

**Appendix B: Responses to Comments, Erratum, Revisions, and Additional Mitigations to the Environmental Assessment for Installation of Cathodic Protection on Calnev Pipeline in Soda Lake, Mojave National Preserve**  
**October 2015**

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This appendix provides revisions to the environmental assessment for accuracy and thoroughness. It provides additional analysis in response to comments received during the public comment period, and additional mitigations not previously addressed in the EA.

The Installation of Cathodic Protection on the Calnev Pipeline in Soda Lake, Mojave National Preserve Environmental Assessment (July 2015) was released for public review from July 31, 2015 to August 30, 2015. A total of four correspondences resulting in 17 comments were received during the public review period. The errata records changes to the text of the EA as a result of public comment. These edits correct, clarify, or modify original text based on public comments and correct other inaccuracies in the environmental assessment (EA). These corrections do not change the project activities or increase the degree of impact described in the EA.

Substantive comments received on the EA require responses. Although three sets of comments were non-substantive, responses are provided to assist the reviewer better understanding the project. Comments topics were grouped and summarized; individual comments/letters are not included.

The environmental assessment, errata, and finding of no significant impact (including the mitigation table) comprise the full and complete record of the environmental impact analysis.

## **RESPONSE TO COMMENTS**

**Comment:** The most received comment (3) supported Alternative 2, Solar Impressed Current System. Two of these comments came from the Pipeline and Hazardous Materials Safety Administration and the project proponent and pipeline owner, Calnev Pipeline LLC.

**Response:** Alternative 2, identified as Alternative B in the EA, is regarded a technically superior by the project proponent and by the federal agency responsible for pipeline safety. This comment does not further the impacts analysis of the EA.

**Comment:** Throughout the MRDG, the project proponent is incorrectly referred to as Calnev Pipeline, Inc. The actual company name is Calnev Pipe Line, LLC.

**Response:** Correction noted and Minimum Requirements Decision Guide amended.

**Comment:** The [California] State Water Board and/or the Regional Water Board (collectively "Water Boards") may need to issue discretionary permits for implementation of the Project; therefore, we request that the environmental document prepared for the Project comply with and satisfy the requirements of both NEPA and CEQA. The Water Boards cannot take a discretionary action or issue a permit until CEQA has been satisfied.

**Response:** The NPS discussed with the LRWQCB additional requirements necessary for the EA to also be compliance with the California Environmental Quality Act (CEQA). The EA was submitted to the California State Clearinghouse for a 30-day review by state agencies; the State Clearinghouse sent a letter to Mojave National Preserve confirming the completion of the review period, record of comments, and acknowledgement of compliance with CEQA (September 2, 2015). This appendix to the FONSI provides an analysis of greenhouse gas emissions impacts, in compliance with CEQA and the Council on Environmental Quality's draft guidance (December 2014).

**Comment:** The EA states on page 6 that "aquatic resources are either absent or rare in areas that could be affected by the proposed project." We disagree that aquatic resources are absent or rare in the Project area. Nearly half of the 4.5 mile long Project alignment crosses Soda Lake. While Soda Lake is a playa lake that floods only during and following major storm events, Soda Lake is an aquatic resource that supports a variety of beneficial uses including groundwater recharge, municipal and agricultural uses, contact and non-contact water recreational uses, a variety of freshwater and saline wildlife habitats, and water quality enhancement. The Water Board's regulatory programs are designed to protect these beneficial uses.

**Response:** The LRWQCB clarified this to be a comment of disagreement, but not a request for further information.

**Comment:** The EA concludes that "there is no potential for the project to affect water resources," and therefore the water resources impact topic was dismissed from further analysis. We disagree. Implementation of the Project will result in both permanent and temporary impacts to the bed of Soda Lake through dredge and fill activities, grading and compaction associated with equipment access, and materials storage and staging areas, regardless of whether or not standing water is present on the surface of the lake at the time of implementation. Additionally, drilling, excavation, and other ground disturbance activities have the potential to encounter shallow groundwater beneath the surface of the playa. Groundwater can be impacted by spills or leaks from heavy equipment and/or vehicles, and dewatering of excavations and/or boreholes may require discharge of dewatering waste or drilling fluids to the surface of the playa, all of which have the potential to degrade groundwater resources. The EA should evaluate potential impacts to both surface waters and groundwater and identify adequate mitigations to reduce potential impacts to a less than significant level.

**Response:** The LRWQCB clarified this to be a comment of disagreement. Calnev Pipeline and the NPS agreed with the LRWQCB's analysis and have included it in Appendix A, an addendum to the EA. Mitigations to address impacts to water resources are described in the FONSI.

**Comment:** Water Board staff supports implementation of the Project when the surface of the lake is dry and considers this to be a mitigation measure to minimize impacts to water resources. However, implementation of the Project may take several weeks or even months to complete, depending on the build alternative selected. While Soda Lake is dry the majority of the year, summer monsoons and winter rains are equally as likely to result in flooding of the lake, given sufficient volume. The Project proponent will need to consider other mitigation measures such as monitoring local weather forecasts weekly and having a plan in place to demobilize

equipment and/or remove staged materials from the lake bed during periods of inclement weather. Such mitigations should be included as part of the Project and identified in the EA.

**Response:** This appendix to the FONSI includes mitigations to account for changes in weather by building adjustments into both the construction and the inspection and maintenance schedules.

**Comment:** All excess sediment that is not used as backfill or cover material for excavations and boreholes should be removed from the lake bed and stockpiled or spread in an upland location. Best Management Practices must be used, as needed, to temporarily stabilize stockpiled soils until such time that they are reused or permanently stabilized.

**Response:** Stockpiling excavated soils is not allowed in Mojave National Preserve. The NPS will require Calnev Pipe Line LLC to distribute soils that have not been returned to ground excavations across the landscape such that the habitat will not be significantly altered.

**Comment:** Compensatory mitigation will be required for all unavoidable permanent [impacts] to surface water resources. Water Board staff coordinate all mitigation requirements with staff from other federal and state regulatory agencies, including the United States Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife. In determining appropriate mitigation ratios for impacts to waters of the State, Water Board staff considers Basin Plan requirements (minimum 1.5:1 mitigation ratio for impacts to wetlands) and utilizes *12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios*, published December 2012 by the USACE, South Pacific Division.

**Response:** Calnev Pipe Line LLC must work directly with the Lahontan Regional Water Quality Control Board and California Water Board to address compensatory mitigation requirements.

**Comment:** The EA did not include a site location map. The EA should include a general site location map that illustrates the extent of the Project in relation to the boundaries of the Mojave National Preserve and other nearby geographical features.

**Response:** A site location map has been included in Appendix A, an addendum to the EA, attached to the FONSI.

**Comment:** Land disturbance of more than [one] acre may require CWA, section 402(p) storm water permits, including a National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

**Response:** Calnev Pipeline LLC is following up with the Lahontan Regional Water Quality Control Board (LRWQCB) to obtain the necessary permits for this project.

**Comment:** Stream bed alteration and/or discharge of dredge or fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board.

**Response:** Calnev Pipeline LLC is following up with the Lahontan Regional Water Quality Control Board (LRWQCB) to obtain the necessary permits for this project.

**Comment:** Water diversion and/or dewatering activities may be subject to discharge and monitoring requirements under either NPDES General Permit, Limited Threat Discharges to Surface Waters, Board Order R6T-2014-0049, or General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality, WQ0-2003-0003, both issued by the Lahontan Water Board.

**Response:** Calnev Pipeline LLC is following up with the Lahontan Regional Water Quality Control Board (LRWQCB) to obtain the necessary permits for this project.

## ERRATUM

The Minimum Requirements Decision Guide, attached as an appendix to the EA, was revised to correctly refer to the project proponent as Calnev Pipe Line LLC.

## REVISIONS TO THE EA

### Analysis of Impacts to Greenhouse Gas Emissions

The 2012 CEQA Handbook defines greenhouse gases as, “Greenhouse gas” or “greenhouse gases” includes but is not limited to: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride” (CCR 15364.5). CCR §15064 requires analysis of the effects of greenhouse gases in compliance with CEQA.

Pursuant to the Council on Environmental Quality’s guidance (December 18, 2014), proposed projects requiring discretionary approval by a public agency must be analyzed for potentially adverse impacts to the environment. Subsequent to the adoption of Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006, CEQA analysis has included the requirement to make a determination of significance regarding Green House Gas (GHG) emission impacts.

The proposed project location falls within the boundaries of the Mojave Desert Air Quality Management District (MDAQMD), which has established significance thresholds for GHG emissions. The method used for calculating GHG thresholds for temporary construction projects begins with the annual GHG significance threshold used for industrial facilities, which is 10,000 metric tons per year of CO<sub>2</sub> equivalent emissions. That annual threshold is pro-rated for the length of the proposed construction project. For the GHG analysis, the action alternative with the highest projected level of GHG emissions, Alternative C, was used. Construction for Alternative C is expected to take the longest, at 33 days, and 10 inspection visits would be required annually for the 25 year life of the system.

In order to estimate the GHG emissions to be produced by the proposed project, the California Emissions Estimator Model™ (CalEEMod) was utilized. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and

operations (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use (www.caleemod.com, 2015).

When the proposed equipment for Alternative C and daily rate of use was entered into CalEEMod, the model estimated the GHG emissions would be less than 1,000 pounds per day of CO<sub>2</sub> equivalent emissions. The pro-rated daily GHG significance threshold used by MDAQMD is approximately 27 metric tons (60,000 pounds) of CO<sub>2</sub> equivalent emissions. Already below the GHG significance threshold, the project will utilize the following measures to reduce air pollution:

- Improve fuel efficiency from construction equipment;
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes;
- Maintain all construction equipment in proper working condition according to the manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated;
- Train equipment operators in proper use of equipment; and
- Use the proper size of equipment for the job.

## ADDITIONAL MITIGATIONS

Additional mitigations will avoid or minimize impacts to the aquatic and water resources of Soda Lake playa from any action alternative, and can be incorporated into the Selected Action.

1. Construction will only occur when the surface of the lake is dry.
2. Calnev Pipe Line, Inc. will check local weather forecasts daily to monitor for inclement weather.
3. Materials will be kept on site to immediately cover and stabilize spoils piles, if needed.
4. A plan will be prepared to facilitate rapid de-mobilization of equipment and other staged equipment in the event that rain is forecast.
5. No debris, cement, concrete (or wash water there from), oil, or petroleum products shall be allowed to enter into or be placed where it may be washed by rainfall or runoff onto the surface of the lakebed.
6. Excavated soils will be back filled and compacted over the anodes after installation. Any soils not re-placed after excavation and completion of underground work must either be hand spread around the anodes widely enough to retain the habitat intact, or reserved for future use at a site approved by Mojave National Preserve. Soils will not be removed from the Preserve. (NPS Management Policies 2006 §9.1.3.3)
7. Construction vehicles and equipment will be monitored for leaks and proper best management practices (BMPs) will be implemented if leaks are detected or the vehicles/equipment will be removed from service.
8. All vehicle maintenance will be performed outside of the Preserve.
9. An emergency spill kit shall be kept at the Project site at all times during Project construction.

10. Previous installations of anodes into the lakebed did not encounter groundwater, however, in the event that shallow groundwater is discovered, it shall be discharged through silt bags to the surface of the playa. The shallow depth of the bores will not require drilling fluids.