

MINUTE ITEM
This Calendar Item No. C44 was approved as
Minute Item No. 44 by the California State Lands
Commission by a vote of 3 to 0 at its
8-8-05 meeting.

Minute Item
C44

08/08/05
WP 7527
J. Smith

EL PASO NATURAL GAS CORPORATION
(LESSEE)

Calendar Item C44 was moved to the regular calendar.

Item 44: The Commission listened to a staff report on an EIR assessment and application for a lease pertaining to El Paso Natural Gas Corporation. The item was approved by a 3-0 vote with the following conditions:

1. El Paso agrees to allow PG&E to connect its natural gas system to Line 1903, such connection to be in the vicinity of Cadiz or other mutually agreeable site, and El Paso will cooperate with PG&E in construction of the physical improvements.
2. PG&E will be responsible for paying all these costs associated with the interconnection.
3. PG&E will be responsible for obtaining all permits and approvals necessary to construct the interconnection
4. El Paso agrees not to oppose PG&E's efforts to secure all necessary approvals and permits to implement the connection.
5. Those foregoing terms will be included in the provision of the State Lands Commission's leases to El Paso in a form to be approved by Commission staff.

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08/08/05
WP 6783.1
WP 7527.2
J. Smith

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**CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT;
AMENDMENT OF AN EXISTING GENERAL LEASE RIGHT OF WAY USE,
ACCEPTANCE OF A QUITCLAIM OF AN EXISTING OIL PIPELINE RIGHT OF WAY
AND ISSUANCE OF A NEW GENERAL LEASE – RIGHT OF WAY USE**

LESSEE/APPLICANT:

El Paso Natural Gas Company
P.O. Box 1087
Colorado Springs, Colorado 80944

**SOVEREIGN LANDS CROSSING
EXISTING LEASE TERMS PRC 6783.1
AREA, LAND TYPE, AND LOCATION:**

0.50 acres, more or less, of sovereign lands in the historic natural bed of the Colorado River, near the city of Blythe, Riverside County.

AUTHORIZED USE:

The construction, use and maintenance of an existing 30-inch diameter crude oil pipeline.

TERMS OF ORIGINAL LEASE:

Lease Term: 30 years, beginning October 1, 1985.

Consideration: \$275.00 per year, with the state reserving the right at any time to fix a different rent periodically during the lease term, as provided in the lease.

Surety Bond: \$2,000

Liability Insurance: Combined single limit coverage of \$1,000,000

PROPOSED LEASE AMENDMENT:

Authorized Use: Conversion, use and maintenance of an existing 30-inch diameter pipeline from crude oil to natural gas.

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Insurance: Lessee shall maintain limits of no less than:

General Liability -	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
Pollution and Spill -	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
	Personal Liability	\$1,000,000
Excess Liability -	Each Occurrence	\$10,000,000
	General Aggregate	\$10,000,000

Worker's Compensation – Statutory requirements of the State of California

Bonds:

1. Lease Performance Bond: \$50,000
2. Mitigation Monitoring Performance Bond: \$250,000
3. Restoration Performance Bond: \$100,000

All other terms and conditions of the Lease shall remain in effect without amendment.

SCHOOL LANDS CROSSING

BACKGROUND:

When the existing pipeline was originally constructed by the All American Pipeline Company within Sections 26 and 27 in San Bernardino County, the land was owned by the United States government. The Bureau of Land Management (BLM) granted an oil pipeline right-of-way to Celeron Pipeline Company and All American Pipeline Company. On February 6, 1989, the Commission authorized a land exchange with the BLM, which included acquisition of the parcels in Sections 26 and 27. The State took title to the land subject to the existing right-of-way grant.

The right-of-way provides for the construction and maintenance of a crude oil pipeline. Because the Lessee now proposes to convert the pipeline to natural gas, Commission staff believes the right-of-way grant does not allow use of the pipeline for natural gas and staff is, therefore, recommending that the Commission authorize acceptance of a quitclaim of the oil pipeline right-of-way and authorize issuance of a new General Lease – Right of Way Use for the conversion project.

AREA, LAND TYPE, AND LOCATION:

Seven acres, more or less, of school land located in Section 26 and Section 27, T9N R2E, SBM, San Bernardino County.

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PROPOSED AUTHORIZED USE:

Conversion, use and maintenance of an existing 30-inch diameter crude oil pipeline to natural gas.

TERM:

30 years, beginning May 1, 2005.

CONSIDERATION:

\$3,685 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance: Lessee shall maintain limits of no less than:

General Liability -	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
Pollution and Spill -	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
	Personal Liability	\$1,000,000
Excess Liability -	Each Occurrence	\$10,000,000
	General Aggregate	\$10,000,000

Worker's Compensation – Statutory requirements of the State of California

Bonds:

1. Lease Performance Bond: \$50,000
2. Mitigation Monitoring Performance Bond: \$250,000
3. Restoration Performance Bond: \$100,000

OTHER PERTINENT INFORMATION:

1. Lessee has a right to use the lands adjoining the lease premises.
2. El Paso Natural Gas Company (El Paso) filed an application with the California State Lands Commission seeking authorization to convert approximately 304-miles of an existing crude oil pipeline (the former All American Pipeline) to natural gas service. Known as the El Paso Line No. 1903 Conversion Project, this pipeline would connect Line No. 1903 with El Paso's existing Line No. 2000, an approximately 784-mile pipeline, which extends from Ehrenberg, Arizona to McCamey, Texas (see Exhibit B). Line No. 1903 crosses sovereign lands (0.50 acre) in the historic natural bed of the Colorado River near the city of Blythe in Riverside County (Lease PRC 6783.1), and two school land parcels encompassing

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approximately seven acres in San Bernardino County (proposed Lease PRC 7527.2).

El Paso proposed to connect Line No. 1903 with the Southern California Gas Company's system at Wheeler Ridge, the existing El Paso-owned Mojave Pipeline at Amboy, the Mojave/Kern Common Facilities at Daggett, and El Paso's system at Ehrenberg. The conversion would involve testing the existing 30-inch diameter pipeline, installing new valves, inspection and rewinding of ineffective pipe wrap, and replacing five miles of the existing 304-mile pipeline. In addition, a 6.4-mile 30" diameter expansion of the pipeline system at the Cadiz Pump Station was also proposed to provide an alternate location for Line No. 1903 to connect with the Mojave Pipeline.

El Paso intends to operate Line No. 1903 as a bi-directional gas transmission pipeline without additional compression. This will enable El Paso to provide additional gas volumes westward to California markets, and provide gas eastward from Daggett to the California/Arizona border in order to serve customers in California, Arizona and Mexico.

The proposed Line No. 1903 Conversion Project, once integrated with its existing system will provide:

- a. enhanced operational flexibility for shippers using the El Paso system.
- b. El Paso with additional interconnect capacity between its northern and southern systems.
- c. access for El Paso customers to Rocky Mountain gas supplies from the Kern River Gas Transmission Company

El Paso's north system originates in the San Juan basin in northwest New Mexico and extends across northern Arizona to Topock on the Colorado River, where it interconnects with El Paso's Mojave Pipeline operating system. El Paso's south system originates in the Permian basin in west Texas and extends across southern New Mexico and southern Arizona to Ehrenberg, Arizona, also located on the Colorado River. El Paso currently has two cross-over lines in western Arizona that connect its north and south systems. In addition, El Paso currently has connections with the North Baja Pipeline at Ehrenberg via Line No. 2000, and the Kern River

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Pipeline via the Mojave Pipeline. Line No. 1903 would become a new cross-over line located at the western end of El Paso's system.

3. The staffs of the federal Bureau of Land Management (BLM) and the Commission, federal and state Lead Agencies, respectively, have completed work on a joint Final Environmental Impact Report/Environmental Assessment (FEIR/EA). The FEIR/EA was prepared as required by the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).
4. Public scoping meetings were held in Barstow, Bakersfield and Blythe for both the Notice of Preparation (2002) and the Draft EIR (2004). During the NOP process, comments were focused on public safety concerns to residents of the community of Stallion Springs in Kern County. Some of the residences in that community were built after the construction of the original All American Pipeline.

The Applicant was asked to consider route alternatives around the Stallion Springs community. Two route alternatives were proposed, and while the alternatives would avoid the Stallion Springs community, both alternatives would have additional environmental impacts and were eliminated from further consideration. Two route alternatives were also proposed for two dry lake beds (Bristol Lake and Troy Lake) in San Bernardino County. Both of these alternatives posed potential environmental impacts and were also eliminated from further consideration.

5. **EHRENBERG TO CADIZ ALTERNATIVE**

In order to avoid potentially significant impacts on public safety associated with the conversion of the entire pipeline, specifically in the community of Stallion Springs, and after further refining its market demand for the services offered by the Line No. 1903 Conversion Project, El Paso developed an alternative project, in which only the segment east of the Cadiz Pump Station would be converted. This would involve converting approximately 88 miles of the 304-mile pipeline as well as constructing a 6.4-mile new 30" diameter pipeline segment between the Cadiz Pump Station and the Mojave Pipeline.

The unconverted 216-mile pipeline segment west of Cadiz would remain idle. El Paso would continue to maintain the internal and external integrity of the unconverted pipeline with a nitrogen blanket and cathodic

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protection. Outside of routine maintenance activities, no other construction activities would be conducted and no gas delivery would be made using the existing oil pipeline west of Cadiz.

El Paso presently plans to acquire hydrostatic test water from the Palo Verde Irrigation District canal. A portion of the test water would be discharged into one of the existing 150,000 BBL storage tanks located on the Cadiz pump station property for use in hydrostatic testing the new 6.4-mile long Cadiz segment. After the hydrostatic test is completed, the water will be placed back in the tank for later disposal. Once the hydrostatic testing of the 88-mile converted section is completed, the remaining water will be discharged back into the Palo Verde Irrigation District canal. The discharged water will be filtered and tested for contaminants prior to discharging back into the canal.

El Paso has stated that the Ehrenberg to Cadiz Alternative would substantially meet the project purpose, needs and objectives, and is, in fact, the alternative, which El Paso submitted to the Federal Energy Regulatory Commission for that agency's approval. This alternative would provide El Paso with an additional connection of its north and south systems, and it would provide enhanced operational flexibility for shippers using the El Paso System. This alternative would not, however, provide additional flexibility for delivery west of Cadiz to or from southern California markets, and would not allow connection to the SoCalGas system at Wheeler Ridge, or to the Kern River Pipeline at Daggett. This alternative would provide an indirect connection to the Kern River Pipeline via the interconnect with the Mojave Pipeline at Daggett. Natural gas sent to or from southern California would require the use of existing infrastructure at Amboy and Daggett, including the Mojave Pipeline System. This alternative would also allow El Paso to receive gas at Ehrenberg, Arizona, from proposed LNG projects in Mexico and deliver the gas to customers in Arizona, New Mexico, Texas, and California.

6. The transportation of natural gas by pipeline involves some risk to the public in the event of an accident and the subsequent release of gas. The Lessee is required to design, construct, convert, test, operate, and maintain the facilities in accordance with Department of Transportation (DOT) regulations in 49 CFR Part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards", and other applicable federal and state regulations.

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7. 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/EA identified as CSLC EIR No. 719, State Clearinghouse No. 2002101069. Such EIR/EA was prepared and circulated for public review pursuant to the provisions of CEQA. A Mitigation Monitoring Program has been prepared in conformance with the provisions of the CEQA (Public Resources Code section 21081.6). The EIR/EA identified the Ehrenberg to Cadiz Alternative as the "Environmentally Superior Alternative".
8. The U.S. Fish and Wildlife Service (USFWS) is preparing a Final Biological Opinion (BO) for this project and anticipates that it will be available in August 2005. Staff has consulted with the USFWS and reviewed the draft BO and found the Terms and Conditions therein to be consistent with the mitigation measures contained within the Mitigation Monitoring Program in the FEIR/EA. The USFWS has indicated that it does not anticipate that any substantive changes will be made to the Terms and Conditions of the Final BO as compared to the draft. In addition, the Commission's lease requires the Lessee to be in full compliance with all applicable rules and regulations as well as with the provisions of all necessary permits.
9. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15091) are contained in Exhibit D attached hereto.
10. **SIGNIFICANT LANDS FINDING FOR PRC 6783.1**

This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to PRC 6370 et seq. The land leased by the Commission is part of the "historic" bed of the Colorado River and is presently dry land devoted to agricultural uses. Those lands which have been identified as possessing significant environmental values, i.e., the existing bed of the Colorado River, are not under the jurisdiction of the State Lands Commission at the point of crossing by the existing pipeline. 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.

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SIGNIFICANT LANDS FINDING FOR PRC 7527.2

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 state school lands and submerged 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 Energy Regulatory Commission; Federal Bureau of Land Management; U.S. Fish and Wildlife Service; U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; Central Valley Regional Water Quality Control Board; Lahontan Regional Water Quality Control Board; Colorado River Basin Regional Water Quality Control Board; Department of Fish and Game; California Department of Transportation; and the Public Utilities Commission.

EXHIBITS:

- A. Location Map
- B. Line No. 1903 Route Map
- C. Land Description for School Lands Crossing
- D. CEQA Findings
- E. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

February 4, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CERTIFY THAT AN EIR, NO. 719, STATE CLEARINGHOUSE NO. 2002101069, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED

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THEREIN AND THAT THE EIR REFLECTS THE COMMISSION'S INDEPENDENT JUDGMENT AND ANALYSIS.

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

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

DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

AUTHORIZATION:

1. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 6783.1, A GENERAL LEASE - RIGHT OF WAY USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE MAY 1, 2005, TO CONVERT THE EXISTING 30-INCH DIAMETER PETROLEUM PIPELINE TO NATURAL GAS; ANNUAL RENT FOR PRC 6783.1 IN THE AMOUNT OF \$275.76, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; GENERAL LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$1,000,000 PER OCCURRENCE WITH A GENERAL AGGREGATE OF NO LESS THAN \$2,000,000; SPILL AND POLLUTION INSURANCE OF NO LESS THAN \$1,000,000 PER OCCURRENCE WITH A GENERAL AGGREGATE OF NO LESS THAN \$2,000,000; PERSONAL LIABILITY INSURANCE OF NO LESS THAN \$1,000,000; EXCESS GENERAL LIABILITY INSURANCE OF NO LESS THAN \$10,000,000 PER OCCURRENCE WITH A GENERAL AGGREGATE OF NO LESS THAN \$10,000,000; WORKER'S COMPENSATION INSURANCE PURSUANT TO THE STATUTORY REQUIREMENTS OF THE STATE OF CALIFORNIA; SURETY BOND IN THE AMOUNT OF \$50,000; MITIGATION MONITORING BOND IN THE AMOUNT OF \$250,000; AND RESTORATION PERFORMANCE BOND IN THE AMOUNT OF \$100,000; ALL OTHER TERMS AND CONDITIONS

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WILL REMAIN IN EFFECT WITHOUT AMENDMENT.

2. AS TO THE SCHOOL LANDS CROSSING, ACCEPT A QUITCLAIM OF THE EXISTING OIL PIPELINE RIGHT-OF-WAY FROM EL PASO NATURAL GAS COMPANY.
3. AUTHORIZE ISSUANCE OF A GENERAL LEASE - RIGHT OF WAY USE (PRC 7527.2) TO THE EL PASO NATURAL GAS COMPANY, BEGINNING MAY 1, 2005, FOR A TERM OF 30 YEARS, TO CONVERT, USE AND MAINTAIN AN EXISTING 30-INCH DIAMETER CRUDE OIL PIPELINE TO NATURAL GAS; ON THE LAND SHOWN ON EXHIBIT B, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$3,685, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; GENERAL LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$1,000,000 PER OCCURRENCE WITH A GENERAL AGGREGATE OF NO LESS THAN \$2,000,000; SPILL AND POLLUTION INSURANCE OF NO LESS THAN \$1,000,000 PER OCCURRENCE WITH A GENERAL AGGREGATE OF NO LESS THAN \$2,000,000; PERSONAL LIABILITY INSURANCE OF NO LESS THAN \$1,000,000; EXCESS GENERAL LIABILITY INSURANCE OF NO LESS THAN \$10,000,000 PER OCCURRENCE WITH A GENERAL AGGREGATE OF NO LESS THAN \$10,000,000; WORKER'S COMPENSATION INSURANCE PURSUANT TO THE STATUTORY REQUIREMENTS OF THE STATE OF CALIFORNIA; SURETY BOND IN THE AMOUNT OF \$50,000; MITIGATION MONITORING BOND IN THE AMOUNT OF \$250,000; AND RESTORATION PERFORMANCE BOND IN THE AMOUNT OF \$100,000.

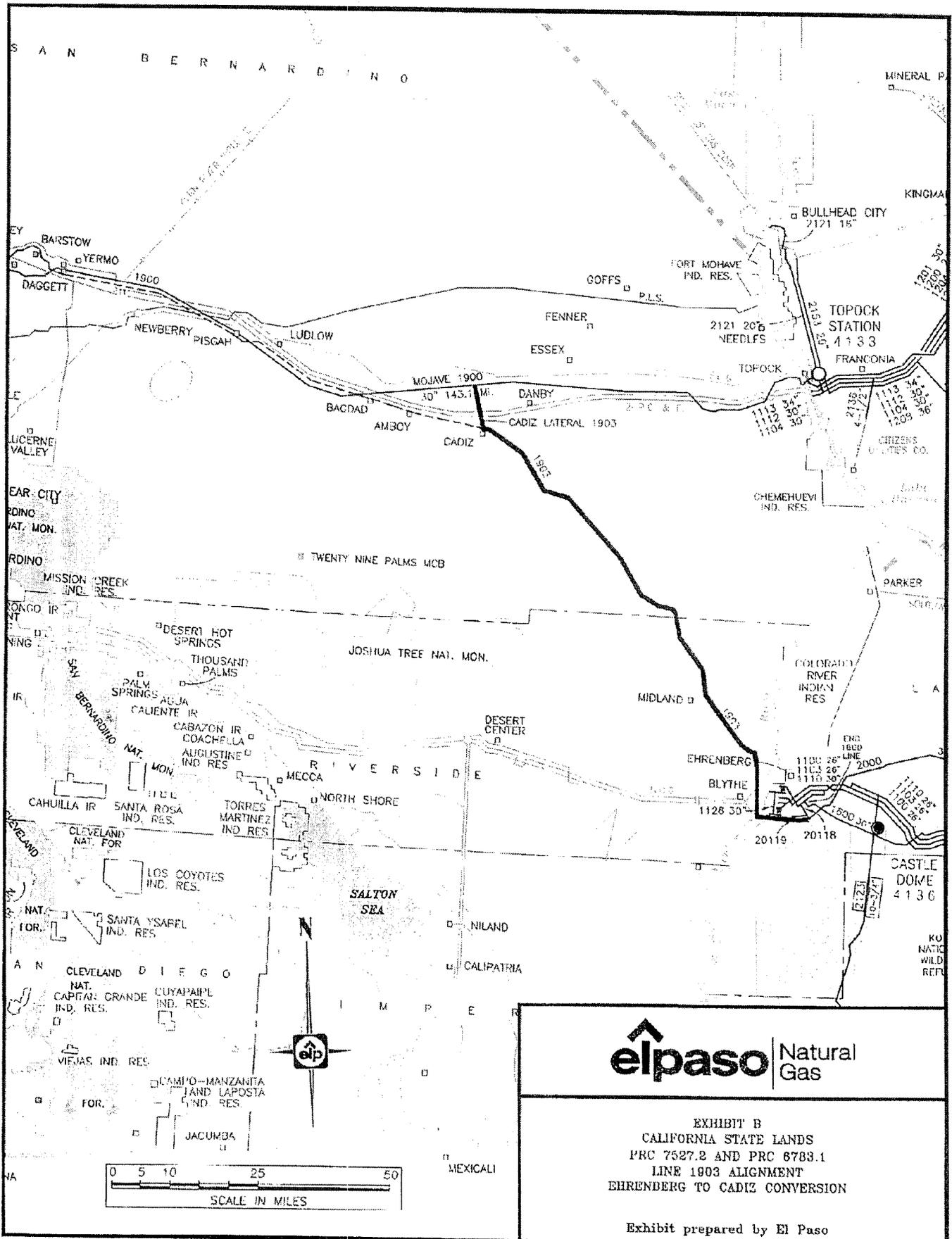




EXHIBIT B
 CALIFORNIA STATE LANDS
 PRC 7527.2 AND PRC 6783.1
 LINE 1903 ALIGNMENT
 EHRENBURG TO CADIZ CONVERSION

Exhibit prepared by El Paso

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EXHIBIT C

LAND DESCRIPTION

PARCEL 1

A STRIP OF STATE OWNED SCHOOL LAND BEING FIFTY (50) FEET IN WIDTH ACROSS A PORTION OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, SAN BERNARDINO COUNTY, CALIFORNIA, AS PATENTED TO THE STATE OF CALIFORNIA BY THE UNITED STATES GOVERNMENT, FEDERAL PATENT NO. 04-89-0094, SAID STRIP OF LAND LYING EQUALLY ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, SIDELINES TO BE LENGTHENED OR SHORTENED AS TO TERMINATE ON THE EASTERLY OR WESTERLY LINE OF SAID SECTION:

COMMENCING AT THE SOUTHWEST QUARTER OF SECTION 26, SAID POINT BEING A 2" BRASS CAP SET IN A 2" IRON PIPE IN A ROCK MOUND, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION BEARS N89°49'12"E, A DISTANCE OF 2650.89 FEET, SAID POINT BEING A 2" BRASS CAP SET IN 2-1/2" IRON PIPE SET IN A ROCK MOUND;

THENCE ON AND ALONG THE WEST SECTION LINE OF SAID SECTION 26 N00°35'46"W, A DISTANCE OF 1218.23 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE S83°28'10"E, A DISTANCE OF 3.40 FEET;

THENCE S83°34'45"E, A DISTANCE OF 969.57 FEET;

THENCE S85°27'24"E, A DISTANCE OF 96.68 FEET;

THENCE S81°31'33"E, A DISTANCE OF 88.27 FEET;

THENCE S83°53'13"E, A DISTANCE OF 177.00 FEET;

THENCE S83°32'38"E, A DISTANCE OF 3956.33 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 26, SAID POINT BEING THE TERMINUS OF THIS DESCRIPTION.

SAID STRIP OF LAND CONTAINING 264,562 SQ. FT. +/-

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PARCEL 2

A STRIP OF STATE OWNED SCHOOL LAND BEING FIFTY (50) FEET IN WIDTH ACROSS A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 2 EAST, SAN BERNARDINO BASE AND MERIDIAN, SAN BERNARDINO COUNTY, CALIFORNIA, AS PATENTED TO THE STATE OF CALIFORNIA BY THE UNITED STATES GOVERNMENT, FEDERAL PATENT NO. 04-89-0094 SAID STRIP OF LAND LYING EQUALLY ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, SIDELINES TO BE LENGTHENED OR SHORTENED AS TO TERMINATE ON THE EASTERLY SECTION LINE OF SAID SECTION AND NORTHERLY LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION:

COMMENCING AT THE SOUTHEAST QUARTER OF SECTION 27, SAID POINT BEING A 2" BRASS CAP SET IN A 2" IRON PIPE IN A ROCK MOUND, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION BEARS N89°49'58"W, A DISTANCE OF 2643.36 FEET, SAID POINT BEING A 1" BRASS CAP SET IN 2" IRON PIPE SET IN A ROCK MOUND;

THENCE ON AND ALONG THE EAST SECTION LINE OF SAID SECTION 27 N00°35'46"W, A DISTANCE OF 1218.23 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE N83°28'10"W, A DISTANCE OF 892.11 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER, SAID POINT ALSO BEING THE TERMINUS OF THIS DESCRIPTION.

SAID STRIP OF LAND CONTAINING 44,605 SQ. FT. +/-

END OF DESCRIPTION

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Exhibit D. CEQA Findings

These findings on the Ehrenberg to Cadiz portion of the El Paso Line 1903 Conversion Project (project) proposed by El Paso Natural Gas (EPNG) are made by the California State Lands Commission (CSLC), pursuant to the Guidelines for the CEQA (California Code of Regulations, Title 14, section 15091). All significant adverse impacts of the project in California identified in the Final EIR/EA are included herein and organized according to the resource affected. The CEQA Findings are numbered in accordance with the impact and mitigation numbers identified in the Mitigation Monitoring Program tables of the Final EIR/EA (see Section 6 of the Draft EIR/EA).

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:

- 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/EA.
- 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/EA.

After each finding, a discussion of the supporting facts is provided.

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 mitigation measures contained are effectively implemented. Other specified State, local, regional, and federal public agencies include, but are not necessarily limited to, the following:

- California Department of Fish and Game (CDFG);
- California Department of Toxic Substances Control (DTSC);
- California Department of Transportation (Caltrans);
- California Office of the State Fire Marshal (CSFM);
- California Regional Water Quality Control Board (RWQCB);
- US Army Corps of Engineers (ACE, or ACOE);
- US Fish and Wildlife Service (USFWS);
- San Bernardino County;
- Riverside County; and
- Mojave Desert AQMD.

Whenever Finding (c) is made, the CSLC has determined that sufficient mitigation is not practicable to reduce the impact to a less than significant level and, even after implementation of all feasible mitigation measures, there will or could be an unavoidable significant adverse impact due to the project. No such findings are required for the Ehrenberg to Cadiz portion of the project.

CEQA FINDING NO. BIO-2

BIOLOGICAL RESOURCES

Impact: **BIO-2 Possible Spread of Noxious Weeds: Construction and Maintenance activities could result in the spread of noxious weeds, to the detriment of native 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/EA.

b) Such changes or alterations are within the responsibility and jurisdiction of the BLM and the CDFG. Such changes have been adopted by BLM and should be adopted by the CDFG.

FACTS SUPPORTING THE FINDING(S)

Weeds are non-native opportunists that have developed reproductive features that give them a competitive advantage over many native plants. The introduction or expansion of exotic species is deleterious to native vegetation types. During field surveys conducted between December 2000 and March 2003, several noxious weed species were identified in the ROW at construction locations. The presence of each of these species, and the extent to which mitigation is required, vary by location. Measures to prevent the spread of noxious weeds are described in EPNG's Noxious Weeds Protection Plan (Appendix D5 of DEIR/EA). To summarize, where noxious weeds were identified, the following preventative measures would be implemented by EPNG on Federal and State lands to prevent the spread of noxious weeds along the construction ROW:

- all construction equipment and project vehicles would arrive at the work site clean and weed free.
- compressed air would be used to remove seeds, roots, and rhizomes from the equipment in known infestation areas prior to transport from the site. Alternately, truck wash stations may be used for this purpose, dependent on available water and the direction of the BLM.
- in areas with known infestations within the work area, vegetation and topsoil would be graded and stockpiled on the side of the ROW adjacent to the area from which they were stripped to isolate soil that may contain noxious weed seeds. This action would reduce the potential for following

construction equipment to transport seeds, roots, or rhizomes down the ROW.

- reclamation of disturbed areas would be implemented immediately following construction.
- fertilizer would not be applied to reclaimed areas with known weed infestations, because nutrients can enhance the growth of weeds.
- straw bales used for sediment barriers or mulch would be certified weed-free.
- post-construction monitoring and treatment of weed infestation on the ROW would be implemented as needed.

In addition to these measures, cleaning the construction equipment and revegetating disturbed areas will limit the spread of noxious weeds. After implementation of Applicant-prepared compliance plans and Mitigation Measure BIO-2, residual impacts related to the possible spread of noxious weeds would be less than significant.

Mitigation Measure BIO-2: (Weed Control). Noxious weed seeds could be disturbed during construction or maintenance, and dispersed to other areas. A water wash station or use of compressed air will be used to remove seeds from construction equipment to prevent the spread of noxious weed seeds. Construction equipment will be similarly cleaned before it is brought into any area where noxious weed do not presently exist. These precautions are designed to limit the spread of noxious weed seeds away from an infected area.

CEQA FINDING NO. BIO-5

BIOLOGICAL RESOURCES

Impact: **BIO-5 Potential Impacts on the Desert Tortoise**

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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

The federally and State-listed desert tortoise could be affected by construction or maintenance activities if burrows or other critical sites are on or near the construction locations, or if tortoises are attracted to the construction site. Habitat surveys were conducted, and no tortoise burrows were located directly within the construction locations, although an inactive burrow suitable for use by desert tortoise was observed on the potential future Cadiz interconnect and lateral ROW. The proposed mitigation measures would address this concern by requiring conditions that reduce the potential for impacts to the desert tortoise, identify and report any direct impacts that do occur, provide for salvage of injured tortoises, and provide for on-site or off-site mitigation for impacts. After implementation of Applicant-prepared compliance plans and Mitigation Measures BIO-5a—5k residual impacts on the desert tortoise would be less than significant.

Mitigation Measure BIO-5a (USFWS Protocols) will require EPNG to implement the provisions of the Field Survey Protocol for Any Federal Action That May Occur within the Range of the Desert Tortoise (USFWS 1992). If no desert tortoises or their signs are found within the protocol distance of the construction locations during species-specific surveys, it is assumed that there are no tortoises nearby and no adverse impacts are expected. If desert tortoises are found, then the following additional mitigation measures will provide adequate protection.

Mitigation Measure BIO-5b (Equipment and Vehicle Checks) requires that EPNG employees and their contractors working within the geographic range of this species will be required to check their equipment, vehicles and pipeline for tortoises that have moved into shaded areas prior to commencing any project

activities. Desert tortoises commonly seek shade. The presence of equipment for the project has the potential to create shady areas that will be attractive to tortoises, but also put them in harm's way. This measure will ensure that no tortoise is harmed because it was seeking shade in a work area or under a vehicle because vehicles will not be moved until the tortoise moves voluntarily (within 15 minutes), or is moved by qualified personnel.

Mitigation Measure BIO-5c (Handling by a Qualified Biologist) specifies that only authorized personnel will move a desert tortoise. The authorized personnel will follow the appropriate protocols outlined in Guidelines for Handling Desert Tortoises during Construction Projects (Desert Tortoise Council 1996) when handling desert tortoises or excavating their burrows. This measure ensures that tortoise will not be harassed as part of movement by an unqualified individual.

Mitigation Measure BIO-5d (Pre-construction Sweeps) requires an authorized biologist to perform a pre-construction sweep and to remain on site during working hours until permanent or temporary fencing has been installed to keep desert tortoises and other ground dwelling species out of the construction area. Animals precluded from the construction area would be protected from project related harm.

Mitigation Measure BIO-5e (Avoidance Scheduling for Routine Road Maintenance) requires EPNG to conduct routine road surface maintenance activities during the inactive season of the desert tortoise (October 16 through March 1 and June 16 through August 1) to minimize impacts to the species. Localized repair of major damage may take place throughout the year, but a biologist would have to survey for the presence of tortoises if maintenance occurs between March 1 and June 15 or August 1 and October 15. Avoidance of wildlife is the more effective and desirable protection.

Mitigation Measure BIO-5f (Trench Mitigation Measures) requires either erecting desert tortoise fencing or regularly inspecting open trenches. Regardless of the method chosen, periodic inspections of trenches and holes will be made by biological monitors to ensure that desert tortoises have not fallen into the trenches and become trapped. This measure ensures that if a tortoise does become trapped in a trench it will be found and rescued and provides a second level of protection if a tortoise should get through a fence.

Mitigation Measure BIO-5g (Burrow Excavation for Protective Removal) requires that all desert tortoise burrows or pallets in the construction zone that cannot be avoided will be excavated or blocked by a qualified biologist. Any tortoise that must be removed from a burrow will be placed in an empty burrow of similar size outside of the construction zone. This measure is designed to enable the safe removal of any tortoise from a construction zone to a safe, but comparable area.

If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 °F or greater than 90 °F), they will be held

overnight in a clean cardboard box. These desert tortoises will be kept in the care of the authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes will be appropriately discarded after one use to prevent the spread of disease or parasites from one tortoise to another.

Mitigation Measure BIO-5h (Dust Control) requires that dust control watering of the ROW within desert tortoise habitat will be conducted in a manner that does not result in the ponding of water. Tortoises and other desert fauna are attracted to water sources and will travel long distances and attempt to overcome significant obstacles to reach it. If ponding occurs, affected areas will be checked on a regular basis for the presence of tortoises and other special-status species. This measure reduces the potential for desert tortoises to be attracted to open water, but also ensures that any tortoises that are attracted to the construction site are noticed and removed from harm's way.

Mitigation Measure BIO-5i (Speed Limits) specifies that except on county-maintained roads, vehicle speeds will not exceed 20 miles per hour through desert tortoise habitat. It is difficult to see a tortoise crossing a road while traveling at speeds greater than 20 miles per hour. This measure ensures that workers will be able to spot tortoises in the road and be able to slow or stop their vehicle before harming the tortoise, thereby reducing the likelihood of take (i.e. death or injury) caused by project vehicles.

Mitigation Measure BIO-5j (Implement Mitigation Measure 4i and Additional Treatment Measures) requires specific documentation of any tortoise killed or injured by project activities or personnel and specifies how any injured tortoise will be treated. This documentation will be used to levy fines and penalties. Implementation of these measures would also result in the recovery of any injured tortoises that are treatable.

Mitigation Measure BIO-5k (Implement Mitigation Measures BIO-4c, 4e, 4f, and 4h—4s). Implementation of these measures would further reduce the risk of construction and maintenance impacts on the desert tortoise, as well as the other ground dwelling special status species.

Although the Blunt-Nosed Leopard Lizard), will not be encountered in the Ehrenberg to Cadiz portion of the project, the following mitigation measures pertaining to the Blunt-Nosed Leopard Lizard have been used to mitigate for impacts to desert tortoise and other ground dwelling, special status species.

Mitigation Measure BIO-4c (Fencing) requires that following pre-construction and pre-maintenance surveys, EPNG would fence-off the ROW or portions of the ROW. The fence is intended to minimize the potential for special-status wildlife to enter the project area and be exposed to harm.

Mitigation Measure BIO-4e (TES Species Education Program) requires that all EPNG employees and its contractors involved with pipeline inspections and maintenance activities take a threatened and endangered species (TES) education program. This program will educate worker's awareness about the importance of TES and their avoidance and protection, and help workers understand the purpose of project mitigation.

Mitigation Measure BIO-4f (Reports of Encounters with Listed Species) requires the documentation of encounters with a listed species and reports to an authorized and qualified biologist. These biologists will maintain records of all listed species encountered during project activities. The measure will ensure that accurate records will be kept to provide better information about the existence and behavior of listed species in the area. This measure also provides the means to enforce the provisions of the Biological Opinion for the project

Mitigation Measure BIO-4h (Qualified Biologist's Authority) provides that authorized biologists will have authority to immediately stop any activity that is not in compliance with the Biological Opinion or the Section 2081 permit. This ensures that mitigation measures will be fully enforced in the field.

Mitigation Measure BIO-4i (Reports of Dead or Injured Animals) requires that, upon locating a dead or injured listed species, EPNG will make initial notification to the CDFG and USFWS within 3 working days of the discovery. This measure will provide information to calculate compensation or fines.

Mitigation Measure BIO-4j (Existing Travel Routes) requires that existing routes of travel to and from the maintenance and inspection sites be used. Cross-country use of vehicles and equipment will be strictly prohibited to minimize the likelihood of encountering or taking a special-status species by project related vehicles.

Mitigation Measure BIO-4k (Trash Control) requires that trash and food items be contained in closed containers and removed daily to discourage opportunistic predators such as common ravens (*Corvus corax*), coyotes (*Canis latrans*), and feral dogs from coming to the project area in search of a food reward. These predators also feed on special-status species, so this measure will reduce the likelihood of increased take by these predators.

Mitigation Measure BIO-4l (Pet Restrictions) provides that employees are prohibited from bringing pets to the project area. Pets can also adversely impact special-status species, either as a predator, or by causing undue stress by chasing animals or digging up burrows, and this measure eliminates the potential for take by pets.

Mitigation Measure BIO-4m (Firearms Restrictions) prohibits firearms and other designated weapons from the project site/area to ensure that workers do not shoot at special-status species.

Mitigation Measure BIO-4n (Removal of Equipment and Unused Materials) specifies that upon completion of construction activities and each maintenance action on the ROW, all unused material and equipment will be removed from the site. This measure will ensure that materials that may pose a hazard to special-status species are not left in the area.

Mitigation Measure BIO-4o (Hazardous Material Control) requires that any hazardous material will be stored more than 100 feet from an active burrow or water crossing. It also requires that any fuel or hazardous waste leaks or spills be stopped/repaired immediately and cleaned up at the time of occurrence in accordance with EPNG's Spill Plan. Any spills in desert tortoise habitat will be reported to the appropriate BLM field office within 24 hours. This measure reduces the likelihood that a spill will affect a special-status species or contaminate any water supply.

Mitigation Measure BIO-4p (Re-contouring and Re-vegetation) requires that after construction, the ROW will be recontoured to match as closely as possible the original contours of the area. EPNG will stockpile grubbed or bladed native vegetation in desert tortoise habitat for Class IV activities. This measure will ensure that the site is restored as closely as feasible to pre-construction conditions so that the activities of special status species can continue as they did before construction occurred.

Mitigation Measure BIO-4q (Annual List of Proposed Activities) requires that in January of each year, beginning in 2004, EPNG will submit a list of proposed activities by name, category, location, and approximate start date to the BLM. This list will be used to ensure that ongoing activities are consistent with protective measures, including avoidance "windows". This ensures that special status species will be considered and protected throughout the life of project operations, not just during construction.

Mitigation Measure BIO-4r (Avoidance Scheduling) requires that EPNG will avoid evening and night work in the San Joaquin Valley to the extent possible. Within the San Joaquin Valley, maintenance actions during evening hours will be minimized and work will not occur at night unless it is an emergency. This measure reduces the likelihood of accidents related to special-status species.

Mitigation Measure BIO-4s (Emergency Actions) specifies that EPNG will notify the appropriate BLM field office within 24 hours of an emergency situation to ensure that any related activities are conducted with appropriate protective measures described above. This will ensure protection of special status species during an emergency as well as during regular construction activities.

CEQA FINDING NO. BIO-6

BIOLOGICAL RESOURCES

Impact: **BIO-6 Potential Impacts on Other Special-Status Amphibian and Reptile 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/EA.

b) Such changes or alterations are within the responsibility and jurisdiction of the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Several other special-status amphibian species occur in the project area, and could be adversely affected by construction activity. Rosy boa and Mojave fringe-toed lizard could be affected if individuals inhabit specific construction or maintenance locations at the time of disturbance. Construction and maintenance activities could result in mortality to other special-status amphibian and reptile species. These mitigation measures would reduce the potential for impacts on other special-status amphibian and reptile species, and identify and report any direct impacts that do occur. After implementation of Mitigation Measures BIO-6a—6c, residual impacts on other special-status amphibian and reptile species would be less than significant.

Mitigation Measure BIO-6a (Fencing Work Areas) requires that during construction and major maintenance activities, the Applicant would increase monitoring, such that no area along the trench goes unsurveyed by a qualified biologist for longer than an hour, or to fence the work areas to exclude all species of ground-dwelling wildlife present in the immediate vicinity of the project. This measure will reduce the likelihood of ground dwelling wildlife become trapped in a trench or other open excavation.

Mitigation Measure BIO-6b (Monitoring Open Pits, Trenches, and Pipes) requires that during construction and major maintenance activities, the Applicant will monitor open pits, trenches, and pipes to protect all species of wildlife present. This measure is another means to protect wildlife from becoming trapped.

Mitigation Measure BIO-6c (Capture and Removal) requires that a qualified biologist inspect the ROW immediately prior to onset of pipeline trenching or other surface disturbing activity in habitat for the Mojave fringe-toed lizard. A qualified biologist will capture and remove, or chase, any of these species out of the path of construction. Any sightings of these species on the ROW will be reported to the Environmental Inspector. Following the completion of construction, EPNG will submit a report to the CDFG detailing the locations at which any of these species were found, the specific treatment of the individuals, i.e., hazed off ROW or trapped, and the apparent health of each animal identified. The activities of the qualified biologist will ensure that no unqualified individuals will interact with or otherwise take a listed species and provide valuable information to the CDFG.

Mitigation Measure BIO-6d (Implement Mitigation Measures 4e and 4i-4s). Implementation of these measures, described as part of desert tortoise mitigation, would, for the reasons previously stated, further reduce the risk of potential impacts on other special-status amphibian and reptile species.

CEQA FINDING NO. BIO-10

BIOLOGICAL RESOURCES

Impact: **BIO-10 Potential Impacts on Special-Status Mammal 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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Several special-status mammal species occur in the project area, and could be adversely affected by construction activities. These species include the Pacific western big-eared bat, spotted bat, greater western mastiff bat, California leaf-nosed bat, small-footed myotis, southern grasshopper mouse, Tulare grasshopper mouse, and Colorado River cotton rat. The burrowing species (southern grasshopper mouse, Tulare grasshopper mouse, and Colorado River cotton rat) may be killed or buried in their burrows during construction, killed by vehicle traffic on access roads, or fall into excavated areas from which they cannot escape.

The mitigation measures would reduce the potential for impacts to the special status mammalian species by identifying locations where the species are present and avoiding the species habitat. These measures also provide for onsite restoration of species habitat. Additionally the measures minimize disturbance to the animals during construction and subsequent maintenance activities. Qualified biologists will ensure that all mitigation is applied in a way to minimize impacts to the species and will be available to move potentially impacted animals.

Mitigation Measure BIO-10a (Pre-Construction and Pre-Maintenance Surveys) requires the Applicant to conduct pre-construction and pre-maintenance surveys (for major maintenance activities) in areas that are presumed to be occupied by the Southern or Tulare grasshopper mice and the Colorado River Cotton Rat. This measure will identify individuals or burrows that will be avoided, as described in Mitigation Measure BIO-10b.

Mitigation Measure BIO-10b (Avoidance Measures) requires, to the extent possible, the Applicant will avoid known burrows of these species. Avoidance is the most effective method of protecting these species.

Mitigation Measure BIO-10c (Implement Mitigation Measures 4e—4s). Implementation of these measures would reduce the risk of potential impacts on other special-status mammalian species. All but 4g are described in Findings BIO-5 (Potential Impacts on the Desert Tortoise); 4g is as follows:

Mitigation Measure BIO-4g (Handling by a Qualified Biologist) provides that only personnel authorized by USFWS or the CDFG may handle listed species. Each of the biologists would have appropriate qualifications and would be approved by the CDFG and USFWS at least 30 days prior to any ground disturbing activities. This measure assures that only qualified individuals handle listed species, which better guarantees that the species will not be adversely affected.

Mitigation Measure BIO-10d (Implement Mitigation Measures BIO-6a and 6b) has been discussed previously. Implementation of fencing and monitoring would further reduce the risk of impacts on other special-status mammalian species much as it would reduce the impacts to special-status amphibian and reptile species.

CEQA FINDING NO. BIO-11

BIOLOGICAL RESOURCES

Impact: **BIO-11 Potential Impacts on Federally or State-Listed Birds of Riparian 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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Maintenance activities could result in reduced reproductive success for Yuma clapper rail, southwestern willow flycatcher, elf owl, Gila woodpecker, and western yellow-billed cuckoo. No construction activities are proposed within 0.25 mile of the habitat identified for these species along the Colorado River. Therefore, no adverse effects are anticipated as a result of conversion operations. However, noise from maintenance activities between MP 301.5 and 303.25 could potentially affect these species.

The following mitigation measures would reduce the potential for impacts to State-listed birds of riparian habitats through avoidance of riparian habitat during the breeding season of the birds. Noise from construction and maintenance activities would, therefore, only temporarily impact these species.

Mitigation Measure BIO-11 (Avoidance Scheduling) requires the Applicant to schedule maintenance activities to be conducted between MP 301.5 and MP 303.25 from September 15 through April 14, outside the breeding seasons for these species. This measure reduces the likelihood that project activities will affect the breeding success of this species by scheduling work when breeding is not occurring.

CEQA FINDING NO. BIO-12

BIOLOGICAL RESOURCES

Impact: **BIO-12 Potential Impacts on Special-Status Raptor Species and their Nesting 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/EA.
- b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Construction and maintenance activities could result in mortality or nest loss for burrowing owls and in reduced reproductive success or loss of nesting habitat for other special-status raptor species. There is no nesting structure within the previously disturbed ROW for any of these species, however, so construction activities would not directly affect habitat for these species. Disturbance may affect their reproductive success in a worst-case scenario.

Burrowing owls could be affected if they are present during construction or maintenance activities. Generally, burrowing owls are expected to flush the area during construction or maintenance operations due to the disturbance. They would be expected to return to the area a short time after activities cease. All of the construction locations between approximately MP 292 and MP 303.4 are adjacent to busy farm roads where burrowing owls appear to be accustomed to this traffic. Pipeline work activities should be similar to background activities and noise levels, and therefore would not result in an adverse effect.

The following mitigation measures would reduce the potential for impacts to the burrowing owl, by identifying locations where the species are present and avoidance of species habitat. These measures provide for onsite restoration of species habitat. Additionally the measures minimize disturbance to the animals during construction. Qualified biologists will ensure that all mitigation is applied in a way to minimize impacts to the species.

Mitigation Measure BIO-12a (Pre-Construction and Pre-Maintenance Surveys) provides that at the beginning of the nesting season, or 30 days prior to the

initiation of construction activities at a site (whichever is closer to the construction period), the Applicant will conduct pre-construction surveys for raptor nests in areas that are likely to be occupied by these species. When major maintenance is planned, the Applicant will conduct pre-maintenance surveys for raptor nests. These surveys will be conducted according to established protocols accepted by USFWS and the CDFG. Using the results of the surveys, construction can be scheduled to avoid impacts to nesting raptors, as described in the following measure.

Mitigation Measure BIO-12b (Avoidance Measures) requires that any protected raptor nests that are discovered during such surveys, the Applicant will implement all avoidance and mitigation currently stipulated by USFWS and the CDFG. No work will be completed within 1,200 feet of the nest without approval from the CDFG and without an authorized raptor biologist monitoring the nesting birds. These measures will be initiated prior to any construction or maintenance activities in the vicinity of the nest. These measures will be continued for as long as project construction or maintenance activities continue, or until the end of the breeding season for this raptor. This measure ensures that construction or maintenance does not occur at a time or location that could adversely affect breeding raptors.

Mitigation Measure BIO-12c (Burrowing Owl Mitigation Measures) requires the Applicant to implement mitigation measures from the California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines, including, but not limited to, "passively relocating" owls during pre-construction surveys. The timing of the burrowing owl relocation is critical and cannot occur during this species' breeding season (February through August). All necessary owl relocation will occur prior to February. Where the tortoise and owl pre-construction surveys are completed concurrently, all burrows (tortoise and owl) occurring on the right-of-way (ROW) will be collapsed to prevent reestablishment of the two species on the ROW. However, if construction activities are delayed, EPNG may need to separate the burrowing owl and desert tortoise surveys to complete the burrowing owl surveys/relocations prior to breeding season (February). If separate surveys are necessary, EPNG will only collapse those burrows that contain active burrowing owls and abandoned tortoise burrows; active tortoise burrows will be left intact and treated later, during the tortoise surveys. For new burrows, EPNG will either construct artificial burrows to which the owls will be relocated or will use naturally occurring, abandoned desert tortoise burrows. Following completion of the pre-construction survey, EPNG will submit a report to the BLM and the CDFG detailing the number of active burrowing owls found, their apparent health, and treatment. While avoidance is preferred, the relocation of the species can be effective if not conducted during its breeding season, which is not allowed by this measure.

CEQA FINDING NO. BIO-13

BIOLOGICAL RESOURCES

Impact: **BIO-13 Potential Impacts on Habitat for Other Special-Status Bird 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/EA.

b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Construction and maintenance activities could result in reduced reproductive success or nest loss for certain other special-status bird species, including loggerhead shrike, Lewis's woodpecker, Costa's hummingbird, Bendire's thrasher, Crissal thrasher, LeConte's thrasher, and hepatic tanager. There is no nesting structure within the previously disturbed ROW for any of these species. As such, proposed construction activities would not directly affect habitat for these species; however, noise disturbance may potentially affect their reproductive success. If suitable vegetation establishes in or adjacent to the ROW during the operating life of the pipeline, maintenance activities could affect nesting individuals of these species.

The following mitigation measures would identify areas where special-status bird species are present, and avoid, where possible, impacts on the bird species. The measures also require identification and reporting of any direct impacts that do occur.

Mitigation Measure BIO-13a (Pre-Construction and Pre-Maintenance Surveys) requires that at the beginning of the nesting season, or 30 days prior to the initiation of construction activities at a site (whichever is closer to the construction period), the Applicant will conduct pre-construction surveys for nesting birds. When major maintenance is planned, the Applicant will conduct pre-maintenance surveys for nesting birds. These surveys will be conducted during breeding seasons for any special-status birds potentially present in the construction or maintenance sites. In this way, the presence of breeding individuals will be

identified prior to any work and, if necessary, the following avoidance measures can be implemented.

Mitigation Measure BIO-13b (Avoidance Measures) provides that if pre-construction or pre-maintenance surveys reveal the presence of a potentially active nest for one of the species identified in this impact, the Applicant will implement avoidance measures by: (1) fencing off the nesting area to protect it from damage if this can be done successfully, or (2) postponing activities until the offspring have fledged. Avoidance of nesting birds is the most effective measure, but allowing the offspring to fledge before project related activities occur is also effective.

Mitigation Measure BIO-13c (Additional Measures), acknowledges that Bendire's thrasher is not expected to be nesting in the ROW, based on habitat requirements. However, if found to be nesting within 1,000 feet of any work area, the CDFG will be contacted prior to any project activity to determine appropriate mitigation for this species. This measure allows the CDFG to determine the most effective procedures to follow to protect the species (should it be encountered) before work is allowed to proceed.

CEQA FINDING NO. BIO-15

BIOLOGICAL RESOURCES

Impact: **BIO-15 Potential Impacts on Other Special-Status Plant 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/EA.

b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Maintenance activities could result in mortality to other special-status plant species. Although impacts on other special-status plant species are not expected to occur during construction, habitat for such species was identified at certain locations along the ROW. During the operating life of the pipeline, such species could establish within the ROW in areas subject to maintenance activities.

These mitigation measures would reduce the potential for impacts to other special-status plant species, identify and report any direct impacts that do occur, and provide for on-site or off-site mitigation for impacts. After implementation of Mitigation Measure BIO-15, impacts on botanical resources identified in Impact BIO-15 would be less than significant.

Mitigation Measure BIO-15 (Implement Mitigation Measures BIO-14a through 14d, presented below). Potential impacts from maintenance activities will not occur by avoiding populations of these species or by conducting maintenance activities at times when annual species are not growing.

Mitigation Measure BIO-14a (Pre-Maintenance Surveys) requires the Applicant to conduct pre-maintenance surveys for federally and State-listed plant species in areas where habitat for such species is present. These surveys will be conducted either: (1) during the flowering season preceding the maintenance activity, or (2) at least 30 days prior to the initiation of maintenance activities during a season when the target species is identifiable. The Applicant will also map habitat of these species along the ROW and provide these maps and pictures of the species to maintenance crews during the environmental

awareness training. If any of these species are found at a site scheduled for maintenance work, either during pre-maintenance surveys or by crews or inspectors during construction, then maintenance activities will avoid the populations, or be conducted at times when annual species are not growing. These surveys will ensure that special-status species will be identified before any ground-disturbing activity, and the following avoidance measure can be implemented if needed.

Mitigation Measure BIO-14b (Avoidance Measures or Other Agency-Recommended Mitigation Measures) indicates that potential impacts from maintenance activities will be avoided by avoiding populations of these species or by conducting maintenance activities at times when annual species are not growing. If a population cannot be avoided, species-specific on-site restoration or off-site mitigation will be implemented as described in the Protection Measures for Special-Status Plant Species. This measure ensures that designated plant species will either be avoided (no impact), or if disturbance occurs, will be restored, either on-site or at an appropriate off-site location, to ensure species survival.

Mitigation Measure BIO-14c (Seed Collection) provides that ripe seed for use in re-seeding may be collected from populations expected to be impacted, if a special-status plant species cannot be avoided. This measure will be implemented only for species designated by the CDFG or USFWS, as described in the Upland Erosion Control, Revegetation, and Maintenance Plan and the Protection Measures for Special-Status Plant Species. This measure will allow for revegetation, if necessary, with native seed to ensure regeneration of indigenous plants from local genetic stock.

Mitigation Measure BIO-14d (Re-seeding with Special-Status Species) requires that, following the completion of construction activities, the ROW in the vicinity of the known individual/population will be restored according to the Upland Erosion Control, Revegetation, and Maintenance Plan. After the topsoil has been restored and the surface prepared for seeding, the reserve seeds (see BIO 14-c, above) will be spread over the area that the species inhabited prior to disturbance. The seeds will hand sown into the bottoms of imprint depressions and covered with not more than ½ inch of soil. EPNG will monitor revegetation efforts for six years. If, after 6 years, abundance of the targeted species is not equivalent to the pre-construction abundance, EPNG will provide monetary compensation to CDFG, potentially through the acquisition of additional lands for CDFG management. The amount and type of compensation in California would be determined in consultation with the CDFG and pursuant to the Incidental Take Permit under Section 2018 of the California Fish and Game Code. Enhancement and management (endowment) fees would be applied to all mitigation lands in California. This measure ensures that plant species will be restored to pre-construction populations on site, or at equivalent locations, to ensure no not loss of special status plant species.

CEQA FINDING NO. BIO-16

BIOLOGICAL RESOURCES

Impact: **BIO-16 Potential Impacts on Desert Succulent 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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the USFWS and the CDFG 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.

FACTS SUPPORTING THE FINDING(S)

Construction activities could result in mortality to desert succulent species, which are protected under various county ordinances and BLM policies. After implementation of Mitigation Measure BIO-16, residual impacts on botanical resources identified in Impact BIO-15 would be less than significant.

Mitigation Measure BIO-16 (Salvage Desert Succulent Species) requires all cactus, yucca, and agave species within disturbance areas to be avoided or transplanted adjacent to the disturbance area. Some of those plants will be re-transplanted back into the disturbance area after surface disturbing activities are completed. In California, up to 50 percent of the cacti, yucca, and agave species that cannot be avoided by either temporary or long-term disturbance will be transported to a BLM-designated facility for revegetation. Detailed management measures for these species are included in the Upland Erosion Control, Revegetation, and Maintenance Plan. Although avoidance is best, this measure provides an alternative means to replace, via transplanting, vegetation after construction to restore sites to pre-construction status.

CEQA FINDING NO. AGR-1

AGRICULTURAL RESOURCES

Impact: **AGR-1 Temporary Loss of Rangelands or Income**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Construction of the project could impact rangelands by reducing its carrying capacity, damaging or removing fences or other natural barriers used for livestock control, and trapping or harming livestock that enter into the construction work area. Construction activities would temporarily remove 164.96 acres from production of rangeland. Impacts to rangeland carrying capacity and loss of livestock could result in the loss of income.

Mitigation Measure AGR-1a (Land Restoration) requires EPNG to regrade and restore lands back to their previous condition to facilitate the reuse of the affected area at pre-construction levels.

Mitigation Measure AGR-1b (Livestock Control) requires that each fence crossed by construction activities will be braced and secured before cutting the opening needed for construction to prevent slacking of the wire. The opening would be controlled by temporary gates, as necessary, to prevent passage of livestock. All damaged livestock fences, gates, cattleguards, and brace panels would be repaired or replaced to land owners standards in order to minimize potential impacts to livestock control.

Mitigation Measure AGR-1c (Livestock Safety) requires that temporary fencing will be installed as required to prevent livestock entry into the construction work area to ensure that livestock are not injured in the work area.

Mitigation Measure AGR-1d (Compensation to Land Owners) requires that prior to the start of construction, EPNG will enter into an agreement with each affected land owner and/or farmer, as appropriate, to provide fair compensation for the loss of income from land taken out of production or harm to livestock due to pipeline construction. Such compensation will maintain incomes of affected parties.

CEQA FINDING NO. AGR-2

AGRICULTURAL RESOURCES

Impact: **AGR-2 Temporary Loss of Agricultural Land or Income**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Construction impacts to agricultural land could result in loss of topsoil and/or farming income. Construction activities in agricultural land would temporarily remove 8.09 acres from production. EPNG's ROW agents would coordinate construction activities with property owners and tenant farmers to minimize impacts to farming operations. Impacts to agricultural operations could result in the loss of farming income.

Mitigation Measure AGR-2 (Topsoil Preservation) requires EPNG to set aside at least eight inches of topsoil removed during pipeline construction on agricultural lands and preserve it for replacement and restoration to its prior location after construction for continued agricultural use. This measure helps to conserve topsoil, and replace it in a manner that ensures that proper soil stratification is maintained to match undisturbed soil and maintain soil productivity.

CEQA FINDING NO. AGR-3

AGRICULTURAL RESOURCES

Impact: **AGR-3 Interruption of Irrigation**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Construction activities could damage or interrupt irrigation, thereby reducing crop yield. Several activities could damage or interrupt irrigation during construction, including trenching, grading, stringing, welding, and backfilling. If the flow of irrigation water is disrupted for a prolonged period, crops could be damaged and crop yields reduced.

Mitigation Measure AGR-3a (Maintain Flow) requires EPNG to maintain the flow of irrigation systems or coordinate the temporary shutoff of systems with affected landowners or tenants in order to limit interruption of irrigation and allow the maintenance of normal operations.

Mitigation Measure AGR-3b (Repair Damage to Systems) provides that disturbed drainage furrows, water piping, or heads would be restored, repaired, or replaced as soon as possible and monitored for problems after construction is completed. EPNG would communicate with landowners or tenants following construction and restoration to ensure the irrigation systems are functioning properly. Additional repair or remedial work would be performed if requested by the landowner. EPNG would also coordinate with the landowner to assess crop productivity for a period of at least 2 years, and provide compensation where crop yields show decline. This measure assures that any adverse affects to these systems will be remediated and ensure that there are no adverse economic effects to landowners or tenants as a consequence of project activities.

Mitigation Measure AGR-3c (Limit Construction Time) requires that where pivot irrigation is active, EPNG would complete construction and restoration within a maximum 7-day period. This measure limits the time that these systems would be out of operation and allows for timely resumption of normal operations.

CEQA FINDING NO. AGR-4

AGRICULTURAL RESOURCES

Impact: **AGR-4 Permanent Loss of Agricultural Land or Income**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Construction activities could permanently convert agricultural lands to industrial uses by impacting topsoil, removing crops and native vegetation, interfering with livestock and interfering with farming operations. Where agricultural lands are permanently taken out of production landowners will be compensated.

Mitigation Measure AGR-4 (Compensation to Landowners) requires EPNG to negotiate compensation with the landowner(s) for portions of fields that would be permanently taken out of production.

CEQA FINDING NO. GEO-1

GEOLOGY AND SOILS

Impact: **GEO-1 SEISMIC INDUCED DAMAGE**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Seismic displacement and ground cracking could damage the pipe in the vicinity of an unnamed fault between MP 294 and 297.75. There has been no geohazard assessment of the Cadiz Lateral. The mitigation measure ensures that seismic damage to the pipeline will be detected, and that geohazards must be evaluated and mitigated prior to construction of the Cadiz lateral. After implementation of Mitigation Measure GEO-1, residual impacts from ground cracking would be less than significant.

Mitigation Measure GEO-1a (Checking for Pipe Damage) requires EPNG, 60 days prior to the start of operations as a natural gas transmission system, to submit a Post Earthquake Inspection and Monitoring Plan approved by the CSLC. The plan must specify procedures to assess the integrity of the pipeline and its ability to meet the seismic design criteria used in fault crossings and other seismic hazards. Once approved, this plan must be included in EPNG's operation and maintenance program. This measure ensures that the design and construction of the pipeline will be better able to withstand potential earthquake-induced damage and thereby reduce the potential for ruptures that could affect public health and safety.

Mitigation Measure GEO-1b (Geohazard Assessment along Cadiz Lateral) requires that 60 Days prior to construction, EPNG must have a pipeline design approved by CSLC for the Cadiz Lateral. The design must be supported by a geohazard assessment and soil sampling equivalent to that conducted for Line 1903 to ensure an equivalent level of design and protection for this portion of the system, as for the existing system.

CEQA FINDING NO. GEO-2

GEOLOGICAL RESOURCES

Impact: **GEO-2 EXPOSURE OF 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/EA.

FACTS SUPPORTING THE FINDING(S)

Construction activities could expose paleontological resources under the soil. Some construction locations have a high probability or are known to contain paleontological resources. Direct impacts on these resources could result from grading and trenching; indirect impacts could result from erosion and unauthorized collection.

Mitigation Measure GEO-2 (Avoidance or Scientific Excavation) provides that if avoidance of the resource is not feasible, scientific excavation to recover fossil materials would occur. No later than 60 days prior to construction, EPNG will prepare a Paleontological Resources Management Plan for review and approval by the CSLC and BLM. The plan must have the following elements:

- Conduct preconstruction, surveys of areas identified with high potential for paleontological resources. Those areas listed in Table 4.4-3 of the DEIR/EA and the Cadiz Lateral ROW must be included, as well as areas off Federal lands with a high potential for paleontological resources.
- Prior to construction, conduct a Worker Education Program regarding procedures to minimize impacts on paleontological resources.
- During construction, conduct monitoring for those areas that have been previously identified as containing scientifically significant fossils on Federal lands, and areas off Federal lands with a high potential for scientifically significant fossils. A monitor approved by the BLM and CSLC would be present during ground-disturbing activities in these areas. The disturbed area would be checked prior to completion of the site activity. The monitor would have the authority to temporarily divert construction activity if significant fossils are found. The approved paleontologist would also be notified if a fossil is found in a non-monitored area.

- Identify recovered fossils and preserve them for curation at a museum, and prepare a final report of findings.

This measure ensures that paleontological resources will be avoided, or if encountered, recovered so that their scientific value will not be lost.

CEQA FINDING NO. WQ-1

HYDROLOGY AND WATER QUALITY

Impact: **WQ-1 Potential Impacts on Private or Public Water Supplies**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Construction activities could affect quality or yield of private or public water supplies. No public water supply wells were identified within 150 feet of proposed construction locations (CDWR 2000, California Department of Health Services 2000). Lists of permitted water wells were reviewed to determine whether water wells are within 150 feet of other construction locations (CDWR 2000). However, the lists did not provide accurate location information. Although adverse impacts on groundwater resources are not anticipated, trenching could cause temporary damage to or changes in water levels at water wells within 150 feet of Line 1903 and the Cadiz Lateral.

Mitigation Measure WQ-1 (Protection of Private and Public Water Supplies) requires the Applicant, at least sixty days prior to construction, to contact landowners to identify the location of all private wells within 200 feet of approved construction workspaces. In these and other areas of potential groundwater impact, special precautions will be taken to ensure protection of groundwater. Precautions include prohibiting refueling operations and storing hazardous liquids within a 200-foot radius of any identified private well or within a 400-foot radius of any public water supply wells.

The Applicant will communicate with the nearby well owners to determine changes in yield and discoloration during construction. With landowner permission, wells and springs within 200 feet of the construction ROW would be sampled prior to construction to obtain water quality and yield data for each sampling point. EPNG would conduct biological monitoring at isolated springs to determine any adverse impacts on riparian communities in the ROW. Post-construction well monitoring would be conducted as requested by the well owner or for disputed situations.

In the event that any well is damaged by construction activities, the Applicant will provide a temporary source of water and will restore the well to its original capacity or provide other remedies as agreed on, in writing, with the user of the

affected well. Within 30 days of placing the facilities in-service, EPNG would file a report with CSLC, BLM, and FERC describing any complaints received from landowners about water quality or yield, the results of the biological monitoring at any isolated springs, and the remedial action taken to address concerns. This measure ensures that impacts to wells will either be avoided or remediated so that neither water quality nor water yield of private wells will be affected in the long term.

CEQA FINDING NO. HAZ-1

HAZARDS AND PUBLIC SAFETY

Impact: **Potential for Gas Line Rupture and Release of Natural 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/EA.

FACTS SUPPORTING THE FINDING(S)

The probability analysis for a gas pipeline rupture and release of natural gas to the environment indicates that there is a very low likelihood for a high-consequence rupture and release of natural gas during the operation of Line 1903. The annual risk was approximately 1×10^{-5} fatalities per mile of pipeline. However, such an event could occur, with consequences as described in Section 4.6.4, Impact Analysis and Mitigation of the Draft EIR/EA. EPNG's Operation and Maintenance Plan does not include specifications for conducting instrumented internal inspections using a high-resolution device commonly known as a "smart pig." Although not currently required by the Office of Pipeline Safety, an instrumented internal inspection on a periodic basis with a high-resolution tool is a proactive method of determining the mechanical integrity of a pipeline by obtaining data that show whether corrosion is occurring internally or externally, or if other damage anomalies have occurred along the pipeline as well as verifying that the cathodic protection system is protecting the external wall of the pipeline.

Mitigation Measure HAZ-1b (Revised Operation and Maintenance Plan) requires EPNG, sixty days prior to placing Line 1903 into service, to obtain approval from the CSLC for a revised Operation and Maintenance Plan. The revised plan would address internal and external maintenance inspections of the completed facility, including details of integrity testing methods to be applied, corrosion monitoring and testing of the cathodic protection system, and leak monitoring. The plan would also specify that EPNG would, unless expressly prohibited by USDOT regulations, conduct an internal inspection with a high-resolution instrument on a periodic basis, at a minimum of one inspection every 10 years. If the data show that significant corrosion or defects exist, or if any new Federal or State regulations require more frequent or comparable inspections, then the inspection frequency would be increased accordingly. The revised Operation and Maintenance Plan would also include Post-Earthquake Inspection Monitoring Plan, identified as mitigation measure GEO-1. Within 3 months following the promulgation of any new Federal or State regulations, EPNG would update the

plan and submit a revised copy to the CSLC. This measure provides a specific plan for inspection and maintenance of the facilities that must be reviewed and approved by multiple State and Federal agencies, offering additional protections to public safety, and ensures internal pipeline inspections that will provide evaluations of pipeline condition and structural integrity. This information will enhance preventative maintenance and lower the potential for structural failures or accidents.

CEQA FINDING NO. AIR-1

AIR QUALITY

Impact: **AIR-1 Construction Emissions**

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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the MDAQMD 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.

FACTS SUPPORTING THE FINDING(S)

Project construction could temporarily result in emissions that could exceed the daily significance thresholds established by the MDAQMD for NO_x, CO, and particulate matter. The air quality analysis in the DEIR/EA indicates that no annual thresholds are exceeded by the project. Air emissions from construction equipment would be short-term and limited to the immediate vicinity of the project area. Mitigation measures MM AIR-1a and MM AIR-1b reduce emissions of NO_x, CO, VOC, and SO₂. Emission reduction efficiencies are not provided for NO_x, CO, and VOCs in the available guidance (SCAQMD 1993). In this case, the guidance allows a qualitative assessment of the reduction of emissions if quantification is not available (SCAQMD 1993). Because the emissions are temporary, spread over a wide geographic area including three separate air basins, and less than annual thresholds, the mitigation measures will ensure that the project does not result in a long-term impact on ambient air quality.

Mitigation Measure AIR-1a (Maintenance of Construction Equipment) requires the Applicant to maintain construction equipment in accordance with manufacturer's recommendations to prevent unnecessary emissions of NO_x, CO, VOC, and SO₂.

Mitigation Measure AIR-1b (Fuel Use) requires the Applicant to use lower sulfur #2 diesel fuel in heavy-duty construction equipment, with a sulfur content of 0.5 percent, to minimize SO₂ emissions. The Applicant will burn 87-octane gasoline in other construction equipment, such as light-duty trucks, to minimize emissions of NO_x, CO, and VOC.

Mitigation Measure AIR-1c (Dust Control Plan) stipulates that 30 days prior to construction, the Applicant would obtain CSLC approval of a Dust Control Plan indicating the dust suppression procedures that would be used to minimize emissions and impacts on air quality from construction activities. This plan would include measures determining application of water, chemicals, or other dust suppressants during construction and removal of particulate matter from roadways to prevent re-entrainment and dust generation. This plan would ensure that any reduction in air quality due to dust would be short term, limited to the immediate vicinity of the disturbance, and kept to the minimum feasibly possible.

CEQA FINDING NO. TR-1

TRAFFIC AND TRANSPORTATION

Impact: **TR-1 Disruption of Traffic Flow at Road Crossings
Needing Replacement**

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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of San Bernardino County, Riverside County, and Caltrans, 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.

FACTS SUPPORTING THE FINDING(S)

Traffic flow would be disrupted at five road crossings where trenching of roadways is proposed. Five road crossings would need to be replaced in order to meet USDOT standards. Two types of replacement would be considered at each site by EPNG. Either the existing pipe segment would be removed and replaced, or the existing pipe would be capped and left in place and an adjacent trench or bore would be installed. Trenching across the roads would require either temporary lane closure or temporary closure of the road, which would disrupt the flow of traffic along these roads.

Mitigation Measure TR-1 (Traffic Control Plans) requires the Applicant, sixty days prior to construction, to submit a Traffic Control Plan for each of the road crossings where trenching of roadways is proposed. Traffic Control Plans would be required for construction activities that would directly or indirectly disturb the local traffic flow at each geographic location. These plans would be submitted to the CSLC and each jurisdiction where the disruption may occur for review and approval. The plans would be required to follow the standards and techniques prescribed in the Caltrans' Traffic Manual, Section 5, "Manual of Traffic Controls for Construction and Maintenance Work Zones"; the "Standard Specification for Public Works Construction," and the Manual on Uniform Traffic Control Devices (MUTCD), Part VI, "Traffic Controls for Street and Highway Construction, Maintenance, Utility and Emergency Operations." These plans would contain elements on detour routing, flagging, emergency contact numbers, methods of advance notification for residences and businesses, and emergency operations

agencies in proximity to each work site to allow continued use of the affected roadways during construction.

CEQA FINDING NO. NOI-1

NOISE

Impact: **NIO-1 Construction 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/EA.

FACTS SUPPORTING THE FINDING(S)

During construction, work crews would conduct separate but sequential activities, each generally proceeding at rates ranging from several hundred feet to 1 mile per day. Construction activities in any one area could last from a day to 18 weeks. Construction activities within 500 feet of residences could generate noise levels that exceed county standards. Construction activities would also take place in the vicinity of the Cadiz Wilderness Area and within one half mile of the Palen/McCoy Wilderness Area. These two areas would experience increases in noise above the existing levels (between 35 and 45 dBA (L_{dn})). Construction noise could also disturb wildlife with potential impacts occurring during critical life stages (such as nesting or migration). By limiting construction activities to week days and daylight hours, noise impacts will be reduced during the peak times when outdoor activities take place by residents (weekends) and limited to hours when noise levels are typically louder (daytime versus nighttime). After implementation of Mitigation Measure NOI-1, residual impacts related to noise would be less than significant.

Mitigation Measure NOI-1 (Limit Construction to Daytime Hours) requires EPNG to reduce noise impacts to residences within 500 feet of construction activities, by limiting construction to weekdays and daylight hours except on rare occasions when construction activities may extend beyond daylight hours to allow completion of an activity, such as backfilling an open trench, which could be a safety issue if not completed. In this way, noise impacts will be confined to those times when people may not be at home and/or asleep.

CEQA FINDING NO. CU-1

CULTURAL RESOURCES

Impact: **CU-1 Unanticipated Discovery of Cultural Resources or Human Remains**

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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the SHPO 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.

FACTS SUPPORTING THE FINDING(S)

Construction activities could adversely affect previously undiscovered cultural resources; the potential for the presence of undiscovered buried cultural resources exists despite previous archaeological surveys and investigations. Implementation of this mitigation measure would prevent destruction or loss of previously undiscovered cultural resources during construction activities, which could inadvertently expose such resources. After implementation of Mitigation Measure CU-1, the residual impact associated with the unanticipated discovery of cultural resources or human remains would be less than significant.

Mitigation Measure CU-1b (Unanticipated Discovery Plan) requires the Applicant, sixty days prior to ground disturbance activities, to submit to the CSLC and BLM an Unanticipated Discovery Plan for review and comment. The plan will outline the processes of notification, evaluation, and actions to be taken should unanticipated cultural resources be found during construction. This measure provides additional protection for cultural resources that have not yet been discovered.

CEQA FINDING NO. CU-2

CULTURAL RESOURCES

Impact: **CU-2 Potential for Indirect Impacts on Cultural Resources 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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the SHPO 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.

FACTS SUPPORTING THE FINDING(S)

Construction and maintenance activities could result in indirect impacts at archaeological sites due to increases in ground surface activities and increased human presence from the number of workers during construction. Indirect impacts are difficult to quantify and control, but they generally include inadvertent destruction and loss of surface artifacts from illicit collecting. Proper training of construction personnel will lessen the potential for disturbance of known and undiscovered cultural resources during daily activities. After implementation of Mitigation Measure CU-2, residual impacts related to indirect impacts on cultural resources during construction would be less than significant.

Mitigation Measure CU-2 (Training) requires that prior to disturbance activities, and throughout the project construction period, as needed for all new construction personnel, the Applicant will provide training to construction personnel. The training will include onsite avoidance requirements and the procedures for reporting any sensitive resources that may be discovered during project-related ground disturbance. The training program will explain the potential for exposing cultural resources, including prehistoric and historic resources, during construction, the locations of potentially sensitive areas, and protocols to treat unexpected discoveries. The training ensures that workers realize the importance of cultural resources, and understand the protocols to be followed in the event that culturally significant materials are encountered.

CEQA FINDING NO. CU-3

CULTURAL RESOURCES

Impact: **CU-3 Impacts on Recorded Archaeological Sites Adjacent to the Project APE**

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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the SHPO 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.

FACTS SUPPORTING THE FINDING(S)

Construction activities could inadvertently damage intact portions of cultural resources adjacent to the APE. Upon implementation of these mitigation measures, the impacts to the recorded cultural resources would be lessened. A program of data recovery, monitoring and/or avoidance would prevent a significant loss of data from the sites and allow EPNG to responsibly manage the sites. After implementation of Mitigation Measure CU-3a—3d, residual impacts on the six recorded archaeological sites adjacent to the project APE would be less than significant.

Mitigation Measure CU-3a (Native American Consultation) requires appropriate consultation procedures as outlined in 36 CFR Part 800 to be completed prior to construction. This measure ensures that no ground-disturbing activity will occur without the application of appropriate protective measures.

Mitigation Measure CU-3b (Validation Survey) specifies the following recommendations to the survey results discussed under Validation Survey in the Section 4.10.1 of the EIR/EA:

- Although portions of the six sites are damaged within the APE, monitoring is recommended to ensure that other portions of the site that are adjacent to the APE are not inadvertently damaged.
- If the one unevaluated site (P-33-011304) is determined eligible for listing on the NRHP and cannot be avoided, FERC- and SHPO-approved data recovery and/or historic documentation is recommended.

These procedures provide additional protection to cultural resources through either avoidance or recovery.

Mitigation Measure CU-3c (Avoidance) recognizes that mitigation of impacts created by construction and maintenance of the proposed project would in most cases be accomplished by avoiding NRHP-eligible or listed cultural resources. The Applicant will revise the alignment to the extent feasible to avoid all archaeological sites by at least 50 feet without exacerbating other environmental impacts. Archaeological sites within 100 feet of the alignment will be barrier fenced or otherwise protected to prevent accidental disturbance during construction. In the event that NRHP-eligible or potentially eligible cultural resource sites cannot be avoided by construction activities, adverse effects would be mitigated by FERC-and SHPO-approved data recovery efforts. Components of data recovery may include surface collection, partial or complete excavation, artifact and feature analysis, mapping, architectural documentation, archival research, or a combination of any of the above. In specific cases, construction monitoring may be the appropriate mitigation if it leads to avoidance. Avoidance is the best protection for culturally significant materials.

Mitigation Measure CU-3d (Monitoring Program) requires the Applicant to implement a comprehensive monitoring program to ensure protection of archaeological sites within and adjacent to the APE. The Applicant will monitor construction activities within 200 feet of the 6 sites with intact cultural resources adjacent to the APE. The archaeological monitoring program will include the following tasks:

- preconstruction assessment and construction training;
- construction monitoring;
- site recording and evaluation;
- mitigation planning;
- curation;
- report of findings; and
- review and approve any erosion control and revegetation procedures in the vicinity of a known significant site prior to implementation of these procedures.

This measure ensures implementation of the above protections for archaeological sites.

CEQA FINDING NO. CU-4

CULTURAL RESOURCES

Impact: **CU-4 Impacts on Known Cultural Resources during Maintenance 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/EA.
 - b) Such changes or alterations are within the responsibility and jurisdiction of the SHPO 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.

FACTS SUPPORTING THE FINDING(S)

Maintenance activities conducted along the pipeline ROW have the potential to adversely affect known cultural resources. A review of known cultural resources within maintenance areas will allow EPNG to properly manage sensitive resources through consultation with cultural resources experts. After implementation of Mitigation Measure CU-4, residual impacts on known cultural resources during maintenance activities would be less than significant.

Mitigation Measure CU-4 (Review of Survey Reports) requires the Applicant to review known cultural resources, specifically NRHP-eligible sites, within maintenance areas. If EPNG is unable to avoid such a site, consultation with the BLM archaeologist and the SHPO will determine what procedures are required to maintain the site's status.

CEQA FINDING NO. REC-1

RECREATION

Impact: **REC-1 Potential to Temporarily Disturb Recreational 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/EA.

FACTS SUPPORTING THE FINDING(S)

Noise from construction vehicles and construction activities could be perceptible in the nearby areas of Cadiz, Old Woman and Palen/McCoy Wilderness areas. The noise levels could degrade the quality of the recreational experience.

Mitigation Measure REC – 1 (Construction Schedule) requires EPNG to coordinate with BLM to identify low-visitor use periods and schedule construction activities within those time periods. EPNG will also limit construction activities to weekdays in the vicinity of the wilderness areas. This will ensure that trucks and other construction equipment will disturb the fewest visitor possible, and that those visitor's whose recreational experiences are affected will be impacted as little as possible.

CEQA FINDING NO. REC-2

RECREATION

Impact: **REC-2 Potential to Temporarily Increase Off-road Vehicle Use**

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/EA.

FACTS SUPPORTING THE FINDING(S)

Although the project would not increase accessibility into previously restricted, or inaccessible areas, the presence of construction workers in desert areas could result in an increase of cross-country offroad vehicle use. Due to the sensitivity of the desert environment, any offroad vehicle use not in designated "open areas" can result in significant long-term impacts. EPNG also discourages vehicle use on its existing rights-of-way due to safety considerations and the need to maintain erosion control, promote continued restoration and revegetation success, and protect biological and cultural resources unless the offroad vehicle use is specifically designated or authorized by the landowner or land management agency. As described in EPNG's UECRM Plan, the following measures would be implemented to control unauthorized or undesired offroad vehicle use.

- EPNG would maintain existing access controls such as replacement of gates and earthen berms where specified, and
- EPNG would restore the construction and permanent right-of-way to or near the original contours, including restoring streams and washes, removing temporary equipment bridges, installing slope breakers for erosion control, and revegetation.
- EPNG would install other offroad vehicle controls, e.g., signs, fences, berms, boulders, where designated by BLM to further meet management objectives for offroad vehicle use.

Mitigation Measure REC – 2 (Restrict Vehicle Use) requires EPNG to restrict vehicle use during construction to its existing ROW, existing access roads, or existing patrol roads that parallel the ROW. In this way, offroad recreational use and activity in the project area will be discouraged and minimized.

Exhibit E

Mitigation Monitoring Program

As the Lead Agency under CEQA, the CSLC is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures for this project to ensure that the adopted mitigation measures are implemented as defined in the Final EIR. This Lead Agency responsibility originates in Public Resources Code Section 21081.6(a) (Findings), and CEQA Guidelines Sections 15091(d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

MITIGATION MONITORING TABLES

The following sections present the mitigation monitoring tables for each environmental discipline (as presented in Section 6.0 of the Draft EIR, with revisions in Section 4 of the Final EIR). Each table lists the following information, by column:

- Impact (impact number, title, and impact class).
- Mitigation Measure.
- Location (where the impact occurs and the mitigation measure should be applied).
- Monitoring/reporting action (the action to be taken by the monitor or Lead Agency).
- Effectiveness criteria (how the agency can know if the measure is effective).
- Responsible agency.
- Timing (before, during, or after construction; during operation, etc.).

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>BIO-2: Spread of Noxious Weeds. Construction and maintenance activities could result in the spread of noxious weeds, to the detriment of native species.</p>	<p>BIO-2a: Weed Control. Measures to prevent the spread of noxious weeds are described in EPNG's Noxious Weeds Protection Plan (Appendix D5), and EPNG's UERC Plan.</p> <p>The following preventative measures would be implemented on federal and State lands to prevent the spread of noxious weeds along the ROW:</p> <ul style="list-style-type: none"> • Equipment and vehicles would arrive clean and weed free. • Compressed air would be used to remove seeds, roots and rhizomes from equipment in known infestation areas prior to leaving the site. Truck wash stations could also be used depending on water availability. • Grade and stockpile soil in areas with known infestations. • Recovery of disturbed areas would be implemented immediately following construction. • Fertilizer would not be applied to reclaimed areas with known weed infestations. • Straw bales would be certified weed free. 	<p>Entire alignment and staging areas</p>	<p>Review construction maintenance logs. Post-construction monitoring. Treatment of weed infestation on the ROW. Confirmation by Environmental Monitor</p>	<p>No introduction of new weed species due to EPNG activities.</p>	<p>CSLC BLM</p>	<p>Clean equipment before and after moving it from noxious weed areas. Restore areas immediately following construction.</p>
<p>BIO-5 Potential Impacts on the Desert Tortoise: Construction and maintenance activities could</p>	<p>BIO-5a: USFWS Protocols: EPNG would implement the provisions of the Field Survey Protocol for Any Federal Action that may occur within the Range of the Desert Tortoise (USFWS 1992). If no desert tortoises or their signs are found within the protocol distance of the construction locations during species-specific surveys, no adverse impacts are expected.</p>	<p>MP 215.75 – MP 303.5; Cadiz Lateral</p>	<p>Compliance Monitoring. Map and mark sensitive resources in the field and on construction drawings or project maps.</p>	<p>No mortality or loss of habitat for the desert tortoise due to EPNG activities.</p>	<p>BLM USFWS CDFG</p>	<p>Prior to construction and maintenance.</p>

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
activities could result in mortality or loss of burrows for the desert tortoise.	BIO-5b: Equipment and Vehicle Checks: Desert tortoises commonly seek shade during the hot portions of the day. EPNG employees and their contractors working within the geographic range of this species would be required to check their equipment or vehicles before moving them. If desert tortoises are encountered, the vehicle would not be moved until such animals have voluntarily moved to a safe distance away from the parked vehicle. A person authorized by the USFWS for this task may move the desert tortoises if they have not moved within 15 minutes of first observation.	MP 215.75 – MP 303.5; Cadiz Lateral	Compliance Monitoring. Map and mark sensitive resources in the field and on construction drawings or project maps. Maintain list of BLM, USFWS, and CDFG personnel responsible for overseeing the Project.	No mortality or loss of desert tortoise due to EPNG activities.	BLM USFWS CDFG	During construction and maintenance activities.
	BIO-5c: Handling by a Qualified Biologist: Only authorized personnel would move a desert tortoise. When a desert tortoise is moved, the qualified biologist would be responsible for taking appropriate measures to ensure that the animal is not exposed to temperature extremes that could be harmful. The authorized personnel would follow the appropriate protocols outlined in Guidelines for Handling Desert Tortoises during Construction Projects (Desert Tortoise Council 1996) when handling desert tortoises or excavating their burrows.	MP 215.75 – MP 303.5; Cadiz Lateral	Monitoring and Performance Criteria stipulated in the "Guidelines for Handling Desert Tortoises during Construction Projects." Maintain a list of qualified biologists with M.O.U. with CDFG. Submit list of proposed authorized biologists to USFWS and BLM for review and approval 30 days prior to initiation of any desert tortoise clearance surveys.	No mortality or loss of habitat for the desert tortoise due to EPNG activities.	BLM USFWS CDFG	During construction and maintenance activities.

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	BIO-5d: Preconstruction Sweeps. An authorized biologist approved by CDFG and USFWS would perform a pre-construction sweep in desert tortoise habitat and would remain on site during working hours.	MP 215.75 – MP 303.5; Cadiz Lateral	Monitoring and Performance Criteria stipulated in the "Guidelines for Handling Desert Tortoises during Construction Projects." Map and mark sensitive resources in the field and on construction drawings or project maps.	No mortality or loss of habitat for the desert tortoise due to EPNG activities.	BLM USFWS CDFG	Prior to and construction and maintenance.
	BIO-5e: Avoidance Scheduling for Routine Road Maintenance. EPNG would conduct routine road surface maintenance activities during the inactive season of the desert tortoise (October 16 through March 1 and June 16 through August 1) in desert tortoise habitat. Localized repair of major damage may take place throughout the year.	MP 215.75 – MP 303.5; Cadiz Lateral	Compliance Monitoring. Area to be surveyed by a qualified biologist prior to the start of the maintenance activity.	No mortality or loss of habitat for the desert tortoise due to EPNG activities.	BLM USFWS CDFG	October 16 through March 1 and June 16 through August 1.

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>000250</p>	<p>BIO-5f: Trench Mitigation Measures: EPNG has the option of erecting desert tortoise fencing in lieu of inspection of open trenches in desert tortoise habitat. If a trench is short, EPNG construction or maintenance personnel may monitor the trench. During excavation of trenches or holes, earthen ramps would be provided to facilitate the escape of any wildlife species that may inadvertently become entrapped. The length of pipeline trench left open at any given time would not exceed the length of pipeline segment that would be worked on in one week. A final inspection of the open trench segment would also be made immediately before backfilling. All open pipe segments would be covered or raised when work activity is not occurring at a site. Trenches must meet the safety requirements of the Occupational Safety and Health Administration before personnel enter open trenches to remove wildlife.</p>	<p>MP 215.75 – MP 303.5; Cadiz Lateral</p>	<p>Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. Periodic inspections of trenches and holes.</p>	<p>No mortality or loss of habitat for the desert tortoise due to EPNG activities.</p>	<p>BLM USFWS CDFG</p>	<p>During construction.</p>
<p>001487</p>	<p>BIO-5g: Burrow Excavation for Protective Removal. If it becomes necessary to excavate a desert tortoise from its burrow to move it from harm's way, excavation would be done using hand tools, either by or under the direct supervision of an 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. If an existing burrow is unavailable, the authorized biologist would construct or direct the construction of a burrow of similar shape, size, depth, and orientation as the original burrow. The authorized biologist would be allowed some judgment and discretion to ensure that survival of the desert tortoise is likely.</p>	<p>MP 215.75 – MP 303.5; Cadiz Lateral</p>	<p>Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. To ensure their safety, desert tortoises moved during inactive periods would be monitored for at least two days after placement in the new burrows or until the end of the job.</p>	<p>No mortality or loss of habitat for the desert tortoise due to EPNG activities.</p>	<p>BLM USFWS CDFG</p>	<p>Excavation of desert tortoise burrows would occur no more than 7 days before the onset of maintenance or construction activities.</p>

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 °F or greater than 90 °F), they would be held overnight in a clean cardboard box. These desert tortoises would be kept in the care of the authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes would be appropriately discarded after one use.</p>					
	<p>BIO-5h: Dust Control. Dust control watering of the ROW within desert tortoise habitat would be conducted in a manner that does not result in the ponding of water. If ponding occurs, affected areas would be checked on a regular basis for the presence of tortoises and other special-status species.</p>	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for the desert tortoise due to EPNG activities.	BLM USFWS CDFG	During construction and maintenance.
	<p>BIO-5i: Speed Limits. Except on county-maintained roads, vehicle speeds would not exceed 20 miles per hour through desert tortoise habitat.</p>	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for the desert tortoise due to EPNG activities.	BLM USFWS CDFG	During construction and maintenance.
	<p>BIO-5j: Implement Mitigation Measure BIO-4j and Additional Treatment Measures. These measures would result in the recovery of any injured desert tortoises that are treatable.</p>	MP 215.75 – MP 303.5; Cadiz Lateral	Initial notification to CDFG and USFWS within 2 calendar days of discovery. Maintain written notification records to USFWS and CDFG.	No mortality or loss of habitat for the desert tortoise due to EPNG activities.	BLM USFWS CDFG	Check for injured or dead animals before, during and after construction and maintenance activities.

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>IMPACT-4 (Potential Impacts to Blunt-Nosed Leopard Lizard), will not be encountered in the Ehrenberg to Cadiz alternative. The mitigation measures have been used for other biological impacts, and as such they are provided in the following:</p>	<p>BIO-5k: Implement Mitigation Measures BIO-4c, 4e, 4h—4s. Implementation of these measures would further reduce the risk of construction and maintenance impacts on the desert tortoise.</p>	<p>MP 215.75 – MP 303.5; Cadiz Lateral</p>	<p>Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.</p>	<p>No mortality or loss of habitat for the desert tortoise due to EPNG activities.</p>	<p>BLM USFWS CDFG</p>	<p>Before, during and after construction and maintenance.</p>
	<p>BIO-4c: Fencing. Following pre-construction and pre-maintenance surveys, EPNG would fence-off the ROW, or portions of the ROW to minimize the potential for special-status wildlife usage through the Project area. Protective measures are provided in Appendix D. Fencing would be removed when construction is completed.</p>	<p>Special-status wildlife use areas.</p>	<p>Compliance Monitoring. Map and mark sensitive resources in the field and on construction drawings or project maps.</p>	<p>No mortality or loss of habitat for the blunt-nosed leopard lizard due to EPNG activities.</p>	<p>CSLC BLM USFWS CDFG</p>	<p>Before, during and after construction.</p>
	<p>BIO-4e: TES Species Education Program. All EPNG employees and its contractors would be required to take a threatened and endangered species (TES) education program.</p>	<p>Entire alignment.</p>	<p>Maintain training logs. Ensure all site personnel have had training.</p>	<p>EPNG employees and contractors are knowledgeable about species of concern and the proper protection measures to be implemented.</p>	<p>BLM USFWS CDFG</p>	<p>Prior to construction and maintenance.</p>
<p>BIO-4h: Qualified Biologists Authority. The authorized biologists would have authority to immediately stop any activity that is not in compliance with the Biological Opinion or the Section 2081 permit. Qualified biologists have the authority to order any reasonable measures to avoid the take of a protected species.</p>	<p>Entire alignment.</p>	<p>Maintain list of BLM, USFWS, and CDFG personnel responsible for overseeing the Project. Monitor construction activities.</p>	<p>Consistent with requirements stipulated by resource agencies. Confirmation by Environmental Monitor.</p>	<p>BLM USFWS CDFG</p>	<p>Authorized 30 days prior to Project construction. Authority throughout Project completion.</p>	

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>BIO-4i: Reports of Dead or Injured Animals. Report dead or injured listed species and transport injured animals to a qualified veterinarian for treatment. The report would include the date and time of the finding or incident (if known), location of the carcass, a photograph, cause of death (if known), and other pertinent information.</p>	Entire alignment.	Initial notification to CDFG and USFWS within 3 working days of discovery. Maintain written notification records to USFWS and CDFG.	No EPNG related injuries or mortality to wildlife.	USFWS CDFG	During construction and maintenance.
	<p>BIO-4j: Existing Travel Routes. Use existing routes of travel to and from the maintenance and inspection sites. Cross-country use of vehicles and equipment would be strictly prohibited.</p>	Entire alignment.	Compliance Monitoring.	No EPNG related injuries or mortality to wildlife.	CSLC BLM USFWS CDFG	During construction and maintenance
	<p>BIO-4k: Trash Control. Trash and food items would be contained in closed containers and removed daily to reduce their attractiveness to opportunistic predators such as common ravens (<i>Corvus corax</i>), coyotes (<i>Canis latrans</i>), and feral dogs.</p>	Entire alignment	Compliance Monitoring.	No EPNG related injuries or mortality to wildlife.	CSLC BLM USFWS CDFG	During construction and maintenance
	<p>BIO-4l: Pet Restrictions. Employees would be prohibited from bringing pets to the Project site/area.</p>	Entire alignment	Compliance Monitoring.	No EPNG related injuries or mortality to wildlife.	CSLC BLM USFWS CDFG	During construction and maintenance
	<p>BIO-4m: Firearms Restrictions. Firearms would be prohibited from the Project site/area.</p>	Entire alignment	Compliance Monitoring.	No EPNG related injuries or mortality to wildlife.	CSLC BLM USFWS CDFG	During construction and maintenance
	<p>BIO-4n: Removal of Equipment and Unused Materials. Upon completion of construction activities and each maintenance action on the ROW, all unused material and equipment would be removed from the site. This condition does not apply to fenced compressor station sites.</p>	Entire alignment	Compliance Monitoring.	No EPNG related injuries or mortality to wildlife.	CSLC BLM USFWS CDFG	Following construction and maintenance

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>BIO-4a: Hazardous Material Control. Any fuel or hazardous waste leaks or spills would be stopped/repaired immediately and cleaned up at the time of occurrence in accordance with EPNG's Spill Plan.</p> <p>The storage and handling of hazardous materials would be excluded from the construction zone in areas within 100 feet of active burrows and wash crossings.</p>	Entire alignment.	<p>Compliance Monitoring.</p> <p>Report spills in desert tortoise habitat to the appropriate BLM field office within 24 hours.</p>	<p>No EPNG related injuries or mortality to wildlife.</p> <p>Information is disseminated in an efficient and complete manner.</p>	<p>CSLC BLM USFWS CDFG</p>	<p>During construction and maintenance.</p>
	<p>BIO-4p: Re-contouring and Re-vegetation. Following construction, the ROW would be recontoured to match as closely as possible the original contours of the area. The provisions of the Upland Erosion Control, Revegetation and Maintenance Plan would be implemented.</p>	Entire alignment.	Compliance Monitoring.	<p>No EPNG related injuries or mortality to wildlife.</p> <p>No perceptible damage to the landscape in areas of construction following re-contouring and revegetation.</p>	<p>CSLC BLM USFWS CDFG</p>	<p>Following construction and maintenance.</p>
	<p>BIO-4q: Annual List of Proposed Activities. In January of each year, beginning in 2004, EPNG would submit a list of proposed activities by name, category, location, and approximate start date to the BLM. EPNG would also forward the list of activities to the USFWS and CDFG. The agencies would have 30 days following receipt of the report to reject the proposed action. In the event of a rejection, EPNG would work with the agencies to resolve issues. Agency approval of the proposed list of projects is valid for 1 year after agency acceptance.</p>	Entire alignment.	<p>Compliance Monitoring.</p> <p>Submit list of proposed activities yearly.</p>	<p>No delay in Project construction.</p>	<p>BLM USFWS CDFG</p>	<p>January of each year</p>
	<p>BIO-4r: Avoidance Scheduling: EPNG would avoid evening and night work in the San Joaquin Valley to the extent possible. Within the San Joaquin Valley, maintenance actions during evening hours would be minimized and work would not occur at night unless it is an emergency.</p>	San Joaquin Valley.	Compliance Monitoring	<p>No EPNG related injuries or mortality to wildlife.</p>	<p>CSLC BLM USFWS CDFG</p>	<p>During construction and maintenance</p>

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	BIO-4s: Emergency Actions. For emergency situations involving a pipeline leak or spill or any other immediate safety hazard, EPNG would notify the appropriate BLM field office within 24 hours. As a part of this emergency response, the BLM, USFWS, and CDFG may require specific measures to protect listed species. During cleanup and repair, the agencies may require measures to recover damaged habitats.	Entire alignment.	Compliance Monitoring. Report emergency situations to BLM field office within 24 hours of incident.	No EPNG related injuries or mortality to wildlife. Information is disseminated in an efficient and complete manner.	BLM USFWS CDFG	During construction.
BIO-6: Potential Impacts on Other Special-Status Amphibian and Reptile Species: Construction and maintenance activities could result in mortality to other special-status	BIO-6a: Fencing Work Areas: During construction and major maintenance activities, EPNG would fence the work areas to exclude all species of ground-dwelling wildlife present in the immediate vicinity of the Project. EPNG would have the option to fence or increase monitoring, such that no area along the trench goes unsurveyed by a qualified biologist for longer than an hour. BIO-6b: Monitoring Open Pits, Trenches, and Pipes: During construction and major maintenance activities, EPNG would monitor open pits, trenches, and pipes to protect all species of wildlife present.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for the special-status amphibian and reptile species due to EPNG activities.	BLM USFWS CDFG	During construction and maintenance.
		Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for the special-status amphibian and reptile species due to EPNG activities.	BLM USFWS CDFG	During construction and maintenance.

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
status amphibian and reptile species.	BIO-6c: Capture and Removal. A qualified biologist would capture and remove, or chase, any special-status amphibian or reptile species out of the path of construction. Species potentially present along the ROW include: silvery legless lizard, San Joaquin coachwhip, California horned lizard, and Mojave fringe-toed lizard.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. Sightings of these species on the ROW would be reported to the EI. Submit report to the CDFG detailing locations at which any of the species were found at the end of the Project.	No mortality or loss of habitat for the special-status amphibian and reptile species due to EPNG activities.	BLM USFWS CDFG	Inspect ROW immediately prior to onset of pipeline trenching or other surface disturbing activity. Continue monitoring throughout construction and maintenance.
	BIO-6d: Implement Mitigation Measures BIO-4e, and 4h-4s. Implementation of these measures would further reduce the risk of potential impacts on other special-status amphibian and reptile species.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for the special-status amphibian and reptile species due to EPNG activities.	BLM USFWS CDFG	Before, during and after construction and maintenance.

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
BIO-10: Potential impacts on Other Special-Status Mammalian Species. Construction and maintenance activities could result in mortality or loss of burrows for other special-status mammalian species.	BIO-10a: Pre-Construction and Pre-Maintenance Surveys: EPNG would conduct pre-construction and pre-maintenance surveys (for major maintenance activities) in areas that are likely to be occupied by special-status bats, short-nosed kangaroo rat, Tehachapi pocket mouse, San Joaquin pocket mouse, or Southern or Tulare grasshopper mice.	Entire alignment	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. Pre-construction and pre-maintenance surveys. Map and mark sensitive resources in the field, and on construction drawings or project maps.	No mortality or loss of habitat for other special status mammals due to EPNG activities.	BLM USFWS CDFG	
	BIO-10b: Avoidance Measures: To the extent possible, EPNG would avoid known burrows of these species. If Mohave ground squirrel and other mammalian species burrows cannot be avoided, any individuals present would be removed by an authorized biologist.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for other special status mammals due to EPNG activities.	BLM USFWS CDFG	
	BIO-10c: Implement Mitigation Measures BIO-4e-4s. Implementation of these measures would reduce the risk of potential impacts on other special-status mammalian species.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for other special status mammals due to EPNG activities.	BLM USFWS CDFG	Before, during and after construction and maintenance.
	BIO-10d: Implement Mitigation Measures BIO-6a and 6b. Implementation of fencing and monitoring would further reduce the risk of impacts on other special-status mammalian species.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for other special status mammals due to EPNG activities.	BLM USFWS CDFG	During and after construction and maintenance.

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>BIO-11: Potential Impacts on Federally or State-Listed Birds of Riparian Habitats. Maintenance activities could result in reduced reproductive success for Yuma clapper rail, southwestern willow flycatcher, elf owl, Gila woodpecker, and western yellow-billed cuckoo.</p>	<p>BIO-11: Avoidance Scheduling. EPNG would schedule maintenance activities to be conducted between MP 301.5 and MP 303.25 from September 15 through April 14 (outside the breeding seasons for these species).</p>	<p>MP 301.5 – MP 303.25</p>	<p>Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.</p>	<p>No mortality or loss of habitat for Federally or State listed birds of riparian habitats due to EPNG activities.</p>	<p>BLM USFWS CDFG</p>	<p>Between September 15 through April 14.</p>

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
BIO-12: Potential Impacts on Special-Status Raptor Species and their Nesting Habitat. Construction and maintenance activities could result in mortality or nest loss for burrowing owls and in reduced reproductive success or loss of nesting habitat for other special-status raptor species.	BIO-12a: Pre-Construction and Pre-Maintenance Surveys. EPNG would conduct pre-construction and pre-maintenance surveys for raptor nests.	Entire alignment MP 292 – 303.4	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. Pre-construction and pre-maintenance surveys. Map and mark sensitive resources in the field, and on construction drawings or project maps.	No mortality or loss of habitat for special- status raptor species due to EPNG activities.	BLM USFWS CDFG	Beginning of the nesting season or 30 days prior to construction and maintenance activities (whichever is closer to the construction period)
	BIO-12b: Avoidance Measures. EPNG would implement avoidance measures during the breeding season for raptors. No work would be completed within 1,200 feet of a nest without approval from CDFG and an authorized raptor biologist monitoring for nesting birds.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for special- status raptor species due to EPNG activities.	BLM USFWS CDFG	Prior to and during construction and maintenance activities until the end of the breeding season.

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
000264	BIO-12c: Burrowing Owl Mitigation Measures. EPNG would implement mitigation measures from the California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines.	Entire alignment.	Monitoring and Performance Criteria stipulated in the California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines.	No mortality or loss of habitat for special- status raptor species due to EPNG activities. Successful relocation of special-status species from the ROW.	BLM USFWS CDFG	Prior to and during construction and maintenance. Relocation from September through January.
BIO-13. Potential Impacts on Habitat for Other Special- Status Bird Species: Construction and maintenance activities could result in reduced reproductive success or nest loss for certain other special- status bird species, including loggerhead shrike, Costa's hummer, and bird	BIO-13a: Pre-Construction and Pre-Maintenance Surveys. EPNG would conduct pre-construction and pre-maintenance surveys for nesting birds during breeding seasons for any special-status birds potentially present in the construction or maintenance sites. BIO-13b: Avoidance Measures. If pre-construction or pre-maintenance surveys reveal the presence of a potentially active nest for one of the species identified in this impact, EPNG would implement avoidance measures by (1) postponing activities until the offspring have fledged, or (2) fencing off the nesting area to protect it from damage.	Entire alignment.	Pre-construction and pre-maintenance surveys. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. Map and mark sensitive resources in the field, and on construction drawings or project maps. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of habitat for special- status bird species due to EPNG activities.	BLM USFWS CDFG	Beginning of the nesting season or 30 days prior to construction and maintenance activities (whichever is closer to the construction period) Prior to and during construction and maintenance.

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
hummingbird, Bendire's thrasher, and Grassal thrasher.	BIO-13c: Additional Measures. CDFG would be contacted if Bendire's thrasher is found within 1,000 feet of construction and/or maintenance activities.	Entire alignment.	Map and mark sensitive resources in the field, and on construction drawings or project maps. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants. CDFG would determine appropriate mitigation for this species.	No mortality or loss of habitat for special-status bird species due to EPNG activities.	BLM USFWS CDFG	Prior to and during construction and maintenance.
BIO-14. Potential impacts on Federally or State-Listed Plant Species. Maintenance activities could result in mortality to federally or State-listed plant species.	BIO-14a: Pre-Maintenance Surveys. EPNG would conduct pre-maintenance surveys for federally and State-listed plant species in areas where habitat for such species is present.	Entire alignment.	Pre-maintenance surveys. Map and mark sensitive resources in the field, and on construction drawings or project maps. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of federally and/or State listed plant species due to EPNG activities.	BLM USFWS CDFG	Prior to maintenance activities.

Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
plant species.	BIO-14b: Avoidance Measures or Other Agency-Recommended Mitigation Measures. To the extent possible, potential impacts from maintenance activities would be avoided by avoiding populations of these species or by conducting maintenance activities at times when annual species are not growing. If a population cannot be avoided, resource agencies would be consulted to determine suitable additional mitigation measures.	Entire alignment.	Map and mark sensitive resources in the field, and on construction drawings or project maps. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.	No mortality or loss of federally and/or State listed plant species due to EPNG activities.	BLM USFWS CDFG	Before and during construction and maintenance.
	BIO-14c: Seed Collection. Ripe seeds may be collected from special-status plant species expected to be impacted for use in re-seeding. This measure would be implemented only for species designated by CDFG or USFWS.	Entire alignment.	Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants, as well as the Upland Erosion Control, Revegetation, and Maintenance Plan.	No mortality or loss of federally and/or State listed plant species due to EPNG activities.	BLM USFWS CDFG	Prior to impacted a special-status plant species. Before and during construction and maintenance.
	BIO-14d: Re-seeding with Special-Status Species. Following the completion of surface preparation, the reserve seeds would be spread over an approximate area that previously contained the species prior to disturbance. The seeds would be hand sown into the bottoms of imprint depressions and covered with not more than 1/2 inch of soil. If abundance of the targeted species is not equivalent to the pre-construction abundance, EPNG would provide monetary compensation to CDFG.	Entire alignment.	Document pre-construction conditions. Monitor revegetation efforts for six years. Compare revegetation to previously existing conditions to determine whether monetary compensation is required.	Revegetated areas equal the abundance and distribution of pre-construction areas.	BLM USFWS CDFG	Following the completion of construction activities.

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Table 6-2. Mitigation Monitoring Program – Biological Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>BIO-15: Potential Impacts on Other Special-Status Plant Species. Maintenance activities could result in mortality to other special-status plant species.</p>	<p>BIO-15: Implement Mitigation Measures BIO-14a and 14d. To the extent possible, potential impacts from maintenance activities would be avoided by avoiding populations of these species or by conducting maintenance activities at times when annual species are not growing.</p>	<p>Entire alignment.</p>	<p>Pre-construction and pre-maintenance surveys. Map and mark sensitive resources in the field, and on construction drawings or project maps. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.</p>	<p>No mortality or loss of other special-status plant species due to EPNG activities.</p>	<p>BLM USFWS CDFG</p>	<p>Before, during and after construction and maintenance. Work activities to be completed outside of growing seasons.</p>
<p>BIO-16: Potential Impacts on Desert Succulent Species. Construction activities could result in mortality to desert succulent species, which are protected under various county ordinances and BLM policies.</p>	<p>BIO-16: Salvage Desert Succulent Species. All cactus, yucca, and agave species within disturbance areas would be avoided, transplanted adjacent to the disturbance area, and/or re-transplanted back into the disturbance area after surface disturbing activities are complete.</p>	<p>Entire alignment.</p>	<p>Pre-construction and pre-maintenance surveys. Map and mark sensitive resources in the field, and on construction drawings or project maps. Monitoring and Performance Criteria stipulated in Appendix D: Protection Measures for Special Status Wildlife and Plants.</p>	<p>No mortality or loss of desert succulent species due to EPNG activities. Successful transplant of species removed from the ROW or work areas.</p>	<p>BLM</p>	<p>Remove potentially threatened succulents before construction. Monitor for potentially threatened succulents during construction. Re-transplant succulents following construction.</p>

Table 6-3. Mitigation Monitoring Program – Agricultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
AGR-1: Temporary Loss of Rangelands or Income. Construction of the Project could impact rangelands through the loss of the carrying capacity, damaging or removing fences or their natural barriers used for livestock control, and trapping or harming livestock that enter into the construction work area.	AGR-1a: Land Restoration. EPNG would regrade and restore lands back to their previous condition.	Areas where the pipeline passes through rangelands.	Monitor construction activities.	Existing land uses remain operable and profitable.	CSLC	During and following construction.
	AGR-1b: Livestock Control. Each fence crossed would be braced and secured before cutting the opening needed for construction to prevent slacking of the wire. The created opening would be closed by temporary gates as necessary to prevent passage of livestock. All damaged livestock fences, gates, cattleguards, and brace panels would be repaired or replaced to landowner standards.	Areas where the pipeline passes through rangelands.	Monitor construction activities. Maintain logs of communication with landowners.	Livestock are kept outside of the work areas.	CSLC	Before and during construction.
	AGR-1c: Livestock Safety. Temporary fencing would be installed as required to prevent livestock entry into the construction work area.	Areas where the pipeline passes through rangelands.	Monitor construction activities.	No livestock are injured or harmed by construction activities.	CSLC	Before and during construction.
AGR-2: Temporary Loss of	AGR-1d: Compensation to Landowners. EPNG's ROW agents would coordinate construction activities with property owners and tenant farmers to minimize impacts on farming operations. Prior to the start of construction, EPNG would enter into an agreement with each landowner and/or farmer, as appropriate, to provide fair compensation for the loss of income from cultivation of land taken out of production due to pipeline construction.	Areas where the pipeline crosses rangelands.	Maintain logs of communication with landowners.	Landowners are fairly compensated for their loss.	CSLC	Prior to construction and maintenance.
	AGR-2: Topsoil Preservation. EPNG would set aside at least 8-inches of topsoil removed during pipeline construction on agricultural lands and preserve it for	Areas where the pipeline crosses agricultural	Monitor construction activities.	Existing land uses remain operable and profitable.	CSLC	During construction.

Table 6-3. Mitigation Monitoring Program – Agricultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Agricultural Land or Income. Construction impacts to agricultural land could result in loss of topsoil and/or farming income.	replacement and restoration to its prior location after construction for continued agricultural use.	lands.				
AGR-3: Interruption of Irrigation. Construction activities could damage or interrupt irrigation thereby reducing the crop yield.	AGR-3a: Maintain Flow. EPNG would maintain the flow of irrigation systems or coordinate the temporary shutoff of systems with affected landowners or tenants.	Areas where the pipeline crosses agricultural lands.	Monitor construction activities. Maintain logs of communication with landowners.	Existing land uses remain operable and profitable.	CSLC	During construction.
	AGR-3b: Repair Damage to Systems. Disturbed drainage furrows, water piping, or heads would be restored, repaired, or replaced as soon as possible and monitored for problems after construction is completed. EPNG would provide compensation where crop yields show a decline.	Areas where the pipeline crosses agricultural lands.	Monitor construction activities. Post-construction monitoring of irrigation systems that have been repaired by the Project. Maintain logs of communication with landowners. Assess crop productivity for a period of at least 2 years.	Existing land uses remain operable and profitable.	CSLC	During and following construction.
	AGR-3c: Limit Construction Time. EPNG would complete construction and restoration within a 7-day (maximum) period where pivot irrigation is active.	Areas where the pipeline crosses agricultural lands.	Monitor construction activities and time schedule in areas with pivot irrigation.	Existing land uses remain operable and profitable.	CSLC	During construction.

Table 6-3. Mitigation Monitoring Program – Agricultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
AGR-4 Permanent Loss of Agricultural Land or Income: Construction activities would disturb cultivated cropland	AG-4. Compensation to Landowners: EPNG's ROW agents would coordinate construction activities with property owners and tenant farmers to minimize impacts on farming operations. Prior to the start of construction, EPNG would enter into an agreement with each landowner and/or farmer, as appropriate, to provide fair compensation for the loss of income from cultivation of land taken out of production due to pipeline construction.	MP 296.23 MP 298.81 MP 302.68 MP 303.4	Maintain logs of communication with landowners.	Landowners are fairly compensated for their loss.	CSLC	Prior to construction and maintenance.

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Table 6-4. Mitigation Monitoring Program – Geology and Soils

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>GEO-1: Seismic-Induced Damage. Seismic motion could damage the pipeline</p>	<p>GEO-1a: Checking for Pipe Damage. EPNG must have a Post Earthquake Inspection and Monitoring Plan approved by the CSLC 60 days prior to the start of operations. The plan must specify procedures to assess the integrity of the pipeline and its ability to meet the seismic design criteria used in fault crossings and other seismic hazards. The plan must include the following pipeline operations and maintenance procedures.</p> <p>Following an earthquake within the parameters shown in the table below, EPNG operations personnel would inspect all parts of the pipeline alignment that fall within the specified distance of the earthquake epicenter for evidence of permanent ground deformation (e.g., cracks or displacements). If surface fault rupture is reported or observed, the pipeline alignment within at least 1,000 feet of the rupture would be inspected. EPNG would submit reports of its findings to the BLM and the CSLC. Once approved, this plan must be included in EPNG's Operation and Maintenance program.</p>	Entire alignment	Monitoring and Reporting Action stipulated in the Post Earthquake Inspection and Monitoring Plan as well as the Operation and Maintenance Plan.	Minimize personal injury, death or property damage from fire or explosion hazards.	CSLC	60 days prior to operation of Project.
<p>GEO-2: Exposure of Paleontological Resources.</p>	<p>GEO-1b: Geohazard Assessment along Cadiz Lateral. EPNG must have a pipeline design approved by CSLC for the Cadiz Lateral 60 days prior to construction. A geohazard assessment and soil sampling equivalent to that conducted for Line 1903 must support the design.</p> <p>GEO-2: Avoidance or Scientific Excavation. Fossil materials would be scientifically excavated where avoidance of the resource is not feasible.</p>	Cadiz Lateral	Review geohazard assessment and soil sampling information. Monitoring and Reporting Action stipulated in the Post Earthquake Inspection and Monitoring Plan as well as the Operation and Maintenance Plan. Map and mark sensitive resources. Preconstruction surveys	Minimize personal injury, death or property damage from fire or explosion hazards.	CSLC	60 days prior to construction activities.
<p>GEO-2: Exposure of Paleontological Resources.</p>	<p>GEO-2: Avoidance or Scientific Excavation. Fossil materials would be scientifically excavated where avoidance of the resource is not feasible.</p>	Palo Verde Mesa/Blythe; Danby Lake/Ward Valley	Map and mark sensitive resources. Preconstruction surveys	Preservation of vertebrate or invertebrate fossils that are considered important by paleontologists and	CSLC BLM	Develop plan 60 days prior to construction activities.

Table 6-4. Mitigation Monitoring Program – Geology and Soils

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Construction activities could expose paleontological resources.	EPNG would prepare a Paleontological Resources Management Plan for review and approval by the CSLC and BLM no later than 60 days prior to construction. The plan must have the following elements: <ul style="list-style-type: none"> • Preconstruction, surveys of areas identified with high potential for paleontological resources. Those areas listed in Table 4.4-3 and the Cadiz lateral ROW must be included. • Worker Education Program regarding procedures to minimize impacts on paleontological resources. • Monitor areas that have been identified as containing scientifically significant fossils on Federal lands, and areas off Federal lands with a high potential for scientifically significant fossils during construction. A BLM and CSLC approved monitor would be present during ground-disturbing activities in these areas. • Check the disturbed area(s) prior to completion of the site activity. The monitor would have the authority to temporarily divert construction activity if significant fossils are found. The approved paleontologist would also be notified if a fossil is found in a non-monitored area. 	Valley/ Saltmarch; Archer/Cadiz Valley.	and construction monitoring. Notify appropriate State and Federal agencies.	land management agency staff. Lessen the potential for disturbance of known and undiscovered paleontological resources.		Monitor during and following construction activities.

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Table 6-5. Mitigation Monitoring Program – Hydrology and Water Quality

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>WQ-1: Potential Impacts on Private or Public Water Supplies. Construction activities could affect quality or yield of private or public water supplies.</p>	<p>WQ-1: Protection of Private and Public Water Supplies. Prior to construction, EPNG would contact landowners to identify the location of all private wells within 200 feet of approved construction workspaces. Special precautions would be taken in areas of potential groundwater impact:</p> <ul style="list-style-type: none"> • Prohibit refueling operations and storing of hazardous liquids within a 200-foot radius of private wells or within a 400-foot radius of public wells. • Communicate with the nearby well owners to determine changes in yield and discoloration during construction. • Implement SPCC plan. • Follow the Contaminated Soils Plan. <p>In the event that any well is damaged by construction activities, EPNG would provide a temporary source of water and would restore the well to its original capacity.</p>	<p>All construction and maintenance areas.</p>	<p>Monitoring and Reporting Action stipulated in the SPCC and Contaminated Soils Plan. Conduct biological monitoring at isolated springs to determine any adverse impacts on riparian communities in the ROW. Monitor construction activities for compliance. Post-construction well monitoring as requested by the well owner. Confirmation by Environmental Monitor</p>	<p>Flow of groundwater to local springs or wetland areas remains unaltered. Groundwater supplies for private or municipal purposes are not degraded or interrupted.</p>	<p>CSLC RWQCB</p>	<p>Contact landowners prior to construction and maintenance. Take special precautions to avoid groundwater impacts during construction. Post-construction monitoring.</p>

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Table 6-6. Mitigation Monitoring Program – Hazards and Public Safety

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>HAZ-1: Potential for Gas Line Rupture and Release of Natural Gas: Line 1903 could rupture and release natural gas, potentially causing a fire or explosion.</p>	<p>HAZ-1b: Revised Operation and Maintenance Plan. EPNG would obtain approval from the CSLC for a revised Operation and Maintenance Plan 60 days prior to placing Line 1903 into service. The revised plan would address:</p> <ul style="list-style-type: none"> • internal and external maintenance inspections of the completed facility, • details of integrity testing methods to be applied, • corrosion monitoring and testing of the cathodic protection system, • leak monitoring, • receiving, identifying, and classifying emergency events, gas leaks, fires, explosions, and natural disasters, • establishing and maintaining communications with local fire, police, and public officials, • making materials available at the scene of an emergency, • protecting people and then property, • implementing emergency shutdown of the system and safely restoring service. 	<p>Entire alignment.</p>	<p>Review document for compliance.</p>	<p>Reduces damage to existing facilities. Minimizes personal injury, death, or property damage from fire.</p>	<p>CSLC USDOT</p>	<p>60 days prior to operation of Project. Update plan within 3 months of any new Federal or state regulations.</p>

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Table 6-7. Mitigation Monitoring Program – Air Quality

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
AIR-1 Construction Emissions: Construction emissions could temporarily exceed significance thresholds established by the MDAQMD.	AIR-1a. Maintenance of Construction Equipment: EPNG would maintain construction equipment in accordance with manufacturer's recommendations to prevent unnecessary emissions of NO _x , CO, VOC, and SO ₂ .	Entire alignment	Review construction vehicle documentation.	Exhaust emissions are minimized and within air quality standards.	MDAQMD CSLC	AIR-1a. During construction activities.
	AIR-1b. Fuel Use: EPNG would use lower sulfur #2 diesel fuel in heavy-duty construction equipment, with a sulfur content of 0.5% to minimize SO ₂ emissions. EPNG would burn 87-octane gasoline in other construction equipment, such as light-duty trucks.	Entire alignment	Review MSDS sheets on fuel for construction equipment.	Exhaust emissions are minimized and within air quality standards.	MDAQMD CSLC	During construction activities.
	AIR-1c. Dust Control Plan: 30 days prior to construction, EPNG would obtain CSLC approval of a Dust Control Plan, and would comply with local ordinances regarding open burning if it is required for clearing the ROW.	Entire alignment	Compliance Monitoring.	Dust emissions are minimized.	MDAQMD CSLC	Generate plan 30 days prior to start of construction activities. Implement dust controls during construction.

Table 6-8. Mitigation Monitoring Program – Traffic and Transportation

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>TR-1: Disruption of Traffic Flow at Road Crossings Needing Replacement. Traffic flow would be disrupted at six road crossings where trenching of roadways is proposed.</p>	<p>TR-1: Traffic Control Plans. EPNG would submit a traffic control plan for each of the road crossings where trenching is proposed 60 days prior to construction.</p> <p>Plans would be submitted to each jurisdiction where the disruption may occur.</p> <p>The plans would be required to follow the standards and techniques prescribed in the Caltrans' Traffic Manual, Section 5, "Manual of Traffic Controls for Construction and Maintenance Work Zones"; the "Standard Specification for Public Works Construction," and the Manual on Uniform Traffic Control Devices (MUTCD), Part VI, "Traffic Controls for Street and Highway Construction, Maintenance, Utility and Emergency Operations."</p>	<p>MP 301.00 Cadiz Lateral</p>	<p>Traffic Control Plans for each road crossing that would directly or indirectly disturb the local traffic flow.</p>	<p>Effective detour routing, and flagging to abate congested traffic.</p>	<p>CSLC Counties</p>	<p>60 days prior to construction or maintenance.</p>

Table 6-9. Mitigation Monitoring Program – Noise

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
NOI-1: Construction Noise. Noise could disturb residences within 500 feet of construction activities along the ROW.	NOI-1: Limit Hours of Operation. Limit construction to weekdays and daylight hours except when compromising the safety or integrity of the project.	MP 292-294 MP 295-298 MP 300-301	Compliance Monitoring.	Maintain noise levels below general plan and noise ordinance standards. Reduce exposure of persons to ground-borne vibration and/or noise.	CSLC	During construction and maintenance.

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Table 6-10. Mitigation Monitoring Program – Cultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>CU-1: Unanticipated Discovery of Cultural Resources or Human Remains. Cultural resources, including human remains that were not identified during the surveys, could be discovered during construction.</p>	<p>CU-1b. Unanticipated Discovery Plan: EPNG would submit an Unanticipated Discovery Plan to the CSLC 60 days prior to ground disturbance, for review and comment. The plan would outline the processes of notification, evaluation, and mitigation should unanticipated cultural resources be found during construction.</p>	All construction and maintenance areas.	Map and mark sensitive resources.	Protection of historic and culturally significant resources. Lessen the potential for disturbance of known and undiscovered cultural resources.	CSLC BLM SHPO	60 days prior to construction and maintenance.
<p>CU-2 Potential for Indirect Impacts on Cultural Resources during Construction: Construction and maintenance activities could result in indirect impacts on cultural resources.</p>	<p>CU-2: Training: EPNG would provide training to construction personnel. The training would include onsite avoidance requirements and the procedures for reporting any sensitive resources that may be discovered during construction. The training program would explain the potential for exposing cultural resources, including prehistoric and historic resources, during construction; the locations of potentially sensitive areas; and protocols to treat unexpected discoveries.</p>	Entire Alignment.	Maintain training logs. Compliance Monitoring.	Protection of historic and culturally significant resources. Lessen the potential for disturbance of known and undiscovered cultural resources.	CSLC	Before and during construction or maintenance.
<p>CU-3: Impacts on Recorded Archaeological Resources</p>	<p>CU-3a: Native American Consultation: Appropriate consultation procedures as outlined in 36 CFR Part 800 would be completed prior to construction.</p>	Entire Alignment.	Maintain consultation letters.	Protection of historic and culturally significant resources.	CSLC BLM	Prior to construction or maintenance.

Table 6-10. Mitigation Monitoring Program – Cultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
Archaeological Sites Adjacent to the Project APE. Construction activities could inadvertently damage intact portions of cultural resources adjacent to the APE.	800 would be completed prior to construction.		Follow monitoring and excavation program provided by the San Manuel Band of Mission Indians. Inform the San Manuel Band of Mission Indians, the Torres Martinez Desert Cahuilla Indians, the Chemehuevi Indians, and the Fort Mojave Indian Tribes of sites discovered.	resources.	SHPO Native Americans	maintenance.
	CU-3b. Validation Survey. Although portions of the 17 sites are damaged within the APE, monitoring is recommended to ensure that other portions of the site that are adjacent to the APE are not inadvertently damaged. If CA-SBR-6404H, CA-SBR-6530H, and P-33-011304 are found eligible for listing on the NRHP and they cannot be avoided, FERC- and SHPO-approved data recovery and/or historic documentation is recommended. Archaeological testing and/or historical documentation is recommended for site CA-SBR-317H if avoidance is not possible.	Entire Alignment.	Historical documentation. Compliance Monitoring.	Protection of historic and culturally significant resources.	CSLC BLM SHPO	Before and during construction or maintenance.
	CU-3c: Avoidance. EPNG would revise the alignment to the extent feasible to avoid all archaeological sites by at least 50 feet without exacerbating other environmental impacts. Archaeological sites within 100 feet of the alignment	Entire Alignment.	Map and mark sensitive resources. Barrier fence archaeological sites within 100 feet of the ROW.	Protection of historic and culturally significant resources.	CSLC BLM SHPO	Before and during construction or maintenance.

Table 6-10. Mitigation Monitoring Program – Cultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
	<p>would be barrier fenced or otherwise protected to prevent accidental disturbance during construction.</p> <p>Mitigate unavoidable NRHP-eligible or potentially eligible cultural resource sites by FERC-and SHPO-approved data recovery efforts. Components of data recovery may include:</p> <ul style="list-style-type: none"> • surface collection, • partial or complete excavation, • artifact and feature analysis, • mapping, architectural documentation, • archival research, or a combination of any of the above. 		<p>Notify appropriate State and Federal agencies.</p> <p>Compliance Monitoring.</p>			
	<p>CU-3d: Monitoring Program. EPNG would implement a comprehensive monitoring program to ensure protection of archaeological sites within and adjacent to the APE. EPNG would monitor construction activities within 200 feet of the 17 sites with intact cultural resources adjacent to the APE.</p> <p>The archaeological monitoring program would include the following tasks:</p> <ul style="list-style-type: none"> • pre-construction assessment and construction training; • construction monitoring; • site recording and evaluation; • mitigation planning; • curation; • report of findings; and • review and approve any erosion control and revegetation procedures in the vicinity of a 	<p>Entire Alignment.</p>	<p>Monitor construction activities within 200 feet of the APE.</p> <p>Pre-construction assessments</p> <p>construction training, and construction monitoring.</p> <p>Report of findings.</p>	<p>Protection of historic and culturally significant resources.</p>	<p>CSLC BLM SHPO</p>	<p>CU-3d. Prior to and during construction or maintenance activities.</p>

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Table 6-10. Mitigation Monitoring Program – Cultural Resources

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>CU-4 Impacts on Known Cultural Resources during Maintenance Activities: Maintenance activities conducted along the pipeline ROW have the potential to adversely affect known cultural resources.</p>	<p>known significant site prior to implementation of these procedures.</p> <p>CU-4. Review of Survey Reports: Prior to maintenance activities, EPNG would review survey reports to confirm that maintenance activities would not affect NRHP-eligible sites. If required maintenance cannot avoid a site, EPNG would initiate consultation with the BLM archaeologist and SHPO, and follow any recommended mitigation measures.</p>	<p>Entire alignment</p>	<p>Monitor maintenance activities within 200 feet of the APE. Report of findings.</p>	<p>Protection of historic and culturally significant resources.</p>	<p>CSLC BLM SHPO</p>	<p>CU 4. Prior to and during construction or maintenance activities.</p>

Table 6-12. Mitigation Monitoring Program – Land Use and Planning

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>LU-3: Future Residential Impacts. Smart piggging, hydrostatic testing, repair, and maintenance work are ongoing Project related activities that may disturb residences that are developed within 50-feet of Line 1903 in the future.</p>	<p>LU-3: Site-Specific Mitigation Plans. EPNG would prepare site-specific residential construction mitigation plans for all residences within 50 feet of construction activities. The site-specific plans must describe how construction impacts would be minimized in residential areas, including:</p> <ul style="list-style-type: none"> • How and when landowners would be notified of construction activities. • How access and traffic flow would be maintained during construction activities, particularly for emergency vehicles. • How the hazard of open ditches would be minimized when construction activities are not in progress. • How fugitive dust from construction activities would be minimized. <p>EPNG must also adopt the following mitigation (or discuss why they cannot adopt it):</p> <ul style="list-style-type: none"> • Mature trees and landscaping should not be removed from within the edge of the construction work area. • All lawn areas and landscaping within the construction work area should be restored immediately after backfilling the trench. • The edge of construction adjacent to the residences should be fenced for a distance of 100-feet on either side. • Fencing should be maintained throughout the open trench phase of pipe installation. • The construction work area should be reduced as necessary to maintain a minimum of 25 feet from the residence(s). 	<p>Residences within 50-feet of the ROW or construction areas.</p>	<p>Compliance Monitoring. Maintain logs of communication with landowner.</p>	<p>No residential complaints registered against EPNG. No accidents or injuries involving the general public during construction or maintenance activities.</p>	<p>CSLC</p>	<p>Before implementing construction or maintenance activities.</p>

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Table 6-14. Mitigation Monitoring Program – Recreation

Impact	Mitigation Measure	Location	Monitoring / Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>REC-1: Noise Effects on Wilderness Areas. Noise from construction activities would be perceptible in Cadiz, Old Woman, and Palen/McCoy Wilderness areas, as well as the Midland Long-Term Visitor Recreation Area.</p>	<p>REC-1: Construction Schedule. EPNG would coordinate with BLM to identify low-visitor use periods and schedule construction activities accordingly. EPNG would limit construction activities to weekdays when working around wilderness areas to minimize disturbance during peak use periods.</p>	MP 222.5-293	Compliance Monitoring.	No reduction in quality or use of recreation areas.	BLM USFS NPS CDCA CSLC	During construction.
<p>REC-2: Potential to Temporarily Increase Off-road Vehicle Use. Construction activities in the desert areas could result in an increase of cross-country offroad vehicle use.</p>	<p>REC-2: Restrict Vehicle Use. EPNG would restrict vehicle use during construction to its existing ROW, access roads, or patrol roads that parallel the ROW. ROW negotiations with Tejon Ranch would stipulate either hunting restrictions during constructed or construction during hunting seasons.</p>	Entire alignment.	Compliance Monitoring.	Offroad impacts are minimized.	BLM USFS NPS CDCA CSLC	During construction and maintenance.