate emissions as noted below:

1. The estimate assumes that the compressor stations are running at full capacity all the time. This rarely happens.
2. The estimates do not account for the reduction in GHG that will occur at the Ehrenberg Compressor Station when LNG sourced gas starts to flow on the pipeline in a northerly direction beginning in Phase I.

Additional Response #5 – The table which follows presents the approximate breakdown of GHG emissions the first and fifth bullets as requested. These values also include the additional emissions from the construction of the Algodones compressor station noted above.

Table 7 Emissions Between U.S. and Mexico

Bullet Item	***Description***	***U.S Portion Tons CO2e/Yr***	***Mexico Portion Tons CO2e/Yr***	***Total Tons CO2e/Yr***
1	*Pipeline and Compressor Station Construction All phases*	*16,638*	*26,871*	*43,509*
5	*Pipeline Operational Emissions and Fugitive Losses Phase 1*	*16,048*	*76,605*	*92,653*
5	*Pipeline Operational Emissions and Fugitive Losses Phase II*	*16,048*	*730,226*	*746,274*

The following information has also been requested by SLC Staff:

1. *total CO2e emissions for California, Mexico, and the United States.*

Response: The current status of most GHG inventories is so tentative that stating a number for these regions would be misleading, and most likely incorrect. We have attached several files that can be reviewed by SLC staff to acquire a reasonable perspective on the GHG levels for both the U.S. and California. Data on Mexico was not available. If we find data on Mexico we will send it to SLC for review.

For purposes of comparison, the 2004 estimates from EPA for the U.S. are as follows:

Total U.S. GHG Emissions: 7,798,852,448 tons CO2e/yr

California estimates derived from the CEC are as follows:

Total California GHG Emissions: 482,812,349 tons CO2e/yr (or 6.2% of the U.S. emissions value per the CEC)

Total Mexico GHG Emissions:
Data on Mexico was derived from the World Business Council for Sustainable Development which estimates that Mexico produces approximately 1.543 tons of GHG emissions per capita. With a 2007 adjusted population of 108,700,891 people, this would result in an annual GHG emissions estimate of 166,648,797 tons of CO2e/yr (for 2007).

All of the above estimates are very tentative and subject to a wide range of variation. All values converted from metric tons to standard tons.

References for GHG Emissions Values:

U.S. Emissions Reference

Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2005
U.S. Environmental Protection Agency #430-R-07-002
April 2007

California Emissions Reference

California Greenhouse Gas Emission Trends and Selected Policy Options
Climate Change Advisory Committee
California Energy Commission
Susan J. Brown
October 7, 2004

Mexico Emissions Reference

World Business Council for Sustainable Development (website, see link below)

"Mexico ranks as the 14th largest emitter of greenhouse gases in the world, and is second only to Brazil in South America. In 2000, according to WRI's Climate Analyses Indicators Tool, GHG emissions in Mexico equaled 1.4 tons per person, compared with 6.6 tons per U.S. citizen and 1.3 tons per Brazilian." (Values are in metric tons.)

http://www.wbcsd.org/plugins/DocSearch/details.asp?type=DocDet&ObjectId=NzA3MA
Mexico population data derived from:

http://encarta.msn.com (states the 2007 estimated population is 108,700,890)

NO TEXT THIS PAGE

Exhibit D: Mitigation Monitoring Program

TABLE 5.1-1

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
ALTERNATIVES					
NBP1 ARM1	Construction of a portion of the Imperial Irrigation District (IID) Lateral could affect Site CA-IMP-8314. The Quechan Indian Tribe, the Kwaaymii Laguna Band of Indians, and the Bureau of Reclamation (BOR) requested that North Baja Pipeline, LLC (North Baja) avoid this cultural resources site. [e]	Significant (California Environmental Quality Act [CEQA] Class II)	The Modified Imperial Sand Dunes Recreation Area (ISDRA) Transmission Line Alternative avoids Site CA-IMP-8314. The alternative also avoids an area closed by the Bureau of Land Management (BLM) to protect the Peirson's milk-vetch and does not affect any other sensitive biological resources. The Modified ISDRA Transmission Line Alternative would be located entirely on BLM-managed lands and the BLM finds the alternative route acceptable. Therefore, North Baja would adopt the Modified ISDRA Transmission Line Alternative between mileposts (MPs) 5.6 and 8.2 of the IID Lateral. Although the Modified ISDRA Transmission Line Alternative would avoid Site CA-IMP-8314, a portion of another cultural resources site (the Plank Road) was identified during surveys along the alternative alignment. North Baja would avoid impacts on this portion of the Plank Road by installing exclusion fencing and monitoring during construction.	Less than significant (CEQA Class III)	Federal Energy Regulatory Commission (FERC), California State Lands Commission (CSLC), and BLM
GEOLOGY					
NBP2	Disturbances to the natural topography along the right-of-way and at aboveground facilities could occur due to trenching and grading activities.	Significant (CEQA Class II)	After completion of construction, North Baja would restore topographic contours and drainage conditions as closely as practicable to their preconstruction condition.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP3	Blasting may be necessary along the B-Line near MP 29.5. Cultural resources features nearby may be affected. Temporary effects of blasting on cultural resources features could include hazards posed by uncontrolled fly-rock.	Significant (CEQA Class II)	North Baja would use blasting mats to keep fly-rock from leaving the construction work area and potentially impacting cultural resources. All blasting activities would be conducted in strict compliance with North Baja's Blasting Specifications. To avoid injury to personnel and damage to structures or other features like existing pipelines, North Baja's Blasting Specifications stipulates that the blasting contractor must prepare site-specific blasting plans and procedures for review and approval by North Baja. All blasting activities would be conducted under the supervision of a California Licensed Blasting Technician. Blasting procedures would be in accordance with Federal, State, and local regulations regarding use, storage, and transport of explosives; safety; and environmental protection.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP4	Pipeline projects have the potential to affect the production of mineral resources by restricting mineral production activities in the immediate vicinity of the pipeline right-of-way or precluding future expansion.	Less than significant (CEQA Class III)	The pipelines would not cross any active mineral resources operations. North Baja would notify the BOR before construction of the B-Line in the vicinity of the quarry the BOR operates between the Cibola National Wildlife Refuge (NWR) and State Route (SR) 78. However, because of the proximity of the BOR quarry to SR 78 and the presence of unsuitable material to the north and south of current quarrying activities, future expansion would not be affected by the pipeline.	Less than significant (CEQA Class III)	No monitoring required.
NBP5	Seismicity (which includes active faults, ground shaking, and soil liquefaction) is the primary geologic hazard that could affect the North Baja Pipeline Expansion Project (Project or proposed Project) facilities.	Significant (CEQA Class II)	North Baja would construct and test the pipeline facilities to meet U.S. Department of Transportation (DOT) construction and safety standards outlined in Title 49 Code of Federal Regulations (CFR) Part 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards*. The pipelines and associated aboveground facilities would be designed using the *Guidelines for the Design of Buried Steel Pipe* (American Lifelines Alliance 2001), *Guidelines for the Seismic Design and Assessment of Natural Gas and Liquid Hydrocarbon Pipelines* (Pipeline Research Council International, Inc. 2004), applicable building codes, and/or other similar recognized seismological engineering standards. The engineering design drawings for the entire Project in California would be certified by a California-registered civil/structural engineer, and would comply with the latest edition of the California Building Code. North Baja has also prepared a Liquefaction Hazard Evaluation and Mitigation Study in a manner consistent with California Division of Mines and Geology Special Publication 117, *Guidelines for Evaluation and Mitigation of Seismic Hazards in California*, Chapter 6, Analysis and Mitigation of Liquefaction Hazards. North Baja's Liquefaction Hazard Evaluation and Mitigation Study indicated a potential for liquefaction hazards at the Colorado River crossing, and along the B-Line and IID Lateral. To mitigate these potential liquefaction hazards, North Baja has incorporated the recommendations of the Liquefaction Hazard Evaluation and Mitigation Study into the Project design. At the Colorado River, liquefiable soils would be avoided by the use of the horizontal directional drill (HDD) crossing method. The pipelines and associated facilities would be designed using the standards listed above and/or other similar recognized industry standards for seismic-resistant design in liquefaction-prone areas.	Less than significant (CEQA Class III)	North Baja certified compliance with these construction and safety standards in its application to the FERC.

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP5 cont'd			North Baja has committed to perform a site-specific seismic evaluation as part of its detailed design phase for the Project. This evaluation would determine the engineering/design solutions that are appropriate to mitigate against the hazard of seismic displacements along the Imperial Fault. The seismic evaluation would determine recommended design fault displacements for the pipeline design specifications. North Baja would develop a computer model to determine the soil-pipe interaction with the proposed applied displacement. The model would evaluate various combinations of pipe wall thickness and pipe grade to determine which pattern yields the best performance under displacement conditions. The design may also incorporate additional mitigation methods if necessary. North Baja would provide a copy of the final design for the Imperial Fault crossing, as well as any related geotechnical information, to the CSLC and the FERC before construction of the IID Lateral. The final design would also address any measures necessary to mitigate for liquefaction hazards.		
NBP6	The potential for landslide and/or slope instability hazards could exist in areas where the pipeline route crosses steep terrain.	Significant (CEQA Class II)	With the exception of the Palo Verde Mesa that would be crossed by the B-Line between MPs 11.6 and 11.8, neither the B-Line, the Arrowhead Extension, nor the IID Lateral cross steep terrain that was identified as having a high potential for landslides or slumping. North Baja would reduce the potential hazard by creating a stable and/or level right-of-way work area during the grading operation and implementing restoration practices in its Construction Mitigation and Restoration Plan (CM&R Plan). To prevent a potential instability of the B-Line at the Palo Verde Mesa, the pipeline and the grade immediately to each side of the pipeline would be laid back to no more than 30 percent gradient for the estimated 60-foot-high lower terrace slope. North Baja anticipates minor cuts would be needed to accommodate this grade transition. In other areas of steep terrain, North Baja would: • restore damaged slope breakers on the existing permanent easement where the B-Line parallels the existing A-Line; • install slope breakers to control surface water on the new construction right-of-way; • install trench breakers to control groundwater flow in the pipe trench;	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP6 cont'd			• route discharge of surface water away from the slope breakers, and divert or collect surface water coming onto the construction right-of-way to pipes in an outflow below the slope; • adhere strictly to erosion control and revegetation measures required by Federal, State, and local authorities; • bury the pipeline in a deeper trench than normal or place armor above it in areas of potential debris flow hazards; and • monitor geotechnical conditions for signs of mass wasting, and respond appropriately to any indications of instability.		
NBP7	The IID Lateral would cross the Algodones Sand Dunes, which could expose the pipelines to damage or bury the pipelines as the dunes laterally migrate.	Significant (CEQA Class II)	The California Department of Transportation (CalTrans) has stabilized a segment of the dunes and actively manages the area to keep Interstate 8 open to vehicle traffic. The IID Lateral would be just south of the CalTrans-managed area and is, therefore, somewhat protected from sand dune migration. North Baja would bury the IID Lateral 6 feet deep between MPs 2.7 and 5.7, which includes the area most susceptible to blowing/shifting sands and pipeline exposure. If sand depth were to increase slightly over the pipeline, this would increase its protection from the elements and from vandalism.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP8	Paleontological resources could be affected by construction of the pipeline and associated aboveground facilities as well as by the resulting increased public access to these resources. Without mitigation, ground disturbance during construction could cause adverse impacts on paleontological resources.	Significant (CEQA Class II)	To address potential impacts on paleontological resources resulting from pipeline construction, North Baja developed a Paleontological Resource Mitigation and Monitoring (PRMM) Plan. The PRMM Plan includes a summary of the literature and museum archival review, field survey results, and assessment of potential impacts on paleontological resources; Project-wide and site-specific mitigation and monitoring measures; and curation and reporting procedures. In accordance with the PRMM Plan, North Baja would have a paleontological monitor onsite between MPs 27.0 and 29.1 of the A-Line. Between MPs 27.6 and 46.0 of the IID Lateral, North Baja would conduct spot monitoring. If excavation between these mileposts unearths coarse beach intervals or thicker sand/gravel lenses, continuous monitoring would be conducted. Additional measures of the plan include: • availability of a qualified Project paleontologist to be called to the Project area to respond to construction-related issues: • training of construction personnel and Environmental Inspectors (EIs) regarding the possibility that fossil resources may be encountered during construction;	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP8 cont'd			• granting of authority for the EI to temporarily halt construction to allow for assessment by the Project paleontologist and implementation of mitigation procedures if warranted; • salvage of significant fossils as determined necessary by the Project paleontologist; and • protocol for curation and repository storage of fossils. Following construction, North Baja's Project paleontologist would prepare a final paleontological report. The final report would be distributed to the FERC, the CSLC, the BLM, the BOR, the Cibola NWR, and other interested parties.		
SOILS					
NBP9 ARM2 ARM3	Construction of the pipeline and aboveground facilities could expose soils to erosional forces, compact soils, affect soil fertility, cause mixing of soil horizons, and facilitate the dispersal and establishment of weeds.	Significant (CEQA Class II)	North Baja would mitigate impacts on soils by implementing its CM&R Plan developed in consultation with the BLM, the U.S. Fish and Wildlife Service (FWS), and the California Department of Fish and Game (CDFG), and its Project-wide Dust Control Plan. Fugitive dust generated by construction activities would be minimized by the implementation of North Baja's Project-wide Dust Control Plan. The Project-wide Dust Control Plan includes control measures identified as best management practices by some of the regulating agencies. The measures that would be implemented include: • take every reasonable precaution to minimize fugitive dust emissions from construction activities; • take every reasonable measure to limit visible density (opacity) of emissions to less than or equal to 20 percent; • apply water one or more times per day to all affected unpaved roads, and unpaved haul and access roads; • reduce vehicle speeds on all unpaved roads, and unpaved haul and access roads; • clean up track-out and/or carry-out areas at paved road access points at a minimum of once every 48 hours; • if bulk transfer operations are required, spray handling and transfer points with water at least 15 minutes before use;	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP9 cont'd ARM2 cont'd ARM3 cont'd			• cover all haul truck loads, or maintain at least 6 inches of freeboard space in each cargo compartment. Ensure that all haul truck cargo compartments are constructed and maintained to minimize spillage and loss of materials, and clean or wash each cargo compartment at the delivery site after removal of the bulk materials; • apply water to active construction areas to limit visible density (opacity) of emissions to less than or equal to 20 percent; • apply water to open and/or unvegetated areas to limit visible density (opacity) of emissions to less than or equal to 20 percent; and • for temporary surfaces during periods of inactivity, restrict vehicular access by means of either fencing or signage, and apply water to comply with the stabilized surface requirements. Some of the measures clearly specify the performance requirement; however, some of the measures are vague and open to interpretation and, consequently, would be difficult to enforce during construction. Therefore, before construction, North Baja would prepare a revised Project-wide Dust Control Plan that specifies the following: • the precautions that would be taken to minimize fugitive dust emissions from construction activities; • the measures that would be taken to limit visible density (opacity) of emissions to less than or equal to 20 percent; • how visual density would be measured to determine that it is less than or equal to 20 percent; • how compliance with the 20 percent visual density requirement would be documented; • the individuals with authority to determine if/when water needs to be reapplied for dust control; • the speed limit that would be required on unpaved roads and unpaved haul and access roads; and • the individuals with authority to stop work if the contractor does not comply with dust control measures.		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP9 cont'd ARM2 cont'd ARM3 cont'd			The Imperial County Air Pollution Control District (ICAPCD) noted that North Baja's Project-wide Dust Control Plan does not meet the Best Available Control Measures of the ICAPCD's Regulation VIII with regard to clean up of track-out areas. The ICAPCD also noted that additional track-out control devices and further dust control measures must be utilized if construction vehicle trips per day exceed the thresholds established in Regulation VIII. The ICAPCD asked that traffic at unpaved to paved intersections be quantified in the Dust Control Plan and the Dust Control Plan modified accordingly. Therefore, before construction of the Imperial County portions of Phase I-A and Phase II, North Baja would prepare an Imperial County-specific Dust Control Plan that includes the measures of the revised Project-wide Dust Control Plan and meets the requirements of the ICAPCD's Regulation VIII. See also the mitigation measures listed in NBP13.		
NBP10	Construction of the Project could result in fugitive dust, which is a visible indication of soil loss through wind erosion.	Significant (CEQA Class II)	North Baja would mitigate impacts associated with fugitive dust by implementing its Project-wide and Imperial County-specific Dust Control Plans. See the mitigation measures listed in NBP9, ARM2, and ARM3.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP11	Contamination from spills or leaks of fuels, lubricants, and coolant from construction equipment could have an impact on soils.	Significant (CEQA Class II)	North Baja would mitigate impacts on soils by implementing its Spill Prevention, Containment, and Control Plan for Hazardous Materials and Wastes (SPCC Plan).	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP12	Construction of the pipeline would impact areas with shallow depths to bedrock near MP 29.5 where blasting would likely be required and could result in bringing excess rock to the soil surface.	Significant (CEQA Class II)	North Baja would conduct blasting in compliance with its Blasting Specifications. North Baja would implement its CM&R Plan, which requires that excess rock be removed from the upper 12 inches of soil in cropland, hayfields, pastures, residential areas, and other areas at the landowner's request. Excess rock would not be windrowed along the right-of-way unless approval was obtained from the landowner or land management agency.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP13	Construction would impact soils with high water and wind erosion potential.	Significant (CEQA Class II)	North Baja would mitigate soil erosion impacts by implementing the measures in its CM&R Plan and Project-wide and Imperial County-specific Dust Control Plans, which include: • restricting the construction right-of-way width for the B-Line to 105 feet and further reducing the width of the right-of-way in areas with high concentrations of native trees;	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP13 cont'd			• restricting the construction right-of-way width for the IID Lateral to 80 feet where parallel to existing powerlines and to 60 feet where the lateral would be installed between a powerline and a road or within or abutting the traveled portion of county roads; • preserving the native seed bank by segregating topsoil to a depth of 2 to 8 inches in non-agricultural areas where grading would be conducted and redistributing material over the right-of-way during cleanup; • preserving and redistributing cut vegetation over the right-of-way; • restricting grading and crushing or cutting of vegetation where possible, leaving rootstock and minimizing soil disturbance; • imprinting areas with a sheepsfoot or similar device to provide indentations to catch water/seed and anchor native plant material that has been respread over the right-of-way, thereby aiding in natural revegetation and erosion control; • segregating and redistributing topsoil to its actual depth up to 2 feet in agricultural areas; • maintaining water flow in crop irrigation systems, unless shutoff is coordinated with affected parties; • testing for and alleviating compacted soils in agricultural and residential areas; • implementing procedures to prevent or minimize the spread of noxious weeds or other undesirable species by limiting disposal of plant materials to suitable areas and cleaning of clearing and grading equipment before entering native species areas; and • placing intact salvaged plant materials or rock at specific locations where visual blocking would be employed to discourage use of the pipeline right-of-way by unauthorized vehicles. See also the mitigation measures listed in NBP9, ARM2, and ARM3.		
NBP14	The IID Lateral would cross the ISDRA between MPs 0.0 and 7.0, which consist of loose wind-blown sand and may result in pipeline exposure.	Significant (CEQA Class II)	North Baja would cross portions of the ISDRA in association with the HDDs of the two All-American Canal crossings. North Baja would bury the IID Lateral 6 feet deep between MPs 2.7 and 5.7, which includes the area most susceptible to blowing/shifting sands and pipeline exposure.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP15	Construction of the pipeline could disrupt irrigation flow (e.g., Rannells Drain).	Significant (CEQA Class II)	North Baja would cross the majority of irrigation drains and canals by boring underneath the culverts along 18th Avenue or by installing the pipeline between the drain culvert and the road. North Baja would also contact landowners in the Palo Verde and Imperial Valleys regarding the location of other irrigation systems and would maintain water flow in these systems or coordinate disruption of irrigation flow or any shutoff times with the affected landowners. North Baja would restore the banks and bed of Rannells Drain and two unnamed canals along the Arrowhead Extension (open-cut crossings) to their original configurations. Because of the steepness of the banks at the Rannells Drain crossing, erosion control fabric would be used for bank stabilization purposes upon completion of pipeline construction at this crossing.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP16	Construction of the proposed pipelines could temporarily impact about 71.7 acres of soil identified as prime farmland and 41.6 acres of farmland of Statewide importance.	Significant (CEQA Class II)	North Baja would mitigate impacts on soils in active farmlands by segregating topsoil before installation of the pipeline and reapplying topsoil over the surface of the right-of-way during restoration as outlined in its CM&R Plan. See also the mitigation measures listed in NBP9 and NBP13.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
WATER RESOURCES					
NBP17	Shallow aquifers underlying construction areas could experience changes in overland flow and recharge caused by clearing and grading of the construction right-of-way.	Significant (CEQA Class II)	In accordance with North Baja's CM&R Plan, vegetation would be cleared only where necessary. After completion of construction, North Baja would recontour and restore the ground surface and allow vegetation to regenerate to provide restoration of preconstruction overland flow and recharge patterns.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP18	Compaction of near-surface soils and soil mixing as a result of heavy construction vehicles could affect groundwater by reducing the soil's ability to absorb water.	Significant (CEQA Class II)	North Baja would comply with its soil compaction mitigation described in its CM&R Plan. This includes testing topsoil and subsoil at regular intervals in agricultural and residential areas for compaction and plowing severely compacted agricultural areas.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP19	Refueling of vehicles and storage of fuel, oil, and other fluids during the construction phase of the Project could create a potential long-term contamination hazard to groundwater resources. Spills or leaks of hazardous liquids could contaminate groundwater and affect users of the aquifer.	Significant (CEQA Class II)	North Baja would comply with its SPCC Plan. This includes avoiding or minimizing potential impacts by restricting the location of refueling activities and storage facilities and by requiring immediate cleanup in the event of a spill or leak. Additionally, the SPCC Plan identifies emergency response procedures, equipment, and cleanup measures in the event of a spill.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP20	Trench dewatering during pipeline construction could affect groundwater resources and alter the natural soil strata such that new groundwater migration pathways could be created away from surface waterbodies.	Significant (CEQA Class II)	North Baja would dewater trenches in such a manner that no heavily silt-laden water flows into any waterbody as described in its CM&R Plan. Additionally, North Baja's CM&R Plan requires the use of trench breakers or installation of trench plugs at the edges of waterbodies to avoid altering the flow of groundwater to local springs or wetland areas.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP21	Substantial amounts of groundwater may be encountered in the vicinity of the Colorado River and near canal crossings along the B-Line, Arrowhead Extension, and IID Lateral that may result in minor fluctuations in local groundwater levels.	Significant (CEQA Class II)	If necessary, North Baja would use well points in addition to standard sump pump dewatering. The water from these dewatering operations would be discharged to dewatering structures and/or otherwise filtered and discharged into field drains or canals. Minor fluctuations in local groundwater levels may occur, but would be temporary and minor.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP22	Unanticipated, pre-existing contaminated groundwater could be encountered during construction.	Significant (CEQA Class II)	In the event evidence of contaminated groundwater or contaminated soils is encountered, additional observations for the presence of a chemical sheen, free product, and chemical odor would be made and recorded before any further construction activity. Field observations would be conducted to determine the nature of the contamination, appropriate disposal/treatment options, and the need for sampling. If contaminated groundwater and/or soils are encountered, North Baja would stop work and consult with the appropriate agencies, including the California Regional Water Quality Control Board, Colorado River Basin Region (CRWQCB) and the Riverside and Imperial Counties Departments of Health on a plan to proceed. The plan would include provisions for characterizing the contaminants, appropriate health and safety measures for workers, and proper discharge of the groundwater.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP22 cont'd			North Baja would notify the appropriate agencies of any discoveries of pre-existing contamination and would perform evaluations on the amount and composition of the contamination. Once the evaluations are completed, North Baja would coordinate with the appropriate agencies to determine appropriate actions and disposal of affected materials.		
NBP23	Construction activities could impact public and private wells located within 150 feet of the proposed construction work area. These potential impacts could include: localized decreases in groundwater recharge rates, changes to overland water flow, contamination due to hazardous materials spills, decreased well yields, decreased water quality (such as an increase in turbidity or odor in the water), interference with well mechanics, or complete disruption of the well.	Significant (CEQA Class II)	Ten water wells were identified within 150 feet of the construction work area. Before construction, North Baja would conduct a field survey to verify the location of these wells as well as any other wells that are identified within 150 feet of the construction work area. With the landowner's permission, North Baja would test these water wells before construction to determine baseline flow conditions as a means of determining any potential construction-related impacts. Where impacts are reported by landowners, North Baja would conduct post-construction water well tests. If it is determined that construction activities have impaired a well water quality or yield, North Baja would either provide bottled water for drinking and arrange for an alternate source of water (such as water truck) for other household uses, temporarily relocate the landowner until the water supply is restored, or compensate the landowner for losses. If water quality or yield is permanently impaired as a result of construction activities, North Baja would arrange for a new well to be drilled or compensate the landowner.	Less than significant (CEQA Class III)	FERC and CSLC
NBP24	Blasting near groundwater wells during construction could cause temporary changes in water level and turbidity and damage the water wells.	Significant (CEQA Class II)	No water wells have been identified within 0.5 mile of anticipated blasting locations (i.e., MP 29.5). North Baja would conduct blasting in compliance with its Blasting Specifications. North Baja's use of proper blasting techniques, which would fracture bedrock only to the point necessary for removal, would limit the effect of the blast to a local area above the aquifer in the proximity of the trenchline.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP25	Construction activities could affect waterbodies through modification of aquatic habitat, increased sedimentation, increased turbidity, decreased dissolved oxygen concentrations, stream warming, or introduction of chemical contamination from fuels or lubricants.	Significant (CEQA Class II)	North Baja would install the pipeline across all of the flowing waterbodies crossed by the Project using the HDD or bore method or install the pipeline between drain culverts and 18th Avenue, with three exceptions (Rannells Drain and two unnamed canals crossed by the Arrowhead Extension at MPs 0.5 and 1.5). The IID Lateral would cross the Alamo River (MP 32.3), which would be crossed by installing the pipeline in the road shoulder over the culverts that carry the water under Hunt Road.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP25 cont'd			Construction and restoration at Rannells Drain would be done in accordance with the CM&R Plan. North Baja would use sediment booms downstream of the trenching, which would contain sedimentation to the localized area. In accordance with the CM&R Plan, North Baja would attempt to complete actual in-stream trenching within 48 hours. North Baja would obtain waterbody crossing permits from the U.S. Army Corps of Engineers (COE) under section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act. North Baja would also obtain a section 401 Water Quality Certification from the CRWQCB. In addition, North Baja would obtain a Streambed Alteration Agreement (SAA) (section 1600 seq. of the California Fish and Game Code) from the CDFG. North Baja would implement the measures and best management practices in CM&R Plan. All construction activities at waterbody crossings would be in accordance with Federal, State, and local permit requirements.		
NBP26	Spoil placed in floodplains during pipeline construction could cause an increase in flood levels or could be washed downstream or be deleterious to aquatic life.	Significant (CEQA Class II)	North Baja states that it would manage spoil piles in accordance with the provisions of the CDFG's SAA. For the A-Line, these provisions required that materials placed in seasonally dry portions of a stream that could be washed downstream or could be deleterious to aquatic life must be removed before inundation by high flows. Dry washes are also regulated by the CRWQCB, which may impose additional stipulations regarding spoil pile management such as requiring North Baja to leave gaps in the spoil piles in dry washes so the washes remain open during construction. North Baja would prepare and submit an updated CM&R Plan to the Agency Staffs before construction if necessary to incorporate any additional requirements of Federal, State, and local permits.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary
NBP27	Refueling of vehicles and storage of fuel, oil, or other hazardous materials near surface waters could create a potential for contamination if a spill were to occur. Immediate downstream users of the water could experience degradation in water quality. Acute chronic toxic effects on aquatic organisms could result from such a spill.	Significant (CEQA Class II)	North Baja would comply with its SPCC Plan. This includes avoiding or minimizing potential impacts by restricting the location of refueling activities and storage facilities and by requiring immediate cleanup in the event of a spill or leak. Additionally, the SPCC Plan identifies emergency response procedures, equipment, and cleanup measures in the event of a spill.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP28 ARM4	The primary impact that could occur as a result of the HDD method at the Colorado River, All-American Canal, and East Highline Canal is an inadvertent release of drilling mud (frac-out) directly or indirectly into the waterbody. Drilling mud could leak through previously unidentified fractures in the material underlying the riverbed, in the area of the mud pits or tanks, or along the path of the drill due to unfavorable ground conditions.	Significant (CEQA Class II)	North Baja has prepared site-specific HDD crossing plans for the Colorado River, All-American Canal, and East Highline Canal that show the drill entry and exit workspaces, the pipe fabrication and stringout areas, and the drill profiles. In addition, North Baja has developed an HDD Plan that describes how drilling operations would be conducted and monitored to minimize the potential for inadvertent releases or failure. The HDD Plan describes the agency notification procedures and the corrective action and cleanup procedures that would be followed in the event of a frac-out to land and the abandonment procedures that would be followed if it is necessary to abandon the drill hole. Before commencement of any HDD operation, North Baja would file with the FERC and the CSLC a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed in the event a frac-out occurs in the water during an HDD operation.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP29	Construction could impact the streambed and associated wildlife and vegetation habitats of the waterbodies and dry washes crossed by the proposed pipeline routes.	Significant (CEQA Class II)	North Baja would implement the mitigation measures listed in NBP25 and NBP26.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP30	The withdrawal of water from streams or rivers to use for hydrostatic testing could reduce the amount of water available for downstream uses and adversely affect aquatic habitats. The discharge of hydrostatic test water could increase erosion and downstream sedimentation and lead to the deterioration of receiving water quality.	Significant (CEQA Class II)	North Baja would conduct all hydrostatic test activities in accordance with the measures in its CM&R Plan, applicable permits (including coordination with the BOR), and DOT pipeline safety regulations set forth in Title 49 CFR Part 192. North Baja would limit the fill volume to 1,500 gallons per minute or 10 percent of streamflow, whichever is less. The water would be filtered prior to entering the pipe, and no chemicals would be added to the test water. North Baja would hydrostatically test the B-Line and piping associated with the Ehrenberg Compressor Station and Blythe Meter Station with water obtained from an existing irrigation canal located adjacent to the Ehrenberg Compressor Station, an existing well on the compressor station site, or the All-American Canal. After testing, the water would be discharged into lined irrigation canals or the All-American Canal.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP30 cont'd			The Arrowhead Extension and piping within the Blythe-Arrowhead Meter Station would be tested with water obtained from the Palo Verde Irrigation District (PVID), local wells, or a commercial water source. After testing, the water would be discharged into the C-05 Canal. North Baja would hydrostatically test the IID Lateral with water obtained from the All-American Canal. After testing, the water would be discharged back into the All-American Canal or into other IID irrigation facilities. North Baja would discharge hydrostatic test water in accordance with the requirements of its National Pollutant Discharge Elimination System permit. The discharge rate would be regulated, and water would be discharged through energy dissipation devices and sediment barriers, as necessary, to prevent erosion or excessive flow.		
ARM5	The withdrawal of water from streams or rivers to control dust could impact aquatic resources.	Significant (CEQA Class II)	Before construction, North Baja would file with the FERC and the CSLC a revised Project-wide Dust Control Plan that specifies the sources of water that would be used for dust control, the anticipated quantities of water that would be required, and measures that would be implemented to prevent fish and fish egg entrainment during dust control water withdrawals.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
WETLANDS					
NBP31	The primary impact of the Project on wetlands would be the temporary and permanent alteration of wetland vegetation. Other impacts could include temporary changes in wetland hydrology and water quality, mixing of topsoil and subsoil, and compaction and rutting of soils. A 10-foot-wide maintained corridor would result in the permanent conversion of 3.0 acres of scrub-shrub wetland to emergent wetland.	Significant (CEQA Class II)	North Baja would adhere to its CM&R Plan, and comply with the COE's section 404 and the CRWQCB's section 401 Water Quality Certification permit conditions. Wetlands would be restored to preconstruction contours. Construction of the Project would result in "no net loss" of wetlands because no wetlands would be permanently drained or filled. North Baja states that it does not plan to actively maintain the permanent right-of-way. However, North Baja has the right to maintain a 10-foot-wide strip centered over the pipelines if necessary for periodic corrosion/leak surveys. Some of the mitigation measures pertaining to wetland crossings include: • prohibiting storage of hazardous materials, chemicals, fuels, and lubricating oils within a wetland or within 100 feet of a wetland boundary; • requiring that native vegetation on the right-of-way within wetlands be cut at ground level, leaving existing root systems in place to promote regrowth;	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP31 cont'd			• requiring segregation of the uppermost 1 foot of wetland topsoil from the underlying subsoil in areas disturbed by trenching; • limiting the operation of construction equipment within wetlands to that equipment essential for clearing, excavation, pipe installation, backfilling, and restoration activities; • requiring all nonessential equipment to traverse around wetlands using upland access roads where wetland soils are prone to rutting and/or cannot be appropriately stabilized; and • minimizing duration of construction-related disturbance within wetlands.		
VEGETATION					
NBP32	The primary impact of the Project on vegetation would be the cutting, clearing, and/or removal of existing vegetation within the construction work area. The removal of desert vegetation would have longer-term impacts than in agricultural areas where vegetation reestablishes quickly.	Significant (CEQA Class II)	North Baja would work over its existing pipeline to construct the B-Line, thereby minimizing the area of new disturbance and the impacts on vegetation. About 75 percent of the vegetation disturbance associated with the B-Line would be within North Baja's existing, previously disturbed right-of-way. North Baja would implement its CM&R Plan to reduce impacts on vegetation within the construction and permanent rights-of-way and improve revegetation potential. Some of the measures that would be implemented include: • Segregate topsoil in all agricultural areas and in native habitats where grading is required. This measure would preserve the superior chemical and biological qualities of the topsoil and, in nonagricultural habitats, would preserve the native seed bank contained in the soil. • Crush or skim vegetation within the construction right-of-way in areas where grading is not required, which would result in less soil disturbance. The remaining root crowns would aid in soil stabilization, help retain organic matter in the soil, aid in moisture retention, and have the potential to resprout following construction. • Preserve native vegetation removed during clearing operations. The cut vegetation would be windrowed along the right-of-way during construction and then respread over the disturbed areas as part of restoration activities. This measure would be considered "vertical mulch" and would aid in seedling recruitment by trapping seeds, providing shade, and improving water infiltration. Additionally, this cut vegetation would add to the organic matter in the topsoil layer as it decomposes.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and CDFG

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP32 cont'd			• Replant desert wash woodland species at specified locations along the right-of-way providing a visual barrier to the right-of-way to deter off-highway vehicle (OHV) traffic on the right-of-way. Although this vegetation would not be expected to survive, it would provide many of the benefits of vertical mulch described above in addition to preventing vegetation damage by OHV use on the right-of-way. • Recontour disturbed areas as needed. The contours would be reshaped after backfilling the trench and replacing the topsoil to restore preconstruction contours and natural drainage patterns. This treatment would reduce erosion and the loss of topsoil, which would improve revegetation potential. • Imprint areas of soil disturbance using a "sheep's-foot" roller or other methods. Imprinting would provide micro-catchment areas for seed retention and would improve water infiltration. • Maintain water flow in crop irrigation systems, unless shutoff is coordinated with affected parties. • Test for and alleviate compacted soils in agricultural and residential areas. • Implement procedures to prevent or minimize the spread of noxious weeds or other undesirable species by limiting disposal of plant materials to suitable areas and the cleaning of clearing and grading equipment before beginning work on the Project. • Monitor the revegetation of the right-of-way the year following construction and again during the second growing season. In agricultural areas, crop monitoring would be conducted to determine if additional restoration is required. Additional revegetation efforts would be conducted until revegetation is deemed successful. In non-agricultural lands, revegetation monitoring would be conducted until 2012 and would be considered successful if upon visual survey, the density and cover are similar to adjacent undisturbed lands.		
NBP33	Construction could reduce wildlife habitat and diversity by removing desert wash woodlands.	Significant (CEQA Class II)	North Baja would minimize tree clearing in 16 areas of native trees along the proposed route by reducing the width of the construction right-of-way from 105 feet to 80 feet. These areas are located at MP 16.9 (345 feet), MP 17.9 (270 feet), MP 20.0 (700 feet), MP 22.3 (480 feet), MP 22.5 (250 feet), MP 22.6 (1,000 feet), MP 22.8 (180 feet), MP 23.3 (340 feet), MP 23.4 (250 feet), MP 23.5 (590 feet), MP 25.8 (850 feet), MP 34.5 (860 feet), MP 45.1 (500 feet), MP 51.1 (1,800 feet), MP 51.7 (1,100 feet), and MP 64.5 (500 feet). North Baja would implement its CM&R Plan to restore	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
			desert wash woodland.		
NBP33 cont'd			North Baja would provide compensatory mitigation for the loss of desert wash woodland vegetation at a 2:1 ratio for the clearing of the 22.0 acres (new disturbance) of desert wash woodland in addition to the 1:1 compensation ratio it proposes to offset impacts on desert tortoise habitat. North Baja would negotiate off-site mitigation requirements with the FWS and the CDFG.		
NBP34	Open-cut trenching through Rannells Drain (MP 11.4) could have an impact on vegetation growing in and on the banks of the drain.	Significant (CEQA Class II)	The vegetation in Rannells Drain is routinely removed during drain maintenance by the PVID. Because vegetation has re-established itself in the past after dredging, vegetation in Rannells Drain is expected to regenerate on its own from existing seed and vegetative propagules within 2 years after construction.	Less than significant (CEQA Class III)	FERC and CSLC
NBP35	Construction of the B-Line (primarily along 18th Avenue) and the IID Lateral (primarily along Hunt Road and East Ross Road) could affect mature landscaping associated with 11 residences.	Significant (CEQA Class II)	North Baja does not propose to remove any trees on residential properties. North Baja would employ mitigation measures such as tree protection fencing to protect existing trees during construction. North Baja would restore landscaping following construction as part of site-specific plans. If mature trees or shrubs need to be removed during construction, landowners would be compensated for the loss of irreplaceable vegetation as part of agreements between North Baja and the landowners.	Less than significant (CEQA Class III)	FERC and CSLC
NBP36	The revegetation of desert areas could take from 5 to 50 years.	Significant (CEQA Class II)	North Baja would implement its CM&R Plan to promote revegetation of disturbed areas. Specific mitigation measures are listed in NBP32.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP37	The Project could impact rangeland health. The removal of desert vegetation and disturbance of soils could affect the ability of the Project area to support vegetation and wildlife communities.	Significant (CEQA Class II)	North Baja would implement its CM&R Plan, which includes measures to control erosion and preserve topsoil and scarce organic matter that would minimize impacts on the revegetation potential of the Project area.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP38	Construction could result in the introduction of contaminants to soils and potentially adversely affect the potential for revegetation.	Significant (CEQA Class II)	North Baja would implement its SPCC Plan, which specifies cleanup procedures to minimize the potential for soil contamination from spills or leaks of fuels, lubricants, and coolants.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP39	The Project would permanently affect 0.2 acre of the creosote bush scrub community at the pig launcher and receiver at the Ogilby Meter Station; 0.2 acre of the urban/ruderal community at the El Centro Meter Station; 0.3 acre of urban/ruderal and 0.8 acre of creosote bush scrub communities for four valves; 0.3 acre of the creosote bush scrub community at the Rannells Trap; 0.8 acre of the agricultural community for the pig launcher, taps, and crossover piping associated with the Arrowhead Extension; and about 0.2 acre of the creosote bush scrub community for the tap to the B-Line and the pig launcher associated with the IID Lateral.	Less than significant (CEQA Class III)	No mitigation is proposed. The permanent conversion of the affected communities would represent less than a 1 percent change in each respective vegetation type in the Project area.	Less than significant (CEQA Class III)	No monitoring required.
NBP40	Removal of existing vegetation and the disturbances of soils during construction could create conditions for the invasion and establishment of exotic-nuisance species.	Significant (CEQA Class II)	North Baja would reduce the potential to spread noxious weeds and soil pests by implementing the measures included in its CM&R Plan. These measures include, but are not limited to: survey by a qualified noxious weed authority; flagging or treatment before construction; identification of populations of plants listed as invasive exotics by the California Invasive Plant Council and the BLM National List of Invasive Weed Species of Concern; not allowing for disposal of soil and plant materials from non-native areas to native areas; washing all construction equipment before beginning work on the Project; cleaning equipment that worked in Arizona before beginning work in California; washing equipment used to clear tamarisk before working elsewhere on the Project; educating construction personnel on weed identification; use of gravel and/or fill material from weed-free sources for relatively weed-free areas; use of certified weed-free hay bales; implementation of post-construction monitoring and treatment of invasive weeds; removal of tamarisk trees from the right-of-way in native areas and, in non-native areas, tamarisk trees would be removed as necessary as part of clearing operations; and burning or hauling offsite of tamarisk debris.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP40 cont'd			In accordance with the CM&R Plan, North Baja would conduct surveys for noxious weeds along the IID Lateral before construction. In areas of weed infestations attributable to the Project, North Baja would implement control measures twice a year for 2 years after construction is complete or until the infestations have been controlled. North Baja would also implement weed control measures annually as part of routine operation and maintenance of the pipeline.		
WILDLIFE AND AQUATIC RESOURCES					
NBP41	Construction and operation of the pipeline could directly impact wildlife through disturbance, displacement, mortality, and alterations of available habitats.	Significant (CEQA Class II)	North Baja would implement conservation measures for special status species that would also serve to avoid, minimize, or compensate for impacts on general wildlife and their habitats. About 99 percent of the right-of-way would be adjacent to existing utility or transportation corridors. Additionally, North Baja would implement measures identified in its CM&R Plan to avoid or minimize impacts on wildlife habitats as well as facilitate the recovery of native vegetation communities.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP42	Construction across wetlands and waterbodies could affect important habitats for a number of resident wildlife species and fishery resources.	Significant (CEQA Class II)	North Baja would cross the Colorado River, which is the only waterbody that supports fishery resources, using the HDD method. The HDD method would also be used at four other waterbody crossings, thus avoiding in-stream impacts. Rannells Drain would be disturbed; however, it is an agricultural drain that is subject to the clearing of vegetation periodically by the PVID. North Baja would implement measures in its CM&R Plan to minimize disturbance to these habitats.	Less than significant (CEQA Class III)	FERC and CSLC
NBP43	Fires inadvertently started by construction activities (e.g., welding), equipment, or personnel could affect wildlife by igniting vegetation along the right-of-way.	Significant (CEQA Class II)	North Baja would implement its Fire Prevention and Suppression Plan to minimize the potential for wildfires. Some of the measures contained in the plan include: requiring the contractor to train all personnel on fire prevention measures, restricting smoking and parking to cleared areas, requiring all combustion engines to be equipped with a spark arrestor, and requiring vehicles and equipment to maintain a supply of fire suppression equipment (e.g., shovels and fire extinguishers). A Fire Guard would be assigned to each construction spread that would be responsible for maintaining contact with local fire control agencies. North Baja would restrict activities on Federal lands during conditions of high fire danger in coordination with the BLM.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP44	Construction of the pig launcher and receiver at the Ogilby Meter Station; various valves; pig launcher, taps, and crossover piping associated with the Arrowhead Extension; and improvements/modifications to three roads would permanently replace existing wildlife habitats.	Less than significant (CEQA Class III)	No mitigation is proposed. The permanent conversion of the affected habitats would represent less than a 1 percent change in each respective habitat type in the Project area.	Less than significant (CEQA Class III)	No monitoring required.
NBP45 ARM6	Some impact on migratory birds could result from habitat loss associated with construction of the Project. Clearing of vegetation could also destroy nests and cause mortality of nestlings and nesting adults.	Significant (CEQA Class II)	Along the B-Line, North Baja would overlap its construction right-of-way over the previously disturbed right-of-way. Additionally, North Baja would reduce the right-of-way width from 105 feet to 80 feet in 16 areas of microphyll woodlands and would preserve individual trees within the construction right-of-way where possible. With the exception of the dunes area, 98 percent of the habitat affected by the IID Lateral would occur within or immediately adjacent to existing disturbed utility and transportation rights-of-way. Construction would occur in the dunes area but the existing vegetation resources in the dunes area are sparse. North Baja would attempt to schedule construction in native habitats outside of the breeding season for migratory birds. If, however, construction activities are necessary during the bird breeding season, in accordance with its CM&R Plan, North Baja would remove vegetation that could provide nesting substrate from the right-of-way before the breeding season, thus eliminating the possibility that birds could nest on the right-of-way. Qualified biologists would conduct preconstruction surveys to confirm the absence of nesting birds before construction begins. North Baja would, in consultation with the FWS, the BLM, and the CDFG, develop Preclearing Plans to protect migratory bird species during construction of Phase I-A and Phase II, which are the only phases of construction that have the potential to occur in native desert habitats during the nesting period for migratory birds. These plans would include specific details of the preclearing methods to be implemented, the specific locations where preclearing would occur, and the dates preclearing would be initiated and completed.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP45 cont'd ARM6 cont'd			If, in spite of vegetation removal, nesting birds are found on the construction right-of-way, the nest would not be removed until fledging has occurred or unless authorized after consultation with the FWS, the CDFG, and, if the nest is located on Federal lands, the Federal land management agency. North Baja would implement the measures in its CM&R Plan to promote revegetation of disturbed areas by restoring original contours, segregating topsoil where grading is required, and respreading cut vegetation over the restored areas.		
NBP46	Construction-related activities could directly and indirectly impact wildlife in managed and sensitive biological resource areas such as the Cibola NWR, Milpitas Wash Special Management Area (SMA), Wildlife Habitat Management Area (WHMA), and Nature Conservancy sites.	Significant (CEQA Class II)	North Baja proposes a number of conservation measures to protect wildlife and special status plants that are generally consistent with objectives of the management plans addressing activities in the Milpitas Wash SMA and the multi-species WHMA. Construction of the Project would not directly affect sensitive wildlife habitat within the Cibola NWR. Noise associated with construction activities could indirectly impact wildlife and breeding seasons. However, because of the year-round vehicle and boat traffic associated with SR 78 and the Colorado River, wildlife in the area is expected to be somewhat acclimated to noise. The Colorado River and adjacent riparian habitat associated with the Nature Conservancy site would be avoided by the HDD crossing of the river.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP47	The Project would cross a small portion of the Cibola-Trigo Herd Management Area (HMA) and Chocolate-Mules HMA where wild horses and/or burros could be found watering. Construction could affect wild horses or burros if the animals were to fall into the open trench.	Significant (CEQA Class II)	North Baja would install wildlife escape ramps in the excavated trench at 1-mile intervals.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP48	Construction could result in sedimentation and turbidity, which might adversely affect fish eggs and juvenile fish survival, benthic community diversity and health, and spawning habitat.	Significant (CEQA Class II)	The Colorado River, the All-American Canal, and the East Highline Canal would be crossed using the HDD method. Only one flowing waterbody, Rannells Drain, would be crossed using the open-cut crossing method. Two unnamed canals along the Arrowhead Extension would also be crossed using the open-cut crossing method. The open-cut method is the quickest crossing method; therefore, sedimentation and turbidity would be limited to the relatively short period of in-stream work. Rannells Drain does not have a classified fishery and no fisheries habitat would be lost as a result of construction across Rannells Drain.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP48 cont'd			Nonetheless, North Baja proposes to use sediment booms downstream of the trenching, which would contain sedimentation to the localized area. Sediment potentially released during construction would be removed the next time the PVID dredges the drain for agricultural purposes (expected to occur 1 year after construction).		
NBP49	Construction across waterbodies could cause streambank erosion.	Significant (CEQA Class II)	North Baja would cross several waterbodies using the HDD method, which would avoid disturbance of the streambank vegetation. Retaining the existing bank composition at these waterbodies would prevent the need for bank armoring following construction. Irrigation canals and drains would be crossed at locations where these waterbodies are constrained within culverts, which would avoid any bank disturbance. North Baja would implement the measures in its CM&R Plan to facilitate revegetation of the banks following construction.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP50	A chemical or fuel spill in or near a waterbody could release contaminants, which could affect fish directly or indirectly through changes in food sources or by contaminating the water resources.	Significant (CEQA Class II)	North Baja would adhere to the measures in its CM&R Plan and SPCC Plan to prevent a large spill from occurring near surface waters. Hazardous materials would be stored, and vehicles refueled, at least 100 feet from surface waters. Should a spill occur, the containment measures in the SPCC Plan would decrease the response time for control and cleanup of the spill.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP51	Hydrostatic testing and dust control water withdrawals could cause entrainment of fish, reduced downstream flows, or impaired downstream uses associated with water withdrawals, and erosion, scouring, or a release of chemical additives.	Significant (CEQA Class II)	North Baja would cover the water intake with an adequately sized mesh screen to reduce the potential for fish and fish egg entrainment. Water withdrawals would occur from an existing well or irrigation canals and would not affect current flow levels in the Colorado River or other waterbodies containing fishery resources. No chemicals would be added to the test water, and energy dissipation devices would be employed to minimize channel erosion. See also the mitigation measures listed in NBP30 and ARM5.	Less than significant (CEQA Class III)	FERC and CSLC
NBP52	The proposed open-cut trenching through Rannells Drain would create a temporary increase in sediment load in the drain.	Significant (CEQA Class II)	The PVID has indicated it would be willing to perform maintenance clearing/dredging at the Rannells Drain crossing before construction of the B-Line in 2009, as long as it is done between August 2 and March 14 as agreed with the CDFG.	Less than significant (CEQA Class III)	FERC and CSLC
NBP53	A frac-out could occur during HDD crossings if the drilling head hits a subterranean fracture in the substrate, resulting in an inadvertent release of drilling mud.	Significant (CEQA Class II)	See the mitigation measures listed in NBP28 and ARM4.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
SPECIAL STATUS SPECIES					
NBP54	Construction could remove special status plants living within the construction right-of-way and could disturb, displace, or harm special status animals on and adjacent to construction work areas. Construction could also affect special status plants and wildlife by temporarily altering the habitat along the pipeline right-of-way and permanently altering the habitat at aboveground facility sites.	Significant (CEQA Class II)	North Baja has proposed to implement the following general minimization and conservation measures to reduce the impact of the Project on special status species: • North Baja would use its environmental training program, successfully implemented for the A-Line construction, as a basis for a site-specific environmental training program to be implemented before the start of work. All employees and contractors working in the field would be required to complete an environmental training session before beginning work on the right-of-way. The program would include discussions of the biology, distribution, and ecology of special status species within the geographic area of construction; protection afforded such species under applicable Federal and State laws and regulations; all protection measures that must be followed to protect such species during Project activities; penalties for noncompliance; reporting requirements; and the importance of compliance with all protection measures. To ensure proper focus, emphasis would be placed on the specific aspects of compliance applicable to the particular audience's activities on the Project. • Employees and contractors would be informed during one or more training sessions that they are not authorized to handle or otherwise move listed species at any time, including while commuting to work sites or at a work site. • North Baja would hire and designate at least two EIs per construction spread who would be responsible for overseeing Project environmental protection measures, including those for special status species. Environmental inspection procedures would be in compliance with the relevant provisions of North Baja's CM&R Plan. North Baja would also hire and designate at least one authorized biologist who would be responsible for identification of habitat and individuals of special status species and for implementation of all measures requiring an authorized biologist's intervention. The biologist would, if needed, hold the required permits or formal agreements with appropriate Federal and State agencies for the survey or handling of any special status species.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP54 cont'd			• An authorized biologist would conduct species-specific surveys of each Project facility located within areas identified during North Baja's surveys as listed species habitat no more than 7 days before the onset of activities. • Project personnel would exercise caution when commuting to the construction area to minimize any chance for the inadvertent injury or mortality of species encountered on roads leading to and from the construction area. North Baja's contractors and employees would report all such incidents directly to an EI. • Only existing routes of travel and approved access roads would be used to and from construction areas. Cross-country travel by vehicles and equipment would be prohibited. Except on county- or State-maintained roads, vehicle and equipment speeds would not exceed 25 miles per hour within potential habitat of a listed species. On the B-Line, between MPs 48.0 and 68.0 (an area of relatively high tortoise density), North Baja states that it would limit vehicle and equipment speeds to 10 miles per hour except for stringing trucks, which North Baja proposes to allow to travel at 25 miles per hour (see ARM7). • Authorized biologists would monitor all work where prior North Baja surveys have documented the occurrence of one or more listed species and where construction activities can reasonably be expected to adversely affect those species. In conjunction with North Baja's EIs, the biologists would have the authority to halt all non-emergency actions that might result in harm to a listed species, and would assist in the overall implementation of protection measures for listed species during Project activities. • All trash and food items generated by construction and maintenance activities would be promptly placed in a closed container and regularly removed from the Project site to reduce the attractiveness of the area to common ravens and other desert predators. • Firearms and domestic pets would be prohibited from work sites. • In the construction work area and along access roads, employees and contractors would look under vehicles and equipment for the presence of special status species before movement. If a special status species is observed, no vehicles or equipment would be moved until the animal has left voluntarily or is removed by an authorized biologist.		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility

NBP54 cont'd			• Pipeline construction activities between dusk and dawn would be limited to emergencies only (i.e., issues involving human health and safety) with the exception of the HDD operations (including those at the Colorado River, the All-American Canal, Interstate 8, the East Highline Canal) and the open-cut crossing of Rannells Drain.
			• Open pipeline trenches, auger holes, or other excavations that could entrap wildlife would be inspected by an authorized biologist a minimum of three times per day, and immediately before backfilling. In habitats supporting special status species, pipe segments would either be capped or taped closed each night or raised on supports of sufficient height to prevent the entry and entrapment of special status species. Such pipe segments would be inspected regularly before sealing and before using in the morning. For open trenches, earthen escape ramps would be maintained at 1-mile intervals. Other excavations that remain open overnight would be covered, ramped, or fenced to prevent entrapment of wildlife.
			• If a listed species is located during construction, and a contingency for avoidance, removal, or transplant has not been approved by the FWS or appropriate agency, North Baja would not proceed with Project activities in t hat location until specific consultation with the FERC, the FWS, the BLM, and/or other appropriate agency is completed.
			• All encounters with listed species would be reported to the biologist, who would record the following information:
			  • species;
			  • location (narrative and maps) and dates of observations;
			  • general condition and health, including injuries and state of healing;
			  • diagnostic markings, including identification numbers or markers; and
			  • locations moved from and to.
			• Upon locating a dead or injured listed species, North Baja would notify the FWS and the CDFG in California or the AGFD in Arizona. Written notification would be made within 15 days of the date and time of the finding or incident (if known) and would include: location of the carcass, a photograph, cause of death (if known), and other pertinent information.		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP54 cont'd			• The construction right-of-way would be limited to a width of 105 feet along the B-Line and 100 feet along the Arrowhead Extension (except when in the Arrowhead Boulevard roadway or road shoulder where a 60-foot-wide construction right-of-way would be used), while the construction right-of-way for the IID Lateral would be limited to a width of 60 feet for the majority of its length and 80 feet where it parallels existing utility corridors. The construction right-of-way would be clearly staked and flagged in advance of construction. The construction area includes approved work areas for the pipelines, compressor station, and meter stations; the facilities at Rannells Trap; the taps, crossover piping, and pig launcher associated with the Arrowhead Extension; access roads; the tap to the B-line and pig launcher associated with the IID Lateral; and staging and pipe storage areas. • North Baja would attempt to schedule construction in native habitats outside of the breeding season for migratory birds. If, however, construction activities are necessary in native habitats during the bird breeding season, North Baja would remove vegetation that could provide nesting substrate from the right-of-way before the breeding season, thus eliminating the possibility that birds could nest on the right-of-way. In accordance with the Agency Staffs' recommendation (see ARM6), specific plans relating to preclearing of vegetation would be coordinated with the FWS, the BLM, and the CDFG. Qualified biologists would conduct preconstruction surveys to confirm the absence of nesting birds before construction begins. • If, in spite of vegetation removal, nesting birds are found on the construction right-of-way, the nest would not be removed until fledging has occurred or unless authorized after consultation with the FWS, the CDFG, and, if the nest is located on Federal lands, the Federal land management agency. • At specified locations in areas of high-density microphyll woodland, North Baja would narrow the construction right-of-way width to 80 feet. Areas of this narrower construction width would be identified in the field, staked, and flagged in advance of construction. • At the conclusion of work, all trenches and holes would be completely filled, surfaces cleaned and smoothed, and each site recontoured to match the original profiles as closely as possible.		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP54 cont'd			• With the exception of fenced facilities, all materials and equipment would be removed from the area upon completion of work. All stakes, flagging, and fencing used to delineate and protect any environmental or cultural feature in the construction area would be removed no later than 30 days after construction and restoration are complete. • Upon completion of Project activities, North Baja would submit a final report to the FERC for distribution to other agencies, including the FWS. The report would document the effectiveness and practicality of the conservation measures, the number of individuals of each species excavated from their burrows or removed from the site, the number of individuals killed or injured, and other pertinent information. The report would also recommend modifications of the Project stipulations in order to enhance the protection of species in the future. In addition, the final report would provide the actual acreage disturbed by Project activities by habitat type.		
ARM7	North Baja's proposal to allow stringing trucks to travel at 25 miles per hour between MPs 48.0 and 68.0 of the B-Line may not adequately protect special status species.	Significant (CEQA Class II)	To protect special status species, and reduce dust, North Baja would restrict stringing trucks to a 10-mile-per-hour speed limit on the right-of-way between MPs 48.0 and 68.0 of the B-Line.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
ARM8	Southwestern willow flycatchers potentially using habitat along the Colorado River could be disturbed by activities associated with the HDD of that waterbody. Specifically, noise and light associated with HDD equipment and activities could dissuade individuals from using habitat in the vicinity of the HDD and/or could interrupt resting individuals if construction activities occurred at night.	Significant (CEQA Class II)	In order to minimize the potential for construction activities to affect southwestern willow flycatchers at the Colorado River crossing, North Baja would implement the following measures at the Colorado River during activities associated with the HDD: • all individuals working within or adjacent to southwestern willow flycatcher habitat would complete southwestern willow flycatcher training before working within the construction right-of-way in those areas; and • dust would be strictly controlled by watering construction areas within 1,000 feet of potential habitat at the Colorado River.	Less than significant (CEQA Class III)	FERC and CSLC

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
ARM9	North Baja would conduct surveys for the Yuma clapper rail at Rannells Drain. However, North Baja has not proposed conservation measures to avoid impacts on individuals if identified during such surveys, nor has North Baja proposed to conduct surveys for this species at the Alamo River.	Significant (CEQA Class II)	Unless North Baja provides documentation from the FWS and the CDFG that such measures are not necessary or if site-specific surveys fail to identify individuals Yuma clapper rails at the Alamo River or Rannells Drain, in order to avoid impacts on the Yuma clapper rail during construction, North Baja would: • ensure vegetation at the proposed crossing location of Rannells Drain, extending 150 feet on either side of the proposed construction work area, is cleared before February 1, 2009; • ensure vegetation at the proposed crossing location of the Alamo River is cleared before February 1, 2009; and • initiate all construction activities at Rannells Drain and the Alamo River between the hours of 8:30 AM and 3:30 PM to avoid periods of peak Yuma clapper rail vocalizations.	Less than significant (CEQA Class III)	FERC and CSLC
NBP55	Construction and operation could adversely impact the Yuma clapper rail and/or rail habitat (e.g., wetlands, drains).	Significant (CEQA Class II)	Direct impacts on Yuma clapper rail and/or rail habitat along the Colorado River would be avoided through North Baja's proposed HDD crossing of this waterbody and the adjacent habitat. Suitable Yuma clapper rail and/or rail habitat at both Rannells Drain and the Alamo River would be cleared before construction; thus avoiding direct impacts (see ARM9). Impacts on wetland and drain habitat would be temporary because these vegetation communities typically revegetate within 1 year following construction.	Less than significant (CEQA Class III)	FERC and CSLC
NBP56	Construction would temporarily impact desert tortoise critical habitat at work areas, temporary access roads, and along the construction right-of-way. [f]	Significant (CEQA Class I) [f]	North Baja would limit disturbance of previously unaffected areas to the narrowest extent practicable by constructing immediately adjacent to the existing A-Line, as well as portions of Stallard Road, SR 78, and Ogilby Road, which would minimize habitat fragmentation, and using existing access roads to the extent practicable. Further, to compensate for the loss of desert tortoise habitat not previously compensated for during construction of the A-Line, North Baja would implement the following measures: • Compensation rates for new impacts on desert tortoise habitat of 1:1 would be calculated and an assessed financial contribution would be paid to the BLM. In accordance with accepted guidelines previously implemented by the FERC, the FWS, and the BLM, areas of new impacts would include only those areas not previously affected by construction of the A-Line.	Significant (CEQA Class I) [f]	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP56 cont'd			• North Baja would provide funding to the CDFG to manage acquired lands in addition to an enhancement fee based on the same compensation rate, which would be based on the CDFG published or calculated rates per acre at the time of issuance of the final Environmental Impact Statement/Environmental impact Report (EIS/EIR) for the proposed Project.		
NBP57	Construction-related impacts on the desert tortoise could include direct mortality or injury as a result of being crushed by vehicles, movement of soils, and entrapment in burrows and open trenches.	Significant (CEQA Class I)	North Baja would minimize the potential for impacts on the desert tortoise by implementing the following measures: • North Baja would submit the names, permit numbers, and relevant tortoise experience resumes of all individuals who might need to handle desert tortoises to the FWS for approval at least 15 days before the initiation of clearance surveys. North Baja would also submit the list to the BLM for its records. Project activities would not begin until an authorized biologist has been approved Although other biologists may be employed as biological monitors, only those approved by the FWS as authorized biologists would be permitted to handle tortoises. • All persons authorized by the FWS to handle desert tortoises would follow the guidelines established in the *Guidelines for Handling Desert Tortoises During Construction Projects*. • A clearance survey for the desert tortoise would be conducted by an authorized biologist within 24 hours before ground disturbance. • Burrows outside of the limits of the construction right-of-way would be flagged so that the biological monitor would be able to more easily locate them during construction. • All desert tortoise burrows or pallets in the construction area would be excavated by an authorized biologist. All desert tortoise handling and burrow excavation would be in accordance with the handling procedures developed by the FWS and would be conducted by authorized biologists. • Desert tortoises that are found above ground and need to be moved from potential harm would be placed in the shade of a shrub by the authorized biologist. All desert tortoises removed from burrows would be placed in an unoccupied burrow of approximately the same size as the one from which it was removed.	Significant (CEQA Class I)	FERC, CSLC, and BLM

CALENDAR PAGE 000080

MINUTE PAGE 000678

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP57 cont'd			• If an existing burrow is unavailable, the authorized biologist would construct or direct the construction of a burrow of similar size, shape, depth, and orientation as the original burrow. Desert tortoises moved during inactive periods would be monitored for at least 2 days after placement in the new burrows to ensure their safety. The authorized biologist would be allowed some judgment and discretion to ensure that the survival of the desert tortoise is likely. • Should a tortoise wander into the construction area during construction, adjacent activities would be halted until the tortoise is moved out of the construction work area and out of harm's way. • North Baja would install exclusion fencing along the right-of-way in areas where tortoise density is sufficiently high to warrant fencing, in the opinion of the authorized biologist in charge of tortoise surveys and in consultation with the FWS and the CDFG, to prevent tortoises from entering the construction work area and getting in harm's way. • A worker bonus program would be implemented that would reward construction staff who spot a tortoise within the construction work area and, without touching or disturbing the animal, notify the authorized biologist for action. • If a tortoise is located in the construction work area and is not moving, adjacent activities would be halted until an authorized biologist is able to move it out of harm's way. • All pipeline marker signs within desert tortoise habitat would be fitted with "bird-be-gone" or similar bird repellent devices. • Only approved access roads would be used. Only approved areas would be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. Any routes of travel that require construction or modification, or any additional work areas, would be surveyed for tortoises by an authorized biologist(s) before modification or construction of the route or construction or use of a new work area. • Trench segments or other excavations would be provided with tortoise escape ramps at 1-mile intervals. All excavations would be inspected for tortoises three times daily and before backfilling.		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP57 cont'd			• Any time a vehicle is parked, the ground around and under the vehicle would be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is observed, it would be left to move on its own. If this does not occur within 15 minutes, an authorized biologist would remove and relocate the tortoise. • Within desert tortoise habitat, construction pipe, culverts, or similar structures with a diameter of 3 inches or greater that are stored on the construction site for one or more nights would be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored on the construction site. • All construction-related activities in desert tortoise habitat would be conducted between dawn and dusk.		
NBP58	Even with North Baja's proposed mitigation and the Agency Staffs' additional recommendations, the proposed Project is likely to adversely affect the desert tortoise and its critical habitat.	Significant (CEQA Class I)	Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA. As part of the section 7 formal consultation process, the FWS' Biological Opinion (BO) included non-discretionary terms and conditions in order to ensure that the Project would not jeopardize the continued existence of the desert tortoise. North Baja would not be authorized to make any irreversible or irretrievable commitments of resources that would foreclose formulation or implementation of any reasonable or prudent alternatives needed to avoid jeopardizing the continued existence of the species and adverse modification of its critical habitat.	Significant (CEQA Class I)	FERC, CSLC, and BLM
NBP59	The razorback sucker may occur in the Project area and the FWS has designated the portion of the Colorado River crossed by the pipeline route as critical habitat for this species.	Significant (CEQA Class II)	North Baja would install the pipeline under the Colorado River using the HDD method. Used successfully, this method would avoid effects on the razorback sucker during the Colorado River crossing. In the event of a frac-out, North Baja would implement the measures in its HDD Plan. Pursuant with its CM&R Plan, North Baja would screen intake piping to prevent fish entrainment during hydrostatic test water withdrawal. See also the mitigation measures listed in NBP28, NBP30, ARM4, and ARM5.	Less than significant (CEQA Class III)	FERC and CSLC
NBP60	Construction may impact the Peirson's milk-vetch, which was identified along sandy substrate areas of the B-Line and between MPs 0.5 and 7.5 of the IID Lateral. Impacts could include the loss of the current season's seed production.	Significant (CEQA Class I)	North Baja would utilize the same techniques used during construction and restoration of the A-Line for the proposed B-Line. Techniques include topsoil and seedbank conservation measures, topsoil segregation to conserve the existing seedbank, respreading of topsoil upon completion of construction, and imprinting the right-of-way during restoration with equipment (e.g., sheepsfoot roller) to provide micro-catchment areas for seed retention. Along the IID Lateral, North Baja would similarly segregate topsoil but would not use a sheepsfoot roller in the	Significant (CEQA Class I)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
			dunes because this equipment is		
NBP60 cont'd			ineffective in sand. Construction of the IID Lateral through potential Peirson's milk-vetch habitat would be conducted in the summer months after adult plants (if present) have already set seed.		
NBP61	Even with the proposed mitigation, the proposed Project is likely to adversely affect the Peirson's milk-vetch.	Significant (CEQA Class I)	Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA. As part of the section 7 formal consultation process, the FWS' BO concluded that the Project would not jeopardize the continued existence of the Peirson's milk-vetch.	Significant (CEQA Class I)	FERC, CSLC, and BLM
NBP62	The proposed pipeline route would cross potential Arizona bell's vireo habitat along the proposed B-Line at the Colorado River (MPs 0.0 to 3.0) and the Davis Lake area (MPs 31.0 to 33.0).	Significant (CEQA Class II)	North Baja would use the HDD method to cross the Colorado River and implement its general conservation measures to avoid or minimize potential impact on Arizona bell's vireo habitat. The Project would be at least 1,300 feet from the Davis Lake area, thus avoiding direct impacts.	Less than significant (CEQA Class III)	FERC and CSLC
NBP63	While no California black rail habitat was identified during surveys, areas of suitable habitat could become occupied prior to construction. Disturbance of foraging and nesting habitat (i.e., wetlands and drains) could be affected by construction.	Significant (CEQA Class II)	North Baja would conduct preconstruction surveys for the California black rail if habitat for this species is not cleared before construction. North Baja would implement its general conservation measures. Because habitat for this species is similar to the Yuma clapper rail, suitable habitat for both the Yuma clapper rail and the California black rail at both Rannells Drain and the Alamo River would be cleared before construction, thus avoiding direct impacts (see NBP55 and ARM9). Impacts on wetland and drain habitat would be temporary because these vegetation communities typically revegetate within 1 year following construction.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP64	Surveys (2002) for the Gila woodpecker identified two occupied cavities at MPs 50.7 and 51.7; other suitable habitat may be affected by the Project.	Significant (CEQA Class II)	North Baja would conduct surveys for Gila woodpeckers in areas of suitable nesting habitat before initiation of construction of the B-Line if construction is scheduled to occur during the breeding season. If active Gila woodpecker nest cavities are identified within 100 feet of the right-of-way during preconstruction surveys, North Baja would monitor cavities during construction to determine if nesting individuals are being disturbed by construction activities. If disturbance (e.g., avoidance of the cavity by individuals) is noted and young are present in the cavity, North Baja would cease construction within 200 feet of the nest cavity until the young have fledged.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP65	Marginal habitat for the western yellow-billed cuckoo is present along some areas of the Colorado River near MP 0.2 of the proposed B-Line. Construction could impact this species and its habitat.	Significant (CEQA Class II)	No individual western yellow-billed cuckoos were identified during surveys conducted for this species before construction of the A-Line in June and July 2001. North Baja would implement its general conservation measures to avoid impacts on the western yellow-billed cuckoo and its habitat.	Less than significant (CEQA Class III)	FERC and CSLC
NBP66	The IID Lateral would cross suitable habitat for the Algodones Dune sunflower species in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.	Significant (CEQA Class II)	North Baja would assume the species is present throughout the area of suitable habitat. North Baja would implement its general conservation measures. North Baja would segregate topsoil along the IID Lateral, but would not use a sheepsfoot roller in the area of the dunes because this equipment is ineffective in sand. Construction of the IID Lateral through potential Algodones Dune sunflower habitat would be conducted in the summer months after adult plants (if present) have already set seed, which should allow for the re-establishment in the next growing season after construction is completed.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP67	The IID Lateral would cross suitable habitat for the Wiggins's croton in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.	Significant (CEQA Class II)	North Baja would assume the species is present throughout the area of suitable habitat. North Baja would segregate topsoil along the IID Lateral, but would not use a sheepsfoot roller in the area of the dunes because this equipment is ineffective in sand. Construction of the IID Lateral through potential Wiggins's croton habitat would be conducted in the summer months after adult plants (if present) have already set seed, which should allow for the re-establishment in the next growing season after construction is completed.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP68	Construction may impact the Colorado River cotton rat, which occurs in the marshes of the Colorado River.	Significant (CEQA Class II)	North Baja would cross the Colorado River and associated riparian areas using the HDD method. In the event of a frac-out, North Baja would implement the measures in its HDD Plan to contain the drilling mud and avoid impacting potential habitat for the Colorado River cotton rat. See also the mitigation measures listed in ARM4.	Less than significant (CEQA Class III)	FERC and CSLC
NBP69	The BLM reported that the proposed Project could encounter desert bighorn sheep near the Palo Verde Wilderness Area, which is approximately 1 mile west of the B-Line near MP 31.0. Impacts on desert bighorn sheep are likely to be indirect in nature, resulting from noise-related disturbance during construction.	Significant (CEQA Class II)	North Baja would inform workers that bighorn sheep may occur in the area and would keep all construction activities within the approved construction work area.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP70	The B-Line would cross suitable riparian and desert wash woodland habitat for the brown-crested flycatcher between MPs 22.0 to 23.0, 35.0 to 36.0, 41.0 to 46.0, 50.0 to 53.0, and 59.0 to 66.0. Habitat clearing during the breeding season could result in injury or death, or abandonment of nests.	Significant (CEQA Class II)	North Baja would complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja would preclear vegetation along the B-Line. Preconstruction clearing would be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in NBP45 and ARM6.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP71	Construction could affect burrowing owls, which occur in the irrigated desert agricultural areas. The B-Line would cross suitable burrowing owl habitat from MPs 0.0 to 12.0 (which includes 18th Avenue), and the IID Lateral would cross suitable burrowing owl habitat from MPs 28.0 to 46.0. In addition, North Baja identified one probable burrowing owl burrow and an individual burrowing owl adjacent to a burrow at approximate MP 1.5 of the Arrowhead Extension.	Significant (CEQA Class II)	For owls occupying burrows within 250 feet of the construction work area, North Baja would monitor or passively or actively relocate the species to appropriate and previously installed artificial or available alternate natural burrows. Only biologists approved by the CDFG in advance would handle owls or install one-way doors during relocation activities. The management strategy utilized would be determined on a case-by-case basis. In addition to relocation or monitoring efforts, North Baja would implement the following measures to minimize impacts on the burrowing owl: • Direct impacts on burrowing owl habitat would be minimized by constructing in the road pavement or road shoulder in agricultural areas or by boring/drilling beneath habitat areas (e.g., canals and drains). • Preconstruction surveys during the breeding season would be conducted by biologists who would visually check all potential habitat within 250 feet of both sides of the proposed construction work area within 1 week before construction. • Unoccupied burrows discovered within the construction right-of-way during preconstruction surveys would be collapsed or excavated before construction activities to prevent occupancy by burrowing owls. • Artificial burrows, installed to minimize the effect of burrow loss, would be placed within the home range of individual owls that would be affected before burrow excavation or installation of one-way doors. Also, North Baja would provide compensation at the equivalency rate of 6.5 acres of foraging habitat for burrowing owls for each active burrow damaged.	Less than significant (CEQA Class III)	FERC and CSLC
NBP72	The B-Line would cross potential habitat for the Crissal thrasher, which occurs near the Colorado River and the town of	Significant (CEQA Class II)	North Baja would complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja would preclear vegetation along the B-Line. Preconstruction clearing would be conducted in	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP72 cont'd	Blythe (MPs 0.0 to 3.0), the town of Palo Verde (MPs 24.0 to 29.0), and the Davis Lake area (MPs 31.0 to 33.0), along 18th Avenue in Blythe, and in the area of Stallard Road (MP 25.0). Impacts include slow habitat re-establishment, noise, and breeding disruption.		accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in NBP45 and ARM6. Further, North Baja would minimize the potential for long-term impacts on the Crissal thrasher by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation.		
NBP73	The B-Line would cross potential habitat for the Le Conte's thrasher, which occurs from MPs 12.0 to 79.8. The IID Lateral would also cross suitable habitat in the scattered creosote bush scrub habitat between the ISDRA and the Imperial Valley from MPs 8.0 to 28.0. Impacts include slow habitat re-establishment, noise, and breeding disruption.	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat. North Baja would complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja would preclear vegetation along the B-Line. Preconstruction clearing would be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in NBP45 and ARM6. Further, North Baja would minimize the potential for long-term impacts on the Le Conte's thrasher by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary
NBP74	The B-Line would cross suitable habitat for the summer tanager, which occurs along the lower Colorado River basin (MPs 22.0 to 23.0, 35.0 to 36.0, 41.0 to 46.0, 50.0 to 53.0, and 59.0 to 66.0). Impacts include slow habitat re-establishment, noise, and breeding disruption.	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat. North Baja would complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja would preclear vegetation along the B-Line. Preconstruction clearing would be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in NBP45 and ARM6. Further, North Baja would minimize the potential for long-term impacts on the summer tanager by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary
NBP75	The B-Line would cross suitable habitat for the vermilion flycatcher, which occurs in the desert riparian areas of the lower Colorado River basin (MPs 0.0 to 12.0, 22.0 to 29.0, 31.0 to 33.0, 35.0 to 53.0, 59.0	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat. North Baja would complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja would preclear vegetation along the B-Line. Preconstruction clearing would be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
			also the		
NBP75 cont'd	to 66.0, and 79.0 to 79.8). Impacts include slow habitat re-establishment, noise, and breeding disruption.		mitigation measures listed in NBP45 and ARM6. Further, North Baja would minimize the potential for long-term impacts on the vermillion flycatcher by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation. Additionally, North Baja would use the HDD method to cross the Colorado River, avoiding direct impacts on potential suitable habitat.		
NBP76	The B-Line would cross suitable habitat for the yellow-breasted chat, which occurs along the Colorado River in Blythe (MPs 0.0 to 3.0), the town of Palo Verde (MPs 22.0 to 23.0), and the Davis Lake area (MPs 31.0 to 33.0). Impacts include slow habitat re-establishment, noise, and breeding disruption.	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat. North Baja would complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja would preclear vegetation along the B-Line. Preconstruction clearing would be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in NBP45 and ARM6. Further, North Baja would minimize the potential for long-term impacts on the yellow-breasted chat by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP77	Construction could affect suitable habitat for the Colorado River toad, which occurs in the Colorado River from Fort Yuma to the Blythe-Ehrenberg area.	Significant (CEQA Class II)	North Baja could cross the Colorado River and associated riparian areas using the HDD method. In the event of a frac-out, North Baja would implement the measures in its HDD Plan to contain the drilling mud and avoid impacting potential habitat for the Colorado River toad. See also the mitigation measures listed in ARM4.	Less than significant (CEQA Class III)	FERC and CSLC
NBP78	The B-Line could affect the spadefoot toad, which is historically known to occur at the Milpitas Wash (MP 35.3), and in the Stallard Road wash area (MP 25.0). Impacts include mortality or breeding disruption.	Significant (CEQA Class II)	To minimize impacts on individuals and populations of the Couch's spadefoot toad, North Baja would implement the following mitigation measures: • If local thunderstorms occur in the habitat identified by the CDFG and provide substantial moisture under warm conditions (temperatures over 90 °F) in July, August, or September, and if construction has not already been completed in that area, North Baja biologists would examine potential Couch's spadefoot toad habitat for persistent pools. The CDFG would notify North Baja if appropriate conditions prevail, and North Baja would coordinate with the CDFG to complete the surveys.	Less than significant (CEQA Class III)	FERC, CSLC, BLM, and other agencies as necessary

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
			• Authorized biologists would monitor temporary pools for persistence and would examine them daily for eggs, tadpoles, or toadlets.		
NBP78 cont'd			• Construction activities would not be conducted within 150 feet of temporary pools. If water fails to persist within shallow pools for 10 days, or if no Couch's spadefoot toad eggs, tadpoles, or toadlets are found within 10 days, then construction would resume in the area. • If any Couch's spadefoot toads are found, the CDFG would be immediately notified. A report on the findings would be submitted to the CDFG within 30 days of completion of the construction activities within the area.		
NBP79	The B-Line would cross suitable habitat for the flat-tailed horned lizard, which occurs between MPs 71.0 to 79.8. Also, the IID Lateral would cross potentially suitable habitat between MPs 8.0 to 28.0. Impacts include mortality.	Significant (CEQA Class I)	Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA. North Baja would implement the following mitigation measures to reduce impacts on flat-tailed horned lizards: • Authorized biologists would conduct preconstruction surveys to verify all flat-tailed horned lizard habitat in the construction area. Within 7 days before construction, biologists would identify habitat areas subject to direct construction-related ground disturbance. • Biologists would conduct a final clearance survey 1 to 2 days before construction activities, which would include excavating potential burrows and relocating lizards to nearby suitable habitat. North Baja would implement the management strategy guidelines for relocation of flat-tailed horned lizards described in the *Flat-tailed Horned Lizard Range Management Strategy*. • A field contact representative would initiate a worker education program and would have the authority to ensure compliance with protective measures for flat-tailed horned lizards. • A biological monitor would be present in each area of active construction within flat-tailed horned lizard habitat throughout the work day from initial clearing through habitat restoration. The biological monitors would have sufficient education, field experience, and training with this species to understand its biology and behavior. The monitors would ensure that all activities are in compliance with the management strategy guidelines for relocation of flat-tailed horned lizards. The biological monitors would also have the authority and responsibility to halt activities that are in violation of the	Significant (CEQA Class I)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
			management strategy guidelines.		
NBP79 cont'd			• In areas of suitable habitat (MPs 75.2 to 79.6 of the B-Line and MPs 8.0 to 28.0 of the IID Lateral), North Baja would restrict the amount of trench open at any one time to 2 miles. Trench walkers would be employed in those areas such that each portion of open trench would be observed every 30 minutes when ground temperatures exceed 85°F (29.5 °C). Each trench walker can cover 2 miles per hour; therefore, the open portion of trench (2 miles) would require two trench walkers during hot weather to provide the desired coverage. Trench walkers would be construction workers with no other duties than to walk along the side of the open trench and look for flat-tailed horned lizards. These workers would receive specialized flat-tailed horned lizard training under the supervision of the BLM biologist and would be directly supervised by a qualified biologist who has also received flat-tailed horned lizard training. Additionally, all hazardous sites, such as open pipes, trenches, holes, or deep excavations would be inspected for the presence of lizards before backfilling. • If lizards are found trapped in an excavation, the authorized biologist would capture by hand and relocate the affected lizard. The management strategy guidelines for relocation of flat-tailed horned lizards described in the *Flat-tailed Horned Lizard Range Management Strategy* would be used.		
NBP80	Construction of the B-Line could affect fairyduster plants, which have been identified between MPs 45.1 to 49.8, 53.6 to 57.4, and 65.1 to 66.6. Also, habitat for this species may occur along the IID Lateral. Construction may remove individual plants.	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat along the IID Lateral. North Baja would implement its general conservation measures, including topsoil and seedbank conservation. Post-construction surveys of the A-Line right-of-way have shown that restoration of the pipeline right-of-way allows native plants to re-establish in areas disturbed by construction.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP81	The IID Lateral would cross suitable habitat for the giant Spanish-needle, which is found in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat. North Baja would implement its general conservation measures, including the efforts to minimize the spread of non-native species, to reduce the overall abundance of the species in the area.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP82	The IID Lateral would cross suitable habitat for the sand food, which is found in the	Significant (CEQA Class II)	North Baja would assume that the species is present throughout the area of suitable habitat. North Baja would implement its general conservation measures, including the efforts to minimize	Less than significant (CEQA Class III)	FERC and CSLC

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
	southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.		the spread of non-native species, to reduce the overall abundance of the species in the area.		
ARM10	The Project may affect potential inhabitation of suitable habitats found to be lacking individual special status species during surveys in 2005, and/or new species that are listed under State or Federal law in the future.	Significant (CEQA Class II)	For those areas where construction would occur more than 1 year from the date of issuance of the FERC and CSLC approvals for the Project, North Baja would consult with the FWS, the BLM, and the CDFG to update the species list and to verify that previous consultations and determinations of effect are still current. Documentation of these consultations, and the need for additional surveys and survey reports (if required), and FWS, BLM, and CDFG comments on the surveys and survey reports and their conclusions (as applicable), would be filed with the FERC and the CSLC.	Less than significant (CEQA Class III)	FERC and CSLC
ARM11	Potential adverse effects on Federal and State-listed endangered and threatened species and compliance with the Endangered Species Act and California Endangered Species Act.	Significant (CEQA Class II)	North Baja would not begin Phase I-A or Phase II construction activities until: • the CDFG makes a consistency determination on the FWS' BO pursuant to section 2080.1 of the California Fish and Game Code or issues an Incidental Take Permit that covers both federally and State-listed species that may be affected; • North Baja obtains an Incidental Take Permit under section 2081 of the California Fish and Game Code for all State-listed species that may be affected, or receives concurrence from the CDFG that an Incidental Take Permit is not required; and • North Baja has received written notification from Executive Officer of the CSLC that construction or use of conservation measures may begin.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
LAND USE, SPECIAL MANAGEMENT AREAS, RECREATION AND PUBLIC INTEREST AREAS, AND AESTHETIC RESOURCES					
NBP83	Land use impacts associated with the new pipelines would include disturbance of existing land uses within the construction right-of-way during construction and retention of a new permanent right-of-way for operation.	Significant (CEQA Class II)	Following construction, all land used for temporary construction right-of-way and temporary extra workspace areas would be allowed to revert to prior uses. With the exception of tree crops such as orchards, all forms of agriculture would be permitted within the permanent right-of-way. Construction of aboveground structures would be prohibited on the permanent right-of-way; however, no restrictions would be placed on the temporary right-of-way or extra workspaces. No new permanent right-of-way would be required for the B-Line.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP84	Land used for the aboveground facilities would be permanently converted to a utility use.	Less than significant (CEQA Class III)	No mitigation is proposed. The permanent conversion of the affected land uses would represent less than a 1 percent change in each respective land use in the Project area.	Less than significant (CEQA Class III)	No monitoring required.

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP85	Eighteen residences and 2 businesses are within 100 feet of the B-Line and 19 residences and 4 businesses are within 100 feet of the IID Lateral. Residences or businesses could be affected by construction and operation of the Project.	Significant (CEQA Class II)	North Baja would implement the following general measures to minimize construction-related hazards and maintain access to the residences and businesses that would be affected by the Project: • minimize the amount of trench left open at the end of the workday and cordon off the trench during non-work hours; • cover the trench with steel plates where necessary to allow traffic passage and reduce safety hazards; • install safety fencing for a minimum of 100 feet on either side of residences that are within 100 feet of the construction work area; • secure and patrol construction areas during non-work hours to minimize safety issues associated with open trenches; • maintain an emergency ingress and egress near all residences and businesses throughout the construction process; • maintain at least one lane of restricted traffic movement through the construction area for access to residences and for emergency vehicles; • minimize noise by maintaining equipment in good operating condition; and • suppress dust with the use of water trucks and regular spraying. In addition, North Baja has prepared and would follow Site-specific Residential Construction Mitigation Plans to minimize disruption and to maintain access to the residences and businesses within 100 feet of the construction work area associated with the B-Line and IID Lateral. Dimensioned site plans would show the following items within a minimum of 100 feet of the construction work area: • the proposed centerline of the pipeline; • the limits of the construction work area; • the edge of the paved road surface; • each residence/business and associated structures; • existing pipelines and powerlines;	Less than significant (CEQA Class III)	FERC and CSLC

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP85 cont'd			• waterbodies, roads, driveways, fences, trees or other landscaping, and private wells; and • the location of safety fencing that would be installed during construction.		
NBP86	Construction activities could conflict with planned developments.	Less than significant (CEQA Class III)	No mitigation is proposed. North Baja would work with the developers and applicable agencies associated with these projects to ensure that the proposed Project does not conflict with the development plans.	Less than significant (CEQA Class III)	No monitoring required.
NBP87	Construction activities could require plan amendments for crossing portions of designated special management areas such as the California Desert Conservation Area (CDCA) and the Milpitas Wash SMA.	Significant (CEQA Class II)	North Baja has submitted an amended Right-of-Way Grant application to the BLM for the crossing of Federal lands. Approval of the application would require an amendment to the CDCA Plan and the Yuma District Resource Management Plan, which dictate management within the CDCA and the Milpitas Wash SMA, respectively. The plan amendments would avoid conflict with the CDCA Plan and the Yuma District Resource Management Plan. The amendments would only accommodate the North Baja Pipeline Expansion Project and would not create a new corridor or modify existing corridors.	Less than significant (CEQA Class III)	The BLM is responsible for issuing an amendment to the plans.
NBP88	Public interest areas directly affected by or located near the Project, including the Milpitas Wash SMA, ISDRA, Cibola NWR, Mule Mountain Area of Critical Environmental Concern (ACEC), Pilot Knob ACEC, Plank Road ACEC, East Mesa ACEC, Lake Cahuilla ACEC, Palo Verde Wilderness Area, and the Ehrenberg Sandbowl Off-Highway Vehicle area would be affected by temporary removal of vegetation and indirectly affected by traffic, noise, and dust during pipeline construction.	Significant (CEQA Class II)	In general, North Baja would minimize construction-related impacts on these areas by: • installing the B-Line entirely within the existing right-of-way maintained for the A-Line; • installing the IID Lateral almost entirely within or adjacent to existing road and transmission line rights-of-way; • timing construction to avoid peak usage periods, when practical; and • ensuring effective post-construction reclamation of the right-of-way to preconstruction conditions. Construction-induced effects such as traffic, noise, and dust may affect the quality of some users' recreational experiences, but any effects would be temporary in nature and would occur in the summer months when recreational use is at its lowest.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP89	Construction could restrict use and access to designated OHV use areas. Conversely, the pipeline rights-of-way could increase accessibility for OHV use into previously inaccessible, environmentally	Significant (CEQA Class II)	• Where the proposed pipelines would be in areas of authorized OHV use, the pipeline rights-of-way would not be restricted for OHV use. To reduce the potential for interference between pipeline construction activities and authorized OHV use, as well as unauthorized OHV use of the pipeline rights-of-way after construction, North Baja developed an Off-Highway Vehicle Management Plan (OHV Plan) that addresses the	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
	sensitive areas.		initial siting, construction, and		
NBP89 cont'd			operation of the proposed facilities. Some of the measures of the plan include: • Berms would be placed across the right-of-way where it intersects an existing OHV road. Berm slopes would not exceed 30 percent. • Berms would be placed across the right-of-way as part of erosion control and strategically placed to reduce visibility and mimic local topography. • Rock redistribution and strategic placement, without making it into a challenging obstacle course, would occur across the right-of-way where large rock is available and such work would "erase" the visual cues of "road." • The right-of-way would be backbladed or raked by bulldozer or by hand, to erase the traces of the intersection of the right-of-way with an existing OHV route or dirt road. • Ocotillo and large cacti would be salvaged and replanted where they are available with the understanding that survival criteria would not be applied because even dead specimens provide convincing visual clues of "no road." • Other desert species, including creosote bush scrub and desert wash woodland species (e.g., palo verde, ironwood, smoke tree, etc.) would also be salvaged and replanted with the understanding that they would be unlikely to survive but could still provide value as a visual block. • Woody material removed during construction would be redistributed across the right-of-way to both disguise the right-of-way and serve as "vertical mulch." An assessment and detailed description of where these blocking measures would be implemented is presented in North Baja's OHV Plan. In addition, North Baja has agreed to place additional signs and/or vegetative barriers at access points along the right-of-way if requested by the Yuma District of the BLM. North Baja would also replace fencing on the Cibola NWR that was originally installed after construction of the A-Line but subsequently destroyed by OHV users and would maintain that fencing for 2 years.		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
ARM12	North Baja's OHV Plan did not address enforcement and future monitoring of the proposed OHV blocking measures.	Significant (CEQA Class II)	Before Phase I-A and Phase II construction activities, North Baja would revise its OHV Plan to include: • the agency or agencies responsible for enforcement of the OHV Plan;	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
ARM12 cont'd			• the frequency of monitoring that would be conducted to ensure that the implemented OHV blocking measures are functioning properly; • the methodology for reassessing the implemented OHV blocking measures in the future; and • enforcement measures.		
NBP90	Construction activities could disrupt recreational uses at the Colorado River.	Less than significant (CEQA Class III)	The Colorado River would be crossed using the HDD method, which would minimize impacts on the river and would not limit the use of the river for recreational purposes. However, access to the river may be restricted during welding of the pipe and the pullback for the HDD crossing. No mitigation is proposed during construction because the period of limited public access would be short term.	Less than significant (CEQA Class III)	No monitoring required.
NBP91	Use of the Bradshaw Trail could be disrupted for several days during construction.	Less than significant (CEQA Class III)	No mitigation is proposed during construction. Construction would occur in the summer months when recreational use of the trail is at its lowest and be completed within a few days.	Less than significant (CEQA Class III)	No monitoring required.
NBP92	Construction-related activities could impact wildlife in the multi-species WHMA that would be crossed by the B-Line between MPs 35.2 and 50.0.	Significant (CEQA Class II)	North Baja would limit construction activities to between July 1 and December 1 if Crissal thrashers are present, implement special mitigation measures to avoid disturbance of Couch's spadefoot toad habitat (see NBP78), and compensate for disturbance of desert dry wash woodland and desert chenopod scrub communities.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP93	Construction activities could encounter unidentified hazardous waste sites.	Significant (CEQA Class II)	North Baja would notify the appropriate agencies and adhere to the measures included in its SPCC Plan to avoid or minimize the potential impact of hazardous material spills during construction. North Baja would implement the mitigation measures listed in NBP22.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP94	Installation of new aboveground facilities would impact visual resources.	Significant (CEQA Class II)	North Baja would paint the new or additional facilities to blend with the surrounding landscape. Security lighting at the aboveground facilities would be low sodium vapor light that would be angled toward the interior of the station.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
SOCIOECONOMICS					
NBP95	Construction of the Project could temporarily increase the population in the area by about 300 to 400 people.	Less than significant (CEQA Class III)	No mitigation is proposed during construction. This negligible short-term increase in population would not significantly affect housing availability or increase the demand for public services in excess of existing and projected capabilities.	Less than significant (CEQA Class III)	No monitoring required.
NBP96	Construction-related demands on local agencies could include increased enforcement activities associated with issuing permits for vehicle load and width limits, local police assistance during construction at road crossings to facilitate traffic flow, and emergency medical services to treat injuries resulting from construction activities.	Significant (CEQA Class II)	Local communities have adequate infrastructure and community services to meet the needs of the out-of-area workers that would be required for the Project. North Baja would develop an Emergency Response Plan to establish and maintain communications with local fire, police, and public officials and would make personnel, equipment, tools, and materials available at the scene of an emergency.	Less than significant (CEQA Class III)	North Baja certified compliance with this mitigation measure in its application to the FERC.
NBP97	Construction and operation of the pipeline could generate local tax revenue.	Beneficial impact (CEQA Class IV)	No mitigation is proposed.	Beneficial impact (CEQA Class IV)	No monitoring required.
TRANSPORTATION AND TRAFFIC					
NBP98	Construction across roads and highways would result in short-term impacts on public transportation while construction activities pass through the Project area.	Significant (CEQA Class II)	Construction across paved and unpaved roads, highways, and railroads would be in accordance with requirements of applicable permits and approvals. These features would either be bored or open cut. The use of the bore crossing method would avoid disrupting traffic. No work would occur within the road or railroad rights-of-way unless expressly permitted by the applicable agency. At open-cut road crossings, North Baja would not close any roads unless adequate detours are provided. If a detour is required, traffic would be rerouted to another nearby road. If no reasonable detour is feasible, North Baja would leave at least one lane of traffic open. Where Project construction crosses roads necessary for access to private residences and no alternative entrance exists, North Baja would implement measures (e.g., plating over the open portion of the trench) to maintain passage for landowners and emergency vehicles. Most open-cut crossings would be completed and the road resurfaced in 1 or 2 days.	Less than significant (CEQA Class III)	FERC and CSLC
NBP99	Construction of the Project would result in temporary increases in traffic levels due to the commuting of the construction workforce to the Project area as well as the	Less than significant (CEQA Class III)	No mitigation during construction is proposed. The roadways in the Project area have a level of service of A (roadway has little or no delay or congestion) or B (roadway has slight congestion or delay). Because pipeline construction work is generally scheduled to take advantage of all daylight hours, workers would commute to and from the contractor yards and	Less than significant (CEQA Class III)	No monitoring required.

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP99 cont'd	movement of construction vehicles and delivery of equipment and materials to the construction work area.		construction right-of-way during off-peak traffic hours. Construction workers would typically meet at the contractor yards and share rides to the construction right-of-way, thereby reducing overall traffic. In addition, work would be spread along the length of the construction spread, which would reduce the impact on traffic at any one location. Overall, the number and frequency of construction vehicle trips would be low on any particular roadway at any one time because construction would move sequentially along the Project right-of-way.		
NBP100	Construction in the paved segment of 18th Avenue could inconvenience residents and business owners.	Significant (CEQA Class II)	North Baja would implement its Traffic Management Plan for 18th Avenue, which identifies the following mitigation measures to minimize traffic-related impacts: • the pipeline would be installed with a minimum of 36 inches of cover and 12 inches of separation from other utilities or obstructions. A minimum of 2 feet would be maintained under canals and 5 feet over drains; • intersections would be bored or trenched (trenched intersections would be steel plated if construction does not occur on consecutive days); • North Baja would contact each owner and/or tenant of the properties abutting the road to explain the construction process and identify any special conditions or concerns that need to be incorporated into the construction plans. In addition, these adjacent residents and businesses would be notified by hand-delivered flyers 2 weeks before construction. The flyers would include the dates of construction, work hours, traffic detours, and contact numbers for North Baja and the contractor. Emergency response agencies would also be notified of the work schedule; • the Underground Service Alert would be notified at least 48 hours before beginning work; • flag persons would be provided to route traffic around construction equipment and obstructions; • work would be scheduled during daylight hours unless alternative schedules are authorized; • access would be maintained to all residences or businesses except during actual trenching operations. Steel plates would be available to maintain access to driveways during periods when the trench is open;	Less than significant (CEQA Class III)	FERC and CSLC

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP100 cont'd			• non-local traffic would be detoured around construction activities; • one lane of restricted traffic movement would be maintained through the construction area. This would allow residences, businesses, and emergency vehicles reasonable access during the construction activities; • during non-work times, the work area would be secured and patrolled to minimize safety hazards associated with open trenches, heavy equipment, and other construction operations; and • open trenches would be covered or cordoned off during non-working hours. The non-local traffic that would be detoured around construction activities would be directed to a road parallel and typically only 1 block north or south of 18th Avenue.		
NBP101 ARM13	Traffic along Arrowhead Boulevard could be affected during construction of the Arrowhead Extension.	Significant (CEQA Class II)	North Baja would use the same construction methods between MPs 0.0 and 1.0 of the Arrowhead Alternative as those described for portions of the proposed B-Line within 18th Avenue (see NBP100). North Baja would also prepare a Traffic Management Plan for Arrowhead Boulevard in consultation with the County of Riverside Transportation Department detailing the specific measures that would be used to control traffic during construction of the Arrowhead Extension.	Less than significant (CEQA Class III)	FERC and CSLC
NBP102	Construction would affect several Imperial County roadways (e.g., Evan Hewes Highway, Hunt Road, and East Ross Road).	Significant (CEQA Class II)	North Baja would implement its Traffic Management Plan for Imperial County Roads. The plan identifies the same mitigation measures as for 18th Avenue (see NBP100). In addition, North Baja would install the pipeline in sections and have a specialized crew designated for construction to minimize road closures or periods of restricted access along Imperial County roadways. North Baja would close off 0.5- to 1.0-mile-long sections of road and reroute traffic around the area through the use of signs and detours (while maintaining access for residents and emergency vehicles). No more than 2 miles of work area would be active at any one time and construction would advance along the roadway at an estimated 0.5 mile per day. In general, construction impacts at any given location would last no more than 2 to 3 weeks.	Less than significant (CEQA Class III)	FERC and CSLC

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
CULTURAL RESOURCES					
NBP103 ARM14	Potential adverse effects on historic properties and compliance with the National Historic Preservation Act.	Significant (CEQA Class II)	North Baja would complete cultural resources surveys for all areas of the proposed Project. To ensure that the FERC's responsibilities under the National Historic Preservation Act and its implementing regulations and the CSLC's responsibilities under the CEQA are met, North Baja would defer implementation of any treatment plans/mitigation measures (including archaeological data recovery), construction of facilities, and use of all staging, storage, or temporary work areas and new or to-be-improved access roads on each respective Project phase until North Baja files with the FERC and the CSLC, as applicable, the materials listed in bullets 1 through 7, and the steps listed in bullets 8 through 10 below have been completed: • any FWS, Cibola NWR comments on the Overview and Survey Report; • any BOR comments on the Evaluation Plan; • any comments from the BOR and Native American tribes on the draft Evaluation Report; • the revised Evaluation Report; • the California State Historic Preservation Office's (SHPO) comments on Addendum Reports 2 and 3, the revised Evaluation Report, and the revised Historic Properties Treatment Plan; • all additional cultural resources survey reports for denied access areas and any additional areas requiring survey, evaluation reports, and any necessary treatment plans as well as documentation that these reports and plans were submitted to the SHPO(s); the BLM; the BOR; the FWS, Cibola NWR; and Native American tribes, as applicable; • any comments of the SHPO(s); the BLM; the BOR; the FWS, Cibola NWR; and Native American tribes, as applicable, on all additional cultural resources survey reports and plans; • the CSLC reviews and approves all cultural resources reports and plans prepared for the California portion of the Project and notifies North Baja in writing that construction may proceed; • the Advisory Council on Historic Preservation is afforded an opportunity to comment, if historic properties would be adversely affected; and • the Director of the Office of Energy Projects reviews and approves all applicable cultural resources reports and plans and notifies North Baja in writing that treatment plans/mitigation measures may be implemented or	Less than significant (CEQA Class III)	FERC, CSLC, and BLM

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
			construction may proceed.		
AIR QUALITY					
NBP104	The construction activities that would generate emissions include land clearing, ground excavation, and cut and fill operations. The intermittent and short-term emissions generated by these activities would include dust from soil disruption and combustion emissions from the construction equipment. These emissions could result in minor, temporary impacts on air quality in the vicinity of pipeline installation.	Significant (CEQA Class II)	Construction equipment would be operated on an as-needed basis during daylight hours only and the emissions from gasoline and diesel engines would be minimized because the engines must be built to meet the standards for mobile sources established by the U.S. Environmental Protection Agency mobile source emission regulations including those in Title 40 CFR Part 85. Most of the construction equipment would be powered by diesel engines and would be equipped with typical control equipment (e.g., catalytic converters), and Project-related vehicles and construction equipment would be required to use the new low sulfur diesel fuel as soon as it is commercially available. In addition, North Baja would implement the following measures to minimize impacts on air resources. • minimize idling time for diesel equipment whenever possible; • ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use; • prohibit engine tampering to increase horsepower; • use California Air Resources Board-certified low sulfur diesel fuel (less than 15 parts per million); and • reduce construction-related trips as feasible for workers and equipment, including trucks. See also the mitigation measures listed in NBP9, ARM2, and ARM3.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP105	Construction of the Project would generate emissions of non-regulated greenhouse gas (GHG). Carbon dioxide would be formed as a primary product of combustion of the diesel and gas engines used to power construction equipment and vehicles.	Less than significant (CEQA III)	None of the proposed facilities would result in increased air emissions of criteria pollutants during operation; however, emissions of GHG could occur. Direct releases of methane could occur as a result of pipeline repair or maintenance operations. These releases would be infrequent over the lifetime of the Project and would likely involve only an isolated section of pipeline resulting in a negligible increase in GHG emissions.	Less than significant (CEQA III)	No monitoring required.

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NOISE					
NBP106	Individuals in the immediate vicinity of the construction activities could experience an increase in noise.	Significant (CEQA Class II)	Noise associated with construction activities would be both temporary and intermittent. Pipeline construction would proceed at rates averaging about 1 mile per day, and equipment would be operated on an as-needed basis during day light. Nighttime construction noise would be limited to HDDs at the Colorado River, All-American Canal, and the East Highline Canal crossings; hydrostatic testing activities; and bores under major highways or railroads. The duration of activities would be generally less than several days at road or railroad crossings, 24 hours for hydrostatic testing, and up to 2 weeks at the HDD crossings. A majority of the activities would occur away from population centers. North Baja would comply with the noise elements included in the Riverside County and Imperial County General Plans.	Less than significant (CEQA Class III)	FERC, CSLC, and BLM
NBP107	Blowdown events at Blythe, Ogilby, and El Centro Meter Stations, and the Ehrenberg Compressor Station valves could result in a significant noise impact.	Significant (CEQA Class II)	Blowdowns would occur only on rare occasions. In residential areas, North Baja would install silencers to reduce noise levels. In the event of a blowdown, nearby residences would be notified in advance if possible and North Baja would provide traffic control along public roadways near the blowdown location as needed.	Less than significant (CEQA Class III)	North Baja certified compliance with this mitigation measure in its application to the FERC.
RELIABILITY AND SAFETY					
NBP108	The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and subsequent release of gas.	Significant (CEQA Class II)	The pipeline and aboveground facilities associated with the North Baja Pipeline Expansion Project would be designed, constructed, operated, and maintained to meet or exceed the DOT Minimum Federal Safety Standards in Title 49 CFR Part 192 and other applicable Federal and State regulations including the California Public Utilities Commission, General Order 112-e. These regulations, which are intended to protect the public and to prevent natural gas facility accidents and failures, include specifications for material selection and qualification; odorization of gas; minimum design requirements; and protection of the pipeline from internal, external, and atmospheric corrosion. To address seismic hazards, the facilities would be designed to meet or exceed the latest edition of the Uniform Building Code or International Building Code and to incorporate current seismological engineering standards, including the *Guidelines for the Design of Buried Steel Pipe* (American Lifelines Alliance 2001) and *Guidelines for the Seismic Design and Assessment of Natural Gas and Liquid Hydrocarbon Pipelines* (Pipeline Research Council International, Inc. 2004). The engineering design drawings for the entire Project in California would be certified by a California-registered	Less than significant (CEQA Class III)	North Baja certified compliance with these construction and safety standards in its application to the FERC. The western region of the Office of Pipeline Safety and the Arizona Corporation Commission would verify the standards are met.

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP108 cont'd			civil/structural engineer, and would comply with the latest edition of the California Building Code. North Baja would prepare and implement an Operation and Maintenance Plan in accordance with the requirements in Title 49 CFR Part 192. Within the first 6 months of placing the pipeline into operation, North Baja would conduct an internal inspection of the pipeline. Following the initial test, internal inspections with a high resolution instrument would be conducted on a periodic basis, at a minimum of one inspection every 10 years, or sooner if the evidence suggests that significant corrosion or defects exist or if any new Federal or State regulations require more frequent or comparable inspections. The existing pipeline system is monitored and controlled 24 hours a day for pressure drops in the pipeline that could indicate a leak or other operating problem through a Supervisory Control and Data Acquisition system, which is a computer system for gathering and analyzing real-time systems. The system is programmed to take appropriate immediate action when alarm conditions are present. In addition, a crew that conducts on-site operations and maintenance is located at the Ehrenberg Compressor Station, and is on call 24 hours a day. When completed, the B-Line, Arrowhead Extension, and IID Lateral would be operated in conjunction with the existing system and subject to the same operation and maintenance procedures. North Baja would x-ray all girth welds over 6 inches in diameter where possible to ensure pipeline structural integrity and compliance with the applicable DOT regulations. Where x-ray inspection is impossible or impractical, other means of non-destructive inspection would be conducted. Those welds that do not meet established specifications would be repaired or replaced. Once the welds are approved, the welded joints would be coated with a protective coating and the entire pipeline would be visually inspected for any faults, scratches, or other coating defects. Any damage would be repaired before the pipeline is installed. After construction, North Baja would clearly mark the pipeline at line-of-sight intervals, roads, railroads, and other key points to alert the public to the presence of the pipeline. The markers would provide contact information for North Baja in the event of		

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
NBP108 cont'd			an emergency. In accordance with the DOT regulations in effect since 1982, North Baja would participate in all communication and notification "One-Call" services to prevent outside damage to the pipeline. These services provide preconstruction information to contractors or other maintenance workers on the underground location of pipes, cables, and culverts. While the primary focus of these standards is prevention of accidents, North Baja would prepare an Emergency Response Plan that would be coordinated and tested (through drills and exercises) with local fire/police departments and emergency management agencies.		
ARM15	The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and subsequent release of gas.	Significant (CEQA Class II)	To ensure that North Baja's operation and maintenance commitments are documented in a comprehensive plan and to assist the CSLC in reviewing the Project for consistency with the CSLC's action on the amended lease across California's Sovereign and School Lands, North Baja would submit to the CSLC for approval an Operation and Maintenance Plan before placing the pipeline system into service in California. This plan would address internal and external maintenance inspections of the completed facility, including but not limited to details of integrity testing methods to be applied, corrosion monitoring and testing of the cathodic protection system, and leak monitoring. The Operation and Maintenance Plan would also specify that North Baja would, unless expressly prohibited by DOT regulations, conduct an internal inspection with a high-resolution instrument on a periodic basis, at a minimum of one inspection every 10 years, or sooner if the evidence suggests that significant corrosion or defects exist or if any new Federal or State regulations require more frequent or comparable inspections. Within 3 months following any new Federal or State regulations, North Baja would update the Operation and Maintenance Plan and submit a revised copy to the CSLC. In addition, the Operation and Maintenance Plan would include procedures for implementing operational mitigation measures recommended (if any) by the site-specific seismic hazard evaluation reports for the Project.	Less than significant (CEQA Class III)	CSLC
NBP109	The Project may affect high consequence areas (HCAs), which include two potential locations along the B-Line (MPs 27.0 and 75.0), and two potential locations along the IID Lateral (MPs 0.0 to 7.0 and MP 9.0).	Significant (CEQA Class II)	Per the Pipeline Safety Improvement Act of 2002, North Baja would develop an integrity management program that applies to all HCAs to minimize the potential for an accident. In locations designated as HCAs, the pipeline would be inspected every 7 years.	Less than significant (CEQA Class III)	North Baja certified compliance with these construction and safety standards in its application to the FERC.

TABLE 5.1-1 (cont'd)

Mitigation Monitoring Program for the North Baja Pipeline Expansion Project

Mitigation Number [a]	Impact [b]	Significance Before Mitigation [b, c]	Mitigation Measure [b, d]	Significance After Mitigation [b, c]	Monitoring Responsibility
ENVIRONMENTAL JUSTICE					
NBP110	The Project could result in a disproportionately high and adverse effect or impact on a minority or low-income portion of the population.	Less than significant (CEQA Class III)	No mitigation is proposed. U.S. Bureau of Census data show that minority and low-income populations are present along the proposed pipeline routes, and there is a potential for disproportionate adverse impacts on these populations. However, North Baja would mitigate these impacts through its Project-specific plans and obtaining Federal, State, and local permits, and applying them to all areas along the proposed pipeline routes regardless of the presence or absence of minority or low-income populations. In addition, per a recent Final Federal Rule, North Baja would include in its public awareness plans, measures to prepare and distribute a comprehensive program that includes activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The program would be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area. North Baja conducted open houses and public scoping meetings in the Project area in July and September of 2005 to inform the public about the Project and provide an opportunity for the public to ask questions and express concerns. These public input opportunities were announced in the local newspapers in English and Spanish, and Spanish translators were present.	Less than significant (CEQA Class III)	North Baja certified compliance with this mitigation measure in its application to the FERC.

[a] NBP = Mitigation proposed by North Baja Pipeline, LLC.

ARM = Mitigation recommended by the Agency Staffs.

[b] The No Project Alternative would eliminate the impacts of the proposed Project; therefore, no mitigation measures would be required and there would be no significance classifications.

[c] California Environmental Quality Act (CEQA) Significance Classifications:

Class I = A significant adverse impact that remains significant after mitigation.

Class II = A significant adverse impact that can be eliminated or reduced below an issue's significance criteria.

Class III = An adverse impact that does not meet or exceed an issue's significance criteria.

Class IV = A beneficial impact.

[d] Any mitigation measures included in the CDFG's BO that are more stringent than the mitigation measures proposed by North Baja and recommended by the Agency Staffs would supersede the measures listed in this table.

[e] This impact was addressed in the CEQA Findings as a cultural resources impact (see CEQA Finding No. CR-1).

[f] This impact was addressed in the EIS/EIR as a Class I impact before and after mitigation. It was inadvertently listed in Table 5.1-1 of the EIS/EIR as a Class II impact before mitigation and a Class III impact after mitigation. It is correctly addressed in the CEQA Findings as a Class I impact before and after mitigation (see CEQA Finding No. SSS-6).

Exhibit E: CEQA Findings

CEQA FINDINGS

INTRODUCTION

These Findings on the North Baja Pipeline Expansion Project (Project or proposed Project)[1] proposed by North Baja Pipeline, LLC (North Baja, or the Applicant) are made by the California State Lands Commission (CSLC), pursuant to the Guidelines for the California Environmental Quality Act (the CEQA) (California Code of Regulations (CCR), Title 14, section 15091). A joint Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) hereinafter referenced as EIR, has been prepared for the proposed Project. All significant adverse impacts of the Project identified in the Final EIR are included herein and organized according to the resource affected.

The Findings are each assigned a prefix that indicates the resource affected and then numbered sequentially within that resource (e.g., GEO-1 represents the first Finding for geological resources). The specific mitigation measures referred to within each Finding are numbered in accordance with the mitigation numbers identified in the Mitigation Monitoring Program in the Final EIR (see Table 5.1-1 in Section 5 of the Final EIR). Mitigation measures that begin with the prefix NBP are measures that North Baja has proposed pursuant to its applications to the lead agencies. These measures are not numbered sequentially because some of the impacts were less than significant before mitigation (Class III) or a beneficial impact (Class IV). Mitigation measures that begin with the prefix ARM are additional agency-recommended measures.

For discussion of impacts, significance is classified according to the following definitions:

- Class I (significant adverse impact that remains significant after mitigation);
- Class II (significant adverse impact that can be eliminated or reduced below an issue's significance criteria);
- Class III (adverse impact that does not meet or exceed an issue's significance criteria); or
- Class IV (beneficial impact).

Class III and Class IV impacts require neither mitigation nor Findings.

For each significant impact (i.e., Class I or II), a Finding has been made as to one or more of the following, as appropriate:

[1] A list of acronyms and abbreviations appears at the end of the Findings.

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the Final EIR.

Following the Finding is a discussion of the facts supporting it.

Whenever Finding (b) occurs, the agencies with jurisdiction have been specified. These agencies, within their respective spheres of influence, have the ultimate responsibility to adopt, implement, and enforce the mitigation discussed within each type of impact that could result from Project implementation. However, under the CEQA (Public Resources Code section 21081.6), the CSLC, as the CEQA Lead Agency, has the responsibility to ensure that the required mitigation measures are effectively implemented. Other specified State, local, regional, and Federal public agencies include, but are not necessarily limited to the following:

- Arizona Department of Environmental Quality (ADEQ);
- Arizona Game and Fish Department (AGFD);
- Arizona State Historic Preservation Office (Arizona SHPO);
- Bureau of Land Management (BLM);
- Bureau of Reclamation (BOR);
- California Air Resources Board (CARB);
- California Department of Fish and Game (CDFG);
- California Department of Transportation (CalTrans);
- California Native Plant Society (CNPS);
- California Regional Water Quality Control Board, Colorado River Basin Region (CRWQCB);
- California State Historic Preservation Office (California SHPO);

- Cibola National Wildlife Refuge (Cibola NWR);
- Federal Energy Regulatory Commission (FERC);
- Imperial County;
- Imperial County Air Pollution Control District (ICAPCD);
- Imperial County Department of Public Works;
- Imperial Irrigation District (IID);
- Mohave Desert Air Quality Management District (Mojave Desert AQMD);
- Palo Verde Irrigation District (PVID);
- Riverside County;
- Riverside County Department of Health;
- U.S. Army Corps of Engineers (COE);
- U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS);
- U.S. Department of Labor, Occupational Safety and Health Administration (OSHA);
- U.S. Department of Transportation (DOT);
- U.S. Environmental Protection Agency (EPA);
- U.S. Fish and Wildlife Service (FWS); and
- Other local districts or jurisdictions.

Whenever Finding (c) is made, the CSLC has determined that sufficient feasible mitigation is not available to reduce the impact to a level below an issue's significance criteria, and even after implementation of all such feasible mitigation measures, there would or could be an unavoidable significant adverse Class I impact due to the Project. The Statement of Overriding Considerations, as required by the CEQA Guidelines sections 15092 and 15093, applies to all such unavoidable impacts.

These Findings are based on the information contained in the Draft and Final EIRs for the Project, as well as information provided by the Applicant and gathered through the public involvement process, all of which is contained in the administrative record as

noted below. The mitigation measures are briefly described in these Findings; more detail on each of the mitigation measures is included in the text of the Final EIR.

The location of the administrative record presently is in the Sacramento office of the **California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.** The administrative record can also be viewed on the **FERC's Internet website at www.ferc.gov**. Click on the eLibrary link, click on "General Search," and enter Docket Number CP06-61. The appropriate date range (05/01/2005 to 07/31/2007) will need to be selected.

EIR FINDINGS

CEQA FINDING NO. GEO-1

GEOLOGIC RESOURCES: NATURAL TOPOGRAPHY

Impact: Disturbances to the natural topography along the right-of-way and at aboveground facilities could occur due to trenching and grading activities.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

Effects from construction could include disturbances to the natural topography along the right-of-way and at aboveground facilities due to trenching and grading activities. Grading would occur over portions of the construction right-of-way to provide a level and safe work surface.

In accordance with Mitigation Measure NBP2, the Applicant shall restore topographic contours and drainage conditions as closely as practicable to their preconstruction condition.

Restoring topographic contours and drainage conditions after construction would result in a more natural appearance consistent with the existing topography, reduce new erosion by restoring preconstruction drainage features, and facilitate revegetation.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-2

GEOLOGIC RESOURCES: BLASTING DURING CONSTRUCTION

Impact: Blasting may be necessary along the B-Line near milepost (MP) 29.5. Cultural resources features nearby may be affected. Temporary effects of blasting on cultural resources features could include hazards posed by uncontrolled fly-rock.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, DOT, FERC, OSHA)

FACTS SUPPORTING THE FINDING(S)

Blasting is only anticipated to be necessary along the B-Line near MP 29.5 because that was the only area requiring blasting during construction of the A-Line. Blasting would not be required in other areas because most of the pipeline route is underlain by unconsolidated to poorly consolidated alluvial deposits or soft, weathered sedimentary clastic rocks. The area surrounding MP 29.5 is uninhabited desert, with no nearby residences or other development. However, cultural resources features are nearby.

In accordance with Mitigation Measure NBP3, the Applicant shall limit the blast to the trenchline and employ blasting mats to keep fly-rock from leaving the construction work area. All blasting activities shall be conducted in strict compliance with North Baja's Blasting Specifications. To avoid injury to personnel and damage to structures or other features such as the existing A-Line, North Baja's Blasting Specifications stipulates that the blasting contractor shall prepare site-specific blasting plans and procedures for review and approval by North Baja. All blasting activities shall be conducted under the supervision of a California Licensed Blasting Technician. Blasting procedures shall be in accordance with Federal, State, and local regulations regarding use, storage, and transport of explosives; safety; and environmental protection.

Implementation of North Baja's Blasting Specifications, including the contractor-prepared site-specific blasting plans and conducting the activities under the supervision of a California Licensed Blasting Technician, would ensure that blasting operations are

conducted by professional technicians in consideration of site-specific conditions. Proper blasting procedures would avoid uncontrolled fly-rock and avoid damage to cultural resources and other features such as the existing A-Line where blasting is required.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-3

GEOLOGIC RESOURCES: SEISMICITY

Impact: Seismicity (which includes active faults, ground shaking, and soil liquefaction) is the primary geologic hazard that could affect the proposed Project facilities.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, DOT, FERC)

FACTS SUPPORTING THE FINDING(S)

Several active faults or seismic zones lie within the Project area. The primary seismic hazard to the proposed pipeline facilities would be moderate ground shaking from earthquakes associated with the San Andreas Fault System. According to the 1997 Uniform Building Code, the seismic hazard potential along the B-Line increases from north to south from a seismic zone rating of 3 from MP 0.0 to approximately MP 45.0, to a seismic zone rating of 4 throughout the Imperial Valley. The Arrowhead Extension, which connects with the B-Line at MP 7.4, has a seismic zone rating of 3. The IID Lateral has a seismic zone rating of 4 for its entire length. The increase in seismic hazard in the Imperial Valley is attributable to the seismic activity in the Salton Trough. Consequently, the southern portion of the B-Line route would be in a region that is more seismically active than the northern portion. Several faults and fault zones are proximal to the proposed IID Lateral, the most significant of which is the Imperial Fault Zone, which would be crossed at approximately MP 40.0.

In addition to surface displacement, ground shaking can also occur with fault activity and could be a potential hazard to the pipeline facilities. Potentially hazardous ground failures caused by ground shaking along the pipeline route primarily include soil liquefaction, lateral spreading, and ground settlement.

For liquefaction to occur, a relatively shallow water table (see the groundwater resources background discussion in CEQA Finding No. WQ-1), susceptible soils, and rapid strong ground motions must all be present. Soil liquefaction can affect a pipeline

by causing lateral spreading, loss of bearing strength, flow failures, subsidence, and flotation.

In accordance with Mitigation Measure NBP5, the Applicant shall construct and test the pipeline facilities to meet DOT construction and safety standards outlined in Title 49 Code of Federal Regulations (CFR) Part 192, *Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.* The pipelines and associated aboveground facilities shall be designed using the *Guidelines for the Design of Buried Steel Pipe*, *Guidelines for the Seismic Design and Assessment of Natural Gas and Liquid Hydrocarbon Pipelines*, applicable building codes, and/or other similar recognized seismological engineering standards. The engineering design drawings for the entire Project in California shall be certified by a California-registered civil/structural engineer, and shall comply with the latest edition of the California Building Code.

North Baja has prepared a Liquefaction Hazard Evaluation and Mitigation Study in a manner consistent with California Division of Mines and Geology Special Publication 117, *Guidelines for Evaluation and Mitigation of Seismic Hazards in California*, Chapter 6, Analysis and Mitigation of Liquefaction Hazards. North Baja's Liquefaction Hazard Evaluation and Mitigation Study indicated a potential for liquefaction hazards at the Colorado River crossing, and along the B-Line and IID Lateral. To mitigate these potential liquefaction hazards, North Baja has incorporated the recommendations of the Liquefaction Hazard Evaluation and Mitigation Study into the Project design. At the Colorado River, liquefiable soils shall be avoided by the use of the horizontal directional drill (HDD) crossing method (see CEQA Finding No. WQ-12). The pipelines and associated facilities shall be designed using the standards listed above and/or other similar recognized industry standards for seismic-resistant design in liquefaction-prone areas.

North Baja shall perform a site-specific seismic evaluation as part of its detailed design phase for the Project. This evaluation shall determine the engineering/design solutions that are appropriate to mitigate against the hazard of seismic displacements along the Imperial Fault. The seismic evaluation shall determine recommended design fault displacements for the pipeline design specifications. North Baja shall develop a computer model to determine the soil-pipe interaction with the proposed applied displacement. The model shall evaluate various combinations of pipe wall thickness and pipe grade to determine which pattern yields the best performance under displacement conditions. The design may also incorporate additional mitigation methods if necessary.

North Baja shall provide a copy of the final design for the Imperial Fault crossing, as well as any related geotechnical information, to the CSLC and the FERC before construction of the IID Lateral. The final design shall also address any measures necessary to mitigate for liquefaction hazards.

North Baja's proper design of the Project facilities and incorporation of current seismological engineering standards for seismic-resistant design at all fault crossings and the recommendations of the Liquefaction Hazard Evaluation and Mitigation Study would protect public health and safety. Adherence to the standards and recommendations would minimize the potential for damage to the pipeline from seismic hazards by utilizing proven soil preparation techniques, strengthening potentially affected structures, and avoiding soils subject to liquefaction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-4

GEOLOGIC RESOURCES: LANDSLIDE AND/OR SLOPE STABILITY HAZARD

Impact: The potential for landslide and/or slope instability hazards could exist in areas where the pipeline route crosses steep terrain.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

With the exception of the Palo Verde Mesa that would be crossed by the B-Line between MPs 11.6 and 11.8, neither the B-Line, the Arrowhead Extension, nor the IID Lateral cross steep terrain that was identified as having a high potential for landslides or slumping.

In accordance with Mitigation Measure NBP6, the Applicant shall reduce the potential hazard by creating a stable and/or level right-of-way work area during the grading operation and implementing the restoration practices in its Construction Mitigation and Restoration Plan (CM&R Plan) (see CEQA Finding Nos. SO-1 and VEG-1). To prevent a potential instability of the B-Line at the Palo Verde Mesa, the pipeline and the grade immediately to each side of the pipeline shall be laid back to no more than 30 percent gradient for the estimated 60-foot-high lower terrace slope. In other areas of steep terrain, North Baja shall:

- restore damaged slope breakers on the existing permanent easement where the B-Line parallels the existing A-Line;
- install slope breakers to control surface water on the new construction right-of-way;
- install trench breakers to control groundwater flow in the pipe trench;

- route discharge of surface water away from the slope breakers, and divert or collect surface water coming onto the construction right-of-way to pipes in an outflow below the slope;

- adhere strictly to erosion control and revegetation measures required by Federal, State, and local authorities;

- bury the pipeline in a deeper trench than normal or place armor above it in areas of potential debris flow hazards; and

- monitor geotechnical conditions for signs of mass wasting, and respond appropriately to any indications of instability.

This mitigation would prevent the flow of water along the backfill surrounding the pipeline, reduce the potential for soil movement along the trench, and aid in stabilizing slope stability hazards and better ensure the structural and operational integrity of the pipeline.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-5

GEOLOGIC RESOURCES: CONSTRUCTION ACROSS SAND DUNES

Impact: The IID Lateral would cross the Algodones Sand Dunes, which could expose the pipelines to damage or bury the pipelines as the dunes laterally migrate.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

The Algodones Sand Dunes would be crossed by the IID Lateral near Interstate 8 between MPs 0.0 and 7.9. The dunes were formed from lake bottom deposits from Lake Cahuilla and are an active feature that moves at a rate of approximately 6 to 25 centimeters per year. While not considered a geologic hazard, active sand dunes can either expose or bury pipelines as the dunes laterally migrate.

CalTrans has stabilized a segment of the dunes and actively manages the area to keep Interstate 8 open to vehicle traffic. The IID Lateral would be just south of the CalTrans-managed area and is, therefore, somewhat protected from sand dune migration.

In accordance with Mitigation Measure NBP7, the Applicant shall bury the IID Lateral 6 feet deep between MPs 2.7 and 5.7, which includes the area most susceptible to blowing/shifting sands and pipeline exposure.

Implementation of this mitigation would protect the pipeline from exposure due to blowing/shifting sands. If sand depth were to increase slightly over the pipeline, this would increase its protection from the elements and from vandalism.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. GEO-6

GEOLOGIC RESOURCES: PALEONTOLOGICAL RESOURCES

Impact: Paleontological resources could be affected by construction of the pipeline and associated aboveground facilities as well as by the resulting increased public access to these resources. Without mitigation, ground disturbance during construction could cause adverse impacts on paleontological resources.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, BOR, Cibola NWR, FERC)

FACTS SUPPORTING THE FINDING(S)

Direct physical modifications of paleontological resources could occur during Project construction by activities such as grading or trenching. Indirect impacts on fossil beds could result from erosion caused by slope regrading, vegetation clearing, and unauthorized collection. Avoidance of significant fossil localities is the most effective mitigation method. If avoidance is not possible, scientific excavation to recover fossil materials would reduce the impacts to an acceptable level.

Based on the literature and museum archival review and field survey, the paleontological sensitivity of the stratigraphic units crossed by the proposed pipeline facilities was determined. Pleistocene older alluvium and the Pliocene Bouse Formation units both have a moderate potential to contain fossils. These units would be crossed only by the B-Line. The remaining stratigraphic units that would be crossed by the pipelines have a low potential for fossils. Based on the monitoring undertaken during the construction of the A-Line, monitoring of the B-Line construction by a paleontologist would be warranted only between MPs 27.0 and 29.1, where the outer edge of the Bouse Formation would be crossed.

In accordance with Mitigation Measure NBP8, the Applicant shall implement a Paleontological Resource Mitigation and Monitoring (PRMM) Plan to address potential impacts on paleontological resources resulting from pipeline construction. The PRMM

Plan includes a summary of the literature and museum archival review, field survey results, and assessment of potential impacts on paleontological resources; Project-wide and site-specific mitigation and monitoring measures; and curation and reporting procedures. In accordance with the PRMM Plan, North Baja shall have a paleontological monitor onsite between MPs 27.0 and 29.1 of the A-Line. Between MPs 27.6 and 46.0 of the IID Lateral, North Baja shall conduct spot monitoring. If excavation between these mileposts unearths coarse beach intervals or thicker sand/gravel lenses, continuous monitoring shall be conducted. Additional measures of the plan include:

- availability of a qualified Project paleontologist to be called to the Project area to respond to construction-related issues;
- training of construction personnel and Environmental Inspectors (EIs) regarding the possibility that fossil resources may be encountered during construction;
- granting of authority for the EI to temporarily halt construction to allow for assessment by the Project paleontologist and implementation of mitigation procedures if warranted;
- salvage of significant fossils as determined necessary by the Project paleontologist; and
- protocol for curation and repository storage of fossils.

Following construction, North Baja's Project paleontologist shall prepare a final paleontological report. The final report shall be distributed to the FERC, the CSLC, the BLM, the BOR, the Cibola NWR, and other interested parties.

Adherence to the provisions of the PRMM Plan would ensure protection and preservation of sensitive paleontological resources by requiring qualified personnel with appropriate expertise to be available to respond to construction-related issues, authorizing the EI to cease pipeline construction activities to allow for assessment by the Project paleontologist, and specifying accepted procedures for resource protection or preservation.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-1

SOILS: SOIL DISTURBANCE

Impact: Construction of the pipeline and aboveground facilities could expose soils to erosional forces, compact soils, affect soil fertility, cause mixing of soil horizons, and facilitate the dispersal and establishment of weeds.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS, NRCS)

FACTS SUPPORTING THE FINDING(S)

Pipeline construction activities such as clearing, grading, trench excavation, backfilling, and the movement of construction equipment along the right-of-way may affect soil resources. Clearing removes protective vegetative cover and exposes the soil to the effects of wind, rain, and runoff, which increases the potential for soil erosion and sedimentation of sensitive areas. Grading, spoil storage, and equipment traffic can compact soil, reducing porosity and percolation rates and increasing runoff potential. Construction activities can also affect soil fertility and facilitate the dispersal and establishment of weeds.

Erosion is a continuing, natural process that can be accelerated by human activities. Clearing, grading, and the movement of equipment on the right-of-way can accelerate the erosion process and, without adequate protection, result in discharges of sediment to wetlands and waterbodies and lower soil fertility. Factors that influence the rate of erosion include soil texture and structure, the length and percent of slope, vegetative cover, and rainfall or wind intensity. The most erosion-prone soils are generally bare or sparsely vegetated, non cohesive, fine textured, and situated on moderate to steep slopes. Soils more resistant to erosion include those that are well vegetated, well structured with high percolation rates, and located on flat to nearly level terrain.

Construction equipment operating and traveling on the construction right-of-way, especially during wet periods and on poorly drained soils, can compact the soil. Soil compaction can also result from the storage of heavy spoil piles on certain types of soil

for extended periods of time. Soil compaction destroys soil structure, reduces pore space and the moisture holding capacity of the soil, and increases runoff potential. If unmitigated, compaction results in soils with a reduced revegetation potential and an increased erosion hazard. The degree of compaction depends on the moisture content and texture of the soil. Wet soils with fine clay textures are the most susceptible to compaction. Compaction of fine-grained sediments such as clays is of particular concern in areas where clay soils are accompanied by a high water table because it may contribute to subsidence or the loss of surface elevation due to removal of subsurface support. Although clay soils occur in the Imperial Valley, the water table is generally low along the B-Line and IID Lateral routes, ranging from 9 to more than 400 feet below ground along the B-Line route and 20 to 310 feet below ground along the IID Lateral route. Therefore, increases in compaction levels or the occurrence of subsidence that could damage the pipeline are not anticipated.

Construction activities such as grading, trenching, and backfilling can also cause mixing of soil horizons. Mixing of topsoil with subsoil, particularly in agricultural lands, dilutes the superior chemical and physical properties of the topsoil and lowers soil fertility and the ability of disturbed areas to revegetate successfully. Trenching of stony or shallow-depth-to-bedrock soils can bring stones or rock fragments to the surface. Soils with bedrock present at depths of 5 feet or less may require blasting, which also often results in excess rock being brought to the soil surface. Excess rocks on or near the soil surface could interfere with agricultural practices and hinder restoration of the right-of-way.

In accordance with Mitigation Measure NBP9, the Applicant shall mitigate impacts on soils by implementing its CM&R Plan developed in consultation with the BLM, the FWS, and the CDFG. The mitigation measures in the CM&R Plan include but are not limited to:

- restricting the construction right-of-way width for the B-Line to 105 feet and further reducing the width of the right-of-way in areas with high concentrations of native trees;

- restricting the construction right-of-way width for the IID Lateral to 80 feet where parallel to existing powerlines and to 60 feet where the lateral would be installed between a powerline and a road or within or abutting the traveled portion of county roads;

- preserving the native seed bank by segregating topsoil to a depth of 2 to 8 inches in non-agricultural areas where grading would be conducted and redistributing material over the right-of-way during cleanup;

- preserving and redistributing cut vegetation over the right-of-way;

- restricting grading and crushing or cutting of vegetation where possible, leaving rootstock and minimizing soil disturbance;

- imprinting areas with a sheepsfoot or similar device to provide indentations to catch water/seed and anchor native plant material that has been respread over the right-of-way, thereby aiding in natural revegetation and erosion control;

- segregating and redistributing topsoil to its actual depth up to 2 feet in agricultural areas;

- maintaining water flow in crop irrigation systems, unless shutoff is coordinated with affected parties;

- testing for and alleviating compacted soils in agricultural and residential areas;

- implementing procedures to prevent or minimize the spread of noxious weeds or other undesirable species by limiting disposal of plant materials to suitable areas and cleaning of clearing and grading equipment before entering native species areas; and

- placing intact salvaged plant materials or rock at specific locations where visual blocking would be employed to discourage use of the pipeline right-of-way by unauthorized vehicles.

The provisions of the CM&R Plan and the implementation of related mitigation measures (see CEQA Finding No. GEO-1) would return affected soil resources to preconstruction status or better.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-2

SOILS: FUGITIVE DUST

Impact: Construction of the Project could result in fugitive dust, which is a visible indication of soil loss through wind erosion.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC, ICAPCD, Mohave Desert AQMD, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1.

In accordance with Mitigation Measure NBP10 and as required by Mitigation Measures ARM2 and ARM3, North Baja shall implement the measures included in its Project-wide and Imperial County-specific Dust Control Plans. These measures include taking every reasonable precaution to minimize fugitive dust emissions from construction activities, using tackifiers on spoil and topsoil piles, and applying water on the construction right-of-way and access roads.

The provisions of the Project-wide and Imperial County-specific Dust Controls plans are designed to minimize soil loss through wind erosion. See CEQA Finding No. AQ-1 for additional discussion of the Dust Control Plans as they relate to the protection of air quality.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-3

SOILS: SOIL CONTAMINATION

Impact: Contamination from spills or leaks of fuels, lubricants, and coolant from construction equipment could have an impact on soils.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1.

In accordance with Mitigation Measure NBP11, the Applicant shall mitigate impacts on soils by implementing its Spill Prevention, Containment, and Control Plan for Hazardous Materials and Wastes (SPCC Plan). North Baja's SPCC Plan addresses preventive and mitigative measures that shall be used to avoid or minimize the potential impact of petroleum or hazardous material spills during pipeline construction. Some pertinent measures in North Baja's SPCC Plan include:

- proper storage and handling of containers and tanks, including storage of containers with hazardous liquids in secondary containment structures;
- restricting liquid transfer, vehicle and equipment washing, and refueling within 100 feet of wetlands and waterbodies, 200 feet of water supply wells, and 400 feet of municipal or community water wells or protected wellhead or watershed areas;
- training of all employees on the contents of the SPCC Plan;
- maintaining emergency spill kits in all service vehicles;
- periodic inspection of vehicles and equipment for leaks;

- established release notification and emergency response procedures; and
- proper disposal of contaminated materials and soils and replacement of excavated contaminated soil with clean soil.

The most effective protection of soil resources from contamination is prevention, including training of construction personnel in the proper methods of handling and using potentially hazardous materials on site and in the type of incidents that could lead to such contamination. The second level of protection consists of the knowledge and means to contain and clean up materials and restore the site to its former condition in the event of an incident involving hazardous materials. The implementation of the SPCC Plan would ensure that each of the above circumstances occurs and prevent contamination or rapidly and thoroughly clean up such contamination.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-4

SOILS: SOILS WITH SHALLOW DEPTHS TO BEDROCK

Impact: Construction of the pipeline would impact areas with shallow depths to bedrock near MP 29.5 where blasting would likely be required and could result in bringing excess rock to the soil surface.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, DOT, FERC, NRCS, OSHA)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1.

Blasting is only anticipated to be necessary along the B-Line near MP 29.5 because that was the only area requiring blasting during construction of the A-Line. Blasting would not be required in other areas because most of the pipeline route is underlain by unconsolidated to poorly consolidated alluvial deposits or soft, weathered sedimentary clastic rocks.

In accordance with Mitigation Measure NBP12, the Applicant shall conduct blasting in compliance with its Blasting Specifications (see CEQA Finding No. GEO-2). North Baja shall implement its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1), which requires that excess rock be removed from the upper 12 inches of soil in cropland, hayfields, pastures, residential areas, and other areas at the landowner's request. Excess rock shall not be windrowed along the right-of-way unless approval was obtained from the landowner or land management agency.

North Baja's implementation of these measures would reduce the amount of stones or rock brought to the surface during construction activities and, if these items are brought to the surface, would effectively distribute the excess rock along the right-of-way or dispose of it so that the rock does not interfere with agricultural practices or hinder restoration.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-5

SOILS: SOIIL EROSION IMPACTS

Impact: Construction would impact soils with high water and wind erosion potential.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1.

Soils most susceptible to erosion by water are typified by bare or sparse vegetative cover, non-cohesive soil particles, and moderate to steep slopes. Approximately 36 percent of all soils that would be affected by the Project are highly susceptible to erosion by water. Wind-induced erosion often occurs on dry, fine-textured soil where vegetative cover is sparse and strong winds are prevalent. About 26 percent of all soils that would be affected by the Project are susceptible to wind erosion.

In accordance with Mitigation Measure NBP13, North Baja shall mitigate soil erosion impacts by implementing the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1) and Project-wide and Imperial County-specific Dust Control Plans (see CEQA Finding Nos. SO-2 and AQ-1).

Implementation of the provisions of the CM&R Plan and the Project-wide and Imperial County-specific Dust Control Plans would minimize the loss of soil resources due to the effects of water and wind and through the implementation of measures to enhance revegetation.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-6

SOILS: CONSTRUCTION ACROSS THE IMPERIAL SAND DUNES RECREATION AREA (ISDRA)

Impact: The IID Lateral would cross the ISDRA between MPs 0.0 and 7.0, which consist of loose wind-blown sand and may result in pipeline exposure.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

See the sand dunes background discussion in CEQA Finding No. GEO-5.

In accordance with Mitigation Measure NBP14, the Applicant shall cross portions of the ISDRA in association with the HDDs of the two All-American Canal crossings (see CEQA Finding No. WQ-12). At the All-American Canal crossings, the IID Lateral shall be installed approximately 30 feet below the canal bed. In addition, North Baja shall bury the IID Lateral 6 feet deep between MPs 2.7 and 5.7, which includes the area most susceptible to blowing/shifting sands and pipeline exposure.

Implementation of this mitigation would protect the pipeline from exposure due to blowing/shifting sands.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-7

SOILS: DISRUPTION TO IRRIGATION FLOW

Impact: Construction of the pipeline could disrupt irrigation flow (e.g., Rannells Drain).

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC, IID, PVID)

FACTS SUPPORTING THE FINDING(S)

The agricultural land in the Palo Verde and Imperial Valleys is irrigated with systems using water from irrigation drains and canals. The proposed pipelines would cross 73 irrigation canals and drains. Construction of the Project could disrupt irrigation flow in these canals and drains.

In accordance with Mitigation Measure NBP15, the Applicant shall cross the majority of irrigation drains and canals by boring underneath the culverts or by installing the pipeline between the drain culvert and the road. Only Rannells Drain and two unnamed canals along the Arrowhead Extension shall be crossed using the open-cut method. North Baja shall restore the banks and bed of Rannells Drain and the two unnamed canals to their original configurations. Because of the steepness of the banks at the Rannells Drain crossing, erosion control fabric shall be used for bank stabilization purposes upon completion of pipeline construction at the crossing. In addition, North Baja shall contact landowners in the Palo Verde and Imperial Valleys regarding the location of other irrigation systems and shall maintain water flow in these systems or coordinate disruption of irrigation flow or any shutoff times with the affected landowners.

Implementation of this measure would ensure that disruption to flow in irrigation canals and drains would be minimal. The restoration and strengthening of Rannells Drain to its former configuration following pipeline installation would enhance its existing function(s).

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SO-8

SOILS: PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE

Impact: Construction of the proposed pipelines could temporarily impact about 71.7 acres of soil identified as prime farmland and 41.6 acres of farmland of Statewide importance.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (FERC, IID, NRCS, PVID)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1.

The NRCS defines prime farmland as "land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, and oilseed crops." This designation includes cultivated land, pasture, woodland, or other lands that are either used for food or fiber crops, or are available for these uses. Urbanized land, built-up land, and open water cannot be designated as prime farmland. Prime farmland typically contains few or no rocks, has an adequate and dependable water supply, is permeable to water and air, is not excessively erodible or saturated with water for long periods, and is not subject to frequent, prolonged flooding during the growing season. Soils that do not meet the above criteria may be considered prime farmland if the limiting factor is mitigated (e.g., by draining or irrigating. Additionally, the California Department of Conservation designates farmlands of Statewide and local importance. Farmland of Statewide importance is similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for production of irrigated crops at some time during the 4 years prior to the mapping date. Farmland of local importance is designated as land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee. In total, 71.7 acres of prime farmland and 47.6 acres of farmland of Statewide importance would be affected by the pipeline facilities. No farmland of local importance would be affected.

In accordance with Mitigation Measure NBP16, the Applicant shall mitigate impacts on soils in active farmlands by segregating topsoil before installation of the pipeline and reapplying topsoil over the surface of the right-of-way during restoration as outlined in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1) and to implement the measures included in its Project-wide and Imperial County-specific Dust Control Plans (see CEQA Finding Nos. SO-2 and AQ-1).

The CM&R Plan is designed to ensure protection of prime farmland and farmland of Statewide importance by maintaining its viability and usage during and following pipeline construction to avoid its conversion to non-agricultural uses. The provisions of the Project-wide and Imperial County-specific Dust Control Plans are designed to minimize soil loss through wind erosion, which would minimize impacts on prime farmland and farmland of Statewide importance.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-1

WATER RESOURCES: SHALLOW AQUIFERS

Impact: Shallow aquifers underlying construction areas could experience changes in overland flow and recharge caused by clearing and grading of the construction right-of-way.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

No EPA-designated sole-source aquifers would be crossed by the proposed Project. The nearest sole-source aquifer is the Ocotillo-Coyote Aquifer, which is approximately 42 miles west of the terminus of the IID Lateral. No known municipal/public water supply sources, wellhead protection areas, or springs would be crossed. Groundwater in the vicinity of the North Baja Pipeline Expansion Project is primarily derived from unconsolidated to poorly consolidated alluvial sediments consisting of gravel, silt, sand, and clay associated with a complex system of basin-fill deposits. Many desert basins are characterized by broad alluvial fans and plains sloping to playas, creating closed drainage basins that are usually dry. Hydrologic characteristics within these desert basins can differ considerably from basin to basin and within basins. The majority of the groundwater underlying the proposed facilities is derived from imported water from the Colorado River that is used for irrigation. Other local uses of groundwater in the Project area include industrial and commercial processes and municipal and domestic water supplies. Small amounts of groundwater may also be found in the underlying bedrock where it collects in fractures or weathered areas, but this groundwater is not considered a primary source.

The Colorado River Aquifer underlies the majority of the B-Line, the Arrowhead Extension, and associated aboveground facilities, including all of those portions within La Paz County, Arizona and Riverside County, California, and the northern portion of Imperial County, California. The B-Line would cross a watershed described as the

Amos Ogilby and Imperial Hydrological Units in the southern portion of Imperial County from about MP 49.5 south to the All-American Canal. Groundwater recharge in these watersheds occurs within Colorado River floodplain alluvial deposits and is hydraulically connected to the river. Other minor sources of groundwater recharge include groundwater inflow from adjacent areas, infiltration of precipitation that falls to the ground surface, infiltration from irrigation ditches and canals, and local runoff from surrounding mountains.

Groundwater depth in the vicinity of the B-Line and the Arrowhead Extension is variable depending on the proximity of the area to the Colorado River or on drainage from irrigated lands. Depths to groundwater were derived from a combination of databases prepared by the U.S. Geological Survey (USGS) and a series of maps prepared by Langer et al. Groundwater levels ranging from 9 to 23 feet below the surface have been recorded in the vicinity of the B-Line in the Palo Verde Valley (approximately MPs 0.0 to 12.0), which is close to the Colorado River. Groundwater in the Palo Verde Valley is artificially augmented by irrigation water diverted from the Colorado River. Further south along the B-Line, depth to groundwater tends to increase. Groundwater levels have been recorded at depths greater than 130 feet beneath the Palo Verde Mesa (approximately MPs 12.7 to 20.5), and depths of more than 400 feet below the land surface have been recorded near the Cargo Muchacho Mountains (approximately MP 66.8) and surrounding areas. Even further south along the B-Line, depths to groundwater gradually decrease and have been recorded as shallow as approximately 35 feet below the ground surface in the vicinity of the All-American Canal near MP 79.8.

The IID Lateral would cross a terminal sink basin called the Salton Trough, which is a topographic and structural trough that extends from southeastern California into Mexico. The Salton Trough is approximately 130 miles long and 70 miles wide and is a landward extension of the depression that is partially filled by the Gulf of California. The Salton Trough is further divided in California into two parts by the Salton Sea: the Imperial Valley to the south and the Coachella Valley to the north. The IID Lateral would pass entirely through the southern Imperial Valley, which is the largest area of desert irrigation in the United States.

The most important source of groundwater recharge to the Imperial Valley is the Colorado River, with minor recharge resulting from groundwater inflow from adjacent areas (especially canal seepage), infiltration of runoff from surrounding mountains, and local runoff. The salinity of the Colorado River is the most important water quality issue in the basin, with concentrations as high as 900 milligrams per liter. Major ionic constituents are calcium, sulfate, and chloride. Groundwater within the Imperial Valley generally flows north toward the Salton Sea. Depths to groundwater range between 20 and 310 feet below the ground surface and generally tend to decrease moving from east to west.

For the majority of the Project, groundwater levels are generally well below the land surface that would be affected by construction activities. However, shallow aquifers

underlying construction areas (e.g., the Palo Verde Valley and portions of the route near the Cibola NWR), could experience minor impact from changes in overland flow and recharge caused by clearing and grading of the construction right-of-way.

In accordance with Mitigation Measure NBP17, the Applicant shall clear vegetation only where necessary. After construction, North Baja shall recontour and restore the ground surface to ensure that the original overland flow and recharge patterns are restored.

Minimizing vegetation clearing and restoration of the original overland flow and recharge patterns would allow shallow aquifers to be protected and recharged as they were prior to construction. Also see CEQA Finding No. GEO-1.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-2

WATER RESOURCES: COMPACTION

Impact: Compaction of near-surface soils and soil mixing as a result of heavy construction vehicles could affect groundwater by reducing the soil's ability to absorb water.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1 and the groundwater resources background discussion in CEQA Finding No. WQ-1.

In accordance with Mitigation Measure NBP18, the Applicant shall implement the provisions for soil compaction mitigation described in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1). North Baja shall test topsoil and subsoil at regular intervals in agricultural and residential areas for compaction and plow severely compacted agricultural areas. North Baja shall comply with its soil compaction mitigation described in its CM&R Plan.

Prevention, reduction and alleviation of ground compaction would retain the ability of surface water to percolate through the soil and recharge groundwater resources.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-3

WATER RESOURCES: GROUNDWATER CONTAMINATION

Impact: Refueling of vehicles and storage of fuel, oil, and other fluids during the construction phase of the Project could create a potential long-term contamination hazard to groundwater resources. Spills or leaks of hazardous liquids could contaminate groundwater and affect users of the aquifer.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

See the groundwater resources background discussion in CEQA Finding No. WQ-1.

In accordance with Mitigation Measure NBP19, the Applicant shall comply with its SPCC Plan. This includes avoiding or minimizing potential impacts by restricting the location of refueling activities and storage facilities and by requiring immediate cleanup in the event of a spill or leak. Additionally, the SPCC Plan identifies emergency response procedures, equipment, and cleanup measures in the event of a spill. North Baja shall train all employees on its contents. See CEQA Finding No. SO-3 for additional discussion of the measures in North Baja's SPCC Plan.

The most effective protection of groundwater resources from contamination is prevention, including training of construction personnel in the proper methods of handling and using potentially hazardous materials on site and in the type of incidents that could lead to such contamination. The second level of protection consists of the knowledge and means to contain and clean up materials and restore the site to its former condition in the event of an incident involving hazardous materials. The implementation of the SPCC Plan would ensure that each of the above circumstances occurs and prevent contamination or rapidly and thoroughly clean up such contamination.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-4

WATER RESOURCES: TRENCH DEWATERING

Impact: Trench dewatering during pipeline construction could affect groundwater resources and alter the natural soil strata such that new groundwater migration pathways could be created away from surface waterbodies.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1 and the groundwater resources background discussion in CEQA Finding No. WQ-1.

In locations where groundwater is close to the land surface (6 to 8 feet deep), the trench excavation could intersect the water table. In these areas, trench dewatering may be required. The potential effect on users of the aquifer would depend on the rate and duration of pumping and the location of the activity, but is expected to be minor. Pipeline construction activities within a particular location are typically completed within several days; consequently, potential impacts would be localized and temporary and water levels would be quickly re-established when backfilling is complete. However, alteration of the natural soil strata could potentially result in new groundwater migration pathways away from surface waterbodies.

In accordance with Mitigation Measure NBP20, the Applicant shall implement its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1), which requires the use of trench breakers or installation of trench plugs at the edges of waterbodies to avoid altering the flow of groundwater to local springs or wetland areas.

The relatively short duration of construction, the restoration of topographic contours and drainage conditions as closely as feasible to their preconstruction condition (see CEQA

Finding No. GEO-1), and the use of trench plugs at the edges of waterbodies would maintain the flow of groundwater to local springs or wetland areas.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-5

WATER RESOURCES: WATER TABLE ELEVATIONS

Impact: Substantial amounts of groundwater may be encountered in the vicinity of the Colorado River and near canal crossings along the B-Line, Arrowhead Extension, and IID Lateral that may result in minor fluctuations in local groundwater levels.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

See the groundwater resources background discussion in CEQA Finding No. WQ-1.

In accordance with Mitigation Measure NBP21, the Applicant shall use well points in addition to standard sump pump dewatering to control the influx of groundwater into bore pits at road and canal crossings. The water from these dewatering operations shall be discharged to dewatering structures and/or otherwise filtered and discharged into field drains or canals. North Baja shall complete trench dewatering activities within a particular location as soon as possible.

Discharging groundwater from the trench into proper structures to filter out the sediments would ensure protection of groundwater resources. Rapid completion of dewatering activities (i.e., completion of an affected pipeline segment as soon as possible to reduce the amount of water drawn from an affected aquifer) would reduce any potential fluctuation of groundwater levels to a minimum and ensure that, although minor fluctuations in local groundwater levels may occur, they would be temporary and minor. Groundwater levels would quickly re-establish after activities have been completed.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-6

WATER RESOURCES: PRE-EXISTING GROUNDWATER CONTAMINATION

Impact: Unanticipated, pre-existing contaminated groundwater could be encountered during construction.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

See the groundwater resources background discussion in CEQA Finding No. WQ-1.

Although no areas of known groundwater contamination would be affected by construction of the Project facilities, unanticipated, pre-existing contaminated groundwater could be encountered during construction.

In accordance with Mitigation Measure NBP22, the Applicant shall conduct additional observations for the presence of a chemical sheen, free product, and chemical odor, and record the results before any further construction activity in the event evidence of contaminated groundwater or contaminated soils is encountered. North Baja shall perform field observations to determine the nature of the contamination, appropriate disposal/treatment options, and the need for sampling. If contaminated groundwater and/or soils are encountered, North Baja shall stop work and consult with the appropriate agencies, including the CRWQCB, the Riverside County Department of Health, and the Imperial County Department of Public Works on a plan to proceed. The plan shall include provisions for characterizing the contaminants, appropriate health and safety measures for workers, and proper discharge of the groundwater. North Baja shall notify the appropriate agencies of any discoveries of pre-existing contamination and shall perform evaluations on the amount and composition of the contamination. Once the evaluations are completed, North Baja shall coordinate with the appropriate agencies to determine appropriate actions and disposal of affected materials.

Implementation of field observations to characterize the amount and composition of the contamination followed by coordination with the appropriate agencies and adherence to the provisions of the groundwater contamination plan would ensure protection of the workers and the proper disposal of the groundwater.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-7

WATER RESOURCES: PUBLIC AND PRIVATE WELLS

Impact: Construction activities could impact public and private wells located within 150 feet of the proposed construction work area. These potential impacts could include: localized decreases in groundwater recharge rates, changes to overland water flow, contamination due to hazardous materials spills, decreased well yields, decreased water quality (such as an increase in turbidity or odor in the water), interference with well mechanics, or complete disruption of the well.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

See the groundwater resources background discussion in CEQA Finding No. WQ-1.

A preliminary identification of water supply wells in the vicinity of the Project was conducted by contacting State agency staff and reviewing well location maps and databases at the California Department of Water Resources and the USGS. Based on this review, 10 water supply wells would be within 150 feet of the centerline of the pipeline facilities. All of these wells would be along the B-Line. Nine of the 10 wells have no records of groundwater data after 2001 and are likely non-operational wells. These data demonstrate generally that the pipeline would not be within close proximity to numerous active water wells. However, as specified in Title 18 CFR Part 380.12(d)(9), the appropriate distance to be used to evaluate potential impacts on water wells is 150 feet from the construction work area.

In accordance with Mitigation Measure NBP23, the Applicant shall conduct a field survey to identify public and private water supply wells within 150 feet of the proposed construction work area before construction. With the landowner's permission, North Baja shall test the water wells identified within 150 feet of the construction work area

before construction to determine baseline flow conditions as a means of determining any potential construction-related impacts. Where impacts are reported by landowners, North Baja shall conduct post-construction water well tests. If it is determined that construction activities have impaired a well water quality or yield, North Baja shall either provide bottled water for drinking and arrange for an alternate source of water (such as water truck) for other household uses, temporarily relocate the landowner until the water supply is restored, or compensate the landowner for losses. If water quality or yield is permanently impaired as a result of construction activities, North Baja shall arrange for a new well to be drilled or compensate the landowner.

The establishment of water quality and rate of flow in potentially affected wells prior to construction and the retesting of such wells over an appropriate period of time following construction would ensure that well quality remains at a preconstruction level. North Baja's commitment to arrange for a temporary water supply and make the necessary repairs or install another well or compensate the landowner would guarantee that sufficient water supplies would be maintained.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-8

WATER RESOURCES: BLASTING NEAR GROUNDWATER WELLS

Impact: Blasting near groundwater wells during construction could cause temporary changes in water level and turbidity and damage the water wells.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, DOT, FERC, Imperial County Department of Public Works, OSHA, Riverside County Department of Health)

FACTS SUPPORTING THE FINDING(S)

See the groundwater resources background discussion in CEQA Finding No. WQ-1.

Blasting is only anticipated near MP 29.5. No water wells have been identified within 0.5 mile of this location. Should additional water wells be identified in the vicinity of a location requiring blasting, in accordance with Mitigation Measure NBP24, North Baja shall conduct blasting in compliance with its Blasting Specifications. North Baja's use of proper blasting techniques, which would fracture bedrock only to the point necessary for removal, would limit the effect of the blast to a local area above the aquifer in the proximity of the trenchline.

Although it is anticipated that proper blasting procedures would ensure protection of groundwater wells, additional measures could be employed (see CEQA Finding No. WQ-7) should unanticipated circumstances occur.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-9

WATER RESOURCES: WATERBODIES

Impact: Construction activities could affect waterbodies through modification of aquatic habitat, increased sedimentation, increased turbidity, decreased dissolved oxygen concentrations, stream warming, or introduction of chemical contamination from fuels or lubricants.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BOR, CDFG, COE, CRWQCB, FERC, IID, PVID)

FACTS SUPPORTING THE FINDING(S)

Pipeline construction could affect surface waters. Clearing and grading of streambanks, in-stream trenching, trench dewatering, and backfilling could affect waterbodies through modification of aquatic habitat, increased sedimentation, increased turbidity, decreased dissolved oxygen concentrations, stream warming, or introduction of chemical contamination from fuels or lubricants.

The greatest potential impact of pipeline construction on surface waters would result from the temporary suspension of sediments caused by in-stream construction or by erosion of cleared streambanks and rights-of-way. The extent of the impact would depend on sediment loads, stream velocity, turbidity, bank composition, and sediment particle size. These factors would determine the density and downstream extent of sediment migration.

In-stream construction, particularly under flowing conditions, could cause the dislodging and transport of channel bed sediments, which could cause changes in downstream bottom contours and streamflow dynamics that could cause additional erosion and downstream sedimentation. Turbidity resulting from resuspension of sediments from in-stream construction or erosion of cleared right-of-way areas would reduce light penetration and photosynthetic oxygen production. In-stream work could also introduce chemical and nutrient pollutants from sediments if pollutants are present in the sediments at the crossing location and result in the movement of these pollutants to

new locations downstream. Resuspension of deposited organic material and inorganic sediments could cause an increase in biological and chemical use of oxygen, resulting in reduced dissolved oxygen concentrations in the affected area. Lower dissolved oxygen concentrations could cause temporary displacement of motile organisms and may kill non-motile organisms within the affected area.

Clearing and grading of streambanks would expose large areas of soil to erosional forces and would reduce the riparian vegetation along the cleared section of the stream. The use of heavy equipment for construction could cause compaction of near-surface soils, which could result in increased runoff into surface waterbodies. The increased runoff could transport additional sediment into the waterbodies, resulting in increased turbidity levels and sedimentation rates in the receiving waterbody.

The North Baja Pipeline Expansion Project would cross two watersheds: the Imperial Reservoir Watershed and the Salton Sea Watershed. The B-Line would cross the Imperial Reservoir Watershed between MPs 0.0 and 49.5 and the Salton Sea Watershed between MPs 49.5 and 79.8, the Arrowhead Extension would lie entirely within the Imperial Reservoir Watershed, and the IID Lateral would lie entirely within the Salton Sea Watershed. Within these watersheds, 2 perennial waterbodies, 73 irrigation canals and drains, and 265 dry desert washes would be crossed by the proposed pipeline facilities. Of these, the B-Line would cross 1 perennial waterbody (the Colorado River) and 31 irrigation canals and drains (including the All-American Canal). All 265 dry washes that would be crossed by the Project occur along the B-Line. The Arrowhead Extension would cross the C-05 Canal and two unnamed canals. The IID Lateral would cross 1 perennial waterbody (the Alamo River) and 39 irrigation canals and drains, including the All-American Canal (two crossings) and the East Highline Canal.

In accordance with Mitigation Measure NBP25, North Baja shall install the pipeline across all of the flowing waterbodies crossed by the Project using the HDD (see CEQA Finding No. WQ-12) or bore method or install the pipeline between drain culverts and 18th Avenue, with three exceptions (Rannells Drain and the two unnamed canals crossed by the Arrowhead Extension at MPs 0.5 and 1.5). North Baja shall cross the Alamo River (MP 32.3) by installing the pipeline in the road shoulder over the culverts that carry the water under Hunt Road.

Construction and restoration at Rannells Drain and the two unnamed canals shall be done in accordance with the CM&R Plan. The mitigation measures in the CM&R Plan related to protection of surface waters include:

- locating all extra work areas at least 50 feet away from waterbody boundaries, where topographic conditions permit;

- limiting clearing of vegetation between extra work areas and the edge of the waterbody to the certificated construction right-of-way;

- maintaining adequate flow rates to protect aquatic life and prevent the interruption of existing downstream uses;
- restricting storage and refueling activities near surface waters;
- restricting spoil placement and control near surface waters;
- limiting use of equipment operating in the waterbody to that needed to construct the crossing;
- adhering to timing restrictions on in-stream work;
- requiring temporary erosion and sediment control at Rannells Drain and the two unnamed canals along the Arrowhead Extension and/or as required by regulatory agencies;
- requiring bank stabilization and recontouring after construction; and
- limiting use of herbicides or pesticides for right-of-way maintenance in or within 100 feet of a waterbody except as specified by the appropriate land management or State agency.

At Rannells Drain, North Baja shall use sediment booms downstream of the trenching, which would contain sedimentation to the localized area. In accordance with the CM&R Plan, North Baja shall attempt to complete actual in-stream trenching at Rannells Drain within 48 hours.

North Baja shall obtain waterbody crossing permits from the COE under section 10 of the Rivers and Harbors Act of 1899 and section 404 of the Clean Water Act. North Baja shall also obtain a section 401 Water Quality Certification from the CRWQCB. In addition, North Baja shall obtain a Streambed Alteration Agreement (SAA) (section 1600 seq. of the California Fish and Game Code) from the CDFG. North Baja shall implement the measures and best management practices in its CM&R Plan. All construction activities at waterbody crossings shall be in accordance with Federal, State, and local permit requirements.

North Baja's adherence to the provisions of its CM&R Plan and other permit requirements would ensure protection of waterbodies through the implementation of several measures, including limiting vegetation clearing, completing construction as quickly as possible, and maintaining erosion control measures throughout construction until the streambanks and adjacent areas are stabilized.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-10

WATER RESOURCES: SPOIL IN FLOODPLAINS

Impact: Spoil placed in floodplains during pipeline construction could cause an increase in flood levels or could be washed downstream or be deleterious to aquatic life.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, CRWQCB, FERC)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

In accordance with Mitigation Measure NBP26, the Applicant shall manage spoil piles in accordance with the provisions of the CDFG's SAA. For the A-Line, these provisions required that materials placed in seasonally dry portions of a stream that could be washed downstream or could be deleterious to aquatic life shall be removed before inundation by high flows. Dry washes are also regulated by the CRWQCB, which may impose additional stipulations regarding spoil pile management such as requiring North Baja to leave gaps in the spoil piles in dry washes so the washes remain open during construction. North Baja shall prepare and submit an updated CM&R Plan to the CSLC before construction if necessary to incorporate any additional requirements of Federal, State, and local permits.

North Baja's adherence to the provisions of its permits would ensure that spoil piles are adequately managed.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-11

WATER RESOURCES: SURFACE WATER CONTAMINATION

Impact: Refueling of vehicles and storage of fuel, oil, or other hazardous materials near surface waters could create a potential for contamination if a spill were to occur. Immediate downstream users of the water could experience degradation in water quality. Acute chronic toxic effects on aquatic organisms could result from such a spill.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BOR, CDFG, COE, CRWQCB, FERC, IID, PVID)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

In accordance with Mitigation Measure NBP27, the Applicant shall implement its SPCC Plan. This shall include avoiding or minimizing potential impacts by restricting the location of refueling activities and storage facilities and by requiring immediate cleanup in the event of a spill or leak. Additionally, the SPCC Plan identifies emergency response procedures, equipment, and cleanup measures in the event of a spill. See CEQA Finding No. SO-3 for additional discussion of the measures in North Baja's SPCC Plan.

The most effective protection of surface water resources from contamination is prevention, including training of construction personnel in the proper methods of handling and using potentially hazardous materials on site and in the type of incidents that could lead to such contamination. The second level of protection consists of the knowledge and means to contain and clean up materials and restore the site to its former condition in the event of an incident involving hazardous materials. The implementation of the SPCC Plan would ensure that each of the above circumstances occurs and prevent contamination or rapidly and thoroughly clean up such contamination.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-12

WATER RESOURCES: INADVERTENT RELEASE OF DRILLING MUD

Impact: The primary impact that could occur as a result of the HDD method at the Colorado River, All-American Canal, and East Highline Canal is an inadvertent release of drilling mud (frac-out) directly or indirectly into the waterbody. Drilling mud could leak through previously unidentified fractures in the material underlying the riverbed, in the area of the mud pits or tanks, or along the path of the drill due to unfavorable ground conditions.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BOR, CDFG, COE, CRWQCB, FERC)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

In accordance with Mitigation Measure NBP28, the Applicant shall cross the Colorado River, All-American Canal, and East Highline Canal using the HDD construction technique. This technique involves drilling a pilot hole under the waterbody and banks, then enlarging that hole through successive reamings until the hole is large enough to accommodate the pipe. Pipe sections long enough to span the entire crossing would be staged and welded along the construction work area and then pulled through the drilled hole. Throughout the process of drilling and enlarging the hole, a slurry made of naturally occurring non-toxic materials, such as bentonite clay and water, is circulated through the drilling tools to lubricate the drill bit, remove drill cuttings, and hold the hole open. This slurry is referred to as drilling mud. Unlike a conventional open-cut crossing, the HDD method would not alter or remove streambed or streambank habitat, cause in-stream sedimentation, or interfere with fish movement.

North Baja has prepared site-specific HDD crossing plans for the Colorado River, All-American Canal, and East Highline Canal that show the drill entry and exit workspaces, the pipe fabrication and stringout areas, and the drill profiles. In addition, North Baja

has developed an HDD Plan that describes how drilling operations would be conducted and monitored to minimize the potential for inadvertent releases or failure. The HDD Plan describes the agency notification procedures and the corrective action and cleanup procedures that would be followed in the event of a frac-out to land and the abandonment procedures that would be followed if it is necessary to abandon the drill hole.

Although the HDD Plan addresses corrective action and cleanup procedures for a frac-out to land, it does not provide this information for a frac-out that occurs in the water. Therefore, before commencement of any HDD operation, Mitigation Measure ARM4 requires North Baja to file with the FERC and the CSLC a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed in the event a frac-out occurs in the water during an HDD operation.

The most effective protection of water resources from a frac-out is prevention, including the training of construction personnel in the proper methods of conducting HDD activities and procedures on site and recognizing and controlling incidents that could lead to a frac-out. The second level of protection consists of the knowledge and means to contain and clean up materials and restore the site to its former condition in the event of an incident involving bentonite material. The implementation of the revised HDD Plan would ensure that each of the above circumstances occurs and prevent a frac-out or rapidly and thoroughly clean up the drilling mud.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-13

WATER RESOURCES: DRY WASH CROSSINGS

Impact: Construction could impact the streambed and associated wildlife and vegetation habitats of the waterbodies and dry washes crossed by the proposed pipeline routes.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

In accordance with Mitigation Measure NBP29, the Applicant shall obtain an SAA from the CDFG and follow its CM&R Plan developed in consultation with the CDFG (see CEQA Finding Nos. WQ-9 and WQ-10).

The provisions of the SAA and the CM&R Plan and the implementation of related mitigation measures (see CEQA Finding No. GEO-1) would return affected dry washes to preconstruction status or better.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-14

WATER RESOURCES: HYDROSTATIC TESTING

Impact: The withdrawal of water from streams or rivers to use for hydrostatic testing could reduce the amount of water available for downstream uses and adversely affect aquatic habitats. The discharge of hydrostatic test water could increase erosion and downstream sedimentation and lead to the deterioration of receiving water quality.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, BOR, CDFG, CRWQCB, DOT, FERC, IID, PVID)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

Potential impacts associated with hydrostatic testing include entrainment of fish, reduced downstream flows, impaired downstream uses associated with water withdrawals, erosion, scouring, and a release of chemical additives associated with hydrostatic test water discharges.

North Baja would hydrostatically test the B-Line and piping associated with the Ehrenberg Compressor Station and Blythe Meter Station with water obtained from an existing irrigation canal located adjacent to the Ehrenberg Compressor Station, an existing well on the compressor station site, or the All-American Canal. After testing, the water would be discharged into lined irrigation canals or the All-American Canal. The Arrowhead Extension and piping within the Blythe-Arrowhead Meter Station would be tested with water obtained from the PVID, local wells, or a commercial water source. After testing, the water would be discharged into the C-05 Canal. North Baja would hydrostatically test the IID Lateral with water obtained from the All-American Canal. After testing, the water would be discharged back into the All-American Canal or into other IID irrigation facilities.

In accordance with Mitigation Measure NBP30, North Baja shall conduct all hydrostatic test activities in accordance with the measures in its CM&R Plan, applicable permits (including coordination with the BOR), and DOT pipeline safety regulations set forth in Title 49 CFR Part 192. North Baja shall limit the fill volume to 1,500 gallons per minute or 10 percent of streamflow, whichever is less. The water shall be filtered prior to entering the pipe, and no chemicals shall be added to the test water. In accordance with its CM&R Plan, North Baja shall screen the intake hose to prevent entrainment of fish. After testing, North Baja shall discharge hydrostatic test water in accordance with the requirements of its National Pollutant Discharge Elimination System permit. The discharge rate shall be regulated, and water shall be discharged through energy dissipation devices and sediment barriers, as necessary, to prevent erosion or excessive flow.

The process outlined above would allow the BOR to determine whether sufficient water exists for the hydrostatic test of the pipeline, screening the intake hose and limiting the flow rate would protect aquatic life, and the provisions related to discharge would ensure that water of adequate quality is discharged without creating erosion or excessive flow or impacting aquatic life.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WQ-15

WATER RESOURCES: DUST CONTROL WATER

Impact: The withdrawal of water from streams or rivers to control dust could impact aquatic resources.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, BOR, CDFG, CRWQCB, DOT, FERC, IID, PVID)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

Water would be needed to control fugitive dust generated during construction activities. The water would likely be obtained from the same sources that would provide water for hydrostatic testing activities (see CEQA Finding No. WQ-14). Construction-related impacts on aquatic resources could result from water withdrawals for dust control. These impacts would be the same as those discussed in CEQA Finding No. WQ-14 for hydrostatic test water withdrawals.

Because North Baja did not provide estimates of the quantities of water that would be required for dust control or specify the water sources or measures to protect aquatic resources during dust control water withdrawals, Mitigation Measure ARM5 requires it to file with the FERC and the CSLC a revised Project-wide Dust Control Plan that specifies the sources of water that would be used for dust control, the anticipated quantities of water that would be required, and measures that would be implemented to prevent fish and fish egg entrainment during dust control water withdrawals. See CEQA Finding Nos. SO-2 and AQ-1 for additional discussion of the measures in the Project-wide Dust Control Plan.

Adherence to the provisions of the revised Project-wide Dust Control Plan would ensure the protection of aquatic life as a result of dust control water withdrawals.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. WET-1

WETLAND RESOURCES: WETLAND DISTURBANCE

Impact: The primary impact of the Project on wetlands would be the temporary and permanent alteration of wetland vegetation. Other impacts could include temporary changes in wetland hydrology and water quality, mixing of topsoil and subsoil, and compaction and rutting of soils. A 10-foot-wide maintained corridor would result in the permanent conversion of 3.0 acres of scrub-shrub wetland to emergent wetland.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

The primary impact of pipeline construction and right-of-way maintenance activities on wetlands would be the temporary and permanent alteration of wetland vegetation. These effects would be greatest during and immediately following construction. Generally, the wetland vegetation community would eventually transition back into a community with functionality similar to that of the wetland before construction. In emergent wetlands, the herbaceous vegetation would regenerate quickly (typically within 1 to 3 years). Scrub-shrub wetlands could take several years to reach functionality similar to preconstruction conditions depending on the age and complexity of the system. However, given the fast growing species (primarily tamarisk) that dominate the scrub-shrub wetlands that would be affected and the results of North Baja's revegetation monitoring for the A-Line, regeneration is expected to occur within a shorter time frame.

Construction impacts would primarily occur on wetlands along the B-Line. Construction of the B-Line would affect a total of 35.6 acres of wetlands, including 0.2 acre of emergent wetland and 35.4 acres of scrub-shrub wetlands. Of the total 35.6 acres of disturbance along the B-Line, about 26.9 acres were previously disturbed during construction of the A-Line. About 8.7 acres of new wetland disturbance would result from construction of the B-Line. Four wetlands, two associated with the Colorado River

crossing and two associated with the All-American Canal crossing, would be avoided by the use of the HDD crossing method at these river and canal crossings (see CEQA Finding No. WQ-12). No wetlands would be affected by the Arrowhead Extension.

Wetland impacts along the IID Lateral would be avoided by use of the HDD crossing method at the East Highline Canal, constructing in the road shoulder outside of the wetland boundary at the Alamo River, or by use of the bore crossing method at the Acacia Lateral and Alder Lateral Canals. However, about 0.1 acre of scrub-shrub wetlands would be affected by North Baja's request to locate extra workspace within the wetland that would be crossed on the east side of the Highline Canal at MP 27.5.

Construction of the Project would result in "no net loss" of wetlands because no wetlands would be permanently drained or filled. North Baja states that it does not plan to actively maintain the permanent right-of-way. However, North Baja has the right to maintain a 10-foot-wide strip centered over the pipelines if necessary for periodic corrosion/leak surveys.

In accordance with Mitigation Measure NBP31, the Applicant shall adhere to its CM&R Plan, and comply with the COE's section 404 and the CRWQCB's section 401 Water Quality Certification permit conditions. Wetlands shall be restored to preconstruction contours. Some of the mitigation measures in the CM&R Plan pertaining to wetland crossings include:

- prohibiting storage of hazardous materials, chemicals, fuels, and lubricating oils within a wetland or within 100 feet of a wetland boundary;
- requiring that native vegetation on the right-of-way within wetlands be cut at ground level, leaving existing root systems in place to promote regrowth;
- requiring segregation of the uppermost 1 foot of wetland topsoil from the underlying subsoil in areas disturbed by trenching;
- limiting the operation of construction equipment within wetlands to that equipment essential for clearing, excavation, pipe installation, backfilling, and restoration activities;
- requiring all nonessential equipment to traverse around wetlands using upland access roads where wetland soils are prone to rutting and/or cannot be appropriately stabilized; and
- minimizing duration of construction-related disturbance within wetlands.

The above measures address both prevention of and limitations to wetland disturbances and restoration following any disturbances.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-1

VEGETATION: VEGETATION REMOVAL

Impact: The primary impact of the Project on vegetation would be the cutting, clearing, and/or removal of existing vegetation within the construction work area. The removal of desert vegetation would have longer-term impacts than in agricultural areas where vegetation re-establishes quickly.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS, NRCS)

FACTS SUPPORTING THE FINDING(S)

The proposed pipeline route is entirely within the Lower Colorado River Valley subdivision of the Sonoran Desert, and vegetation communities found in the Project vicinity are typical of that subdivision. No designated vegetation communities of special concern or value were identified along the proposed pipeline route or at aboveground facility sites. Construction activities would result in disturbances of about 1,724.8 acres of vegetation. The most common vegetation communities that would be affected are creosote bush scrub (1,049.0 acres) and urban/ruderal (447.7 acres), which account for about 87 percent of the vegetation that would be cleared or affected by construction. The next most common communities that would be disturbed are agriculture (102.9 acres) and desert wash woodland (83.2 acres) accounting for about 11 percent of the affected vegetation. The least common vegetation community that would be affected is desert sand dunes (42.0 acres), which accounts for less than 3 percent of the vegetation that would be disturbed by the construction of the pipeline facilities. Areas of riparian vegetation would be avoided by the Project.

The primary impact of the pipeline facilities on vegetation would be the cutting, clearing, and/or removal of existing vegetation within the construction work area. The degree of impact would depend on the type and amount of vegetation affected, the rate at which the vegetation would regenerate after construction, and the frequency of vegetation maintenance conducted during operation. Existing vegetation would be disturbed everywhere along the construction right-of-way. In general, the swath of vegetation that

would be disturbed during construction would be 105 feet wide for the length of the B-Line, between 60 and 100 feet wide for the Arrowhead Extension, and between 60 and 80 feet wide for the IID Lateral.

In accordance with Mitigation Measure NBP32, the Applicant shall work over its existing pipeline to construct the B-Line, thereby minimizing the area of new disturbance and the impacts on vegetation. About 75 percent of the vegetation disturbance associated with the B-Line would be within North Baja's existing, previously disturbed right-of-way. North Baja shall implement its CM&R Plan to reduce impacts on vegetation within the construction and permanent rights-of-way and improve revegetation potential. Some of the measures that would be implemented include:

- Segregate topsoil in all agricultural areas and in native habitats where grading is required. This measure would preserve the superior chemical and biological qualities of the topsoil and, in nonagricultural habitats, would preserve the native seed bank contained in the soil.

- Crush or skim vegetation within the construction right-of-way in areas where grading is not required, which would result in less soil disturbance. The remaining root crowns would aid in soil stabilization, help retain organic matter in the soil, aid in moisture retention, and have the potential to resprout following construction.

- Preserve native vegetation removed during clearing operations. The cut vegetation would be windrowed along the right-of-way during construction and then respread over the disturbed areas as part of restoration activities. This measure would be considered "vertical mulch" and would aid in seedling recruitment by trapping seeds, providing shade, and improving water infiltration. Additionally, this cut vegetation would add to the organic matter in the topsoil layer as it decomposes.

- Replant desert wash woodland species at specified locations along the right-of-way providing a visual barrier to the right-of-way to deter off-highway vehicle (OHV) traffic on the right-of-way. Although this vegetation would not be expected to survive, it would provide many of the benefits of vertical mulch described above in addition to preventing vegetation damage by OHV use on the right-of-way.

- Recontour disturbed areas as needed. The contours would be reshaped after backfilling the trench and replacing the topsoil to restore preconstruction contours and natural drainage patterns. This treatment would reduce erosion and the loss of topsoil, which would improve revegetation potential.

- Imprint areas of soil disturbance using a "sheep's-foot" roller or other methods. Imprinting would provide micro-catchment areas for seed retention and would improve water infiltration.

- Maintain water flow in crop irrigation systems, unless shutoff is coordinated with affected parties.

- Test for and alleviate compacted soils in agricultural and residential areas.

- Implement procedures to prevent or minimize the spread of noxious weeds or other undesirable species by limiting disposal of plant materials to suitable areas and the cleaning of clearing and grading equipment before beginning work on the Project.

- Monitor the revegetation of the right-of-way the year following construction and again during the second growing season. In agricultural areas, crop monitoring would be conducted to determine if additional restoration is required. Additional revegetation efforts would be conducted until revegetation is deemed successful. In non-agricultural lands, revegetation monitoring would be conducted until 2012 and would be considered successful if upon visual survey, the density and cover are similar to adjacent undisturbed lands.

Implementation of North Baja's CM&R Plan would minimize impacts on vegetation and ensure that successful restoration of the right-of-way is accomplished.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-2

VEGETATION: DESERT WASH WOODLANDS

Impact: Construction could reduce wildlife habitat and diversity by removing desert wash woodlands.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the vegetation resources background discussion in CEQA Finding No. VEG-1.

In accordance with Mitigation Measure NBP33, the Applicant shall minimize tree clearing in 16 areas of native trees along the proposed route by reducing the width of the construction right-of-way from 105 feet to 80 feet. These areas are located at MP 16.9 (345 feet), MP 17.9 (270 feet), MP 20.0 (700 feet), MP 22.3 (480 feet), MP 22.5 (250 feet), MP 22.6 (1,000 feet), MP 22.8 (180 feet), MP 23.3 (340 feet), MP 23.4 (250 feet), MP 23.5 (590 feet), MP 25.8 (850 feet), MP 34.5 (860 feet), MP 45.1 (500 feet), MP 51.1 (1,800 feet), MP 51.7 (1,100 feet), and MP 64.5 (500 feet). North Baja shall implement its CM&R Plan to restore desert wash woodland (see CEQA Finding Nos. SO-1 and VEG-1).

North Baja shall provide compensatory mitigation for the loss of desert wash woodland vegetation at a 2:1 ratio for the clearing of the 22.0 acres (new disturbance) of desert wash woodland in addition to the 1:1 compensation ratio it proposes to offset impacts on desert tortoise habitat (see CEQA Finding No. SSS-6). North Baja shall negotiate off-site mitigation requirements with the FWS and the CDFG.

The extreme sensitivity of this type of vegetation is recognized by avoidance to the maximum extent, by reducing the footprint of the Project to reduce the number of trees to be impacted, and finally by retaining as much of the bulk of individual trees that remain affected. In addition, other areas of comparable resources would be set aside in public ownership to guarantee their preservation as an offset to recognized impacts.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-3

VEGETATION

Impact: Open-cut trenching through Rannells Drain (MP 11.4) could have an impact on vegetation growing in and on the banks of the drain.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR/EIS.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS, PVID)

FACTS SUPPORTING THE FINDING(S)

See the vegetation resources background discussion in CEQA Finding No. VEG-1 and the wetland resources background discussion in CEQA Finding No. WET-1.

Open-cut trenching through Rannells Drain (MP 11.4) would have a short-term impact on both wetland (cattails and bulrush) and upland (arrow weed, quailbush, and tamarisk) vegetation growing in and on the steep banks of the drain. In accordance with Mitigation Measure NBP34, NBP shall restore and stabilize the banks of the drain following construction (see CEQA Finding No. SO-7) and implement the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1).

The vegetation at Rannells Drain is routinely removed during drain maintenance by the PVID. The PVID has indicated it would be willing to perform maintenance clearing/dredging at the Rannells Drain crossing before construction of the B-Line in 2009, as long as it is done between August 2 and March 14 as agreed with the CDFG. Because vegetation has re-established following the construction of the A-Line in 2002, it is expected that the vegetation in Rannells Drain would regenerate on its own from existing seed and vegetative propagules within 2 years after construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-4

VEGETATION: MATURE LANDSCAPING

Impact: Construction of the B-Line (primarily along 18th Avenue) and the IID Lateral (primarily along Hunt Road and East Ross Road) could affect mature landscaping associated with 11 residences.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (FERC)

FACTS SUPPORTING THE FINDING(S)

See the vegetation resources background discussion in CEQA Finding No. VEG-1.

A total of 11 residences along the B-Line were identified where construction could affect landscaping. In many cases, this mature vegetation provides shade and helps attenuate the effects of ambient dust.

In accordance with Mitigation Measure NBP35, the Applicant shall employ mitigation measures such as tree protection fencing to protect existing trees during construction. North Baja shall restore landscaping following construction as part of site-specific plans. If mature trees or shrubs need to be removed during construction, landowners shall be compensated for the loss of irreplaceable vegetation as part of agreements between North Baja and the landowners.

Implementation of North Baja's proposal to protect trees where possible, restore landscaping that could not be protected, and compensate landowners for the loss of irreplaceable vegetation would minimize potential effects on mature landscaping.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-5

VEGETATION: VEGETATION DISTURBANCE

Impact: The revegetation of desert areas could take from 5 to 50 years.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the vegetation resources background discussion in CEQA Finding No. VEG-1.

The removal of desert vegetation would have a long-term impact. The arid environment characteristic of these habitats is not conducive to plant growth and would slow the regeneration of vegetation following construction. Moreover, because of the dryness of these areas, regeneration by active seeding or planting is typically ineffective. Natural regeneration of these areas would take several years and in some cases could take over 50 years.

In accordance with Mitigation Measure NBP36, the Applicant shall implement its CM&R Plan to promote revegetation of disturbed areas. Specific mitigation measures are listed in CEQA Finding Nos. SO-1 and VEG-1.

Implementation of North Baja's CM&R Plan would minimize impacts on vegetation and ensure that successful restoration of the right-of-way is accomplished.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-6

VEGETATION: RANGELAND HEALTH

Impact: The Project could impact rangeland health. The removal of desert vegetation and disturbance of soils could affect the ability of the Project area to support vegetation and wildlife communities.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the vegetation resources background discussion in CEQA Finding No. VEG-1.

For the portions of the Project that cross BLM lands, the BLM would need to assess potential impacts on rangeland health resulting from construction of the Project. One of the attributes included in the rangeland health assessment is soil/site stability (i.e., the capacity of the site to limit redistribution and loss of soil resources by wind and water). Soil disturbance during pipeline construction could expose the soils to the erosional forces of wind and water thus affecting soil stability.

In accordance with Mitigation Measure NBP37, the Applicant shall implement its CM&R Plan, which includes measures to control erosion and preserve topsoil and scarce organic matter that would minimize impacts on the revegetation potential of the Project area. Specific mitigation measures are listed in CEQA Finding Nos. SO-1 and VEG-1.

Implementation of North Baja's CM&R Plan would minimize impacts on rangeland health and ensure that successful restoration of the right-of-way is accomplished.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-7

VEGETATION: INTRODUCTION OF CONTAMINANTS

Impact: Construction could result in the introduction of contaminants to soils and potentially adversely affect the potential for revegetation.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the soil resources background discussion in CEQA Finding No. SO-1 and the vegetation resources background discussion in CEQA Finding No. VEG-1.

In accordance with Mitigation Measure NBP38, the Applicant shall comply with its SPCC Plan. North Baja's SPCC Plan addresses preventive and mitigative measures that shall be used to avoid or minimize the potential impact of petroleum or hazardous material spills during pipeline construction. Specific mitigation measures are listed in CEQA Finding No. SO-3.

The most effective protection of soil resources and revegetation potential from contamination is prevention, including training of construction personnel in the proper methods of handling and using potentially hazardous materials on site and in the type of incidents that could lead to such contamination. The second level of protection consists of the knowledge and means to contain and clean up materials and restore the site to its former condition in the event of an incident involving hazardous materials. The implementation of the SPCC Plan would ensure that each of the above circumstances occurs and prevent contamination or rapidly and thoroughly clean up such contamination.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. VEG-8

VEGETATION: INVASION AND ESTABLISHMENT OF EXOTIC-NUISANCE SPECIES

Impact: Removal of existing vegetation and the disturbances of soils during construction could create conditions for the invasion and establishment of exotic-nuisance species.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the Finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS, NRCS)

FACTS SUPPORTING THE FINDING(S)

See the vegetation resources background discussion in CEQA Finding No. VEG-1.

The removal of existing vegetation and the disturbance of soils during construction could create conditions for the invasion and establishment of exotic-nuisance species. The use of construction equipment and the importation of Project materials from areas outside the local region could introduce weed or soil pests that could interfere with crop production or successful revegetation of natural communities. Construction equipment traveling from invasive weed-infested areas into weed-free areas could also facilitate the dispersal of invasive weed seed and propagules and result in the establishment of noxious weeds in weed-free areas. The spread of exotic or noxious weeds has been identified as one of the most harmful threats to the biodiversity of the Sonoran Desert area. The potential severity of the noxious weed impacts depends upon the species, the prevalence in the area before construction, and the intensity of the construction-induced dispersal.

Botanical surveys for the A-Line were conducted using the California Invasive Plant Council's (CIPC) List A and Red Alert lists to identify invasive weed species. Four invasive species were identified in significant numbers; African mustard, Australian saltbush, fountain grass, and tamarisk. No Red Alert species were found. North Baja conducted post-construction weed and revegetation surveys for the A-Line, the most recent of which occurred in the Spring of 2005. The surveys indicate that although weeds (specifically mustard and tamarisk) have reoccurred in areas where they were

present before construction of the A-Line, they have not spread to new areas along the right-of-way. Additionally, the surveys indicate that fountain grass has been eliminated from the right-of-way. Because there has been no spreading of noxious weeds as a result of construction of the A-Line, North Baja has not conducted post-construction noxious weed control measures with the exception of manual removal of tamarisk during revegetation surveys.

North Baja has not yet provided information regarding noxious weed species that may occur along the IID Lateral route; however, in accordance with the CM&R Plan, surveys for noxious weeds along the IID Lateral would be conducted before construction.

In accordance with Mitigation Measure NBP40, the Applicant shall reduce the potential to spread noxious weeds and soil pests by implementing the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1). Specific measures related to weed control include, but are not limited to: survey by a qualified noxious weed authority; flagging or treatment before construction; identification of populations of plants listed as invasive exotics by the CIPC and the BLM National List of Invasive Weed Species of Concern; not allowing for disposal of soil and plant materials from non-native areas to native areas; washing all construction equipment before beginning work on the Project; cleaning equipment that worked in Arizona before beginning work in California; washing equipment used to clear tamarisk before working elsewhere on the Project; educating construction personnel on weed identification; use of gravel and/or fill material from weed-free sources for relatively weed-free areas; use of certified weed-free hay bales; implementation of post-construction monitoring and treatment of invasive weeds; removal of tamarisk trees from the right-of-way in native areas and, in non-native areas, removing tamarisk trees as necessary as part of clearing operations; and burning or hauling tamarisk debris offsite.

In accordance with the CM&R Plan, North Baja shall conduct surveys for noxious weeds along the IID Lateral before construction. In areas of weed infestations attributable to the Project, North Baja shall implement control measures twice a year for 2 years after construction is complete or until the infestations have been controlled. North Baja shall also implement weed control measures annually as part of routine operation and maintenance of the pipeline.

Exotic nuisance vegetation species are established in the proposed right-of-way. Such species compete with and often exclude indigenous species. This mitigation is designed to eliminate nuisance species as they are encountered, to prevent their re-establishment in areas of soil disturbance, and to control or eliminate them should regrowth occur. Procedures to prevent nuisance species from invading clean areas would also be observed and are based on known propagation processes (e.g., seed versus propagules).

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-1

BIOLOGICAL RESOURCES: WILDLIFE DISTURBANCE

Impact: Construction and operation of the pipeline could directly impact wildlife through disturbance, displacement, mortality, and alterations of available habitats.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

The impact of the Project on wildlife species and their habitats would vary depending on the requirements of each species and the existing habitat present in the areas crossed by the pipeline facilities. Direct impacts of construction on wildlife would include the displacement of wildlife on the right-of-way and direct mortality of some individuals. Wildlife, such as birds and larger mammals, would leave the vicinity of the right-of-way as construction activities approach. Depending on the season, construction could also disrupt bird courting or nesting and breeding of other wildlife on and adjacent to the right-of-way. Many of these animals may relocate into similar habitats nearby; however, a lack of adequate territorial space could force some animals into suboptimal habitats. This could increase inter- and intra-specific competition and lower reproductive success and survival. The influx and increased density of animals in some undisturbed areas caused by these dislocations could also reduce the reproductive success of animals that are not displaced by construction. Additionally, some smaller, less mobile wildlife, such as small mammals and burrowing species (e.g., burrowing owls, opossums, shrews, rats, mice) and reptiles, could be crushed by construction equipment or trapped in trenches. Bird nests located within the construction work area could be destroyed by clearing activities. The loss of these species could result in a decrease in the food stock available for predators of these species. These effects, however, would cease after construction, and wildlife would return to the newly disturbed areas and adjacent, undisturbed habitats after right-of-way restoration is completed. Additionally, the majority of impacts on native desert vegetation (about 63 percent) would occur over North Baja's previously disturbed existing pipeline right-of-way.

The primary impact of the Project on wildlife habitat would be the cutting, clearing, and/or removal of existing vegetation within the construction work area. The degree of impact would depend on the type of habitat affected and the rate at which the vegetation would regenerate after construction (see CEQA Finding Nos. VEG-1 and VEG-2). This impact would be minimized because about 99 percent of the right-of-way would be adjacent to existing utility or transportation corridors.

In accordance with Mitigation Measure NBP41, the Applicant shall implement conservation measures for special status species (see CEQA Finding Nos. SSS-1 to SSS-32) that would also serve to avoid, minimize, or compensate for impacts on general wildlife and their habitats. These conservation measures include measures to prevent wildlife from being trapped in trenches and other open excavations (see CEQA Finding No. BIO-6). North Baja shall also implement measures to protect breeding birds (see CEQA Finding No. BIO-4). Additionally, North Baja shall implement measures identified in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1) to avoid or minimize impacts on wildlife habitats as well as facilitate the recovery of native vegetation communities. North Baja shall overlap its construction right-of-way along the B-Line over the previously disturbed right-of-way. Following construction and restoration, North Baja shall monitor the revegetation of the right-of-way in areas of desert vegetation through the year 2012. Post-construction monitoring shall be conducted in all other areas for a period of 2 years following construction.

By implementing its conservation measures for special status species, protecting breeding birds, limiting the size of the construction right-of-way as much as possible to those areas disturbed during construction of the A-Line, and implementing the measures in its CM&R Plan, North Baja would minimize disturbance to wildlife and wildlife habitat.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-2

BIOLOGICAL RESOURCES: WILDLIFE DISTURBANCE AT WETLANDS AND WATERBODIES

Impact: Construction across wetlands and waterbodies could affect important habitats for a number of resident wildlife species and fishery resources.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9, the wetland resources background discussion in CEQA Finding No. WET-1, the wildlife resources background discussion in CEQA Finding No. BIO-1, and the aquatic resources background discussion in CEQA Finding No. BIO-7.

The B-Line and IID Lateral would cross several areas of wetland and numerous open water systems (rivers, canals, and drains) (see CEQA Finding Nos. WET-1 and WQ-9). The only undisturbed riparian areas that would be crossed are adjacent to the Colorado River.

In accordance with Mitigation Measure NBP42, the Applicant shall cross the Colorado River, All-American Canal (three crossings), and East Highline Canal using the HDD method (see CEQA Finding No. WQ-12). The irrigation canals and ditches shall be crossed by boring or installing the pipeline between drain culverts and roads. Rannells Drain would be disturbed; however, it is an agricultural drain that is subject to the clearing of vegetation periodically by the PVID. North Baja shall restore and stabilize the banks of Rannells Drain following construction (see CEQA Finding No. SO-7). North Baja shall implement the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1) to minimize disturbance to these habitats.

Use of the HDD method would ensure that in-stream and streambank impacts, and resulting impacts on wildlife and aquatic resources, would be avoided. As discussed in

CEQA Finding No. WQ-12, North Baja has prepared site-specific HDD crossing plans for the Colorado River, All-American Canal, and East Highline Canal that show the drill entry and exit workspaces, the pipe fabrication and stringout areas, and the drill profiles. In addition, North Baja has developed an HDD Plan that describes how drilling operations would be conducted and monitored to minimize the potential for inadvertent releases or failure. The HDD Plan describes the agency notification procedures and the corrective action and cleanup procedures that would be followed in the event of a frac-out to land and the abandonment procedures that would be followed if it is necessary to abandon the drill hole. As also discussed in CEQA Finding No. WQ-12, before commencement of any HDD operation, Mitigation Measure ARM4 requires North Baja to file with the FERC and the CSLC a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed in the event a frac-out occurs in the water during an HDD operation.

The most effective protection of water resources from a frac-out is prevention, including training of construction personnel in the proper methods of conducting HDD activities and procedures on site and recognizing and controlling incidents that could lead to a frac-out. The second level of protection consists of the knowledge and means to contain and clean up materials, and restore the site to its former condition in the event of an incident involving bentonite material. The implementation of the revised HDD Plan would ensure that each of the above circumstances occurs and prevent a frac-out or rapidly and thoroughly clean up the drilling mud.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-3

BIOLOGICAL RESOURCES: FIRE PREVENTION AND SUPPRESSION

Impact: Fires inadvertently started by construction activities (e.g., welding) equipment, or personnel, could affect wildlife by igniting vegetation along the right-of-way.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the wildlife resources background discussion in CEQA Finding No. BIO-1.

Fires inadvertently started by construction activities (e.g., welding), equipment, or personnel could also affect wildlife in the Project area by igniting vegetation along the right-of-way. This habitat loss could cause crowding in adjacent habitats reducing productivity and increasing stress-induced mortality.

In accordance with Mitigation Measure NBP43, the Applicant shall implement its Fire Prevention and Suppression Plan to minimize the potential for wildfires. Some of the measures contained in the plan include: requiring the contractor to train all personnel on fire prevention measures, restricting smoking and parking to cleared areas, requiring all combustion engines to be equipped with a spark arrestor, and requiring vehicles and equipment to maintain a supply of fire suppression equipment (e.g., shovels and fire extinguishers). A Fire Guard shall be assigned to each construction spread that would be responsible for maintaining contact with local fire control agencies. North Baja shall restrict activities on Federal lands during conditions of high fire danger in coordination with the BLM.

The most effective protection of wildlife resources from a fire is prevention, including training of construction personnel in the proper methods to prevent fires and recognizing and controlling incidents that could lead to a fire. Implementation of North Baja's Fire Prevention and Suppression Plan would minimize the chances of a fire to be

inadvertently started by construction equipment or personnel. If a fire is inadvertently started, the suppression measures identified in the plan would minimize habitat loss associated with the fire.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-4

BIOLOGICAL RESOURCES: MIGRATORY BIRDS

Impact: Some impact on migratory birds could result from habitat loss associated with construction of the Project. Clearing of vegetation could also destroy nests and cause mortality of nestlings and nesting adults.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the wildlife resources background discussion in CEQA Finding No. BIO-1.

A variety of migratory bird species, including both songbirds and raptors, utilize the vegetation communities identified within the Project area. Of the 61 migratory bird species likely to occur within the Project area, 28 species are considered by the FWS to be birds of conservation concern. Mitigation measures described for special status species (see CEQA Finding Nos. SSS-1 to SSS-32) would minimize impact on migratory birds. Mitigation measures described for vegetation communities (see CEQA Finding Nos. VEG-1 and VEG-2) would reduce the duration of impacts on migratory birds.

In accordance with Mitigation Measure NBP45, North Baja shall overlap its construction right-of-way along the B-Line over the previously disturbed right-of-way. Additionally, North Baja shall reduce the right-of-way width from 105 feet to 80 feet in 16 areas of microphyll woodlands and shall preserve individual trees within the construction right-of-way where possible (see CEQA Finding No. VEG-2).

North Baja shall attempt to schedule construction in native habitats outside of the breeding season for migratory birds. If, however, construction activities are necessary during the bird breeding season, in accordance with its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1), North Baja shall remove vegetation that could provide nesting substrate from the right-of-way before the breeding season, thus eliminating the

possibility that birds could nest on the right-of-way. Qualified biologists shall conduct preconstruction surveys to confirm the absence of nesting birds before construction begins.

As required by Mitigation Measure ARM6, North Baja shall consult with the FWS, the BLM, and the CDFG to develop Preclearing Plans to protect migratory bird species during construction of Phase I-A and Phase II, which are the only phases of construction that have the potential to occur in native desert habitats during the nesting period for migratory birds. These plans shall include specific details of the preclearing methods to be implemented, the specific locations where preclearing would occur, and the dates preclearing would be initiated and completed.

If, in spite of vegetation removal, nesting birds are found on the construction right-of-way, the nest shall not be removed until fledging has occurred or unless authorized after consultation with the FWS, the CDFG, and, if the nest is located on Federal lands, the Federal land management agency.

North Baja shall implement the measures in its CM&R Plan to promote revegetation of disturbed areas by restoring original contours, segregating topsoil where grading is required, and respreading cut vegetation over the restored areas.

Although vegetation (habitat) would be either removed or trimmed during Project construction, nest or species mortality would be prevented by the above measures.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-5

BIOLOGICAL RESOURCES: MANAGED AND SENSITIVE BIOLOIGICAL RESOURCE AREAS

Impact: Construction-related activities could directly and indirectly impact wildlife in managed and sensitive biological resource areas such as the Cibola NWR, Milpitas Wash Special Management Area (SMA), Wildlife Habitat Management Area (WHMA), and a Nature Conservancy site.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the wildlife resources background discussion in CEQA Finding No. BIO-1.

Between MPs 29.5 and 33.0, the B-Line would cross a small portion of the Cibola NWR. This crossing would be on the western edge of the refuge through monotypic tamarisk stands that provide very low quality wildlife habitat. On BLM lands between MPs 29.2 and 52.0, the B-Line would cross two SMAs in the vicinity of the Milpitas Wash. Between MPs 29.2 and 33.8, the area is managed by the BLM Yuma Field Office as an SMA under the Yuma District Resource Management Plan (Yuma District Plan). The Yuma District Plan designates the 4,760-acre area as an SMA for its undisturbed desert vegetation, wildlife habitat, and cultural resources. Between MPs 33.8 and 52.0, the area is managed by the BLM El Centro Field Office as a Wildlife Habitat Area under the Milpitas Wash Wildlife Habitat Management Plan. Management objectives for this 180,800-acre area include consolidation, protection, and enhancement of wildlife habitat and habitat for plants of special management concern; expansion of habitat used by burro deer and other native wildlife species; consideration of wildlife species in development and management decisions; and obtaining good ecological condition of 70 percent of the area covered by the habitat management plan. The B-Line would cross a WHMA that is designated as a multi-species WHMA for 14.8 miles between approximate MPs 35.2 and 50.0. The management goals for this area include the maintenance of naturally occurring distributions of 28 special status animal species and

30 special status plant species in the planning area; the maintenance of proper functioning condition in all natural communities with special emphasis on communities that: (a) are present in small quantity, (b) have a high species richness, and (c) support many special status species; and the maintenance of ecological processes by maintaining naturally occurring interrelationships among various biotic and abiotic elements of the environment. The B-Line would cross the Colorado River and adjacent riparian areas at MP 0.2. The Colorado River is a landscape-scale conservation site identified by the Nature Conservancy. These sites are generally areas containing sensitive vegetative communities or rare species at a density considered ecologically significant by regional experts. Proper management of these sites would help ensure the long-term persistence of the biodiversity in the Sonoran Desert.

In accordance with Mitigation Measure NBP46, the Applicant shall implement a number of conservation measures to protect wildlife and special status plants (see CEQA Finding Nos. SSS-1 to SSS-32) that are generally consistent with objectives of the management plans addressing activities in the SMAs in the vicinity of the Milpitas Wash and the multi-species WHMA. Specific restoration measures conducted within the Cibola NWR shall be determined during easement negotiations with the NWR. The Colorado River and adjacent riparian habitat shall be avoided by the HDD crossing of the river. The HDD shall pass 60 feet below the bed of the Colorado River. Because the root zones of the vegetation adjacent to the Colorado River are primarily less than 15 feet deep, the adjacent riparian vegetation would not be affected by the HDD, and removal of riparian vegetation along the Colorado River would not occur during construction or maintenance of the pipeline. Therefore, the habitat diversity added to the region by the Colorado River and its adjacent vegetation would not be compromised by the proposed Project. Because of the year-round vehicle and boat traffic associated with State Route 78 and the Colorado River, wildlife in the area is expected to be somewhat acclimated to noise.

The most effective mitigation is avoidance of the potential impact. The B-Line has been routed to cross only a small portion of the Cibola NWR. Avoidance of sensitive areas at the Colorado River would be achieved by the HDD of the river and associated riparian habitat. In the absence of avoidance, minimization of impacts and restoration activities are specified as noted for special status species (see CEQA Finding Nos. SSS-1 to SSS-32).

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-6

BIOLOGICAL RESOURCES: WILD HORSES AND BURROS

Impact: The Project would cross a small portion of the Cibola-Trigo Herd Management Area (HMA) and Chocolate-Mules HMA where wild horses and/or burros could be found watering. Construction could affect wild horses or burros if the animals were to fall into the open trench.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

The BLM manages wild horse and burro herds in accordance with the Wild and Free Roaming Horses and Burros Act, which was passed by the U.S. Congress in 1971 to protect, manage, and control wild horses and burros on public lands. Through the BLM planning process, the areas where wild horses and burros can be managed as a component of the public land have been designated as HMAs. In Arizona, the Project would cross a small portion of the Cibola-Trigo HMA where there is a slight potential that wild horses and/or burros could be found watering at the Colorado River crossing. In California, the B-Line would cross the Chocolate-Mules HMA between approximate MPs 34.9 and 75.3 where there is a slight potential for wild burros to occur. Precipitation levels within the Project area would increase the potential for wild horses or burros to occur. Construction could affect wild horses or burros if the animals were to fall into the open trench.

In accordance with Mitigation Measure NBP47, the Applicant shall install wildlife escape ramps in the excavated trench at 1-mile intervals. Other excavations that remain open overnight shall be covered, ramped, or fenced to prevent entrapment of wildlife. Open pipeline trenches, auger holes, or other excavations that could entrap wildlife shall be inspected by an authorized biologist a minimum of three times per day, and immediately before backfilling.

Installation of escape ramps would allow wild horses and burros to escape from the trench should they become trapped. Inspection of open excavations three times per day and before backfilling would ensure that wild horses and burrows could be coaxed to the nearest ramp and encouraged to exit the trench.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-7

BIOLOGICAL RESOURCES: SEDIMENTATION AND TURBIDITY

Impact: Construction could result in sedimentation and turbidity, which might adversely affect fish eggs and juvenile fish survival, benthic community diversity and health, and spawning habitat.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9.

Fishery resources in the waterbodies that would be crossed by the B-Line are limited to the Colorado River (MP 0.2), the All-American Canal (MP 79.8), and the 33 irrigation canals and drains in the PVID near Blythe, California (MPs 0.2 to 11.7 of the B-Line and MPs 0.0 to 2.1 of the Arrowhead Extension). Fishery resources in the waterbodies that would be crossed by the IID Lateral are limited to the All-American Canal (MPs 2.4 and 8.1), the East Highline Canal (MP 27.5), the Alamo River (MP 32.3), and 36 other irrigation canals and drains. Potential habitat for the razorback sucker, a Federal- and State-listed endangered fish species, occurs in the Colorado River (see CEQA Finding No. SSS-8). No other Federal or State-listed special status fish species are known to occur in the surface waters crossed by the proposed pipeline routes.

In accordance with Mitigation Measure NBP48, the Applicant shall cross the Colorado River, All-American Canal (three crossings), and East Highline Canal using the HDD method (see CEQA Finding No.WQ-12). The irrigation canals and ditches shall be crossed by boring or installing the pipeline between drain culverts and roads. Only one flowing waterbody, Rannells Drain, and two unnamed canals along the Arrowhead Extension shall be crossed using the open-cut crossing method. The open-cut crossing method is a wet trench method and has a higher potential for sedimentation and turbidity than the other crossing methods. However, the open-cut method is also the quickest crossing method. Because the effects of increased sedimentation and turbidity

are generally limited to the period of in-stream work, the duration of these effects would be relatively short. Rannells Drain does not have a classified fishery and no fisheries habitat would be lost as a result of construction across Rannells Drain. Nonetheless, North Baja shall use sediment booms downstream of the trenching, which would contain sedimentation to the localized area. Sediment potentially released during construction shall be removed the next time the PVID dredges the drain for agricultural purposes (expected to occur 1 year after construction).

Use of the HDD method would ensure that in-stream and streambank impacts, and resulting impacts on wildlife and aquatic resources would be avoided. As discussed in CEQA Finding No. WQ-12, North Baja has prepared site-specific HDD crossing plans for the Colorado River, All-American Canal, and East Highline Canal that show the drill entry and exit workspaces, the pipe fabrication and stringout areas, and the drill profiles. In addition, North Baja has developed an HDD Plan that describes how drilling operations would be conducted and monitored to minimize the potential for inadvertent releases or failure. The HDD Plan describes the agency notification procedures and the corrective action and cleanup procedures that would be followed in the event of a frac-out to land and the abandonment procedures that would be followed if it is necessary to abandon the drill hole. As also discussed in CEQA Finding No. WQ-12, before commencement of any HDD operation, Mitigation Measure ARM4 requires North Baja to file with the FERC and the CSLC a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed in the event a frac-out occurs in the water during an HDD operation.

The most effective protection of water resources from a frac-out is prevention, including training of construction personnel in the proper methods of conducting HDD activities and procedures on site and recognizing and controlling incidents that could lead to a frac-out. The second level of protection consists of the knowledge and means to contain and clean up materials, and restore the site to its former condition in the event of an incident involving bentonite material. The implementation of the revised HDD Plan would ensure that each of the above circumstances occurs and prevent a frac-out or rapidly and thoroughly clean up the drilling mud.

Use of the boring method or installing the pipeline between drain culverts and roads at the irrigation canals and ditches that would be crossed would avoid in-stream impacts.

As discussed above, the open-cut method is the quickest crossing method; therefore, sedimentation and turbidity would be limited to the relatively short period of in-stream work.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-8

BIOLOGICAL RESOURCES: EROSION ALONG STREAMBANKS

Impact: Construction across waterbodies could cause streambank erosion.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9 and the aquatic resources background discussion in CEQA Finding No. BIO-7.

In accordance with Mitigation Measure NBP49, North Baja shall cross several waterbodies using the HDD method (see CEQA Finding No. WQ-12). Irrigation canals and drains shall be crossed by boring or installing the pipeline between drain culverts and roads. North Baja shall implement the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1) to facilitate revegetation of the banks following construction.

The use of the HDD crossing method would avoid disturbance of the streambank vegetation. Retaining the existing bank composition at these waterbodies would prevent the need for bank armoring following construction. Crossing irrigation canals and drains by boring or installing the pipeline between drain culverts and roads would avoid any bank disturbance.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-9

BIOLOGICAL RESOURCES: WATERBODY CONTAMINATION

Impact: A chemical or fuel spill in or near a waterbody could release contaminants, which could affect fish directly or indirectly through changes in food sources or by contaminating the water resources.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9 and the aquatic resources background discussion in CEQA Finding No. BIO-7.

In accordance with Mitigation Measure NBP50, North Baja shall adhere to the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1) and SPCC Plan (see CEQA Finding No. SO-3) to prevent a large spill from occurring near surface waters. Hazardous materials shall be stored, and vehicles refueled, at least 100 feet from surface waters.

The most effective protection of surface water and aquatic resources from contamination is prevention, including training of construction personnel in the proper methods of handling and using potentially hazardous materials on site and in the type of incidents that could lead to such contamination. The second level of protection consists of the knowledge and means to contain and clean up materials and restore the site to its former condition in the event of an incident involving hazardous materials. The implementation of the SPCC Plan would ensure that each of the above circumstances occurs and prevent contamination or rapidly and thoroughly clean up such contamination.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-10

BIOLOGICAL RESOURCES: HYDROSTATIC TEST AND DUST CONTROL WATER WITHDRAWALS

Impact: Hydrostatic testing and dust control water withdrawals could cause entrainment of fish, reduced downstream flows, or impaired downstream uses associated with water withdrawals, and erosion, scouring, or a release of chemical additives.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9 and the aquatic resources background discussion in CEQA Finding No. BIO-7. See also the background discussions of hydrostatic testing and dust control water withdrawals in CEQA Finding Nos. WQ-14 and WQ-15, respectively.

In accordance with Mitigation Measure NBP51, North Baja shall cover the water intake with an adequately sized mesh screen to reduce the potential for fish and fish egg entrainment. Water withdrawals shall occur from an existing well or irrigation canals and shall not affect current flow levels in the Colorado River or other waterbodies containing fishery resources. No chemicals shall be added to the test water, and energy dissipation devices shall be employed to minimize channel erosion. As discussed in CEQA Finding No. WQ-15, because North Baja did not provide estimates of the quantities of water that would be required for dust control or specify the water sources or measures to protect aquatic resources during dust control water withdrawals, Mitigation Measure ARM5 requires North Baja to file with the FERC and the CSLC a revised Project-wide Dust Control Plan that specifies the sources of water that would be used for dust control, the anticipated quantities of water that would be required, and measures that would be implemented to prevent fish and fish egg entrainment during dust control water withdrawals. See also the mitigation measures listed in CEQA Finding No. WQ-14.

The process outlined in CEQA Finding No. WQ-14 would allow the BOR to determine whether sufficient water exists for the hydrostatic test of the pipeline, screening the intake hose and limiting the flow rate would protect aquatic life, and the provisions related to discharge would ensure that water of adequate quality is discharged without creating erosion or excessive flow or impacting aquatic life. The provisions of the revised Project-wide Dust Control Plan would ensure the protection of aquatic life as a result of dust control water withdrawals.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-11

BIOLOGICAL RESOURCES

Impact: The proposed open-cut trenching through Rannells Drain would create a temporary increase in sediment load in the drain.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC, PVID)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9 and the aquatic resources background discussion in CEQA Finding No. BIO-7.

Rannells Drain does not have a classified fishery and no fisheries habitat would be lost as a result of construction across Rannells Drain. Nonetheless, in accordance with Mitigation Measure NBP52, North Baja shall use sediment booms downstream of the trenching. Sediment potentially released during construction shall be removed the next time the PVID dredges the drain for agricultural purposes (expected to occur 1 year after construction). North Baja shall restore and stabilize the banks of the drain following construction (see CEQA Finding No. SO-7) and implement the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1).

The open-cut method is the quickest crossing method; therefore, sedimentation and turbidity would be limited to the relatively short period of in-stream work. Use of sediment booms downstream of the trenching would contain sedimentation to the localized area.

The vegetation in Rannells Drain is routinely removed during drain maintenance by the PVID. The PVID has indicated it would be willing to perform maintenance clearing/dredging at the Rannells Drain crossing before construction of the B-Line in 2009, as long as it is done between August 2 and March 14 as agreed with the CDFG. Because vegetation has re-established itself in the past after dredging, vegetation in

Rannells Drain is expected to regenerate on its own from existing seed and vegetative propagules within 2 years after construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. BIO-12

BIOLOGICAL RESOURCES: INADVERTENT RELEASE OF DRILLING MUD

Impact: A frac-out could occur during HDD crossings if the drilling head hits a subterranean fracture in the substrate, resulting in an inadvertent release of drilling mud.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the water resources background discussion in CEQA Finding No. WQ-9 and the aquatic resources background discussion in CEQA Finding No. BIO-7.

In accordance with Mitigation Measure NBP53, the Applicant shall implement an HDD Plan that describes how drilling operations would be conducted and monitored to minimize the potential for inadvertent releases or failure. The HDD Plan describes the agency notification procedures and the corrective action and cleanup procedures that would be followed in the event of a frac-out to land and the abandonment procedures that would be followed if it is necessary to abandon the drill hole. As discussed in CEQA Finding No. WQ-12, before commencement of any HDD operation, Mitigation Measure ARM4 requires North Baja to file with the FERC and the CSLC a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed in the event a frac-out occurs in the water during an HDD operation.

The most effective protection of water resources from a frac-out is prevention, including training of construction personnel in the proper methods of conducting HDD activities and procedures on site and recognizing and controlling incidents that could lead to a frac-out. The second level of protection consists of the knowledge and means to contain and clean up materials, and restore the site to its former condition in the event of an incident involving bentonite material. The implementation of the revised HDD Plan would ensure that each of the above circumstances occurs and prevent a frac-out or rapidly and thoroughly clean up the drilling mud.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-1

SPECIAL STATUS SPECIES: GENERAL IMPACTS ON SOUTHWESTERN WILLOW FLYCATCHER, YUMA CLAPPER RAIL, DESERT TORTOISE,[2] RAZORBACK SUCKER, PEIRSON'S MILK-VETCH,[3] ARIZONA BELL'S VIREO, CALIFORNIA BLACK RAIL, GILA WOODPECKER, WESTERN YELLOW-BILLED CUCKOO, ALGODONES DUNE SUNFLOWER, WIGGINS'S CROTON, COLORADO RIVER COTTON RAT, DESERT BIGHORN SHEEP, BROWN-CRESTED FLYCATCHER, BURROWING OWL, CRISSAL THRASHER, LE CONTE'S THRASHER, SUMMER TANAGER, VERMILION FLYCATCHER, YELLOW-BREASTED CHAT, COLORADO RIVER TOAD, COUCH'S SPADEFOOT TOAD, FLAT-TAILED HORNED LIZARD,[4] FAIRYDUSTER, GIANT SPANISH-NEEDLE, AND SAND FOOD

Impact: Construction could remove special status plants living within the construction right-of-way and could disturb, displace, or harm special status animals on and adjacent to construction work areas. Construction could also affect special status plants and wildlife by temporarily altering the habitat along the pipeline right-of-way and permanently altering the habitat at aboveground facility sites.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, CNPS, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

In general, the impacts of the Project on special status species would be the same as described for vegetation, wildlife, and aquatic resources (see CEQA Finding Nos. VEG-1, BIO-1, and BIO-7). However, the magnitude and duration of these impacts could be

---

[2] See CEQA Finding Nos. SSS-6 and SSS-7 for specific Findings for the desert tortoise.

[3] See CEQA Finding No. SSS-9 for specific Findings for the Peirson's milk-vetch.

[4] See CEQA Finding No. SSS-27 for specific Findings for the flat-tailed horned lizard.

greater for special status species because the distribution and relative abundance of these species are usually more limited.

North Baja participated in extensive coordination efforts with the FWS, the BLM, the CDFG, and the AGFD before and during construction of the A-Line. Building on that information base, and using data from the California Natural Diversity Database, AGFD Heritage Data Management System, and through discussions with plant and wildlife specialists with knowledge of the Project area, a list of threatened, endangered, and special status species that potentially occur in the vicinity of the proposed Project was prepared. Although Arizona has a policy and a native plant law that provides protection for some rare species, none of the special status species identified as potentially occurring in the vicinity of the proposed Project are protected in Arizona; therefore, all of the identified special status species are listed by the FWS, the BLM, and/or the CDFG. In addition to those communications, meetings were held with representatives of the FWS, the BLM, and the CDFG to present an overview of the Project and solicit issues of concern from the agencies.

A total of 51 special status species were identified as potentially occurring within the Project area. Following focused habitat evaluations and species-specific surveys in 2005, 24 of the 51 species were eliminated from consideration due to lack of habitat, lack of potential impact, or both.

In accordance with Mitigation Measure NBP54, the Applicant shall implement the following general minimization and conservation measures to reduce the impact of the Project on special status species:

- North Baja shall use its environmental training program, successfully implemented for the A-Line construction, as a basis for a site-specific environmental training program to be implemented before the start of work. All employees and contractors working in the field shall be required to complete an environmental training session before beginning work on the right-of-way. The program shall include discussions of the biology, distribution, and ecology of special status species within the geographic area of construction; protection afforded such species under applicable Federal and State laws and regulations; all protection measures that must be followed to protect such species during Project activities; penalties for noncompliance; reporting requirements; and the importance of compliance with all protection measures. To ensure proper focus, emphasis shall be placed on the specific aspects of compliance applicable to the particular audience's activities on the Project.

- Employees and contractors shall be informed during one or more training sessions that they are not authorized to handle or otherwise move listed species at any time, including while commuting to work sites or at a work site.

- North Baja shall hire and designate at least two EIs per construction spread who would be responsible for overseeing Project environmental protection measures, including those for special status species. Environmental inspection procedures shall be in compliance with the relevant provisions of North Baja's CM&R Plan. North Baja shall also hire and designate at least one authorized biologist who would be responsible for identification of habitat and individuals of special status species and for implementation of all measures requiring an authorized biologist's intervention. The biologist shall, if needed, hold the required permits or formal agreements with appropriate Federal and State agencies for the survey or handling of any special status species. An authorized biologist shall conduct species-specific surveys of each Project facility located within areas identified during North Baja's surveys as listed species habitat no more than 7 days before the onset of activities.

- Project personnel shall exercise caution when commuting to the construction area to minimize any chance for the inadvertent injury or mortality of species encountered on roads leading to and from the construction area. North Baja's contractors and employees shall report all such incidents directly to an EI.

- Only existing routes of travel and approved access roads shall be used to and from construction areas. Cross-country travel by vehicles and equipment shall be prohibited. Except on county- or State-maintained roads, vehicle and equipment speeds shall not exceed 25 miles per hour within potential habitat of a listed species. On the B-Line, between MPs 48.0 and 68.0 (an area of relatively high tortoise density), North Baja states that it would limit vehicle and equipment speeds to 10 miles per hour except for stringing trucks, which North Baja proposes to allow to travel at 25 miles per hour (see CEQA Finding No. SSS-2).

- Authorized biologists shall monitor all work where prior North Baja surveys have documented the occurrence of one or more listed species and where construction activities can reasonably be expected to adversely affect those species. In conjunction with North Baja's EIs, the biologists shall have the authority to halt all non-emergency actions that might result in harm to a listed species, and shall assist in the overall implementation of protection measures for listed species during Project activities.

- All trash and food items generated by construction and maintenance activities shall be promptly placed in a closed container and regularly removed from the Project site to reduce the attractiveness of the area to common ravens and other desert predators.

- Firearms and domestic pets shall be prohibited from work sites.

- In the construction work area and along access roads, employees and contractors shall look under vehicles and equipment for the presence of special

status species before movement. If a special status species is observed, no vehicles or equipment shall be moved until the animal has left voluntarily or is removed by an authorized biologist. Pipeline construction activities between dusk and dawn shall be limited to emergencies only (i.e., issues involving human health and safety) with the exception of the HDD operations (including those at the Colorado River, the All-American Canal, Interstate 8, the East Highline Canal) and the open-cut crossing of Rannells Drain.

- Open pipeline trenches, auger holes, or other excavations that could entrap wildlife shall be inspected by an authorized biologist a minimum of three times per day, and immediately before backfilling. In habitats supporting special status species, pipe segments shall either be capped or taped closed each night or raised on supports of sufficient height to prevent the entry and entrapment of special status species. Such pipe segments shall be inspected regularly before sealing and before using in the morning. For open trenches, earthen escape ramps shall be maintained at 1-mile intervals. Other excavations that remain open overnight shall be covered, ramped, or fenced to prevent entrapment of wildlife.

- If a listed species is located during construction, and a contingency for avoidance, removal, or transplant has not been approved by the FWS or appropriate agency, North Baja shall not proceed with Project activities in that location until specific consultation with the FERC, the FWS, the BLM, and/or other appropriate agency is completed.

- All encounters with listed species shall be reported to the biologist, who would record the following information:

  - species;
  - location (narrative and maps) and dates of observations;
  - general condition and health, including injuries and state of healing;
  - diagnostic mar kings, including identification numbers or markers; and
  - locations moved from and to.

- Upon locating a dead or injured listed species, North Baja shall notify the FWS and the CDFG in California or the AGFD in Arizona. Written notification shall be made within 15 days of the date and time of the finding or incident (if known) and would include: location of the carcass, a photograph, cause of death (if known), and other pertinent information.

- The construction right-of-way shall be limited to a width of 105 feet along the B-Line and 100 feet along the Arrowhead Extension (except when in the Arrowhead Boulevard roadway or road shoulder where a 60-foot-wide construction right-of-way would be used), while the construction right-of-way for the IID Lateral shall be limited to a width of 60 feet for the majority of its length and 80 feet where it parallels existing utility corridors. The construction right-of-way shall be clearly staked and flagged in advance of construction. The construction area includes approved work areas for the pipelines, compressor station, and meter stations; the facilities at Rannells Trap; the taps, crossover piping, and pig launcher associated with the Arrowhead Extension; access roads; the tap to the B-line and pig launcher associated with the IID Lateral; and staging and pipe storage areas.

- North Baja shall attempt to schedule construction in native habitats outside of the breeding season for migratory birds. If, however, construction activities are necessary in native habitats during the bird breeding season, North Baja shall remove vegetation that could provide nesting substrate from the right-of-way before the breeding season, thus eliminating the possibility that birds could nest on the right-of-way. As required by Mitigation Measure ARM6 (see CEQA Finding No. BIO-4), specific plans relating to preclearing of vegetation shall be coordinated with the FWS, the BLM, and the CDFG. Qualified biologists shall conduct preconstruction surveys to confirm the absence of nesting birds before construction begins.

- If, in spite of vegetation removal, nesting birds are found on the construction right-of-way, the nest shall not be removed until fledging has occurred or unless authorized after consultation with the FWS, the CDFG, and, if the nest is located on Federal lands, the Federal land management agency.

- At specified locations in areas of high-density microphyll woodland, North Baja shall narrow the construction right-of-way width to 80 feet. Areas of this narrower construction width shall be identified in the field, staked, and flagged in advance of construction.

- At the conclusion of work, all trenches and holes shall be completely filled, surfaces cleaned and smoothed, and each site recontoured to match the original profiles as closely as possible.

- With the exception of fenced facilities, all materials and equipment shall be removed from the area upon completion of work. All stakes, flagging, and fencing used to delineate and protect any environmental or cultural feature in the construction area shall be removed no later than 30 days after construction and restoration are complete.

- Upon completion of Project activities, North Baja shall submit a final report to the FERC for distribution to other agencies, including the FWS. The report shall

document the effectiveness and practicality of the conservation measures, the number of individuals of each species excavated from their burrows or removed from the site, the number of individuals killed or injured, and other pertinent information. The report shall also recommend modifications of the Project stipulations in order to enhance the protection of species in the future. In addition, the final report shall provide the actual acreage disturbed by Project activities by habitat type.

Implementation of these measures would reduce most impacts on special status species. Impacts would be further reduced by the implementation of species-specific conservation measures. Additional species-specific conservation measures are discussed in CEQA Finding Nos. SSS-2 to SSS-32.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-2

SPECIAL STATUS SPECIES: STRINGING TRUCK TRAVEL

Impact: North Baja's proposal to allow stringing trucks to travel at 25 miles per hour between MPs 48.0 and 68.0 of the B-Line may not adequately protect special status species.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

The portion of the right-of-way along the B-Line between MPs 48.0 and 68.0 has been designated an area of relatively high tortoise density. Between these locations, North Baja has agreed to limit vehicles, other than stringing trucks, to 10 miles per hour. However, in this area of relatively high desert tortoise density, North Baja proposes to allow stringing trucks to travel at 25 miles per hour (see CEQA Finding No. SSS-1). North Baja indicates that stringing trucks would enter and exit the right-of-way at locations that minimized the time the trucks were operating along the right-of-way, and that decreasing the allowed speed of the stringing trucks could have schedule and associated cost implications. The CSLC staff is concerned, however, about allowing these large, generally heavily loaded, trucks to operate at an increased speed along the right-of-way in areas of known special status species occurrence given the longer required stop time for these vehicles.

Therefore, as required by Mitigation Measure ARM7, North Baja shall restrict stringing trucks to a 10-mile-per-hour speed limit on the right-of-way between MPs 48.0 and 68.0 of the B-Line.

Limiting stringing trucks to 10 miles per hour in this area of relatively high desert tortoise density would increase the likelihood that the heavily loaded stringing trucks could stop

in time to prevent impact on special status species, including the desert tortoise, should they be encountered within the right-of-way during pipe delivery.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-3

SPECIAL STATUS SPECIES: SOUTHWESTERN WILLOW FLYCATCHER

Impact: Southwestern willow flycatchers potentially using habitat along the Colorado River could be disturbed by activities associated with the HDD of that waterbody. Specifically, noise and light associated with HDD equipment and activities could dissuade individuals from using habitat in the vicinity of the HDD and/or could interrupt resting individuals if construction activities occurred at night.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Surveys for southwestern willow flycatchers were conducted in accordance with FWS survey protocols during May, June, and July 2005 in known areas of habitat along the B-Line as identified during surveys for the A-Line. These areas include the Ehrenberg area (MP 0.0), the Stallard Road area (MP 25.0), and near the Cibola NWR Davis Lake Area (MP 33.0). No breeding southwestern willow flycatchers were identified at any of the habitat locations surveyed along the B-Line in 2005. However, migrants were identified between May 17 and June 12, 2005 at Ehrenberg and between May 16 and June 11, 2005 at Stallard Road. No southwestern willow flycatchers were identified at the Cibola NWR, or during a June 29, 2005 survey or two July 2005 surveys. These results are consistent with the 2001 surveys and the 2002 monitoring efforts conducted at the same locations for the A-Line. There is no suitable habitat for this species along the proposed Arrowhead Extension or the IID Lateral.

As previously discussed, North Baja proposes to cross the Colorado River using the HDD method (see CEQA Finding No. WQ-12). Southwestern willow flycatchers potentially using habitat along the Colorado River could be disturbed by activities associated with the HDD of that waterbody. Specifically, noise and light associated with

HDD equipment and activities could dissuade individuals from using habitat in the vicinity of the HDD and/or could interrupt resting individuals. However, because migrating individuals could easily relocate to other nearby areas of suitable resting habitat, adverse impacts on migrants are not expected.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), Mitigation Measure ARM8 requires North Baja to minimize the potential for impacts on the southwestern willow flycatcher by implementing the following measures at the Colorado River during activities associated with the HDD:

- all individuals working within or adjacent to southwestern willow flycatcher habitat shall complete southwestern willow flycatcher training before working within the construction right-of-way in those areas; and

- dust shall be strictly controlled by watering construction areas within 1,000 feet of potential habitat at the Colorado River.

Training individuals working within or adjacent to habitat for this species, and controlling dust by watering construction areas within 1,000 feet of potential habitat at the Colorado River, along with the implementation of the general conservation measures for special status species, would minimize impacts on the southwestern willow flycatcher.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-4

SPECIAL STATUS SPECIES: YUMA CLAPPER RAIL

Impact: North Baja would conduct surveys for the Yuma clapper rail at Rannells Drain. However, North Baja has not proposed conservation measures to avoid impacts on individuals if identified during such surveys, nor has North Baja proposed to conduct surveys for this species at the Alamo River.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Preliminary evaluations along the B-Line indicated that potential habitat for this species is found in freshwater marshes, wetlands, and drains near the Colorado River, the Palo Verde Valley, and the Davis Lake area (MPs 0.0 to 12.0 and MPs 31.0 to 33.0). A focused survey was conducted at each location of identified potential habitat in 2001 and again in May 2005 to determine the number and location, if any, of the Yuma clapper rail. No Yuma clapper rails were detected during these survey efforts, consistent with survey and monitoring results from 2001 and 2002 and species records in the area. No potential habitat for the Yuma clapper rail was identified along the proposed Arrowhead Extension.

Preliminary evaluations along the IID Lateral indicated that potential habitat for this species may occur near the Alamo River (MP 32.3). North Baja has not yet conducted surveys for this species at this river crossing.

Although this species was not identified along other areas of the B-Line during previous surveys, in order to avoid impacts on the species during construction of the A-Line, the FWS required that vegetation be cleared before construction in the areas of direct impacts along Rannells Drain as well as an area extending 150 feet on either side of the

direct zone of impact. Further, the CDFG has recommended that if Rannells Drain is not cleared before construction, North Baja shall be required to conduct surveys for the Yuma clapper rail at this location. North Baja has agreed to conduct these surveys, if necessary. However, North Baja has not proposed conservation measures to avoid impacts on individual Yuma clapper rails if identified during such surveys, nor has North Baja proposed to conduct surveys for the Yuma clapper rail at the Alamo River.

Therefore, in addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), Mitigation Measure ARM9 requires that unless North Baja provides documentation from the FWS and the CDFG that such measures are not necessary or if site-specific surveys fail to identify individual Yuma clapper rails at the Alamo River or Rannells Drain, North Baja shall:

- ensure vegetation at the proposed crossing location of Rannells Drain, extending 150 feet on either side of the proposed construction work area, is cleared before February 1, 2009;

- ensure vegetation at the proposed crossing location of the Alamo River is cleared before February 1, 2009; and

- initiate all construction activities at Rannells Drain and the Alamo River between the hours of 8:30 AM and 3:30 PM to avoid periods of peak Yuma clapper rail vocalizations.

Adherence to these measures, along with the implementation of the general conservation measures for special status species, would minimize impacts on the Yuma clapper rail.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-5

SPECIAL STATUS SPECIES: YUMA CLAPPER RAIL AND/OR RAIL HABITAT

Impact: Construction and operation could adversely impact the Yuma clapper rail and/or rail habitat (e.g., wetlands, drains).

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1 and the Yuma clapper rail background discussion in CEQA Finding No. SSS-4.

In accordance with Mitigation Measure NBP55, the Applicant shall avoid direct impacts on the Yuma clapper rail and/or rail habitat along the Colorado River by crossing the river using the HDD method (see CEQA Finding No. WQ-12). Suitable Yuma clapper rail and/or rail habitat at both Rannells Drain and the Alamo River shall be cleared before construction (CEQA Finding No. SSS-4).

Use of the HDD method would ensure that streambank impacts, and resulting impacts on special status species and their habitat would be avoided. Clearing of habitat before construction would avoid direct impacts on these species and habitat. Impacts on wetland and drain habitat would be temporary because these vegetation communities typically revegetate within 1 year following construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-6

SPECIAL STATUS SPECIES: DESERT TORTOISE CRITICAL HABITAT

Impact: Construction would temporarily impact desert tortoise critical habitat at work areas, temporary access roads, and along the construction right-of-way.

Class: I

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Construction of the B-Line would impact a total of 832 acres of desert tortoise habitat; however, only 237 acres would be new disturbance and 595 acres would overlap the previously disturbed (and compensated for) A-Line construction right-of-way. A total of 358 acres of critical habitat would be impacted, of which 106 acres would be new disturbance. The FWS has stated that only new disturbance would require compensation. The primary impact on critical habitat would occur during the construction phase of the Project. During construction, critical habitat would be temporarily disturbed at work areas, temporary access roads, and along the construction right-of-way. Although these areas would be restored and not used again during routine operation or maintenance, recovery in the arid climate is expected to take more than 10 years.

In accordance with Mitigation Measure NBP56, the Applicant shall limit disturbance of previously unaffected areas to the narrowest extent practicable by constructing immediately adjacent to the existing A-Line, as well as portions of Stallard Road, State Route 78, and Ogilby Road, which would minimize habitat fragmentation. In addition, North Baja shall use existing access roads to the extent practicable.

Further, to compensate for the loss of desert tortoise habitat not previously compensated for during construction of the A-Line, North Baja shall implement the following measures:

- Compensation rates for new impacts on desert tortoise habitat of 1:1 shall be calculated and an assessed financial contribution shall be paid to the BLM. In accordance with accepted guidelines previously implemented by the FERC, the FWS, and the BLM, areas of new impacts would include only those areas not previously affected by construction of the A-Line.

- North Baja shall provide funding to the CDFG to manage acquired lands in addition to an enhancement fee based on the same compensation rate, which shall be based on the CDFG published or calculated rates per acre at the time of issuance of the Final EIR for the proposed Project.

The above measures would minimize physical disturbance to desert tortoise habitat and compensate for losses by ensuring that other areas of comparable resources are set aside to guarantee their preservation and function as undisturbed wildlife habitat. Although these measures would substantially reduce impacts on the desert tortoise, the construction of the proposed Project is likely to adversely affect the desert tortoise and its critical habitat and, as such, impacts on this species would be considered significant (Class I). This Class I impact would be long term. See CEQA Finding No. SSS-32 for a discussion of compliance with the Federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA.

Summary. This impact remains potentially significant following application of all feasible mitigation.

CEQA FINDING NO. SSS-7

SPECIAL STATUS SPECIES: DESERT TORTOISE

Impact: Construction-related impacts on the desert tortoise could include direct mortality or injury as a result of being crushed by vehicles, movement of soils, and entrapment in burrows and open trenches.

Class: I

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1 and the desert tortoise habitat background discussion in CEQA Finding No. SSS-6.

Surveys for desert tortoise were conducted along the A-Line in 2001 and for the proposed B-Line between April 18 and April 27, 2005. The purpose of the surveys was to determine the number and location of desert tortoise sign, including live and dead tortoises, burrows, scat, and tracks. Although one potential tortoise burrow was found in Riverside County at MP 11.8 in 2001, tortoise sign reliably associated with active tortoise use was noted only along the proposed B-Line route from MPs 17.0 to 69.0. In general, tortoise sign found in the 2001 survey, tortoise encounters documented during construction in 2002, and tortoise sign found in 2005 were closely correlated. The highest density of tortoise sign was found between MPs 41.0 and 67.0, with very high concentrations in the area of Indian Wash between MPs 62.5 and 65.5. In addition to the effects of construction on potential habitat described in CEQA Finding No. SSS-6, construction-related impacts on the desert tortoise could include direct mortality or injury as a result of being crushed by vehicles, movement of soil, and entrapment in burrows or open trenches.

In accordance with Mitigation Measure NBP57, the Applicant shall implement the following measures:

- North Baja shall submit the names, permit numbers, and relevant tortoise experience resumes of all individuals who might need to handle desert tortoises to the FWS for approval at least 15 days before the initiation of clearance surveys. North Baja shall also submit the list to the BLM for its records. Project activities shall not begin until an authorized biologist has been approved. Although other biologists may be employed as biological monitors, only those approved by the FWS as authorized biologists shall be permitted to handle tortoises.

- All persons authorized by the FWS to handle desert tortoises shall follow the guidelines established in the *Guidelines for Handling Desert Tortoises During Construction Projects*.

- A clearance survey for the desert tortoise shall be conducted by an authorized biologist within 24 hours before ground disturbance.

- Burrows outside of the limits of the construction right-of-way shall be flagged so that the biological monitor would be able to more easily locate them during construction.

- All desert tortoise burrows or pallets in the construction area shall be excavated by an authorized biologist. All desert tortoise handling and burrow excavation shall be in accordance with the handling procedures developed by the FWS and shall be conducted by authorized biologists.

- Desert tortoises that are found above ground and need to be moved from potential harm shall be placed in the shade of a shrub by the authorized biologist. All desert tortoises removed from burrows shall be placed in an unoccupied burrow of approximately the same size as the one from which it was removed.

- If an existing burrow is unavailable, the authorized biologist shall construct or direct the construction of a burrow of similar size, shape, depth, and orientation as the original burrow. Desert tortoises moved during inactive periods shall be monitored for at least 2 days after placement in the new burrows to ensure their safety. The authorized biologist shall be allowed some judgment and discretion to ensure that the survival of the desert tortoise is likely.

- Should a tortoise wander into the construction area during construction, adjacent activities shall be halted until the tortoise is moved out of the construction work area and out of harm's way.

- North Baja shall install exclusion fencing along the right-of-way in areas where tortoise density is sufficiently high to warrant fencing, in the opinion of the authorized biologist in charge of tortoise surveys and in consultation with the

FWS and the CDFG, to prevent tortoises from entering the construction work area and getting in harm's way.

- A worker bonus program shall be implemented that would reward construction staff who spot a tortoise within the construction work area and, without touching or disturbing the animal, notify the authorized biologist for action.

- If a tortoise is located in the construction work area and is not moving, adjacent activities shall be halted until an authorized biologist is able to move it out of harm's way.

- All pipeline marker signs within desert tortoise habitat shall be fitted with "bird-be-gone" or similar bird repellent devices.

- Only approved access roads shall be used. Only approved areas shall be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. Any routes of travel that require construction or modification, or any additional work areas, shall be surveyed for tortoises by an authorized biologist(s) before modification or construction of the route or construction or use of a new work area.

- Trench segments or other excavations shall be provided with tortoise escape ramps at 1-mile intervals. All excavations shall be inspected for tortoises three times daily and before backfilling.

- Any time a vehicle is parked, the ground around and under the vehicle shall be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is observed, it shall be left to move on its own. If this does not occur within 15 minutes, an authorized biologist shall remove and relocate the tortoise.

- Within desert tortoise habitat, construction pipe, culverts, or similar structures with a diameter of 3 inches or greater that are stored on the construction site for one or more nights shall be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored on the construction site.

- All construction-related activities in desert tortoise habitat shall be conducted between dawn and dusk.

Although these measures would substantially reduce impacts on the desert tortoise, the construction of the proposed Project is likely to adversely affect the desert tortoise and its critical habitat and, as such, impacts on this species would be considered significant (Class I). This Class I impact would be long term. See CEQA Finding No. SSS-32 for a discussion of compliance with the Federal ESA and the CESA. Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA.

Summary. This impact remains potentially significant following application of all feasible mitigation.

CEQA FINDING NO. SSS-8

SPECIAL STATUS SPECIES: RAZORBACK SUCKER AND ITS CRITICAL HABITAT

Impact: The razorback sucker may occur in the Project area and the FWS has designated the portion of the Colorado River crossed by the pipeline route as critical habitat for this species.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, COE, CRWQCB, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

The razorback sucker may occur along the proposed B-Line at the Colorado River crossing (MP 0.2) and the FWS has designated the Colorado River as critical habitat for the species at the crossing location. Additionally, North Baja proposes to withdraw water from sources hydrologically connected to the Colorado River for use in hydrostatic testing of the pipeline (see CEQA Finding No. WQ-14) and may potentially use the same sources for dust control water (see CEQA Finding No. WQ-15). The razorback sucker is also known to occur throughout the Palo Verde Outfall Drain. The proposed B-Line route would parallel, but would not affect, the Palo Verde Outfall Drain from MPs 24.0 to 31.0.

In accordance with Mitigation Measure NBP59, North Baja shall install the pipeline under the Colorado River using the HDD method. In the event of a frac-out, North Baja shall implement the measures in its HDD Plan. Pursuant with its CM&R Plan, North Baja shall screen intake piping to prevent fish entrainment during hydrostatic test water withdrawal. See also the mitigation measures listed in CEQA Finding Nos. WQ-12, WQ-14, and WQ-15.

The use of the HDD method would avoid in-stream disturbance at the Colorado River and thus would not affect the species or its habitat. Adherence to the provisions for

screening and sizing intake piping would minimize the potential for entrainment of the razorback sucker during water withdrawals.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-9

SPECIAL STATUS SPECIES: PEIRSON'S MILK-VETCH

Impact: Construction may impact the Peirson's milk-vetch, which was identified along sandy substrate areas of the B-Line and between MPs 0.5 and 7.5 of the IID Lateral. Impacts could include the loss of the current season's seed production.

Class: I

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, CNPS, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

North Baja conducted a focused survey for the portion of the proposed B-Line route south of the intersection with Interstate 8 (MPs 72.0 to 79.8) on May 14, 2005, and a supplemental survey on the west side of the right-of-way on September 4, 2005. Individuals and small populations of the Peirson's milk-vetch were found along the proposed B-Line route in areas of sandy substrate off the existing A-Line right-of-way, while three larger populations (greater than 100 plants each) were found on the A-Line right-of-way. Plant populations varied in density, generally occurring as single plants or relatively isolated populations of several dozen plants.

North Baja did not conduct a focused survey for the Peirson's milk-vetch along the proposed IID Lateral. However, the BLM conducted an annual focused survey for the Peirson's milk-vetch in 2005 in the ISDRA, which included the area that would be crossed by the IID Lateral. The results of this survey showed populations of the Peirson's milk-vetch close to the proposed IID Lateral route between MPs 0.5 and 7.5. Therefore, the presence of the Peirson's milk-vetch is assumed between MPs 0.5 and 7.5 of the IID Lateral.

Although no Peirson's milk-vetch were identified during preconstruction monitoring for the A-Line, after the heavy rains of 2004 and 2005, large numbers of Peirson's milk-

vetch were found in the disturbed post-construction right-of-way. Based on the survey results of the proposed B-Line and existing A-Line rights-of-way, it appears that there is a substantial seed bank of Peirson's milk-vetch available that was not adversely affected by construction of the A-Line. Additionally, it appears that the topsoil and seed bank conservation measures implemented during construction of the A-Line in 2002 successfully preserved and distributed Peirson's milk-vetch seeds and provided for the quick re-establishment of this species.

In accordance with Mitigation Measure NBP60, North Baja shall utilize the same techniques used during construction and restoration of the A-Line for the proposed B-Line. Techniques shall include topsoil and seedbank conservation measures, topsoil segregation to conserve the existing seedbank, respreading of topsoil upon completion of construction, and imprinting the right-of-way during restoration with equipment (e.g., sheepsfoot roller) to provide micro-catchment areas for seed retention. Along the IID Lateral, North Baja shall similarly segregate topsoil but would not be required to use a sheepsfoot roller in the dunes because this equipment is ineffective in sand. Construction of the IID Lateral through potential Peirson's milk-vetch habitat shall be conducted in the summer months after adult plants (if present) have already set seed.

Proposed mitigation measures, including topsoil segregation and timing of construction, would substantially reduce impacts on the Peirson's milk-vetch. Additionally, construction through previously undisturbed areas adjacent to the existing right-of-way could actually benefit the species by providing open areas for the species to develop. Nonetheless, the proposed Project would result in direct impacts on the species, including crushing and cutting of individuals and populations. Thus, although construction in locations adjacent to populations of this species may increase habitat suitability or otherwise make the area suitable for proliferation of the species, the likelihood of overall positive benefits is uncertain. The clearing and grading of areas currently containing individuals and populations of this species would result in direct and adverse impacts on existing populations. Therefore, the North Baja Pipeline Expansion Project is likely to adversely affect the Peirson's milk-vetch and, as such, impact on this species would be considered significant (Class I). This Class I impact would be short term. See CEQA Finding No. SSS-32 for a discussion of compliance with the Federal ESA and the CESA. Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA.

Summary. This impact remains potentially significant following application of all feasible mitigation.

CEQA FINDING NO. SSS-10

SPECIAL STATUS SPECIES: ARIZONA BELL'S VIREO HABITAT

Impact: The proposed pipeline route would cross potential Arizona bell's vireo habitat along the proposed B-Line at the Colorado River (MPs 0.0 to 3.0) and the Davis Lake area (MPs 31.0 to 33.0).

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Habitat evaluation surveys along the proposed B-Line identified potential habitat for this species at the Colorado River (MPs 0.0 to 3.0) and the Davis Lake area (MPs 31.0 to 33.0).

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP62, North Baja shall avoid or minimize the potential for impacts on habitat for the Arizona bell's vireo by use of the HDD method to cross the Colorado River. The Project shall be at least 1,300 feet from the Davis Lake area.

Locating the Project 1,300 feet from the Davis Lake area would avoid direct impacts on habitat for the Arizona bell's vireo. Crossing the Colorado River using the HDD method, along with the implementation of the general conservation measures for special status species, would minimize impacts on Arizona bell's vireo habitat.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-11

SPECIAL STATUS SPECIES: CALIFORNIA BLACK RAIL HABITAT

Impact: While no California black rail habitat was identified during surveys, areas of suitable habitat could become occupied prior to construction. Disturbance of foraging and nesting habitat (i.e., wetlands and drains) could be affected by construction.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Preliminary habitat evaluations indicate that potential habitat for the California black rail is found in freshwater marshes, wetlands, and drains along the B-Line route near the Colorado River (MPs 0.0 to 3.0), the Palo Verde Valley (MPs 0.0 to 12.0), and the Davis Lake area (MPs 31.0 to 33.0). Habitat for this species may also occur near the Alamo River (MP 32.3) along the IID Lateral.

North Baja conducted a focused survey at each location of potential rail habitat along the A-Line in 2001 and along the proposed B-Line in May 2005. No California black rails were detected at any of the survey locations.

Because this species was not identified during surveys along the B-Line, no special mitigation measures are proposed besides North Baja's general conservation measures (see CEQA Finding No. SSS-1). However, areas of suitable habitat could become occupied prior to construction beginning in 2009, if the Project is approved.

In addition to North Baja's general conservation measures, in accordance with Mitigation Measure NBP63, North Baja shall conduct preconstruction surveys for the California black rail if habitat for this species is not cleared before construction.

Because habitat for this species is similar to the Yuma clapper rail, suitable habitat for both the Yuma clapper rail and the California black rail at both Rannells Drain and the Alamo River shall be cleared before construction (see CEQA Finding Nos. SSS-4 and SSS-5). Thus direct impacts would be avoided. Impacts on wetland and drain habitat would be temporary because these vegetation communities typically revegetate within 1 year following construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-12

SPECIAL STATUS SPECIES: GILA WOODPECKER AND ITS HABITAT

Impact: Surveys (2002) for the Gila woodpecker identified two occupied cavities at MPs 50.7 and 51.7; other suitable habitat may be affected by the Project.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Before construction of the A-Line, 10 areas were identified as potential Gila woodpecker nesting habitat. These areas included the Colorado River crossing (MP 0.2) and areas at MPs 17.6, 21.8, 22.2 to 25.3 (Stallard Road Wash); MPs 35.6 to 36.4 (Milpitas Wash); and MPs 46.4, 50.2 to 52.4, 55.5, 59.5, and 64.8 to 65.2 (Gold Rock Ranch). A focused survey and preconstruction surveys were conducted before construction of the A-Line in 2002.

The 2002 surveys identified two occupied cavities at MPs 50.7 and 51.7. One active nest cavity was identified in a power pole approximately 54 feet from the right-of-way. The other active nest cavity was located in a Palo Verde tree with a single male woodpecker within 16 feet of the right-of-way. The birds persisted during and after construction, and appeared unaffected by the pipeline installation process.

The CDFG recommended that North Baja conduct preconstruction surveys to determine the presence of the Gila woodpecker in the vicinity of the proposed B-Line in areas of suitable nesting habitat.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP64, North Baja shall conduct surveys for Gila woodpeckers in areas of suitable nesting habitat before initiation of

construction of the B-Line if construction is scheduled to occur during the breeding season. If active Gila woodpecker nest cavities are identified within 100 feet of the right-of-way during preconstruction surveys, North Baja shall monitor cavities during construction to determine if nesting individuals are being disturbed by construction activities. If disturbance (e.g., avoidance of the cavity by individuals) is noted and young are present in the cavity, North Baja shall cease construction within 200 feet of the nest cavity until the young have fledged.

With implementation of North Baja's proposed surveys and conservation measures, if necessary, no direct adverse effect on the Gila woodpecker is expected from construction of the Project.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-13

SPECIAL STATUS SPECIES: WESTERN YELLOW-BILLED CUCKOO AND ITS HABITAT

Impact: Marginal habitat for the western yellow-billed cuckoo is present along some areas of the Colorado River near MP 0.2 of the proposed B-Line. Construction could impact this species and its habitat.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

North Baja's biologists conducted protocol surveys for this species before construction of the A-Line in June and July 2001. No individuals were identified during these surveys. Due to the highly degraded nature of the habitat in the Colorado River vicinity of the Project, this species is not expected to occur.

However, in accordance with Mitigation Measure NBP65, North Baja shall implement its general conservation measures (see CEQA Finding No. SSS-1).

With implementation of North Baja's general conservation measures, the proposed Project would have no adverse effect on the western yellow-billed cuckoo. As such, Project-related impacts that would reduce the overall abundance of the species in the area or cause a temporary loss or alteration of important habitat for the species are not expected.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-14

SPECIAL STATUS SPECIES: ALGODONES DUNE SUNFLOWER AND ITS HABITAT

Impact: The IID Lateral would cross suitable habitat for the Algodones Dune sunflower species in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, CNPS, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Suitable habitat for this species is found along the IID Lateral route in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). The IID Lateral would cross approximately 76 acres of Algodones Dune sunflower habitat in the ISDRA. In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP66, North Baja shall segregate topsoil along the IID Lateral. North Baja would not be required to use a sheepsfoot roller in the area of the dunes because this equipment is ineffective in sand. Construction of the IID Lateral through potential Algodones Dune sunflower habitat shall be conducted in the summer months after adult plants (if present) have already set seed.

Although North Baja's general conservation measures and other proposed mitigation measures, including topsoil segregation and timing of construction, would substantially reduce impact on this species, construction of the IID Lateral may result in the removal of individual plants. However, the reproduction potential of the local population would not be affected; therefore, construction of the IID Lateral would not have an adverse impact on the population of Algodones Dune sunflower. As a result, the Project is not

expected to reduce the overall abundance of the species in the area or cause a temporary loss or alteration of important habitat for the species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-15

SPECIAL STATUS SPECIES: WIGGINS'S CROTON AND ITS HABITAT

Impact: The IID Lateral would cross suitable habitat for the Wiggins's croton in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CNPS, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Suitable habitat for the Wiggins's croton is found along the IID Lateral route in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). The IID Lateral would cross approximately 76 acres of Wiggins's croton habitat in the ISDRA. In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP67, North Baja shall segregate topsoil along the IID Lateral. North Baja would not be required to use a sheepsfoot roller in the area of the dunes because this equipment is ineffective in sand. Construction of the IID Lateral through potential Wiggins's croton habitat shall be conducted in the summer months after adult plants (if present) have already set seed.

Although North Baja's general conservation measures and other proposed mitigation measures, including topsoil segregation and timing of construction, would substantially reduce impact on this species, construction of the IID Lateral may result in the removal of individual plants. However, the reproduction potential of the local population would not be affected; therefore, construction of the IID Lateral would not have an adverse impact on the population of Wiggins's croton. As a result, the Project is not expected to

reduce the overall abundance of the species in the area or cause a temporary loss or alteration of important habitat for the species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-16

SPECIAL STATUS SPECIES: COLORADO RIVER COTTON RAT

Impact: Construction may impact the Colorado River cotton rat, which occurs in the marshes of the Colorado River.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

The Colorado River cotton rat is limited to the marshes of the Colorado River.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP68, North Baja shall cross the Colorado River and associated riparian areas using the HDD method. In the event of a frac-out, North Baja shall implement the measures in its HDD Plan to contain the drilling mud and avoid impacting potential habitat for the Colorado River cotton rat. See also the mitigation measures listed in CEQA Finding No. WQ-12.

With implementation of North Baja's general conservation measures and additional mitigation, the North Baja Pipeline Expansion Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts on the Colorado River cotton rat that could contribute to a trend towards Federal or State listing.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-17

SPECIAL STATUS SPECIES: DESERT BIGHORN SHEEP

Impact: The BLM reported that the proposed Project could encounter desert bighorn sheep near the Palo Verde Wilderness Area, which is approximately 1 mile west of the B-Line near MP 31.0. Impacts on desert bighorn sheep are likely to be indirect in nature, resulting from noise-related disturbance during construction.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP69, North Baja shall inform workers that bighorn sheep may occur in the area and shall keep all construction activities within the approved construction work area.

Based on the distance of the Project from the Palo Verde Wilderness Area and because desert bighorn sheep are highly mobile and wide ranging and would likely avoid construction activities, with the implementation of these mitigation measures, impacts on the desert bighorn sheep are not expected.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-18

SPECIAL STATUS SPECIES: BROWN-CRESTED FLYCATCHER AND ITS HABITAT

Impact: The B-Line would cross suitable riparian and desert wash woodland habitat for the brown-crested flycatcher between MPs 22.0 to 23.0, 35.0 to 36.0, 41.0 to 46.0, 50.0 to 53.0, and 59.0 to 66.0. Habitat clearing during the breeding season could result in injury or death, or abandonment of nests.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP70, North Baja shall complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja shall preclear vegetation along the B-Line. Preconstruction clearing shall be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in CEQA Finding No. BIO-4.

The minor, incremental loss of unoccupied habitat would not be expected to have direct or indirect impacts on individuals or reduce the abundance of brown-crested flycatchers in the area because the proposed Project would be adjacent to an existing cleared right-of-way. Thus, fragmentation of undisturbed suitable habitat would not occur. With implementation of North Baja's mitigation measures, the North Baja Pipeline Expansion Project is not expected to reduce the abundance of or alter habitat important for the brown-crested flycatcher that could contribute to a trend towards Federal or State listing.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-19

SPECIAL STATUS SPECIES: BURROWING OWL AND ITS HABITAT

Impact: Construction could affect burrowing owls, which occur in the irrigated desert agricultural areas. The B-Line would cross suitable burrowing owl habitat from MPs 0.0 to 12.0 (which includes 18th Avenue), and the IID Lateral would cross suitable burrowing owl habitat from MPs 28.0 to 46.0. In addition, North Baja identified one probable burrowing owl burrow and an individual burrowing owl adjacent to a burrow at approximate MP 1.5 of the Arrowhead Extension.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Burrowing owls are known to occur in the irrigated desert agricultural areas along the proposed B-Line and along the IID Lateral in the Imperial Valley, showing that burrowing owl populations have adapted to agricultural activities in these areas.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP71, for owls occupying burrows within 250 feet of the construction work area, North Baja shall monitor or passively or actively relocate the species to appropriate and previously installed artificial or available alternate natural burrows. Only biologists approved by the CDFG in advance shall handle owls or install one-way doors during relocation activities. The management strategy utilized shall be determined on a case-by-case basis. In addition to relocation or monitoring efforts, North Baja shall implement the following measures to minimize impacts on the burrowing owl:

- Direct impacts on burrowing owl habitat shall be minimized by constructing in the road pavement or road shoulder in agricultural areas or by boring/drilling beneath habitat areas (e.g., canals and drains).

- Preconstruction surveys during the breeding season shall be conducted by biologists who would visually check all potential habitat within 250 feet of both sides of the proposed construction work area within 1 week before construction.

- Unoccupied burrows discovered within the construction right-of-way during preconstruction surveys shall be collapsed or excavated before construction activities to prevent occupancy by burrowing owls.

- Artificial burrows, installed to minimize the effect of burrow loss, shall be placed within the home range of individual owls that would be affected before burrow excavation or installation of one-way doors.

In addition, North Baja shall provide compensation at the equivalency rate of 6.5 acres of foraging habitat for burrowing owls for each active burrow damaged.

Although individual burrowing owls could be affected by construction activities, with implementation of this mitigation, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing of the burrowing owl as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-20

SPECIAL STATUS SPECIES: CRISSAL THRASHER AND ITS HABITAT

Impact: The B-Line would cross potential habitat for the Crissal thrasher, which occurs near the Colorado River and the town of Blythe (MPs 0.0 to 3.0), the town of Palo Verde (MPs 24.0 to 29.0), and the Davis Lake area (MPs 31.0 to 33.0), along 18th Avenue in Blythe, and in the area of Stallard Road (MP 25.0). Impacts include slow habitat re-establishment, noise, and breeding disruption.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Because habitat for this species would recover slowly after construction, any impacts would result in a long-term reduction of available habitat. If Crissal thrashers are present during the breeding season (early February to June), the noise from construction could indirectly affect these birds. Birds disturbed by construction of the proposed Project would most likely be displaced into adjacent habitats, potentially disrupting breeding activities and annual production for one season.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP72, North Baja shall complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja shall preclear vegetation along the B-Line. Preconstruction clearing shall be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in CEQA Finding No. BIO-4. Further, North Baja shall minimize the potential for long-term impacts on the Crissal thrasher by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the FWS,

the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation (see CEQA Finding No. VEG-2).

With the implementation of these conservation measures and compensatory mitigation, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-21

SPECIAL STATUS SPECIES: LE CONTE'S THRASHER AND ITS HABITAT

Impact: The B-Line would cross potential habitat for the Le Conte's thrasher, which occurs from MPs 12.0 to 79.8. The IID Lateral would also cross suitable habitat in the scattered creosote bush scrub habitat between the ISDRA and the Imperial Valley from MPs 8.0 to 28.0. Impacts include slow habitat re-establishment, noise, and breeding disruption.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat.

Because the habitat for this species would recover slowly after construction, any impacts would result in a long-term reduction of available habitat. If Le Conte's thrashers are present during the breeding season (early February to June), the noise from construction could indirectly affect these birds. Birds disturbed by construction of the proposed Project would most likely be displaced into adjacent habitats, potentially disrupting breeding activities and annual production for one season.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP73, North Baja shall complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja shall preclear vegetation along the B-Line. Preconstruction clearing shall be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in CEQA Finding No. BIO-4. Further, North Baja shall minimize the potential for long-term impacts on the Le Conte's thrasher by compensating for loss of microphyll woodland

habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation (see CEQA Finding No. VEG-2).

With the implementation of these conservation measures and compensatory mitigation, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-22

SPECIAL STATUS SPECIES: SUMMER TANAGER AND ITS HABITAT

Impact: The B-Line would cross suitable habitat for the summer tanager, which occurs along the lower Colorado River basin (MPs 22.0 to 23.0, 35.0 to 36.0, 41.0 to 46.0, 50.0 to 53.0, and 59.0 to 66.0). Impacts include slow habitat re-establishment, noise, and breeding disruption.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat.

Because the habitat for this species would recover slowly after construction, any impacts would result in a long-term reduction of available habitat. If summer tanagers are present during the breeding season (early February to June), the noise from construction could indirectly affect these birds. Birds disturbed by construction of the proposed Project would most likely be displaced into adjacent habitats, potentially disrupting breeding activities and annual production for one season.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP74, North Baja shall complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja shall preclear vegetation along the B-Line. Preconstruction clearing shall be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in CEQA Finding No. BIO-4. Further, North Baja shall minimize the potential for long-term impacts on the summer tanager by compensating for loss of microphyll woodland habitat through payment of an assessed financial contribution at a ratio approved by the

FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation (see CEQA Finding No. VEG-2).

With the implementation of these conservation measures and compensatory mitigation, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-23

SPECIAL STATUS SPECIES: VERMILION FLYCATCHER AND ITS HABITAT

Impact: The B-Line would cross suitable habitat for the vermilion flycatcher, which occurs in the desert riparian areas of the lower Colorado River basin (MPs 0.0 to 12.0, 22.0 to 29.0, 31.0 to 33.0, 35.0 to 53.0, 59.0 to 66.0, and 79.0 to 79.8). Impacts include slow habitat re-establishment, noise, and breeding disruption.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat.

Because the habitat for this species would recover slowly after construction, any impacts would result in a long-term reduction of available habitat. If vermilion flycatchers are present during the breeding season (early February to June), the noise from construction could indirectly affect these birds. Birds disturbed by construction of the proposed Project would most likely be displaced into adjacent habitats, potentially disrupting breeding activities and annual production for one season.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP75, North Baja shall complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja shall preclear vegetation along the B-Line. Preconstruction clearing shall be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in CEQA Finding No. BIO-4. Further, North Baja shall minimize the potential for long-term impacts on the vermilion flycatcher by compensating for loss of microphyll woodland

habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation (see CEQA Finding No. VEG-2). Additionally, North Baja shall use the HDD method to cross the Colorado River, avoiding direct impacts on potential suitable habitat (see CEQA Finding No. WQ-12).

With the implementation of these conservation measures and compensatory mitigation, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-24

SPECIAL STATUS SPECIES: YELLOW-BREASTED CHAT AND ITS HABITAT

Impact: The B-Line would cross suitable habitat for the yellow-breasted chat, which occurs along the Colorado River in Blythe (MPs 0.0 to 3.0), the town of Palo Verde (MPs 22.0 to 23.0), and the Davis Lake area (MPs 31.0 to 33.0). Impacts include slow habitat re-establishment, noise, and breeding disruption.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat.

Because the habitat for this species would recover slowly after construction, any impacts would result in a long-term reduction of available habitat. If yellow-breasted chats are present during the breeding season (early February to June), the noise from construction could indirectly affect these birds. Birds disturbed by construction of the proposed Project would most likely be displaced into adjacent habitats, potentially disrupting breeding activities and annual production for one season.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP76, North Baja shall complete construction of the B-Line after the breeding season. If construction is necessary during the breeding season, North Baja shall preclear vegetation along the B-Line. Preconstruction clearing shall be conducted in accordance with recommendations from the FWS, the BLM, and the CDFG. See also the mitigation measures listed in CEQA Finding No. BIO-4. Further, North Baja shall minimize the potential for long-term impacts on the yellow-breasted chat by compensating for loss of microphyll woodland

habitat through payment of an assessed financial contribution at a ratio approved by the FWS, the BLM, and the CDFG for those areas not already covered by desert tortoise habitat compensation (see CEQA Finding No. VEG-2). Additionally, North Baja shall use the HDD method to cross the Colorado River, avoiding direct impacts on potential suitable habitat (see CEQA Finding No. WQ-12).

With the implementation of these conservation measures and compensatory mitigation, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-25

SPECIAL STATUS SPECIES: COLORADO RIVER TOAD AND ITS HABITAT

Impact: Construction could affect suitable habitat for the Colorado River toad, which occurs in the Colorado River from Fort Yuma to the Blythe-Ehrenberg area.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP77, North Baja shall cross the Colorado River and associated riparian areas using the HDD method. In the event of a frac-out, North Baja shall implement the measures in its HDD Plan to contain the drilling mud and avoid impacting potential habitat for the Colorado River toad. See also the mitigation measures listed in CEQA Finding No. WQ-12.

With implementation of North Baja's general conservation measures and additional mitigation, the North Baja Pipeline Expansion Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts on the Colorado River toad that could contribute to a trend towards Federal or State listing.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-26

SPECIAL STATUS SPECIES: COUCH'S SPADEFOOT TOAD AND ITS HABITAT

Impact: The B-Line could affect the Couch's spadefoot toad, which is historically known to occur at the Milpitas Wash (MP 35.3), and in the Stallard Road wash area (MP 25.0). Impacts include mortality or breeding disruption.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP78, North Baja shall implement the following mitigation measures:

- If local thunderstorms occur in the habitat identified by the CDFG and provide substantial moisture under warm conditions (temperatures over 90 °F) in July, August, or September, and if construction has not already been completed in that area, North Baja biologists shall examine potential Couch's spadefoot toad habitat for persistent pools. The CDFG would notify North Baja if appropriate conditions prevail, and North Baja shall coordinate with the CDFG to complete the surveys.

- Authorized biologists shall monitor temporary pools for persistence and would examine them daily for eggs, tadpoles, or toadlets.

- Construction activities shall not be conducted within 150 feet of temporary pools. If water fails to persist within shallow pools for 10 days, or if no Couch's spadefoot toad eggs, tadpoles, or toadlets are found within 10 days, then construction shall resume in the area.

- If any Couch's spadefoot toads are found, the CDFG shall be immediately notified. A report on the findings shall be submitted to the CDFG within 30 days of completion of the construction activities within the area.

With implementation of North Baja's general conservation measures and additional mitigation, the North Baja Pipeline Expansion Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts on the Colorado River toad that could contribute to a trend towards Federal or State listing.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-27

SPECIAL STATUS SPECIES: FLAT-TAILED HORNED LIZARD AND ITS HABITAT

Impact: The B-Line would cross suitable habitat for the flat-tailed horned lizard, which occurs between MPs 71.0 to 79.8. Also, the IID Lateral would cross potentially suitable habitat between MPs 8.0 to 28.0. Construction of the pipeline through habitat occupied by the flat-tailed horned lizard could result in direct mortality or injury of individual lizards as a result of being crushed by vehicles, movement of soil, and entrapment in open trenches.

Class: I

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

North Baja's biologists conducted surveys in the suitable habitat area in 2001 and categorized habitats as favorable (0.4 mile), transitional (4.1 miles), or unfavorable (4.3 miles) according to the *Flat-tailed Horned Lizard Range Management Strategy*. Flat-tailed horned lizards were observed between MPs 77.0 and 78.0 during surveys in 2000 and 2001, and were abundant between MPs 75.2 and 79.6 during construction of the A-Line. They are assumed to still be present in that area and are expected to occur in the same general locations during construction of the B-Line. The presence of the flat-tailed horned lizard is also assumed along the IID Lateral between MPs 8.0 to 28.0.

Construction of the pipeline through habitat occupied by the flat-tailed horned lizard could result in direct mortality or injury of individual lizards as a result of being crushed by vehicles, movement of soil, and entrapment in open trenches. If construction occurs during extremely hot summer months, lizards can die if entrapped in open trenches. Ten lizards were known to have died and 15 were successfully relocated during construction of the A-Line in 2002. Construction noise and activity could also indirectly affect lizards by pushing them into similar adjacent habitat farther away from the

construction work area; however, flat-tailed horned lizards would likely return to the habitat in the immediate vicinity of the right-of-way upon completion of construction activities.

In addition to North Baja's general conservation measures (see CEQA Finding No. SSS-1), in accordance with Mitigation Measure NBP79, North Baja shall implement the following mitigation measures:

- Authorized biologists shall conduct preconstruction surveys to verify all flat-tailed horned lizard habitat in the construction area. Within 7 days before construction, biologists shall identify habitat areas subject to direct construction-related ground disturbance.

- Biologists shall conduct a final clearance survey 1 to 2 days before construction activities, which would include excavating potential burrows and relocating lizards to nearby suitable habitat. North Baja shall implement the management strategy guidelines for relocation of flat-tailed horned lizards described in the *Flat-tailed Horned Lizard Range Management Strategy*.

- A field contact representative shall initiate a worker education program and would have the authority to ensure compliance with protective measures for flat-tailed horned lizards.

- A biological monitor shall be present in each area of active construction within flat-tailed horned lizard habitat throughout the work day from initial clearing through habitat restoration. The biological monitors shall have sufficient education, field experience, and training with this species to understand its biology and behavior. The monitors shall ensure that all activities are in compliance with the management strategy guidelines for relocation of flat-tailed horned lizards. The biological monitors shall also have the authority and responsibility to halt activities that are in violation of the management strategy guidelines.

- In areas of suitable habitat (MPs 75.2 to 79.6 of the B-Line and MPs 8.0 to 28.0 of the IID Lateral), North Baja shall restrict the amount of trench open at any one time to 2 miles. Trench walkers shall be employed in those areas such that each portion of open trench would be observed every 30 minutes when ground temperatures exceed 85°F (29.5 °C). Each trench walker can cover 2 miles per hour; therefore, the open portion of trench (2 miles) shall require two trench walkers during hot weather to provide the desired coverage. Trench walkers shall be construction workers with no other duties than to walk along the side of the open trench and look for flat-tailed horned lizards. These workers shall receive specialized flat-tailed horned lizard training under the supervision of the BLM biologist and shall be directly supervised by a qualified biologist who has also received flat-tailed horned lizard training. Additionally, all hazardous sites,

such as open pipes, trenches, holes, or deep excavations shall be inspected for the presence of lizards before backfilling.

- If lizards are found trapped in an excavation, the authorized biologist shall capture by hand and relocate the affected lizard. The management strategy guidelines for relocation of flat-tailed horned lizards described in the *Flat-tailed Horned Lizard Range Management Strategy* shall be used.

In addition, to the conservation measures above, North Baja has agreed to provide an assessed financial contribution to the BLM at a compensation rate of 1:1 where impacts within the East Mesa Area of Critical Environmental Concern (ACEC) occur north of the road shoulder of Evan Hewes Highway. The BLM is expected to include this stipulation in its amended Right-of-Way Grant.

The above measures would minimize physical disturbance to flat-tailed horned lizard and its habitat and compensate for losses. Based on these measures, the Project is not expected to reduce the overall population of the species in the area or result in other direct or indirect impacts that could contribute to or result in Federal or State listing of the flat-tailed horned lizard as an endangered or threatened species. Nonetheless, based on impacts expected during construction of the proposed Project, including direct impacts temporarily lowering abundance of the species in the area, impacts on this species and its habitat would be considered significant (Class I). This Class I impact would be long term. Approval of the Project would be subject to a Statement of Overriding Considerations under the CEQA.

Summary. This impact remains potentially significant following application of all feasible mitigation.

CEQA FINDING NO. SSS-28

SPECIAL STATUS SPECIES: FAIRYDUSTER AND ITS HABITAT

Impact: Construction of the B-Line could affect fairyduster plants, which have been identified between MPs 45.1 to 49.8, 53.6 to 57.4, and 65.1 to 66.6. Also, habitat for this species may occur along the IID Lateral. Construction may remove individual plants.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CNPS, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat. Pipeline construction activities (e.g., clearing, grading, trenching, backfilling, excavation) would directly affect plants found within the construction work area.

In accordance with Mitigation Measure NBP80, North Baja shall implement its general conservation measures (see CEQA Finding No. SSS-1). Post-construction surveys of the A-Line right-of-way have shown that restoration of the pipeline right-of-way allows native plants to re-establish in areas disturbed by construction.

Although North Baja's general conservation measures, including topsoil segregation and efforts to minimize the spread of non-native species, would substantially reduce impact on this species, construction of the B-Line and the IID Lateral may result in the removal of individual plants. However, the reproduction potential of the local population would not be affected; therefore, construction of the B-Line and IID Lateral would not have an adverse impact on the population of fairyduster. As such, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect

impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-29

SPECIAL STATUS SPECIES: GIANT SPANISH-NEEDLE AND ITS HABITAT

Impact: The IID Lateral would cross suitable habitat for the giant Spanish-needle, which is found in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CNPS, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat. Pipeline construction activities (e.g., clearing, grading, trenching, backfilling, excavation) would directly affect plants found within the construction work area.

In accordance with Mitigation Measure NBP81, North Baja shall implement its general conservation measures (see CEQA Finding No. SSS-1). Post-construction surveys of the A-Line right-of-way have shown that restoration of the pipeline right-of-way allows native plants to re-establish in areas disturbed by construction.

Although North Baja's general conservation measures, including topsoil segregation and efforts to minimize the spread of non-native species, would substantially reduce impact on this species, construction of the IID Lateral may result in the removal of individual plants. However, the reproduction potential of the local population would not be affected; therefore, construction of the IID Lateral would not have an adverse impact on the population of giant Spanish-needle. As such, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-30

SPECIAL STATUS SPECIES: SAND FOOD AND ITS HABITAT

Impact: The IID Lateral would cross suitable habitat for the sand food, which is found in the southern Algodones Dunes within the ISDRA (MPs 0.5 to 7.9). Construction may remove individual plants.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CNPS, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

In lieu of conducting species-specific surveys, North Baja has indicated that it is assuming that the species is present throughout the area of suitable habitat. Pipeline construction activities (e.g., clearing, grading, trenching, backfilling, excavation) would directly affect plants found within the construction work area.

In accordance with Mitigation Measure NBP82, North Baja shall implement its general conservation measures (see CEQA Finding No. SSS-1). Post-construction surveys of the A-Line right-of-way have shown that restoration of the pipeline right-of-way allows native plants to re-establish in areas disturbed by construction.

Although North Baja's general conservation measures, including topsoil segregation and efforts to minimize the spread of non-native species, would substantially reduce impact on this species, construction of the IID Lateral may result in the removal of individual plants. However, the reproduction potential of the local population would not be affected; therefore, construction of the IID Lateral would not have an adverse impact on the population of sand food. As such, the Project is not expected to reduce the overall abundance of the species in the area, cause a temporary loss or alteration of important habitat for the species, or result in other direct or indirect impacts that could contribute to or result in Federal or State listing as an endangered or threatened species.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-31

SPECIAL STATUS SPECIES: POTENTIAL FUTURE EFFECTS

Impact: The Project may affect potential inhabitation of suitable habitats found to be lacking individual special status species during surveys in 2005, and/or new species that are listed under State or Federal law in the future.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (AGFD, BLM, CDFG, CNPS, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

North Baja completed focused habitat evaluations and species-specific surveys in 2005; however, construction of the proposed Project is currently scheduled to be completed in three phases, with construction of the last phase beginning in late summer of 2009.

Due to the potential inhabitation of suitable habitats found to be lacking individuals during surveys in 2005, and the potential for new species to become listed under State or Federal law in the future, Mitigation Measure ARM10 requires North Baja to consult with the FWS, the BLM, and the CDFG to update the species list and to verify that previous consultations and determinations of effect are still current for those areas where construction would occur more than 1 year from the date of issuance of the FERC and CSLC approvals for the Project. Documentation of these consultations, and the need for additional surveys and survey reports (if required), and FWS, BLM, and CDFG comments on the surveys and survey reports and their conclusions (as applicable), shall be filed with the FERC and the CSLC.

Adherence to this measure would ensure that the appropriate agencies review the Project area in the future to verify that previous consultations and determinations of effect are still applicable for all phases of Project construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SSS-32

SPECIAL STATUS SPECIES: COMPLIANCE WITH THE FEDERAL AND CALIFORNIA ENDANGERED SPECIES ACTS

Impact: Potential adverse effects on Federal and State-listed endangered and threatened species and compliance with the Federal ESA and the CESA.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

Based on informal consultation with the FWS, nine federally listed species were identified as potentially occurring in the general vicinity of (within the counties crossed by) the Project. After further consultations with the FWS, the BLM, and the CDFG, and completion of field surveys, a determination of effect for each of these species was developed. Two of the nine species (desert tortoise and Peirson's milk-vetch) were identified as likely to be adversely affected by the proposed Project. Critical habitat for the desert tortoise was also identified as likely to be adversely affected.

In compliance with section 7 of the ESA, the Draft EIR was submitted to the FWS with a request for concurrence with the determinations of effect and to initiate formal consultation for the desert tortoise and the Peirson's milk-vetch. In a letter dated November 1, 2006, the FWS concurred with the determinations of effect. In the Biological Opinion (BO) issued on April 20, 2007, the FWS concluded that the proposed action is not likely to jeopardize the continued existence of the desert tortoise and its critical habitat and the continued existence of the Peirson's milk-vetch. As part of the BO, the FWS issued an Incidental Take Statement for the desert tortoise. Under the terms of section 7(b)(4) and section 7(o)(2) of the ESA, taking that is incidental to and not intended as part of the agency action is not considered to be prohibited under the ESA provided that such taking is in compliance with the terms and conditions of the Incidental Take Statement. The FERC has a continuing duty to regulate the activity

covered by the Incidental Take Statement and shall comply with the terms and conditions of the BO. North Baja shall report the progress of the action and its impact on the species to the FWS as specified in the Incidental Take Statement. Section 7(b)(4) and 7(o)(2) generally do not apply to listed plant species (i.e., the Peirson's milk-vetch).

As required by the CESA, consultation has occurred with the CDFG to determine the proposed Project's effect on California-listed species. As described above, the Federal and California-listed threatened desert tortoise and the federally listed threatened and California-listed endangered Peirson's milk-vetch would likely be adversely affected by construction of the Project. Because these species are California-listed as well as federally listed, the CDFG would review the BO prepared by the FWS and consider the issuance of a consistency determination pursuant to section 2080.1 of the California Fish and Game Code. Alternatively, the CDFG may issue an Incidental Take Permit under section 2081 of the California Fish and Game Code. Additionally, approval of the Project would require the CSLC to prepare a Statement of Overriding Considerations under the CEQA if, after mitigation is applied, the CSLC finds that the impacts of the Project would not be reduced to a level that is less than significant.

Because the CDFG has not yet issued its conclusions regarding the impact of the Project on California-listed species, Mitigation Measure ARM11 requires that North Baja shall not begin Phase I-A or Phase II construction activities until:

- the CDFG makes a consistency determination on the FWS' BO pursuant to section 2080.1 of the California Fish and Game Code or issues an Incidental Take Permit that covers both federally and State-listed species that may be affected;

- North Baja obtains an Incidental Take Permit under section 2081 of the California Fish and Game Code for all State-listed species that may be affected, or receives concurrence from the CDFG that an Incidental Take Permit is not required; and

- North Baja has received written notification from Executive Officer of the CSLC that construction or use of conservation measures may begin.

These measures would prohibit the start of the Phase I-A and Phase II construction activities associated with the Project until the CDFG determines that the Project's potential impacts on special status species would be sufficiently mitigated and that the Project is in compliance with the CESA.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-1

LAND USE AND RECREATION: CONSTRUCTION AND PERMANENT RIGHTS-OF-WAY

Impact: Land use impacts associated with the new pipelines would include disturbance of existing land uses within the construction right-of-way during construction and retention of a new permanent right-of-way for operation.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, BOR, FERC, Imperial County Department of Public Works, Riverside County Department of Transportation)

FACTS SUPPORTING THE FINDING(S)

Construction of the North Baja Pipeline Expansion Project would disturb approximately 1,760.5 acres of land, including the pipeline facilities, aboveground facilities, pipe storage and contractor yards, and access roads. Approximately 109.0 acres of the 1,760.5 acres used for construction would be required for operation of the Project. Of this total, about 106.9 acres would be for the pipeline facilities, 2.0 acres would be for the aboveground facilities, and 0.1 acre would be for permanent access roads associated with the proposed facilities. The remaining 1,651.5 acres of land would be restored and allowed to revert to former use.

In accordance with Mitigation Measure NBP83, following construction, all land used for temporary construction right-of-way and temporary extra workspace areas shall be allowed to revert to prior uses. With the exception of tree crops such as orchards, all forms of agriculture shall be permitted within the permanent right-of-way. Construction of aboveground structures would be prohibited on the permanent right-of-way; however, no restrictions shall be placed on the temporary right-of-way or extra workspaces. No new permanent right-of-way would be required for the B-Line.

Existing land uses, to the extent that such uses do not conflict with access to or use of the pipeline, would be retained following pipeline construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-2

LAND USE AND RECREATION: RESIDENCES AND BUSINESSES

Impact: Eighteen residences and 2 businesses are within 100 feet of the B-Line and 19 residences and 4 businesses are within 100 feet of the IID Lateral. Residences and businesses could be affected by construction and operation of the Project.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CalTrans, FERC, Imperial County Department of Public Works, Riverside County Department of Transportation)

FACTS SUPPORTING THE FINDING(S)

Eighteen residences and 2 businesses are within 100 feet of the B-Line and 19 residences and 4 businesses are within 100 feet of the IID Lateral. There are three residences along the portion of Arrowhead Boulevard that would be affected by construction of the Project; however, no residences or businesses would be located within 100 feet of the Arrowhead Extension. The closest residence to the Arrowhead Extension is approximately 126 feet from the edge of the construction right-of-way. Residences and businesses could be affected by construction and operation of the Project.

Temporary construction impacts on residential areas could include inconvenience caused by noise and dust generated by construction equipment, personnel, and trenching of roads or driveways; ground disturbance of lawns; removal of trees, landscaped shrubs, or other vegetative screening between residences and/or adjacent rights-of-way; potential damage to existing septic systems or wells; disruption of access to the property; and removal of aboveground structures, such as fences, sheds, or trailers, from within the right-of-way.

In general, construction in the 7.6-mile-long paved segment of 18th Avenue in Riverside County (the B-Line), in the Arrowhead Boulevard roadway or road shoulder in Riverside County (the Arrowhead Extension), and in the various Imperial County roadways (the

IID Lateral) would be accomplished using urban construction techniques. All construction activities would be confined to the width of the roadways, including the paved roadway and road shoulders.

In accordance with Mitigation Measure NBP85, the Applicant shall implement the following general measures to minimize construction-related hazards and maintain access to the residences and businesses that would be affected by the Project:

- minimize the amount of trench left open at the end of the workday and cordon off the trench during non-work hours;
- cover the trench with steel plates where necessary to allow traffic passage and reduce safety hazards;
- install safety fencing for a minimum of 100 feet on either side of residences that are within 100 feet of the construction work area;
- secure and patrol construction areas during non-work hours to minimize safety issues associated with open trenches;
- maintain an emergency ingress and egress near all residences and businesses throughout the construction process;
- maintain at least one lane of restricted traffic movement through the construction area for access to residences and for emergency vehicles;
- minimize noise by maintaining equipment in good operating condition; and
- suppress dust with the use of water trucks and regular spraying.

In addition, North Baja has prepared and shall follow Site-specific Residential Construction Mitigation Plans to minimize disruption and to maintain access to the residences and businesses within 100 feet of the construction work area associated with the B-Line and IID Lateral. These dimensioned site plans show the following items within a minimum of 100 feet of the construction work area:

- the proposed centerline of the pipeline;
- the limits of the construction work area;
- the edge of the paved road surface;
- each residence/business and associated structures;
- existing pipelines and powerlines;

- waterbodies, roads, driveways, fences, trees or other landscaping, and private wells; and

- the location of safety fencing that would be installed during construction.

See CEQA Finding Nos. TR-2, TR-3, TR-4, RS-1, and RS-2 for additional discussion of traffic management and public safety.

The intent of the above provisions is to maintain access, reduce inconvenience to residents and business owners, and provide a safe environment during construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-3

LAND USE AND RECREATION:

Impact: Construction activities could require plan amendments for crossing portions of designated special management areas such as the California Desert Conservation Area (CDCA) and the Milpitas Wash SMA.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM)

FACTS SUPPORTING THE FINDING(S)

The portions of the proposed route that are on lands within the CDCA and managed by the BLM but outside a designated utility corridor (approximately 20.8 miles for the B-Line and 6.8 miles for the IID Lateral) are in conflict with the CDCA Plan and would require an amendment to the plan. Although the proposed Project is not consistent with the current CDCA Plan, it would be consistent with previous projects and the goal of grouping similar land uses. The proposed B-Line would be entirely adjacent to North Baja's existing A-Line, which was the subject of an amendment to the CDCA Plan and previously approved by the BLM in 2002. In addition, the portion of the IID Lateral route outside of designated utility corridors would be within or adjacent to existing transportation (Interstate 8 and Imperial County roadways) and transmission line rights-of-way.

The proposed B-Line crosses the Milpitas Wash SMA generally between MPs 29.4 and 34.2, crossing approximately 4.4 miles of BLM-managed land. The Milpitas Wash SMA is managed by the BLM Yuma Field Office under the Yuma District Plan (see CEQA Finding No. BIO-5). The purpose of the Yuma District Plan is to provide a comprehensive framework for managing public land and resources in the Yuma District. The Yuma District Plan prohibits new utilities or rights-of-way across the Milpitas Wash SMA. Of the approximately 4.4 miles crossed by the proposed B-Line within the Milpitas Wash SMA, 2.5 miles are managed by the BLM. Allowing construction of the proposed B-Line across these 2.5 miles would require an amendment to the Yuma District Plan.

In accordance with Mitigation Measure NBP87, the Applicant has submitted an amended Right-of-Way Grant application to the BLM for the crossing of Federal lands. Approval of the application would require an amendment to the CDCA Plan and the Yuma District Plan, which dictate management within the CDCA and the Milpitas Wash SMA, respectively. The amendments would only accommodate the North Baja Pipeline Expansion Project and would not create a new corridor or modify existing corridors.

The plan amendments would avoid conflict with the CDCA Plan and the Yuma District Plan.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-4

LAND USE AND RECREATION: PUBLIC INTEREST AREAS

Impact: Public interest areas directly affected by or located near the Project, including the Milpitas Wash SMA, ISDRA, Cibola NWR, Mule Mountain ACEC, Pilot Knob ACEC, Plank Road ACEC, East Mesa ACEC, Lake Cahuilla ACEC, Palo Verde Wilderness Area, and the Ehrenberg Sandbowl Off-Highway Vehicle area would be affected by temporary removal of vegetation and indirectly affected by traffic, noise, and dust during pipeline construction.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

The proposed pipeline facilities would not cross any national or State forests, National or California Wild and Scenic Rivers, registered national natural landmarks, lands designated under a Habitat Conservation Plan, golf courses, or areas designated under the National Trails System. However, the B-Line and IID Lateral would cross 11 recreation or public interest areas and be adjacent to several others. The Arrowhead Extension would not cross or be adjacent to any recreation or public interest areas.

One of the primary concerns when crossing recreation and public interest areas is the impact of construction on the purpose for which the area was established (e.g., the recreational activities, public access, and resources the area aims to protect). Construction would alter visual aesthetics by removing existing vegetation and disturbing soils. Construction would also generate dust and noise, which could be a nuisance to recreational users. Construction could also interfere with or diminish the quality of the recreational experience by affecting wildlife movements or disturbing trails. In general, impacts on recreational and public interest areas would be temporary and would be limited to the period of active construction, which typically would last only several days to several weeks in any one area.

In accordance with Mitigation Measure NBP88, the Applicant shall minimize construction-related impacts on recreational and public interest areas by:

- installing the B-Line entirely within the existing right-of-way maintained for the A-Line;
- installing the IID Lateral almost entirely within or adjacent to existing road and transmission line rights-of-way;
- timing construction to avoid peak usage periods, when practical; and
- ensuring effective post-construction reclamation of the right-of-way to preconstruction conditions by following the measures in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1).

Construction-induced effects such as traffic, noise, and dust may affect the quality of some users' recreational experiences, but any effects would be temporary in nature and would occur in the summer months when recreational use is at its lowest. Adherence to the measures in the CM&R Plan would ensure the right-of-way is restored to its preconstruction condition.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-5

LAND USE AND RECREATION: OHV USE

Impact: Construction could restrict use and access to designated OHV use areas. Conversely, the pipeline rights-of-way could increase accessibility for OHV use into previously inaccessible, environmentally sensitive areas.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

OHV use in the Project area is variable in terms of both season and location. OHV use occurs most frequently during the winter months with the heaviest use occurring on the weekends.

In accordance with Mitigation Measure NBP89, where the proposed pipelines would be in areas of authorized OHV use, the pipeline rights-of-way shall not be restricted for OHV use. To reduce the potential for interference between pipeline construction activities and authorized OHV use, as well as unauthorized OHV use of the pipeline rights-of-way after construction, North Baja shall implement its Off-Highway Vehicle Management Plan (OHV Plan) that addresses the initial siting, construction, and operation of the proposed facilities. Some of the measures of the plan include:

- Berms shall be placed across the right-of-way where it intersects an existing OHV road. Berm slopes shall not exceed 30 percent.

- Berms shall be placed across the right-of-way as part of erosion control and strategically placed to reduce visibility and mimic local topography.

- Rock redistribution and strategic placement, without making it into a challenging obstacle course, shall occur across the right-of-way where large rock is available and such work would "erase" the visual cues of "road."

- The right-of-way shall be backbladed or raked by bulldozer or by hand, to erase the traces of the intersection of the right-of-way with an existing OHV route or dirt road.

- Ocotillo and large cacti shall be salvaged and replanted where they are available with the understanding that survival criteria would not be applied because even dead specimens provide convincing visual clues of "no road."

- Other desert species, including creosote bush scrub and desert wash woodland species (e.g., palo verde, ironwood, smoke tree, etc.) shall also be salvaged and replanted with the understanding that they would be unlikely to survive but could still provide value as a visual block.

- Woody material removed during construction shall be redistributed across the right-of-way to both disguise the right-of-way and serve as "vertical mulch."

An assessment and detailed description of where the above blocking measures shall be implemented is presented in North Baja's OHV Plan. In addition, North Baja shall place additional signs and/or vegetative barriers at access points along the right-of-way if requested by the Yuma District of the BLM. North Baja shall also replace fencing on the Cibola NWR that was originally installed after construction of the A-Line but subsequently destroyed by OHV users and shall maintain that fencing for 2 years.

Because North Baja's OHV Plan did not address enforcement and future monitoring of the proposed OHV blocking measures, Mitigation Measure ARM12 requires North Baja to file with the FERC and the CSLC before Phase I-A and Phase II construction activities, a revised OHV Plan that includes:

- the agency or agencies responsible for enforcement of the OHV Plan;

- the frequency of monitoring that would be conducted to ensure that the implemented OHV blocking measures are functioning properly;

- the methodology for reassessing the implemented OHV blocking measures in the future; and

- enforcement measures.

The purpose of these provisions is to ensure that the new permanent pipeline right-of-way would not provide new accessibility for recreational OHV use into previously restricted, inaccessible, or environmentally sensitive areas.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-6

LAND USE AND RECREATION: WILDLIFE IN THE MULTI-SPECIES WHMA

Impact: Construction-related activities could impact wildlife in the multi-species WHMA that would be crossed by the B-Line between MPs 35.2 and 50.0.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CDFG, FERC, FWS)

FACTS SUPPORTING THE FINDING(S)

See the special status species background discussion in CEQA Finding No. SSS-1.

The proposed B-Line would cross a multi-species WHMA between MPs 35.2 and 50.0. The majority of the pipeline route in this area would be within a designated utility corridor. Management goals for the WHMA include the maintenance of naturally occurring distributions of 28 special status animal species and 30 special status plant species. A second goal is to maintain proper functioning conditions in all natural communities with special emphasis on communities that are present in small quantities, have a high species richness, and support many special status species. The third goal is to maintain ecological processes by maintaining naturally occurring interrelationships among various biotic and abiotic elements of the environment.

In accordance with Mitigation Measure NBP92, the Applicant shall limit construction activities to between July 1 and December 1 (i.e., outside the breeding season) if Crissal thrashers are present (see CEQA Finding No. SSS-20), implement special mitigation measures to avoid disturbance of Couch's spadefoot toad habitat (see CEQA Finding No. SSS-26), and compensate for disturbance of desert dry wash woodland (see CEQA Finding No. VEG-2). North Baja shall implement conservation measures for special status species (see CEQA Finding Nos. SSS-1 to SSS-32) and the construction and restoration measures outlined in its CM&R Plan (see CEQA Finding Nos. SO-1 and VEG-1).

The intent of these provisions is to avoid, minimize, or compensate for impacts on wildlife species and to facilitate the recovery of native vegetation communities in the WHMA.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-7

LAND USE AND RECREATION: HAZARDOUS WASTE

Impact: Construction activities could encounter unidentified hazardous waste sites.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, CRWQCB, Imperial County Department of Public Works, Riverside County Department of Health, FERC)

FACTS SUPPORTING THE FINDING(S)

The CEQA process requires the identification of hazardous material sites pursuant to Government Code section 65962. The Department of Toxic Substances and Control (DTSC), Site Mitigation Group, was contacted regarding the proper approach to identifying hazardous material sites pursuant to the CEQA requirements. In order to fulfill these requirements, the CAL-SITES list and leaking underground storage tank (LUST) list were reviewed. The CAL-SITES is a database maintained by the DTSC that contains potential or confirmed substance release properties and is released quarterly. The LUST list, maintained by the CSWRCB, contains an inventory of reported underground storage tank incidents.

A review of the CAL-SITES database did not identify any sites that are currently on or adjacent to the proposed Project. A review of the LUST list revealed a single incident of a leaking underground fuel tank along the IID Lateral route in El Centro. The case was closed by the CRWQCB on August 28, 1992 and is not considered to be an issue for the proposed Project. Although no known hazardous waste sites have been identified along the proposed route, it is possible that pre-existing, unidentified contamination could be encountered during construction of the Project.

In accordance with Mitigation Measure NBP93, the Applicant shall adhere to the measures included in its SPCC Plan (see CEQA Finding No. SO-3) and conduct field observations to determine the nature of the contamination, appropriate

disposal/treatment options, and the need for sampling, and coordinate treatment and disposal with the appropriate agencies as outlined in CEQA Finding No. WQ-6.

Implementation of field observations to characterize the amount and composition of the contamination followed by coordination with the appropriate agencies and adherence to the provisions of the contamination handling plan would ensure protection of the workers and the proper disposal of the contaminated materials.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. LU-8

LAND USE AND RECREATION: VISUAL IMPACTS

Impact: Installation of new aboveground facilities would impact visual resources.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

Construction of the new aboveground facilities would have a permanent impact on visual resources. Modifications at the existing aboveground facilities would result in an incremental increase in impacts on visual resources but would generally be minor because of the presence of the existing facilities. The majority of the proposed aboveground facilities would be collocated with or within the fenceline of existing aboveground facility sites. Therefore, their appearance would be consistent with the existing character of the area and would result in only a minor change in the visual landscape. Overall, for those facilities on BLM land, the degree of contrast with the characteristic landscape resulting from each of the facilities would be consistent with the visual management objectives of the affected classes.

In accordance with Mitigation Measure NBP94, the Applicant shall paint the new or additional facilities so they would blend with the surrounding landscape. Security lighting at the aboveground facilities shall be low sodium vapor light that shall be angled toward the interior of the station.

Construction of the aboveground facilities would not result in a substantial adverse effect on a scenic area or vista, substantially damage scenic resources, or substantially degrade the existing visual character or quality of the area or its surroundings.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. SOC-1

SOCIOECONOMICS: DEMANDS ON LOCAL AGENCIES

Impact: Construction-related demands on local agencies could include increased enforcement activities associated with issuing permits for vehicle load and width limits, local police assistance during construction at road crossings to facilitate traffic flow, and emergency medical services to treat injuries resulting from construction activities.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (FERC, Imperial County Department of Public Works, Riverside County Department of Health, Riverside County Department of Transportation)

FACTS SUPPORTING THE FINDING(S)

Because the non-local workforce would be small relative to the current population, construction of the pipeline facilities would result in minor, temporary, or no impact on local community facilities and services such as police, fire, and medical services. Local communities have adequate infrastructure and community services to meet the needs of the non-local workers that would be required for the Project. Other construction-related demands on local agencies could include increased enforcement activities associated with issuing permits for vehicle load and width limits, local police assistance during construction at road crossings to facilitate traffic flow, and emergency medical services to treat injuries resulting from construction accidents.

In accordance with Mitigation Measure NBP96, the Applicant shall work with local firefighters and other emergency responders to coordinate activities for effective emergency response and develop an Emergency Response Plan (see CEQA Finding No. RS-1). As part of the Emergency Response Plan, North Baja shall establish and maintain communications with local fire, police, and public officials and shall make personnel, equipment, tools, and materials available at the scene of an emergency.

The effects of the influx of construction workers would be short term and would not be in excess of existing and projected capabilities. The purpose of the Emergency Response Plan is to reduce, to the maximum extent feasible, risks to the public inherent in the construction and operation of a natural gas pipeline.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. TR-1

TRANSPORTATION AND TRAFFIC: TRAFFIC FLOW

Impact: Construction across roads and highways would result in short-term impacts on public transportation while construction activities pass through the Project area.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CalTrans, FERC, Imperial County Department of Public Works, Riverside County Department of Transportation)

FACTS SUPPORTING THE FINDING(S)

The local road and highway system in the vicinity of the Project facilities is well developed. The principal north/south roadways are SRs 78 and 111, and the principal west/east roadways are Interstates 8 and 10. Most local public roads in the vicinity of the proposed Project are paved. There is also rail service in the Project area. Construction of the North Baja Pipeline Expansion Project could affect transportation and traffic during construction across and within roadways and railroads.

In accordance with Mitigation Measure NBP98, the Applicant shall construct across paved and unpaved roads, highways, and railroads in accordance with the requirements of applicable permits and approvals. These features shall either be bored or open cut. The use of the bore crossing method would avoid disrupting traffic. No work shall occur within the road or railroad rights-of-way unless expressly permitted by the applicable agency. At open-cut road crossings, North Baja shall not close any roads unless adequate detours are provided. If a detour is required, traffic shall be rerouted to another nearby road. If no reasonable detour is feasible, North Baja shall leave at least one lane of traffic open. Where Project construction crosses roads necessary for access to private residences and no alternative entrance exists, North Baja shall implement measures (e.g., plating over the open portion of the trench) to maintain passage for landowners and emergency vehicles. North Baja shall attempt to complete open-cut crossings in 1 or 2 days. See CEQA Finding Nos. TR-2, TR-3, and TR-4 for a discussion of traffic management during construction within roadways.

These provisions would ensure that construction activities would not impact traffic flow or disrupt traffic in the Project area by either maintaining the use of existing routes or by providing equivalent routes in the event an existing roadway needs to be temporarily closed due to pipeline construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. TR-2

TRANSPORTATION AND TRAFFIC: TRAFFIC MANAGEMENT ALONG 18TH AVENUE

Impact: Construction in the paved segment of 18th Avenue could inconvenience residents and business owners.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CalTrans, FERC, Riverside County Department of Transportation)

FACTS SUPPORTING THE FINDING(S)

See the background discussion of residences and businesses along 18th Avenue in CEQA Finding No. LU-2.

In accordance with Mitigation Measure NBP100, North Baja shall implement its Traffic Management Plan for 18th Avenue. The Traffic Management Plan identifies the following mitigation measures to minimize traffic-related impacts:

- the pipeline shall be installed with a minimum of 36 inches of cover and 12 inches of separation from other utilities or obstructions. A minimum of 2 feet shall be maintained under canals and 5 feet over drains;

- intersections shall be bored or trenched (trenched intersections shall be steel plated if construction does not occur on consecutive days);

- North Baja shall contact each owner and/or tenant of the properties abutting the road to explain the construction process and identify any special conditions or concerns that need to be incorporated into the construction plans. In addition, these adjacent residents and businesses shall be notified by hand-delivered flyers 2 weeks before construction. The flyers shall include the dates of construction, work hours, traffic detours, and contact numbers for North Baja and the contractor. Emergency response agencies shall also be notified of the work schedule;

- the Underground Service Alert shall be notified at least 48 hours before beginning work;
- flag persons shall be provided to route traffic around construction equipment and obstructions;
- work shall be scheduled during daylight hours unless alternative schedules are authorized;
- access shall be maintained to all residences or businesses except during actual trenching operations. Steel plates shall be available to maintain access to driveways during periods when the trench is open;
- non-local traffic shall be detoured around construction activities;
- one lane of restricted traffic movement shall be maintained through the construction area. This would allow residences, businesses, and emergency vehicles reasonable access during the construction activities;
- during non-work times, the work area shall be secured and patrolled to minimize safety hazards associated with open trenches, heavy equipment, and other construction operations;
- open trenches shall be covered or cordoned off during non-working hours; and
- the non-local traffic that would be detoured around construction activities shall be directed to a road parallel and typically only 1 block north or south of 18th Avenue.

The intent of the above provisions is to maintain access; reduce inconvenience to residents, business owners, and other traffic using 18th Avenue; and provide a safe environment during construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. TR-3

TRANSPORTATION AND TRAFFIC: TRAFFIC MANAGEMENT ALONG ARROWHEAD BOULEVARD

Impact: Traffic along Arrowhead Boulevard could be affected during construction of the Arrowhead Extension.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CalTrans, FERC, Riverside County Department of Transportation)

FACTS SUPPORTING THE FINDING(S)

See the background discussion of residences and businesses along Arrowhead Boulevard in CEQA Finding No. LU-2.

In accordance with Mitigation Measure NBP101, the Applicant shall use the same construction methods between MPs 0.0 and 1.0 of the Arrowhead Extension as those described for portions of the proposed B-Line within 18th Avenue (see CEQA Finding No. TR-2). In addition, Mitigation Measure ARM13 requires North Baja to file with the FERC and the CSLC a Traffic Management Plan for Arrowhead Boulevard. The plan shall be prepared in consultation with the Riverside County Department of Transportation and shall detail the specific measures that would be used to control traffic during construction of the Arrowhead Extension.

The intent of the above provisions is to maintain access; reduce inconvenience to residents, business owners, and other traffic using Arrowhead Boulevard; and provide a safe environment during construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. TR-4

TRANSPORTATION AND TRAFFIC: TRAFFIC MANAGEMENT ALONG IMPERIAL COUNTY ROADS

Impact: Construction would affect several Imperial County roadways (e.g., Evan Hewes Highway, Hunt Road, and East Ross Road).

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (CalTrans, FERC, Imperial County Department of Public Works)

FACTS SUPPORTING THE FINDING(S)

See the background discussion of residences and businesses along Arrowhead Boulevard in CEQA Finding No. LU-2.

In accordance with Mitigation Measure NBP102, the Applicant shall implement its Traffic Management Plan for Imperial County Roads. The plan identifies the same mitigation measures as for 18th Avenue (see CEQA Finding No. TR-2). In addition, North Baja shall install the pipeline in sections and have a specialized crew designated for construction to minimize road closures or periods of restricted access along Imperial County roadways. North Baja shall close off 0.5- to 1.0-mile-long sections of road and reroute traffic around the area through the use of signs and detours (while maintaining access for residents and emergency vehicles). No more than 2 miles of work area shall be active at any one time.

The intent of the above provisions is to maintain access; reduce inconvenience to residents, business owners, and other traffic using Imperial County roadways; and provide a safe environment during construction.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-1

ALTERNATIVES: CULTURAL RESOURCES SITE CA-IMP-8314

Impact: Construction of a portion of the IID Lateral could affect Site CA-IMP-8314.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (California SHPO, BLM, FERC)

FACTS SUPPORTING THE FINDING(S)

Construction of a portion of the IID Lateral could affect Site CA-IMP-8314. The Quechan Indian Tribe, the Kwaaymii Laguna Band of Indians, and the BOR requested that North Baja avoid this cultural resources site.

Mitigation Measure ARM1 requires the Applicant to adopt the Modified ISDRA Transmission Line Alternative between MPs 5.6 and 8.2 of the IID Lateral. Although the Modified ISDRA Transmission Line Alternative would avoid Site CA-IMP-8314, a portion of another cultural resources site (the Plank Road) was identified during surveys along the alternative alignment. In accordance with Mitigation Measure NBP1, North Baja shall avoid impacts on this portion of the Plank Road by installing exclusion fencing and monitoring during construction.

The Modified ISDRA Transmission Line Alternative avoids Site CA-IMP-8314, also avoids an area closed by the BLM to protect the Peirson's milk-vetch, and does not affect any other sensitive biological resources. The Modified ISDRA Transmission Line Alternative would be located entirely on BLM-managed lands and the BLM finds the alternative route acceptable. North Baja's proposal to install exclusion fencing and monitor the Plank Road during construction would avoid impacts on the alternative alignment.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. CR-2

CULTURAL RESOURCES: PROTECTION OF CULTURAL RESOURCES

Impact: Potential adverse effects on historic properties and compliance with the National Historic Preservation Act (NHPA).

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Arizona SHPO, BLM, BOR, California SHPO, FERC)

FACTS SUPPORTING THE FINDING(S)

Ninety cultural resources were identified along the B-Line route in California. Six cultural resources are recommended as not eligible for listing on the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and no further work is recommended. Thirty-four cultural resources have not been evaluated to determine eligibility, and 50 sites are recommended as eligible for listing on the NRHP and the CRHR. Of these, two NRHP-eligible cultural resources (Site CA-IMP-7911/H and the All-American Canal) were specifically identified by the BOR as important cultural resources. North Baja currently plans to mitigate impacts on Site CA-IMP-7911/H by completing data recovery and monitoring the site during construction. North Baja would avoid impacts on the All-American Canal by use of the HDD crossing method. Impacts on the other canals and irrigation features would be mitigated by North Baja's proposal to monitor construction activities. North Baja would mitigate impacts on the remaining unevaluated and eligible sites by the use of avoidance measures (including installation of exclusion fencing), construction monitors, data recovery, and/or narrowing of the construction right-of-way.

North Baja's surveys identified 98 cultural resources along the IID Lateral. Six cultural resources are recommended as not eligible for listing on the NRHP and the CRHR and no further work is recommended. Four cultural resources (the All-American Canal and Sites CA-IMP-8314, CA-IMP-8327, and CA-IMP-8389) are recommended as eligible for listing on the NRHP and the CRHR. North Baja would avoid impacts on the All-American Canal by use of the HDD crossing method. North Baja would mitigate impacts on Site CA-IMP-8327 by avoiding and monitoring it during construction and on

Site CA-IMP-8389 by implementing data recovery and monitoring it during construction. Site CA-IMP-8314 is one of several cultural resources that collectively contribute to an archaeological district being proposed by the BOR. The BOR, the Quechan Indian Tribe, and the Kwaaymii Laguna Band of Indians requested that Site CA-IMP-8314 be avoided. The adoption of the Modified ISDRA Transmission Line Alternative would avoid impacts on this site (see CEQA Finding No. CR-1). In response to other Native American requests, North Baja would have a monitor present during ground-disturbing activities along the alternative route south of Site CA-IMP-8314. The remaining 88 cultural resources have not been evaluated to determine eligibility for listing on the NRHP and the CRHR. Two of these sites would not be within the construction work area. North Baja would mitigate impacts on the remaining 86 features by monitoring them during construction to ensure avoidance.

No eligible cultural resources were identified during surveys at the 18th Avenue, Ripley, Ogilby, and IID Lateral (El Centro) Contractor Yards. North Baja has indicated it would complete surveys along any access roads that require improvements or modifications. In addition, North Baja needs to conduct cultural resources surveys along portions of the proposed route in California where landowner permission has not been obtained.

Once cultural resources surveys and evaluations are complete, the CSLC would make the determination of eligibility for the CRHR for the CEQA purposes. North Baja has prepared a treatment plan that specifies measures to reduce or mitigate impacts. Once the treatment plan is approved, a Memorandum of Agreement would be executed by the appropriate parties. North Baja would implement the specific treatment measures before Project construction is authorized by the FERC and the CSLC in any given area. Implementation of treatment would occur only after certification of the proposed Project.

In compliance with Mitigation Measure NBP103, North Baja shall complete cultural resources surveys for all areas of the proposed Project, and prepare and submit the remaining reports and plans to the appropriate agencies for review and comment. To ensure that the FERC's responsibilities under the NHPA and its implementing regulations and the CSLC's responsibilities under the CEQA are met, Mitigation Measure ARM14 requires North Baja to defer implementation of any treatment plans/mitigation measures (including archaeological data recovery), construction of facilities, and use of all staging, storage, or temporary work areas and new or to-be-improved access roads on each respective Project phase until North Baja files with the FERC and the CSLC, as applicable, the materials listed in bullets 1 through 7, and the steps listed in bullets 8 through 10 below have been completed:

- any FWS, Cibola NWR comments on the Overview and Survey Report;
- any BOR comments on the Evaluation Plan;
- any comments from the BOR and Native American tribes on the draft Evaluation Report;

- the revised Evaluation Report;
- the California SHPO's comments on Addendum Reports 2 and 3, the revised Evaluation Report, and the revised Historic Properties Treatment Plan;
- all additional cultural resources survey reports for denied access areas and any additional areas requiring survey, evaluation reports, and any necessary treatment plans as well as documentation that these reports and plans were submitted to the Arizona and California SHPOs; the BLM; the BOR; the FWS, Cibola NWR; and Native American tribes, as applicable;
- any comments of the Arizona and California SHPOs; the BLM; the BOR; the FWS, Cibola NWR; and Native American tribes, as applicable, on all additional cultural resources survey reports and plans;
- the CSLC reviews and approves all cultural resources reports and plans prepared for the California portion of the Project and notifies North Baja in writing that construction may proceed;
- the Advisory Council on Historic Preservation is afforded an opportunity to comment, if historic properties would be adversely affected; and
- the Director of the Office of Energy Projects reviews and approves all applicable cultural resources reports and plans and notifies North Baja in writing that treatment plans/mitigation measures may be implemented or construction may proceed.

These measures would prohibit the start of the Project in California until responsible agencies determine that its potential impacts on cultural resources are sufficiently mitigated and the Project is in compliance with the applicable Federal and State regulations.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. AQ-1

AIR QUALITY: LOCAL AMBIENT AIR QUALITY

Impact: The construction activities that would generate emissions include land clearing, ground excavation, and cut and fill operations. The intermittent and short-term emissions generated by these activities would include dust from soil disruption and combustion emissions from the construction equipment. These emissions could result in minor, temporary impacts on air quality in the vicinity of pipeline installation.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (ADEQ, CARB, EPA, FERC, ICAPCD, Mojave Desert AQMD)

FACTS SUPPORTING THE FINDING(S)

The North Baja Pipeline Expansion Project would involve modifications at the existing Ehrenberg Compressor Station, El Paso Meter Station, and Ogilby Meter Station to allow northbound flow of natural gas. The Project would also involve the construction of 127.6 miles of natural gas pipeline, 2 meter stations, 13 valves, 4 pig launchers, 5 pig receivers, and 3 taps and crossover piping. Except for the construction equipment and activities associated with building these facilities, there would be no air emissions generated by these aboveground or pipeline facilities (i.e., no emissions would occur during operation).

Because there would be no stationary sources or operational emissions associated with the proposed Project, the stationary source permitting requirements of the ADEQ, the CARB, the Mojave Desert AQMD, and the ICAPCD do not apply.

Mobile source and fugitive dust regulations adopted by these agencies do apply to the construction activities associated with the proposed Project. The mobile source and fugitive dust/opacity requirements that apply to the Project include EPA reasonably Available Control Measures such as using wetting agents, dust suppressants, and other means to prevent particulates from becoming airborne. Permits are not required for pipeline construction emissions from any of the above-noted agencies.

Emissions associated with construction equipment include particulate matter having an aerodynamic diameter of 10 microns or less (PM_{10}), particulate matter having an aerodynamic diameter of 2.5 microns or less ($PM_{2.5}$), nitrogen dioxide (NO_2), carbon monoxide (CO), volatile organic compounds (VOC), sulfur dioxide (SO_2), and small amounts of air toxics. These emissions could result in minor, temporary impacts on air quality in the vicinity of pipeline installation.

In accordance with Mitigation Measure NBP104, construction equipment shall be operated on an as-needed basis during daylight hours only. The emissions from gasoline and diesel engines shall be minimized because the engines must be built to meet the standards for mobile sources established by the EPA mobile source emission regulations including those in Title 40 CFR Part 85. These engines shall also meet the mobile source operational and pollution control standards established by the CARB in CCR Title 13 Division 3. Most of the construction equipment shall be powered by diesel engines and shall be equipped with typical control equipment (e.g., catalytic converters). Project-related vehicles and construction equipment shall be required to use the new low sulfur diesel fuel as soon as it is commercially available. In addition, North Baja shall implement the following measures to minimize impacts on air resources.

- minimize idling time for diesel equipment whenever possible;
- ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use;
- prohibit engine tampering to increase horsepower;
- use CARB-certified low sulfur diesel fuel (less than 15 parts per million); and
- reduce construction-related trips as feasible for workers and equipment, including trucks.

In accordance with Mitigation Measure NBP104, the Applicant shall minimize fugitive dust generated by construction activities by the implementation of its Project-wide Dust Control Plan. The Project-wide Dust Control Plan includes control measures identified as best management practices by some of the regulating agencies. The measures that shall be implemented include:

- take every reasonable precaution to minimize fugitive dust emissions from construction activities;
- take every reasonable measure to limit visible density (opacity) of emissions to less than or equal to 20 percent;
- apply water one or more times per day to all affected unpaved roads, and unpaved haul and access roads;

- reduce vehicle speeds on all unpaved roads, and unpaved haul and access roads;
- clean up track-out and/or carry-out areas at paved road access points at a minimum of once every 48 hours;
- if bulk transfer operations are required, spray handling and transfer points with water at least 15 minutes before use;
- cover all haul truck loads, or maintain at least 6 inches of freeboard space in each cargo compartment. Ensure that all haul truck cargo compartments are constructed and maintained to minimize spillage and loss of materials, and clean or wash each cargo compartment at the delivery site after removal of the bulk materials;
- apply water to active construction areas to limit visible density (opacity) of emissions to less than or equal to 20 percent;
- apply water to open and/or unvegetated areas to limit visible density (opacity) of emissions to less than or equal to 20 percent; and
- for temporary surfaces during periods of inactivity, restrict vehicular access by means of either fencing or signage, and apply water to comply with the stabilized surface requirements.

Some of the measures clearly specify the performance requirement; however, some of the measures are vague and open to interpretation and, consequently, would be difficult to enforce during construction. Therefore, Mitigation Measure ARM2 requires that before construction, North Baja shall file with the FERC and the CSLC a revised Project-wide Dust Control Plan that specifies the following:

- the precautions that would be taken to minimize fugitive dust emissions from construction activities;
- the measures that would be taken to limit visible density (opacity) of emissions to less than or equal to 20 percent;
- how visual density would be measured to determine that it is less than or equal to 20 percent;
- how compliance with the 20 percent visual density requirement would be documented;
- the individuals with authority to determine if/when water needs to be reapplied for dust control;

- the speed limit that would be required on unpaved roads and unpaved haul and access roads; and

- the individuals with authority to stop work if the contractor does not comply with dust control measures.

The ICAPCD noted that North Baja's Project-wide Dust Control Plan does not meet the Best Available Control Measures of the ICAPCD's Regulation VIII with regard to clean up of track-out areas. The ICAPCD also noted that additional track-out control devices and further dust control measures must be utilized if construction vehicle trips per day exceed the thresholds established in Regulation VIII. The ICAPCD asked that traffic at unpaved to paved intersections be quantified in the Dust Control Plan and the Dust Control Plan modified accordingly. Therefore, Mitigation Measure ARM3 requires that before construction of the Imperial County portions of Phase I-A and Phase II, North Baja shall file with the CSLC an Imperial County-specific Dust Control Plan that includes the measures of the revised Project-wide Dust Control Plan and meets the requirements of the ICAPCD's Regulation VIII.

The purpose of the above provisions is to ensure that Federal, State, and local ambient air quality standards are not violated during construction of the Project and that Project impacts on air quality would be minimized.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. NO-1

NOISE: INCREASED NOISE DURING CONSTRUCTION

Impact: Individuals in the immediate vicinity of the construction activities could experience an increase in noise.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (FERC, Imperial County, Riverside County)

FACTS SUPPORTING THE FINDING(S)

The Project would occur primarily in rural range, desert, and agricultural areas. Noise sources in rural areas are predominantly natural, including insects, birds, wind, and weather. Accordingly, existing ambient noise levels near most of the pipeline routes are low. The primary sources of noise in the rural residential and agricultural areas are roadway traffic and farm machinery on a seasonal basis. The majority of the Project would be located in areas with little to no human population and few noise-sensitive areas (e.g., residences, schools and day care facilities, hospitals, long-term care facilities, places of worship, libraries, and parks and recreational areas specifically known for their solitude and tranquility such as wilderness areas).

Noise associated with construction activities would be both temporary and intermittent. Pipeline construction would proceed at rates averaging about 1 mile per day. In accordance with NBP106, equipment shall be operated on an as-needed basis during daylight hours. Nighttime construction noise shall be limited to the HDDs at the Colorado River, All-American Canal, and the East Highline Canal crossings; hydrostatic testing activities; and bores under major highways or railroads. The duration of activities shall be generally less than several days at road or railroad crossings, 24 hours for hydrostatic testing, and up to 2 weeks at the HDD crossings. North Baja shall comply with the noise elements included in the Riverside County and Imperial County General Plans.

Project-related noise would not exceed regulatory standards. Adherence to the provisions described above, specifically limiting the majority of operations to the daylight

hours, would minimize the effect of noise to individuals in the vicinity of the construction activities.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. NO-2

NOISE: BLOWDOWN NOISE DURING OPERATION

Impact: Blowdown events at the Ogilby and El Centro Meter Stations, and the Ehrenberg Compressor Station valves could result in a significant noise impact.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (FERC, Imperial County, Riverside County)

FACTS SUPPORTING THE FINDING(S)

See the noise level background discussion in CEQA Finding No. NO-1.

Blowdowns involve the evacuation of gas, which enables piping to be taken out of service, typically for major repairs or maintenance. Blowdowns occur only on rare occasions; therefore, the noise impacts would be infrequent and temporary. As an example, no blowdowns have occurred on North Baja's existing system since it was placed in service 4 years ago.

Nevertheless, in accordance with Mitigation Measure NBP107, North Baja shall install silencers in residential areas to reduce noise levels associated with blowdown events. In the event of a blowdown, nearby residences shall be notified in advance if possible and North Baja shall provide traffic control along public roadways near the blowdown location as needed.

Adherence to the provisions described above, combined with the limited frequency of blowdown events, would alert residents to the event and minimize the effect of noise to individuals in the vicinity.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. RS-1

RELIABILITY AND SAFETY: PUBLIC SAFETY

Impact: The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and subsequent release of gas.

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (DOT, FERC)

FACTS SUPPORTING THE FINDING(S)

In accordance with Mitigation Measure NBP108, the pipeline and aboveground facilities associated with the North Baja Pipeline Expansion Project shall be designed, constructed, operated, and maintained to meet or exceed the DOT Minimum Federal Safety Standards in Title 49 CFR Part 192 and other applicable Federal and State regulations including the California Public Utilities Commission, General Order 112-e. These regulations, which are intended to protect the public and to prevent natural gas facility accidents and failures, include specifications for material selection and qualification; odorization of gas; minimum design requirements; and protection of the pipeline from internal, external, and atmospheric corrosion. To address seismic hazards, the facilities shall be designed to meet or exceed the latest edition of the Uniform Building Code or International Building Code and to incorporate current seismological engineering standards, including the *Guidelines for the Design of Buried Steel Pipe* and *Guidelines for the Seismic Design and Assessment of Natural Gas and Liquid Hydrocarbon Pipelines*. The engineering design drawings for the entire Project in California shall be certified by a California-registered civil/structural engineer, and would comply with the latest edition of the California Building Code.

North Baja shall prepare and implement an Operation and Maintenance Plan in accordance with the requirements in Title 49 CFR Part 192. Within the first 6 months of placing the pipeline into operation, North Baja shall conduct an internal inspection of the pipeline. Following the initial test, internal inspections with a high resolution instrument shall be conducted on a periodic basis, at a minimum of one inspection every 10 years, or sooner if the evidence suggests that significant corrosion or defects exist or if any

new Federal or State regulations require more frequent or comparable inspections. The existing pipeline system shall be monitored and controlled 24 hours a day for pressure drops in the pipeline that could indicate a leak or other operating problem through a Supervisory Control and Data Acquisition system, which is a computer system for gathering and analyzing real-time systems. The system shall be programmed to take appropriate immediate action when alarm conditions are present. In addition, a crew that conducts on-site operations and maintenance shall be located at the Ehrenberg Compressor Station, and be on call 24 hours a day. When completed, the B-Line, Arrowhead Extension, and IID Lateral shall be operated in conjunction with the existing system and subject to the same operation and maintenance procedures.

North Baja shall x-ray all girth welds over 6 inches in diameter where possible to ensure pipeline structural integrity and compliance with the applicable DOT regulations. Where x-ray inspection is impossible or impractical, other means of non-destructive inspection shall be conducted. Those welds that do not meet established specifications shall be repaired or replaced. Once the welds are approved, the welded joints shall be coated with a protective coating and the entire pipeline shall be visually inspected for any faults, scratches, or other coating defects. Any damage shall be repaired before the pipeline is installed.

After construction, North Baja shall clearly mark the pipeline at line-of-sight intervals, roads, railroads, and other key points to alert the public to the presence of the pipeline. The markers shall provide contact information for North Baja in the event of an emergency. In accordance with the DOT regulations in effect since 1982, North Baja shall participate in all communication and notification "One-Call" services to prevent outside damage to the pipeline. These services provide preconstruction information to contractors or other maintenance workers on the underground location of pipes, cables, and culverts.

While the primary focus of these standards is prevention of accidents, North Baja shall prepare an Emergency Response Plan that would be coordinated and tested (through drills and exercises) with local fire/police departments and emergency management agencies.

To ensure that North Baja's operation and maintenance commitments are documented in a comprehensive plan and to assist the CSLC in reviewing the Project for consistency with the CSLC's action on the amended lease across California's Sovereign and School Lands, Mitigation Measure ARM15 requires North Baja to submit to the CSLC for approval an Operation and Maintenance Plan before placing the pipeline system into service in California. This plan shall address internal and external maintenance inspections of the completed facility, including but not limited to details of integrity testing methods to be applied, corrosion monitoring and testing of the cathodic protection system, and leak monitoring. The Operation and Maintenance Plan shall also specify that North Baja shall, unless expressly prohibited by DOT regulations, conduct an internal inspection with a high-resolution instrument on a periodic basis, at a

minimum of one inspection every 10 years, or sooner if the evidence suggests that significant corrosion or defects exist or if any new Federal or State regulations require more frequent or comparable inspections. Within 3 months following any new Federal or State regulations, North Baja shall update the Operation and Maintenance Plan and submit a revised copy to the CSLC. In addition, the Operation and Maintenance Plan shall include procedures for implementing operational mitigation measures recommended (if any) by the site-specific seismic hazard evaluation reports for the Project (see CEQA Finding No. GEO-3).

The purpose of the above provisions is to reduce, to the maximum extent feasible, risks to the public inherent in the construction and operation of a natural gas pipeline.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING NO. RS-2

RELIABILITY AND SAFETY: EFFECT ON HIGH CONSEQUENCE AREAS (HCAs)

Impact: The Project may affect HCAs, which include two potential locations along the B-Line (MPs 27.0 and 75.0), and two potential locations along the IID Lateral (MPs 0.0 to 7.0 and MP 9.0).

Class: II

Finding(s):

a) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (DOT, FERC)

FACTS SUPPORTING THE FINDING(S)

In 2002, Congress passed an act to strengthen the nation's pipeline safety laws. The Pipeline Safety Improvement Act of 2002 was passed by Congress on November 15, 2002, and signed into law by the President in December 2002. By December 17, 2004, gas transmission operators were required to develop and follow a written integrity management program that contains all the elements described in Part 192.911 and addresses the risks on each covered transmission pipeline segment. The DOT defines HCAs as they relate to the different class zones, potential impact circles, or areas containing an identified site as defined in Part 192.903 of the DOT regulations. Once a pipeline operator has determined the HCAs on its pipeline, it must apply the elements of its integrity management program to those segments of the pipeline within HCAs.

Preliminary data indicate that it is likely that two locations along the proposed B-Line might qualify as HCAs. These locations are near MPs 27.0 and 75.0. There are no locations along the Arrowhead Extension that would be classified as an HCA. Along the IID Lateral, the ISDRA portion of the route (MPs 0.0 to 7.0) would classify as an HCA and the newly constructed RV park near MP 9.0 might classify as an HCA using one of the HCA method determination protocols.

In accordance with Mitigation Measure NBP109, the Applicant shall conduct a comprehensive HCA assessment of the new pipeline segments following construction. Per the Pipeline Safety Improvement Act of 2002, to minimize the potential for an accident, North Baja shall develop an integrity management program that applies to all

HCAs or incorporate the newly constructed facilities into its existing program. In locations designated as HCAs, the pipeline shall be inspected every 7 years.

Adherence to these provisions would reduce, to the maximum extent feasible, risks to the public inherent in the construction and operation of a natural gas pipeline.

Summary. With the mitigation described above, this impact is reduced to a less than significant level.

1 ACRONYMS AND ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
ADEQ	Arizona Department of Environmental Quality
AGFD	Arizona Game and Fish Department
Applicant	North Baja Pipeline, LLC
Arizona SHPO	Arizona State Historic Preservation Office
ARM	additional agency-recommended measures
BLM	Bureau of Land Management
BO	Biological Opinion
BOR	Bureau of Reclamation
CalTrans	California Department of Transportation
CARB	California Air Resources Board
CCR	California Code of Regulations
CDCA	California Desert Conservation Area
CDFG	California Department of Fish and Game
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
Cibola NWR	Cibola National Wildlife Refuge
CIPC	California Invasive Plant Council
CM&R Plan	Construction Mitigation and Restoration Plan
CNPS	California Native Plant Society
CO	carbon monoxide
COE	U.S. Army Corps of Engineers
CRHR	California Register of Historical Resources
CRWQCB	California Regional Water Quality Control Board, Colorado River Basin Region
CSLC	California State Lands Commission
DOT	U.S. Department of Transportation
DTSC	Department of Toxic Substances and Control
EIs	Environmental Inspectors
EIS/EIR	Environmental Impact Statement/Environmental Impact Report
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act

FERC	Federal Energy Regulatory Commission
FWS	U.S. Fish and Wildlife Service
HCAs	high consequence areas
HDD	horizontal directional drill
HMA	Herd Management Area
ICAPCD	Imperial County Air Pollution Control District
IID	Imperial Irrigation District
ISDRA	Imperial Sand Dunes Recreation Area
LUST	leaking underground storage tank
Mojave Desert AQMD	Mohave Desert Air Quality Management District
MP	Milepost
NHPA	National Historic Preservation Act
NO_2	nitrogen dioxide
North Baja	North Baja Pipeline, LLC
NRCS	U.S. Department of Agriculture, Natural Resources Conservation Service
NRHP	National Register of Historic Places
OHV	off-highway vehicle
OHV Plan	Off-Highway Vehicle Management Plan
OSHA	U.S. Department of Labor, Occupational Safety and Health Administration
PM_{10}	particulate matter having an aerodynamic diameter of 10 microns or less
$PM_{2.5}$	particulate matter having an aerodynamic diameter of 2.5 microns or less
PRMM	Paleontological Resource Mitigation and Monitoring
Project	North Baja Pipeline Expansion Project
proposed Project	North Baja Pipeline Expansion Project
PVID	Palo Verde Irrigation District
SAA	Streambed Alteration Agreement
California SHPO	California State Historic Preservation Office
SMA	Special Management Area
SO_2	sulfur dioxide

SPCC Plan	Spill Prevention, Containment, and Control Plan for Hazardous Materials and Wastes
the CEQA	California Environmental Quality Act
USGS	U.S. Geological Survey
VOC	volatile organic compounds
WHMA	Wildlife Habitat Management Area
Yuma District Plan	Yuma District Resource Management Plan

Exhibit F: Statement of Overriding Considerations

EXHIBIT F: STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 INTRODUCTION TO STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires a lead agency to balance the benefits of a project against the unavoidable environmental effects of such project in determining whether to approve the project. The Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) hereinafter referenced as EIR, identifies significant impacts of the North Baja Pipeline Expansion Project (Project or proposed Project) that cannot feasibly be mitigated to below a level of significance (Class I impacts). Therefore, the California State Lands Commission (CSLC), as the lead agency, must state in writing its specific reasons for approving the Project in a Statement of Overriding Considerations pursuant to sections 15043 and 15093 of the State CEQA Guidelines.

Based on the Final EIR, and other information provided by North Baja Pipeline, LLC (North Baja, or the Applicant) and gained through the public involvement process that is documented in the administrative record, this Statement of Overriding Considerations provides the specific reasons supporting the approval of this Project by the CSLC. State CEQA Guidelines section 15093(a) notes that, "If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'."

This Statement of Overriding Considerations presents the beneficial impacts derived from the Project, reasons for approving the Project, and a list of the specific significant effects on the environment attributable to the Project that cannot feasibly be mitigated to below a level of significance.

1.2 ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS BY THE LEAD AGENCY

The CLSC has balanced the benefits of this Project against significant unavoidable impacts that would remain after mitigation is applied and adopts this Statement of Overriding Considerations.

As noted in Section 5.4 of the Final EIR, the effects on all resource areas were evaluated to determine any significant or unavoidable impacts. In general, most adverse impacts associated with the proposed Project are anticipated to be short term and/or localized, occurring during the construction phase, and/or would be reduced to below their significance criteria by implementation of feasible mitigation measures. Impacts and mitigation measures are identified and discussed throughout Section 4 of the Final EIR in their respective resource sections. A summary of all impacts and mitigation is provided in Table 5.1-1 in Section 5 of the Final EIR.

1.3 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT

Although the Applicant has designed the proposed Project to minimize environmental effects, and the lead agencies have imposed additional mitigation measures to further reduce impacts, three Project impacts remain that would be considered significant following application of all feasible mitigation (Class I impacts).

All Class I impacts, as defined under the CEQA, were defined in the Final EIR as either temporary, short term, long term, and permanent. Temporary impact generally occurs during construction with the resource returning to preconstruction condition almost immediately afterward. Short-term impact could continue for up to 3 years following construction. Impact was considered long term if the resource would require more than 3 years to recover. A permanent impact could occur as a result of any activity that modifies a resource to the extent that it would not return to preconstruction conditions during the life of the Project (50 or more years).

The Final EIR found that:

(1) Mitigation measures would substantially reduce impacts on the desert tortoise and its critical habitat and compensate for losses. Despite these measures, construction of the proposed Project is likely to adversely affect the desert tortoise and its critical habitat and, as such, impacts on this species would be considered significant (see CEQA Finding Nos. SSS-6 and SSS-7). This Class I impact would be long term.

(2) Despite the implementation of mitigation measures that would substantially reduce impacts on the Peirson's milk-vetch, the clearing and grading of areas currently containing individuals and populations of this species would result in direct and adverse impacts on existing populations. Therefore, impacts on the Peirson's milk-vetch would be considered significant (see CEQA Finding No. SSS-9). This Class I impact would be short term.

(3) Mitigation measures would minimize physical disturbance to the flat-tailed horned lizard and its habitat and compensate for losses. Based on these measures, the Project is not expected to reduce the overall population of the species in the area or result in other direct or indirect impacts that could contribute to or result in Federal or State listing of the flat-tailed horned lizard. Nonetheless, based on impacts expected during construction of the proposed Project, including direct impacts temporarily lowering abundance of the species in the area, impacts on this species and its habitat would be considered significant (see CEQA Finding No. SSS-27). This Class I impact would be long term.

1.4 BENEFICIAL IMPACTS OF THE PROJECT THAT MEET PROJECT OBJECTIVES (CLASS IV IMPACTS).

The State CEQA Guidelines at section 15093 indicates that beneficial impacts of the Project may be noted in the Statement of Overriding Considerations.

The main objectives of the Project include providing transportation capacity of up to 2,932,000 dekatherms per day (Dthd) (2,753 million cubic feet per day [MMcfd]) of liquefied natural gas (LNG)-source gas entering the continent in Baja California, Mexico to delivery points in California and Arizona, and providing up to 110,000 Dthd (103 MMcfd) of LNG-source gas to the Imperial Irrigation District in El Centro, California. Meeting these objectives would increase the natural gas supply in California, increase natural gas supply reliability and diversity, and help control costs. These benefits are discussed in Sections 1.4.1 and 1.4.2.

Additional benefits to the regional economy are discussed in Section 1.4.3.

1.4.1 Improving the Reliability and Diversity of California's Natural Gas Supply

The California Energy Commission (CEC) is mandated to prepare an Integrated Energy Policy Report (IEPR) every two years and an update every other year. The 2007 IEPR is expected to be finalized later this year to replace the 2005 IEPR. In support of the 2007 IEPR, the CEC staff has prepared a Draft Report "Natural Gas Market Assessment, Preliminary Results, May 2007" (2007 Draft Assessment). (CEC-200-2007-009-SD.) The 2007 Draft Assessment provides updated information from the 2005 IEPR, but should be considered as preliminary because it is still undergoing review and, therefore, subject to change. The 2006 IEPR Update did not address natural gas supply and demand; therefore, the statements in the 2005 IEPR remain the most current official information on the CEC's position regarding natural gas supply and demand and the potential for LNG to help meet California's growing demand.

About half of the natural gas used in the State is for electric power generation. Industrial and commercial uses account for about 27 percent of natural gas usage and residential use accounts for 22 percent. (2005 IEPR, p. 123.) The conclusions of both the 2005 IEPR and the 2007 Draft Assessment are that California's demand for natural gas is increasing. The 2005 IEPR estimated that California's demand for all uses of natural gas will grow by approximately 0.7 percent annually from 2006 to 2016, even after taking into account maximum increased conservation and the use of renewable energy. (p. 125.) The 2007 Draft Assessment raises this estimate slightly to 0.8 percent annually for the period 2007 to 2017. (p. 2.) Since California produces only about 13 percent of the natural gas it uses, this additional demand must be met by increasing imports of natural gas currently delivered by long interstate pipelines. (2005 IEPR, p. 123.)

Although the CEC found that natural gas pipelines serving California were expected to have enough capacity "on an average annual basis," several factors could lead to inadequate supplies or delivery disruptions. (2005 IEPR, p. 135.) These include temperature extremes in summer and winter, natural disasters such as Hurricanes Katrina and Rita that interrupt production, and potential interstate pipeline disruptions caused by high demand in neighboring states like Arizona. Furthermore, the CEC noted in its 2007 Draft Assessment that all or part of excess pipeline capacity could be needed to supply demand by natural gas fired electric generators during a period of severe drought that reduces hydroelectric power generation. (p. 38.) The CEC observed that "[a] margin of excess capacity will provide consumers a choice of suppliers and is the critical foundation needed to support a competitive market and stabilize short-term pricing volatility." (2005 IEPR, p. 135.)

According to the CEC's 2005 Natural Gas Assessment Update, California's total annual consumption of natural gas was 2,200 billion cubic feet in 2003; by 2013, natural gas demand in the State is projected to reach 2,400 billion cubic feet, in part as a result of the growing use of natural gas for electricity generation. The CEC's 2005 IEPR found that:

> California clearly needs to increase the diversity of its natural gas supply portfolio. Being at the end of a long interstate pipeline network, California must also have access to a variety of sources. LNG is one such potentially cost-competitive and reliable source. . . . LNG simultaneously presents natural gas supply opportunities, additional infrastructure capacity into the West Coast, and coastal industrial development challenges. In considering LNG projects currently proposed for California, the State must address safety, environmental, and gas quality issues associated with these projects in an efficient and equitable manner. (2005 IEPR, p. 132-133.)

Although the 2007 Draft Assessment is still a preliminary report subject to further revision, the following excerpt on natural gas supply and infrastructure indicates the CEC's likely reliance on LNG imports in developing its forecasting model:

> **SUPPLY**
>
> - North America's natural gas production is projected to decline during the forecast period, by about 0.5 percent on an annualized basis or 5 percent for the 10 year period [forecast period of 2007 to 2017].
> - Natural gas from Arctic Canada and from Alaska's North Slope is assumed to be unavailable during the forecast period.
> - U.S. natural gas production is also projected to decline during the forecast period, falling annually by about 0.5 percent or 5 percent overall.

- The forecast projects that North America's natural gas supplies would be augmented by LNG imports, increasing from 3,072 MMcfd in 2007 to 24,404 MMcfd in 2017.
- The amount of gas produced in the Southwest, which enters California at Blythe, gradually decreases during the forecast period as natural gas imported from Mexico (Costa Azul Facility) displaces domestic production from the Southwest.
- Importation of LNG is expected from Mexico into San Diego through the Transportadora De Gas Natural De Baja California (TGN) pipeline beginning in 2009. Gas imported from Costa Azul is projected to grow from zero to more than 1,500 MMcfd by 2017.
- Each year from 2002 to 2007, the Energy Information Administration (EIA) has revised its natural gas production forecasts downwards.
- U.S. production has been relatively flat for the last several years even though natural gas prices and the number of natural gas wells drilled annually have both increased dramatically. (2007 Draft Assessment, p. 2.)

INFRASTRUCTURE

- During the forecast period [2007 to 2017], the assessment results show that all major pipeline systems serving California operate at less than 100 percent capacity factors. For example, Kern River's capacity utilization hovers around 80 percent throughout the forecast horizon, while utilization of all other pipeline systems falls below 50 percent.
- Modeling results indicate that LNG entering California [from Mexico] would displace natural gas from the Southwest.
- The assessment indicates that only two pipelines affecting California may need to expand. The pipelines, TGN southbound and North Baja westbound, now deliver conventional natural gas to their end users. However, after Costa Azul begins operations, both pipelines may reverse flow and expand to accommodate the flow of regasified LNG. TGN northbound flows gas into San Diego and North Baja eastbound flows gas into Blythe/Ehrenberg. (2007 Draft Assessment, p. 3.)

The State of California's Energy Action Plan II: Implementation Road Map for Energy Policies, September 21, 2005, found that in addition to reducing consumption of electricity to help reduce natural gas demand, "California must also promote infrastructure enhancements, such as additional pipeline and storage capacity, and diversify supply sources to include liquefied natural gas (LNG)." (p. 10.) The California Public Utilities Commission (CPUC) recently reaffirmed that both the State's IEPR and Energy Action Plan recognize the need for additional natural gas supplies from LNG terminals on the West Coast:

> However, even with strong demand reduction efforts and our goal of 20% renewables for electric generation by 2010, demand for natural gas in California is expected to roughly remain the same, rather than decrease, over the next 10 years. This is because a substantial portion of the other 80% of electric generation (not met by renewable energy sources) will need natural gas as its fuel source, and natural gas will still be needed for the growing number of residential and business customers of the natural gas utilities. (Peevey 2006)

The benefits of the Project are that it will help accomplish the goal of increasing the reliability and the diversity of California's supply of natural gas for the lifetime of the Project (50 or more years). Furthermore, expansion of the North Baja system has been assumed in the CEC's 2007 Draft Assessment modeling forecast as one of only two pipeline expansions that would be used to deliver natural gas to California in the next 10 years.

1.4.2 Controlling Natural Gas Costs in California

Fuel costs, including the price of natural gas, affect the California economy in many ways both directly and indirectly:

> Rising natural gas prices directly affect California's economy and consumers. High gas prices increase consumers' cost of living and reduce their purchasing power for other goods and services. Californians feel the effects of rising natural gas prices with more expensive home heating and electricity bills, and higher prices for food and consumer goods. According to a 2004 Mortgage Bankers Association Economic Commentary, "High energy prices act as a tax on consumers...that ...tend[s] to slow consumer spending...." (2005 Natural Gas Assessment Update, p. 21.)

One way to reduce the cost of fuel is to ensure competition among fuel sources.

> Today's high natural gas prices reflect declining supplies, increased competition from other states to satisfy the regional natural gas demand, and the dominance of the U.S. natural gas market upon California prices. In the future, natural gas prices can be expected to continue increasing unless demand is lowered or imports increase to boost available supplies. (2005 Natural Gas Assessment Update, p. 28.)

The LNG-source natural gas that would supply the North Baja Pipeline Expansion Project would allow increased natural gas imports to the State thus improving competition and helping keep the price of natural gas affordable for Californians.

1.4.3 Benefits to the Regional Economy

Construction and operation of the Project would have a beneficial impact on local tax revenue. The total Project payroll for construction in California would amount to about $47,500,000. Of this total, about 38.8 percent would be spent for taxable sales. Sales tax in the counties affected by the Project in California is 7.75 percent. Of this amount, 6.25 percent would go to the State, resulting in approximately $1,151,875. The remaining 1.5 percent would go to the county and local governments, resulting in annual sales tax revenues of $152,000 to Riverside County and $111,000 to Imperial County, with the remaining amount going to local governments.

About $3.3 million in property tax revenue would be generated annually in California. This revenue would be generated annually throughout the lifetime of the Project (50 or more years).

1.5 OVERRIDING CONSIDERATIONS CONCLUSION

The CSLC finds that the beneficial, additional source of natural gas to be provided by the North Baja Pipeline Expansion Project, the diversification of the State's gas supply, and the related stability benefits to the California economy, as well as the tax revenue benefits of the Project, outweigh the unavoidable adverse environmental effects discussed above. The CSLC, therefore, finds that in light of these benefits, the adverse environmental effects of the Project are acceptable.