

DEFERRED

MINUTE ITEM
86

A 3

S 1

W 25063

07/06/95

WP 7829.1

PRC 7829

Maricle

TUSCARORA GAS TRANSMISSION COMPANY (APPLICANT):

Calendar Item 86 was presented and unanimously deferred by Commission Chair Davis, and Commission Members Connell and Parker.

CALENDAR PAGE _____
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CALENDAR ITEM

C86

A 3

S 1

W 25063

07/06/95

WP 7829.

PRC 7829

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AMENDMENT OF LEASE, RIGHT-OF-WAY USE; PRC 7829.1

APPLICANT:

Tuscarora Gas Transmission Company
Attn: Mr. Gregory Galbraith
6100 Neil Road
P.O. Box 30057
Reno, Nevada 89520-3057

CURRENT LEASE TERMS:

Lease period:

49 years beginning June 1, 1995.

Surety bond:

\$1,000.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

Consideration:

\$300 per annum; five-year rent review.

Proposed authorized use:

Installation, use and maintenance of a 20 inch diameter main pipeline ("mainline") crossing under the Pit River at three locations.

PROPOSED AMENDMENT:

Installation, use and maintenance of a 4-inch diameter lateral line, for the transmission of natural gas, crossing the Pit River at two additional locations.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

04/27/96

OTHER PERTINENT INFORMATION:

1. Tuscarora is constructing a natural gas pipeline from Malin, Oregon to Tracey, Nevada. In August of 1993, Tuscarora applied for authorization for their project to cross State owned sovereign lands in the bed of the Pit River at five locations, and to cross State owned school lands at eight locations. The school lands crossings and three of the Pit River crossings were for the 20" diameter mainline; the remaining two Pit River crossings for a 4.42 mile long, 4" diameter lateral line to be used for eventual transmission of natural gas to the Alturas area ("Alturas Lateral").

Tuscarora's application was presented to the Commission at its meeting of May 3, 1995. At the Commission meeting, Mr. Curtis Talbott, the owner of uplands adjoining the State's lands in the bed of the Pit River, across which the two Alturas Lateral line crossings would be placed, objected to the location of the crossings and of the lateral pipeline across his property. The Commission agreed to defer action on these two crossings, more particularly described in the attached Exhibit A, and asked staff and Tuscarora to further explore Mr. Talbott's concerns and an alternative route he proposed. The Commission did approve the other three Pit River crossings and the school lands crossings for the main transmission lines. Staff has since met with Mr. Talbott, his attorney, and representatives of Tuscarora, as well as the Commission's consultant who prepared the EIR/EIS for this project.

For purposes of this discussion, we will refer to the two crossings proposed by Tuscarora, which cross the Pit River and Mr. Talbott's lands, as the "Proposed Route;" and the alternative route advocated by Mr. Talbott as the "Alternate Route". A map illustrating both routes is attached for reference (see Exhibit B). The Alternate Route avoids Mr. Talbott's property and passes along the opposite side of the roads which border Mr. Talbott's property, through lands already developed with occasional buildings and municipal facilities, including the city sewer treatment plant and the city dump. The Alternate Route also closely passes a unit of the Modoc National Wildlife Refuge.

Tuscarora has initiated condemnation of a right-of-way to cross Mr. Talbott's property and has filed a notice of immediate possession. In order to pursue the Alternative Route, Tuscarora would have to acquire rights-of-way across lands owned by Modoc County, the City of Alturas, and at least one private land owner. Preliminary contacts with these parties indicate they would not object to location of the line on their land.

Based upon past experience with pipelines and other utility improvements crossing State-owned waterways, Commission staff generally prefers directional drilling over open cut trenching because directional drilling avoids impacts to streambeds and banks, requires no disruption of streamflows, and creates no disturbance of resident aquatic life.

After consultation in the field with BLM and the California Department of Fish and Game, it was determined that the river crossings for the Alturas Lateral should be accomplished by directional drilling, rather than open cut trenching, because the boring involves less risk of environmental harm. Tuscarora agreed to pursue the river crossings by directional drilling, and the project was thereafter analyzed on that basis. If failure of

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directional drilling necessitates open cut trenching to cross the rivers, additional environmental analysis will be required.

Tuscarora reports that they have examined the Alternate Route and have found it to involve higher risk than the Proposed Route, primarily because of the geologic differences of the two sites. Specifically, the directional drilling of the river's North Fork crossing on the Proposed Route has the potential for encountering drilling difficulties in fractured basalt at one end of the crossings (north bank of the North Fork); the directional drilling for the Alternate Route would have the potential for encountering drilling difficulties in the fractured basalt at both the north bank of the North Fork and the south bank of the South Fork. Passage of the bores through the fractured basalt involves a risk of failure which could necessitate rerouting of the bores or revision of construction methods to the open cut trenching method. Tuscarora estimates that the additional basic cost of the Alternate Route is approximately \$75,000; further, they estimate the cost of the risk of failure to be approximately \$70,000 per failure. Thus, the Alternate Route, which presents twice the risk of failure because it would pass through igneous rock at two ends of the river crossings, could result in up to \$215,000 of increased project cost over the cost of the Proposed Route. The entire cost of the lateral pipeline, as proposed, is approximately \$825,000. Finally, if the Alternate Route is pursued, Tuscarora will be required to apply to FERC for an amendment of its license, and additional analysis of potential impacts to cultural resources will be necessary. Preliminary evidence indicates the possible presence of an Indian village in the path of the Alternate Route; both state and federal law require assessment of such resources and the potential impacting of the project on them.

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Tuscarora has indicated that if the lateral pipeline cannot be constructed as part of the mainline project, as authorized under the current FERC license, the cost of the lateral will increase incrementally and will eventually be passed along to the customers in Alturas.

Mr. Talbott has expressed continuing concerns regarding the project's potential adverse impact to wildlife which inhabit his property in the vicinity of the Pit River crossings, shown as a shaded area on the attached Exhibit B. Antelope have been observed breeding and kidding in this area. In addition, numerous varieties of birds and other wildlife cross, feed, and nest on the site, which adjoins the Modoc National Wildlife Refuge. Mr. Talbott indicates that he wishes to protect and enhance the habitat values of his property, and he plans to fence off a corridor along the river to prevent intrusion of grazing cattle. He is working with the manager of the Modoc National Wildlife Refuge toward this end.

Construction of the pipeline through the area in question is proposed to occur during the month of September, at which time wildlife activity is minimal, and young are readily able to escape. It is estimated that the total time necessary to construct the pipeline across Mr. Talbott's property, a length of approximately two miles, will be about two weeks. At the conclusion of construction, the surface of the land will be restored to its previous condition. Tuscarora has agreed to conduct its monitoring of the pipeline according to terms and conditions established in consultation with the California Department of Fish and Game to minimize contact with and disturbance of wildlife in the pipeline corridor.

There remains, however, minimal potential of a pipeline rupture which would necessitate the return of construction equipment to the site to perform repairs. It is remotely

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possible that some damage to wildlife would occur under these circumstances, particularly during the antelope kidding season. Tuscarora has indicated that the overwhelming majority of incidents involving pipeline rupture occur as a result of third party activity; e.g. plowing or digging from the land surface. Mr. Talbott has agreed that he would not conduct such activities on his land during breeding and kidding times, thus minimizing the potential for such accident. In order to minimize the possibility of rupture due to failing of the structural integrity of the pipeline, Tuscarora has agreed to periodic inspections of the interior of the line with an electronic inspection tool to monitor defects, primarily from corrosion. Nevertheless, it is not possible to completely eliminate all risk of upset.

Mr. Talbott also argues that once the pipeline right-of-way is established, other utilities will seek to locate within the right-of-way, thus causing further degradation of the wildlife habitat.

Finally, at the May 3rd meeting and in his comments to the Draft EIR/EIS, Mr. Talbott indicated that his plans for the future use of his property may include rice farming, which would necessitate grading and installation of an irrigation system. Tuscarora has offered to locate the pipeline at a sufficient depth to accommodate the irrigation system, and has further offered to assist Mr. Talbott in the design and construction of the system. Mr. Talbott has more recently indicated that use of the property for rice farming is a remote possibility.

It should be noted that Mr. Talbott is willing to allow Tuscarora to install the pipeline along the Proposed Route within the southerly portion of his property, provided they will avoid the northerly area. (shaded on attached Exhibit B).

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2. Staff has analyzed the arguments by Mr. Talbott and by Tuscarora, has reviewed the Final EIR/EIS prepared by RMI, the consultant to FERC and the Commission, and has discussed the issues with staff of the California Department of Fish and Game. It appears that Tuscarora has been able to address all but two concerns raised by Mr. Talbott, those being the risk of harm to wildlife should an accident occur during the breeding or kidding season of antelope, and the possibility that once the gas line is in place, additional utilities will be added to the corridor, bringing with them an increased burden on wildlife. While Mr. Talbott's concerns are certainly legitimate, it appears that the possibility of the worst case scenario leading to harm to wildlife is remote. The future location of other utilities within the pipeline corridor will have to be addressed pursuant to the requirements of CEQA and applicable rules and regulations of all permitting agencies.

Staff has also reviewed information provided by Tuscarora's geologist, and has found Tuscarora's conclusions as to a higher risk of failure on the Alternate Route to be reasonable. In addition, the necessity of further analysis of potential project impacts on cultural resources; the risk that this analysis may reveal the presence of resources which could limit or preclude use of the Alternate Route, and the need to obtain an amendment of the FERC license to pursue the Alternate Route, will add costs and time to completion of the project.

Finally, by filing of a condemnation action together with an order of immediate possession, Tuscarora has taken steps to establish its rights to use the Proposed Route across Mr. Talbott's property. To pursue the Alternate Route, Tuscarora will have to acquire similar rights in parcels owned by Modoc County, the City of Alturas, and at least one private land owner.

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On balance, staff believe the Proposed Route is preferable to the Alternative Route, and recommends that the Commission approve the Proposed Route crossings of the Pit River, as described in Exhibit A, subject to completion of acquisition by Tuscarora of the right to cross the adjoining private lands owned by Mr. Talbott.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff, in cooperation with the Federal Energy Regulatory Commission (FERC), has prepared an EIR/EIS identified as FERC/EIS-0078D, State Clearinghouse No. 93112055. Such EIR/EIS was prepared and circulated for public review pursuant to the provisions of CEQA. Included in the Final EIR/EIS, as certified by the Commission, were mitigation measures. Such measures and related Findings relating to the impacts on wildlife from the construction and operation of the Tuscarora Pipeline were adopted by the Commission prior to its approval of the majority of the proposed project. Several of these Mitigation/Findings pairs related specifically to the impacts on the Pronghorn Antelope herds found along the proposed right-of-way. The Antelope is not a Threatened, Endangered or Candidate species under either Federal or State law, but it is considered a Species of Special Interest by the California Department of Fish and Game, as an important game species.

As discussed in the Final EIR/EIS, there are three types of habitat critical to the Pronghorn Antelope in the project area. These are migration routes, winter feeding ranges and kidding grounds, where females give birth in the spring and spend the first few months of the new antelope's lives. Disruptions in these areas are considered to be particularly disturbing to the antelope populations in the area. Along the Alturas Lateral, and near to Mr. Talbott's property is an identified Pronghorn Antelope kidding ground. Kidding usually occurs in the National Wildlife Refuge adjacent to

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Mr. Talbott's property, along Highway 395. During this year, due to the increased water in the valley lowlands, the kidding ground was shifted somewhat to include some of Mr. Talbott's property.

4. Findings adopted within Minute Item 15, May 3, 1995, in conformance with Section 15091 of the State CEQA Guidelines, that are specific to the issues discussed herein, are contained in Exhibit C attached hereto.

The Findings adopted by the Commission, and related mitigation relevant to the protection of the Antelope are briefly discussed below:

Finding 5-1 Discussion of general impacts to wildlife habitats during construction, and provides for the acquisitions and maintenance of new habitat as a replacement.

Finding 5-5 Covers loss of Deer and Pronghorn Antelope from disturbance from new access roads and the Right of Way itself. These include human intrusion, poaching and other impacts. Mitigation require the blocking of all such access points after construction is complete, and monitoring of Tuscarora's access during maintenance activities.

Finding 5-7 Covers specific impacts to Deer and Antelope Habitat during construction and maintenance activities, which includes any repairs. Impacts from human ground level intrusion, heavy equipment operation and aircraft flyovers are discussed. Mitigation includes prohibition of routine maintenance activities during critical times of the year, altitude limits for flyovers, and monitoring by the Department of Fish and Game. It is possible, in the event of an emergency operation

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involving threat to human life, that disruption to a kidding ground could result in some loss of new kids. Wildlife experts at the Department of Fish and Game believe that the mitigation included in this project reduce such potential loss to a level that is insignificant.

- Finding 5-8 Covers construction activities near Antelope kidding grounds. Mitigation measures include the prohibition of work within one-half mile of the kidding grounds during the periods of time just before, during and after birth, April 15 through June 30. These periods are subject to review and modification by the Department of Fish and Game if weather or other conditions change the Antelopes birthing cycles.
- Finding 5-9 Covers Antelope migration corridors. Construction during migration periods are prohibited in migration corridors. There are none along the route of the Alturas lateral.
- Finding 5-14 Covers impacts to Wildlife, including Antelope, during pipeline maintenance and inspection activities. Mitigation includes timing restrictions, distance restrictions and ongoing monitoring by wildlife biologists from the Department of Fish and Game.
- Finding 5-15 Covers specific habitats along the Alturas lateral. Mitigations includes the restoration of all habitats to their pre-construction conditions. No critical wildlife habitat is directly on the pipeline route, although the Antelope kidding ground is close enough to the route to impose construction prohibitions at certain times of the year.

Finding 5-17 Covers in further detail the impacts to the Antelope kidding ground discussed above. Lays out the time periods when work cannot be done in this area.

The impacts and Findings discussed above, in the opinions of the wildlife biologists in the Department of Fish and Game reduce all impacts to a level that is less than significant. Even with the remote possibility of pipeline rupture along the lateral, including the portion within the Proposed Route, the potential impacts remain less than significant as provided in Findings 5-5, 5-7, 5-14, and 5-17 above.

EXHIBITS:

- A. Land Description
- B. Site Map
- C. Findings

IT IS RECOMMENDED THAT THE COMMISSION:

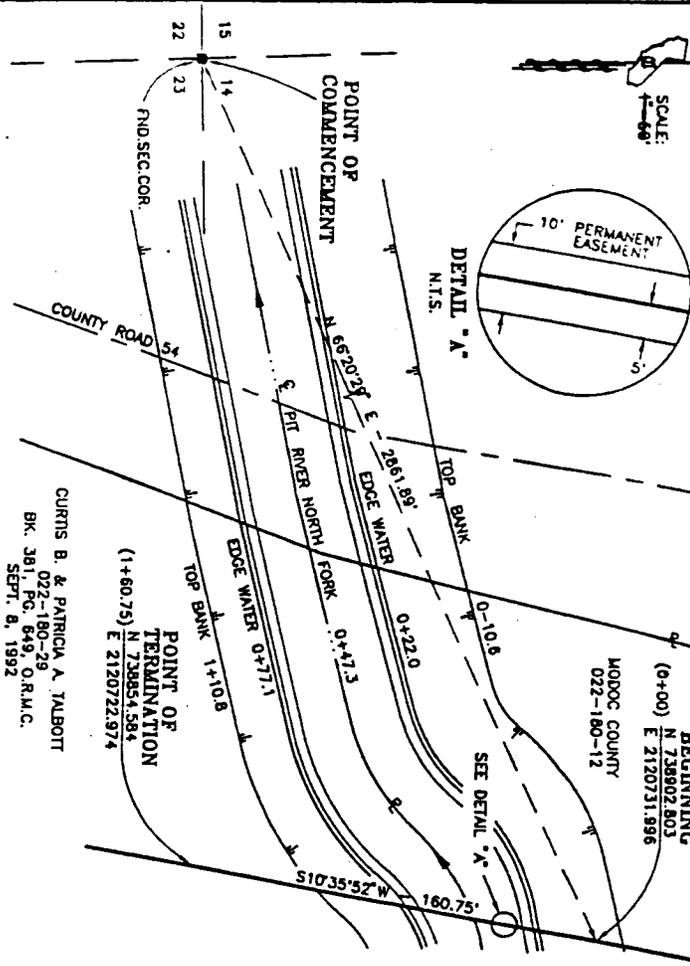
1. FIND THAT IT CERTIFIED EIR/EIS, SCH. 93112055, IN MINUTE ITEM 15, DATED MAY 3, 1995, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
2. RE-ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH SECTION 15091 OF THE STATE CEQA GUIDELINES, AS CONTAINED WITHIN MINUTE ITEM 15, DATED MAY 3, 1995, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
3. RE-ADOPT THE MITIGATION MONITORING PLAN, WITHIN MINUTE ITEM 15, DATED MAY 3, 1995, ON FILE IN THE SACRAMENTO OFFICE OF THE COMMISSION.
4. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
5. AUTHORIZE AMENDMENT OF A 49 YEAR GENERAL LEASE - RIGHT-OF-WAY USE, PRC 7829.1, TO ADD TWO CROSSINGS OF THE PIT RIVER,

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MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO;
AND TO AMEND THE CONSIDERATION OF SAID LEASE FROM \$300 PER
YEAR TO \$500 PER YEAR; ALL OTHER CONDITIONS TO REMAIN THE
SAME.

CALENDAR PAGE	799.11
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MODOC COUNTY, CALIFORNIA
T 42 N, R 12 E, M.D.B. & M.



NOTES:

1. ALL COORDINATES SHOWN HEREON ARE CALIFORNIA STATE PLANE, ZONE 1, IN METERS.
2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA STATE PLANE MAPPING PROJECTION, ZONE 1.
3. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES IN U.S. SURVEY FEET.
4. COMBINED SCALE FACTOR 1.00120979795 (SURFACE TO GRID)

CENTERLINE DESCRIPTION:

COMMENCING AT A SECTION CORNER FOUND FOR THE SW CORNER OF SECTION 14 TOWNSHIP 42 NORTH RANGE 12 EAST M.D.B. & M. THENCE NORTH 63 DEGREES 39 MIN. 34 SEC. EAST A DISTANCE OF 2881.89 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 08 DEGREES 54 MIN. 57 SEC. WEST AT 47.27 FEET PASSING THE CENTERLINE OF THE PIT RIVER, NORTH FORK AND CONTINUING A TOTAL DISTANCE OF 180.75 FEET TO THE POINT OF TERMINATION. LESS AND EXCEPT ALL THAT LAND ABOVE THE ORDINARY LOW WATER ELEVATION.

SURVEYOR'S CERTIFICATION:

I, SID WHEELER, HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION IN JULY OF 1994.

SID WHEELER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 0457

CURTIS B. & PATRICIA A. TALBOTT
BK. 381 PG. 649 R.L.M.C.
SEPT. 8, 1992

<p>TISCARORA GAS TRANSPORTATION COMPANY</p>		PLAT OF 4" PIPELINE CROSSING OF THE NORTH FORK PIT RIVER (M.P. 4.1) T 42 N, R 12 E, M.D.B. & M. MODOC COUNTY, CALIFORNIA	
		DATE	APPROVED
BY	DATE	DATE	DATE
DRAWN	JAM	2/20/94	
CHECK	SWW	4/3/95	
APPROVED			ENGINEERING MANAGER
			TGT-2088A-7604

NO SCALE

LOCATION MAP

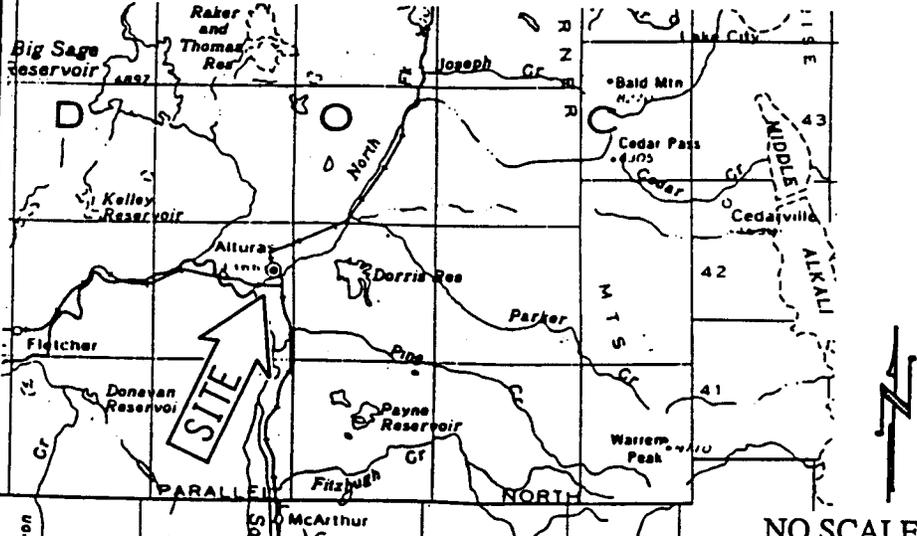
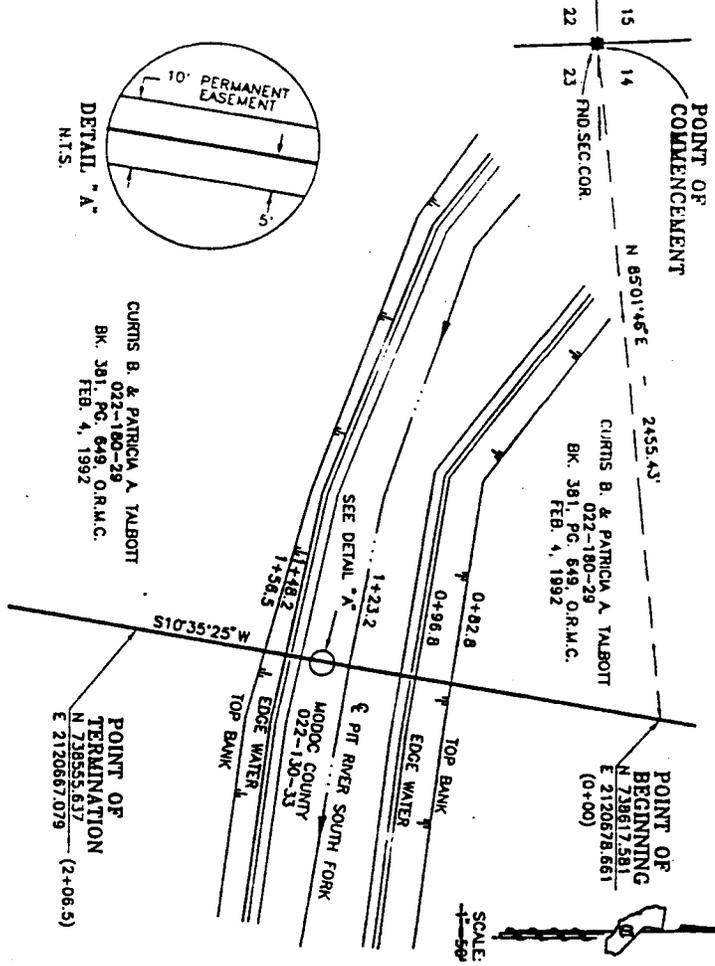


EXHIBIT "A"
W 25063
APN 022 - 180 - 29 & 12
PIT RIVER
MODOC COUNTY
Sheet 1 of 2 Sheets



This Exhibit is solely for purposes of generally defining the lease premises, 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.

MODOC COUNTY, CALIFORNIA
T 42 N, R 12 E, M.D.B. & M.



- NOTES:
1. ALL COORDINATES SHOWN HEREON ARE CALIFORNIA STATE PLANE, ZONE 1, IN METERS.
 2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA STATE PLANE MAPPING PROJECTION, ZONE 1.
 3. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES IN U.S. SURVEY FEET.
 4. COMBINED SCALE FACTOR 1.00120979795 (SURFACE TO GRID)

CENTERLINE DESCRIPTION:
COMMENCING AT A SECTION CORNER FOUND FOR THE S.W. CORNER OF SECTION 14 TOWNSHIP 42 NORTH, RANGE 12 EAST, M.D.B. & M. THENCE NORTH 84 DEGREES 21 MIN. 18 SEC. EAST A DISTANCE OF 2455.43 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 09 DEGREES 54 MIN. 57 SEC. WEST AT AN ANGLE OF 123.19 FEET PASSING THE CENTERLINE OF THE PIT RIVER AND CONTINUING A TOTAL DISTANCE OF 206.50 FEET TO THE POINT OF TERMINATION. THENCE SOUTH 51 DEGREES 35 MIN. 25 SEC. WEST A DISTANCE OF 206.50 FEET TO THE POINT OF TERMINATION. LESS AND EXCEPT ALL THAT LAND ABOVE THE ORDINARY LOW WATER ELEVATION.

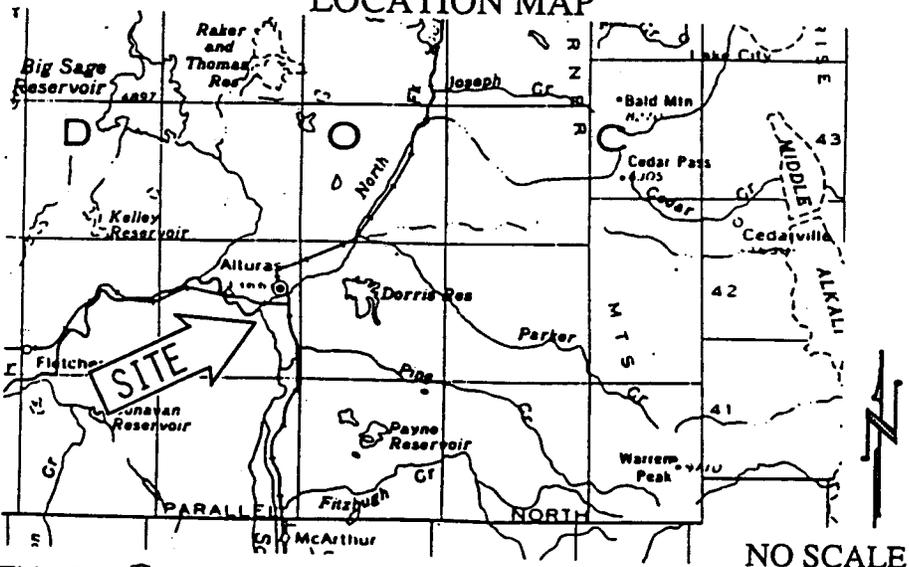
SURVEYOR'S CERTIFICATION:
I, SID WHEELER, HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY SUPERVISION IN JULY OF 1994.

SID WHEELER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6457
12/98

<p>TUSCARORA CALIFORNIA TRANSMISSION COMPANY</p>	
<p>PLAT OF 4" PIPELINE CROSSING OF THE SOUTH FORK PIT RIVER (M.P. 3.9) T 42 N, R 12 E, M.D.B. & M., MODOC COUNTY, CALIFORNIA</p>	
DRAWN	JAM
DATE	2/20/94
CHECK	SNW
DATE	4/3/95
APPROVED	DATE
DATE	101-2089A-7605

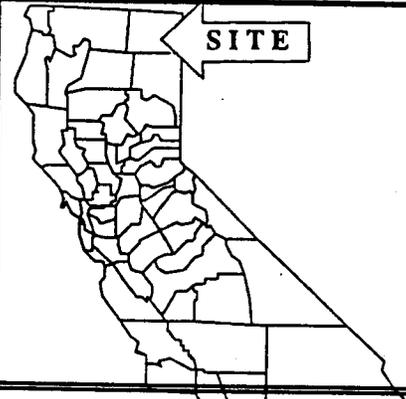
NO SCALE

LOCATION MAP



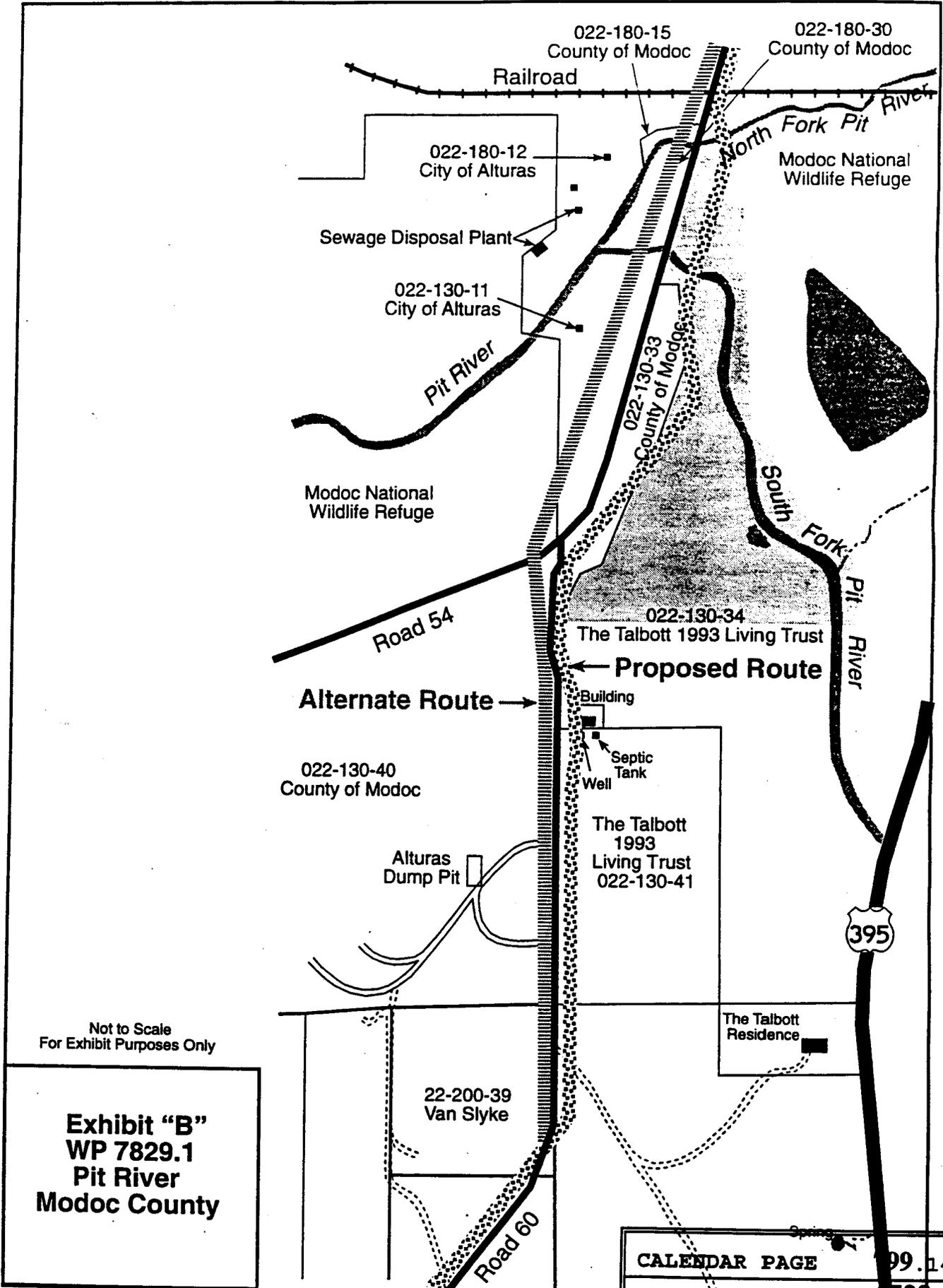
NO SCALE

EXHIBIT "A"
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APN 022 - 180 - 29
PIT RIVER
MODOC COUNTY
Sheet 2 of 2 Sheets



This Exhibit is solely for purposes of generally defining the lease premises, 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.

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Not to Scale
For Exhibit Purposes Only

Exhibit "B"
WP 7829.1
Pit River
Modoc County

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**EXHIBIT "C"; FINDINGS
Tuscarora Natural Gas Pipeline Project**

CEQA FINDING NO. 5-1

WILDLIFE RESOURCES: Terrestrial Wildlife Habitat

Impact: Pipeline construction, including clearing for roads and other facilities, would result in the alteration of an estimated 3,054 acres of terrestrial wildlife habitat.

- Finding:**
- a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the completed environmental impact report.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING:

The construction of the proposed Tuscarora pipeline has the potential to produce temporary, short-term, long-term, and permanent impacts on biological resources in the project area. In general, these impacts can be avoided or, where unavoidable, minimized to the extent that they can be successfully mitigated.

Temporary impacts are defined as impacts that would occur during the construction period and the resource would recover during or immediately after construction. Short-term adverse effects on wildlife populations within and adjacent to the ROW would primarily occur during construction but could last approximately three years following construction. During the period of construction, habitat for wildlife would be disrupted by ground disturbance, removal of vegetation/cover, and operations associated with preparing and installation of the pipeline and restoring the surface to grade. Wildlife, including birds and mammals, may also be affected (direct mortality, decreased fecundity/reproductive success, increased predation, lowered fitness, etc.) during construction by vehicular traffic, blasting, entrapment in open trenches, and other activities.

Wildlife species outside the ROW may be affected by construction activities. For example, if birds and wildlife are at sensitive stages of their reproductive cycle, noises from construction or human activity may result in immediate or permanent disruption of nesting or reproductive behavior, if these species are within range of these activities. Such effects on wildlife are attenuated with distance from the ROW.

The significance of these effects depends on the presence of the species that may be sensitive to these activities, and the coincidence of sensitive life-cycle stages with construction activities. For most of these effects, the impacts are immediate to short-term, lasting from a few months for disturbance-associated impacts, to three to five years for habitat impacts related to the reestablishment of faster-growing vegetation associated with agricultural and ruderal habitats. In many cases, effective mitigation measures are available and can be implemented.

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Long-term and permanent impacts, defined as greater than three years, could occur if pipeline construction substantially alters or destroys wildlife habitats characterized by slow-growing vegetation. In arid climates such as the project area, small springs and seeps serve as important water sources and breeding sites for wildlife over a broad area. For example, disruption of groundwater flow could dry or alter features in a manner that makes them unusable for wildlife. Alteration to slow-growing vegetation, such as big sagebrush habitat, may alter food and cover values for 20-30 years.

Pipeline operation and maintenance activities are expected to have minimal effects on most species along the pipeline corridor. Low-intensity maintenance (see Chapter 2.0) is planned for this project, and very little other planned human activity will occur along the corridor other than periodic overflights for monitoring and a yearly walk-through inspection.

Abandonment of the proposed pipeline would produce minimal effects on the surrounding habitats or wildlife communities. The pipeline will be filled with inert gas, left in place, and the area will be allowed to return to natural conditions.

Construction of the pipeline is scheduled to occur from May through October, preceded in the early spring by various preconstruction field activities. Depending on location, the preconstruction and construction activities would occur during seasons of reproductive activity when wildlife are typically more susceptible to disturbance. As discussed above, disturbance-related impacts which may occur as a result of preconstruction, construction, and maintenance and monitoring activities along the ROW could involve abandonment of nest sites and alteration of normal movement patterns and use areas. Most of these impacts will be relatively short-term in nature.

Table 5.7-1 and 5.7-2 in Chapter 5.7 of the Final EIR/EIS provide a breakdown of the acreage of plant communities potentially impacted by project construction and assumes a 100-foot wide ROW along the estimated 229 mile long route. In general, construction clearing will result in a complete loss of cover along the ROW for the first year. In subsequent years, herbaceous cover would dominate depending on specific site conditions. In xeric-shrub dominated habitats (sagebrush, bitterbrush, etc.), reclamation to pre-project conditions (i.e., similar to adjacent habitats in terms of shrub density, cover height, and composition) is likely to take many years, possibly decades.

Available mitigation requires that the Final Reclamation Plan to be implemented by Tuscarora provides specific procedures for erosion control, top soil salvage, revegetation, and maintenance and monitoring requirements. Tuscarora shall prepare and implement the required Final Reclamation Plan. This plan shall include specific performance criteria for vegetation establishment (based on an adequate sample of reclamation sites) and specific measures approved by appropriate regulatory agencies to assure long-term compliance with reclamation procedures. (See also Chapter 5.4 Aquatic Resources, Chapter 5.6 Threatened, Endangered, Candidate, and Sensitive Species, and Chapter 5.7 Vegetation of the Final EIR/EIS.)

SUMMARY: Class II impact; this impact is found to be insignificant following mitigation.

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Tuscarora Natural Gas Pipeline Project

CEQA FINDING NO. 5-15

WILDLIFE RESOURCES: Alturas Lateral

Impact: Pipeline construction would effect approximately 17 acres of non-agricultural scrub habitats and 0.2 acre mixed meadow wetland habitat.

- Finding:**
- a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the completed environmental impact report.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING:

See wildlife background discussion in CEQA Finding 5-1. The Alturas Lateral crosses primarily through upland agricultural lands and great basin scrub habitats, although much of the route borders wetland habitats associated with the crossings of the North and South Forks of the Pit River, near the terminus at Alturas. The route does not cross any identified critical habitat for deer or pronghorn, or contain significant features or habitats other than the wetland communities near Alturas.

As mitigation, Tuscarora shall develop and implement an approved Final Reclamation Plan following protocols presented in Final Reclamation Plan and other standard mitigation measures discussed in this document.

SUMMARY: Class II impact; this impact is found to be insignificant following mitigation.

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Tuscarora Natural Gas Pipeline Project

CEQA FINDING NO. 5-17

WILDLIFE RESOURCES: Alturas Lateral - Pronghorn

Impact: Construction and monitoring/maintenance activities within or adjacent to active kidding grounds, migration routes, and on winter ranges may result in mortality of young and or displacement of pronghorn from traditional use areas.

- Finding:
- a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the completed environmental impact report.
 - b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING:

See wildlife background discussion in CEQA Finding 5-1 and the impact discussion under CEQA Finding 5-7, 5-8, and 5-9.

As mitigation, Tuscarora shall implement mitigation measures discussed in CEQA Findings 5-7, 5-8, and 5-9 per the segments and time frames identified in Table 5.5-5 of the Final EIR/EIS.

SUMMARY: Class II impact; this impact is found to be insignificant following mitigation.

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