

LAND USE SERVICES DEPARTMENT



COUNTY OF SAN BERNARDINO

PLANNING DIVISION
15900 Smoke Tree, Hesperia, CA 92345
(760) 995-8140 Fax (760) 995-8167
<http://www.sbcounty.gov/landuseservices>

CHRISTINE KELLY
Director

August 19, 2011

**TO: RESPONSIBLE TRUSTEE AGENCIES
INTERESTED ORGANIZATIONS AND INDIVIDUALS**

NOTICE OF AVAILABILITY OF A NEGATIVE DECLARATION FOR THE KERN RIVER MOUNTAIN PASS LATERAL PROJECT IN THE UNINCORPORATED COMMUNITY OF MOUNTAIN PASS, SAN BERNARDINO COUNTY; APN:0573-091-21; PROJECT #: AP20110003/ER

The San Bernardino County Land Use Services Department completed an Initial Study/Environmental Checklist Form and intends to adopt a Negative Declaration for the proposed **Kern River Mountain Pall Lateral Project** (Project) located approximately 2715 feet north side of Interstate 15, approximately 1963 feet east of Bailey in the community of Mountain Pass, County of San Bernardino. The proposed project would establish up to a 8.6-mile natural gas pipeline.

The document has been prepared to meet the State requirements of the California Environmental Quality Act and is available for review at the following location:

**San Bernardino County
Land Use Services
Planning Division
15900 Smoke Tree Street
Hesperia, CA 92345**

The public comment period will end on **September 20, 2011**. Interested parties can view the Initial Study / Environmental Checklist online at www.sbcounty.gov/landuseservices by clicking on Public Notices-Projects. To obtain further information or to obtain a copy, call 760-995-8140. Address written comments to Tracy Creason, Senior Planner, 15900 Smoke Tree Street, Hesperia, CA 92345.

Sincerely,

Tracy Creason, Senior Planner
Planning Division

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: KERN RIVER MOUNTAIN PASS LATERAL PROJECT

Lead Agency: San Bernardino County – Land Use Services Contact Person: Tracy Creason
 Mailing Address: 15900 Smoke Tree Street Phone: 760-995-8140
 City: Hesperia, CA Zip: 92345 County: San Bernardino

Project Location: County: San Bernardino City/Nearest Community: Mountain Pass
 Cross Streets: 2715 feet north of I-15, 1963 feet east of Bailey Zip Code: 93366
 Lat. / Long.: _____ Total Acres: 8.6
 Assessor's Parcel No.: 0573-091-21 Section: 30 Twp.: 16N Range: 14E Base: SBBM
 Within 2 Miles: State Hwy #: None Waterways: None
 Airports: None Railways: None Schools: None

Document Type:

CEQA: <input type="checkbox"/> NOP	<input type="checkbox"/> Draft EIR	NEPA: <input type="checkbox"/> NOI	Other: <input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> Supplement/Subsequent EIR	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input checked="" type="checkbox"/> Neg Dec	(Prior SCH No.) _____	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other _____
<input type="checkbox"/> Mit Neg Dec	Other _____	<input type="checkbox"/> FONSI	

Local Action Type:

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input checked="" type="checkbox"/> Other Environmental Review

Development Type:

<input type="checkbox"/> Residential: _____ Acres _____	<input type="checkbox"/> Transportation: Type _____
<input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Mining: Mineral _____
<input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Power: Type _____ MW _____
<input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____	<input type="checkbox"/> Waste Treatment: Type _____ MGD _____
<input type="checkbox"/> Educational _____	<input type="checkbox"/> Hazardous Waste: Type _____
<input type="checkbox"/> Recreational _____	<input checked="" type="checkbox"/> Other: Gas Pipeline
<input type="checkbox"/> Water Facilities: Type _____ MGD _____	

Project Issues Discussed in Document:

<input checked="" type="checkbox"/> Aesthetic/Visual	<input type="checkbox"/> Fiscal	<input checked="" type="checkbox"/> Recreation/Parks	<input checked="" type="checkbox"/> Vegetation
<input checked="" type="checkbox"/> Agricultural Land	<input checked="" type="checkbox"/> Flood Plain/Flooding	<input type="checkbox"/> Schools/Universities	<input checked="" type="checkbox"/> Water Quality
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Forest Land/Fire Hazard	<input checked="" type="checkbox"/> Septic Systems	<input checked="" type="checkbox"/> Water Supply/Groundwater
<input checked="" type="checkbox"/> Archeological/Historical	<input checked="" type="checkbox"/> Geologic/Seismic	<input type="checkbox"/> Sewer Capacity	<input checked="" type="checkbox"/> Wetland/Riparian
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Minerals	<input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading	<input checked="" type="checkbox"/> Wildlife
<input type="checkbox"/> Coastal Zone	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Solid Waste	<input checked="" type="checkbox"/> Growth Inducing
<input checked="" type="checkbox"/> Drainage/Absorption	<input checked="" type="checkbox"/> Population/Housing Balance	<input checked="" type="checkbox"/> Toxic/Hazardous	<input checked="" type="checkbox"/> Land Use
<input type="checkbox"/> Economic/Jobs	<input checked="" type="checkbox"/> Public Services/Facilities	<input checked="" type="checkbox"/> Traffic/Circulation	<input checked="" type="checkbox"/> Cumulative Effects
			<input type="checkbox"/> Other _____

Present Land Use/Zoning/General Plan Designation:

Vacant/Resource Conservation/RC

Project Description: (please use a separate page if necessary)

NOTICE OF AVAILABILITY FOR INITIAL STUDY / PROPOSED NEGATIVE DECLARATION FOR AN ENVIRONMENTAL REVIEW FOR A GAS PIPELINE ON 8.6 ACRES; LOCATED 2715 FEET NORTH OF I-15, APPROXIMATELY 1963 FEET EAST OF BALIEY, IN THE UNINCORPORATED COMMUNITY OF MOUNTAIN PASS, SAN BERNARDINO COUNTY / 1ST SUPERVISORIAL DISTRICT / PROJECT NO. AP20110003/ER

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

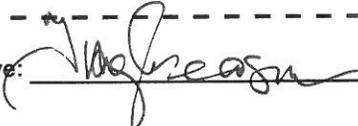
- | | |
|---|---|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> CalFire | <input type="checkbox"/> Parks & Recreation |
| <input checked="" type="checkbox"/> Caltrans District # 8 | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning (Headquarters) | <input checked="" type="checkbox"/> Regional WQCB # <u>6-Victorville Branch</u> |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # 6 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input checked="" type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Other: <u>US Fish and Wildlife Service</u> |
| <input type="checkbox"/> Housing & Community Development | <input checked="" type="checkbox"/> Other: <u>US Army Corps of Engineers</u> |
| <input type="checkbox"/> Integrated Waste Management Board | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date: August 22, 2011 Ending Date: September 20, 2011

Lead Agency (Complete if applicable):

Consulting Firm: <u>Ecology & Environment, Inc.</u>	Applicant: <u>Kern River Gas Transmission Co.</u>
Address: <u>2825 E. Cottonwood Parkway, Suite 505</u>	Address: <u>2755 E. Cottonwood Parkway, Suite 300</u>
City/State/Zip: <u>Salt Lake City, UT 84121</u>	City/State/Zip: <u>Salt Lake City, UT 84121</u>
Contact: <u>Ryan Clerico</u>	Phone: <u>(801) 937-6347</u>
Phone: <u>(801) 990-3320</u>	

Signature of Lead Agency Representative:  Date: 8/19/2011

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**SAN BERNARDINO COUNTY
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information, in the application package constitute the contents of Initial Study pursuant to County Guidelines (Ord.3040) and State CEQA Guidelines (Section 15063).

PROJECT LABEL

APN:	0573-091-21-0000
APPLICANT:	Kern River Gas Transmission Company
COMMUNITY:	Mountain Pass, San Bernardino County, California
LOCATION:	Approximately 2715 ft. north of I-15; approximately 1963 ft. east of Bailey
PROJECT NO.:	AP20110003/ER
STAFF:	Tracy Creason
REP.:	Ecology and Environment, Inc.
PROPOSAL:	Construction and operation of a 8.60 mile lateral pipeline to supply natural gas to the Molycorp Minerals, Inc rare earth mining operations

USGS Quad: Clark Mountain, Mescal Range and Ivanpah Lake
T, R, Section: 16N/17N, 14E, 30
Thomas Bros.: Pg. 331; Grid A7
Planning Area: Desert Region
Zoning: RC – Resource Conservation
Overlays: Biological, Cultural

1.0 Project Contact Information:

Lead Agency: San Bernardino County
Land Use Services Department
15900 Smoke Tree Street
Hesperia, CA 92345

Contact Person: **Tracy Creason**, Senior Planner
Phone Number: (760) 995-8143
Email: tcreason@lusc.sbcounty.gov

Project Sponsor: Kern River Gas Transmission Company
2755 E. Cottonwood Parkway, Suite 300
Salt Lake City, UT 84121

2.0 Description of Project:

The lead agency is the public agency that has the principal responsibility for carrying out or approving a project that may have a significant adverse effect upon the environment (Public Resources Code, Section 21067). CEQA requires that lead agency Staff evaluate the environmental impacts of proposed projects and that feasible methods to reduce, avoid, or eliminate any significant adverse impacts of these projects be identified and implemented. The Applicant will construct the proposed Project on lands administered by both the Bureau of Land Management (BLM) and the County. Although the project is predominantly on BLM lands, groundwater utilization and well permits to construct and operate “cathodic protection wells” are within the County’s jurisdiction. Therefore, an environmental

review of the proposed Project must be conducted pursuant to both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), with the Federal Energy Regulatory Commission (FERC) as NEPA lead agency and County as the CEQA lead agency. Based upon the County's initial assessment, FERC previously determined that the Project will be addressed in an Environmental Assessment ("EA") which will be prepared in a manner consistent with the applicable federal legal requirements. County staff has completed an Initial Study/Environmental Checklist and determined, based on the size and scope of the Project, along with the determination that an EA will be required under NEPA, that a Mitigated Negative Declaration ("MND") will be required under CEQA.

Kern River Gas Transmission Company (Kern River) is proposing to construct, own, and operate new lateral pipeline interstate natural gas facilities serving the Molycorp Minerals LLC (Molycorp) facility in Mountain Pass, San Bernardino County, California pursuant to a pending Certificate of Public Convenience and Necessity (Certificate) from the Federal Energy Regulatory Commission (FERC), Docket No. CP11-46. This lateral pipeline, and associated meter station, referred to as the Mountain Pass Lateral (Project), will have a design capacity of 24.27 million standard cubic feet per day (MMSCFD) and a minimum capacity of 0.95 MMSCFD. The facilities required to provide this service include approximately 8.60 miles of 8-inch-diameter pipeline beginning near the existing Kern River interstate mainline milepost (MP) 585.77 and routing generally south along the western edge of Ivanpah Valley, over the Clark Mountains, and terminating on Molycorp property. A new tap assembly and pig launcher will be constructed within and immediately adjacent to Kern River's existing right-of-way (ROW), and a new meter station and pig receiver will be constructed within the Molycorp site. No new compressor stations or modifications of existing compressor stations are proposed as part of this Project. There will be no non-jurisdictional facilities associated with this Project.

3.0 Purpose and Need

Molycorp operates the Mountain Pass rare earth mine and production facility located in eastern San Bernardino County. The Mountain Pass operation was designed to use electricity supplied from the local grid, diesel fuel for steam production, and fuel oil and propane for product drying. Since rare earth separations must operate on a continuous basis in order to be energy efficient, the frequent power interruptions experienced as a result of the facility's location at the terminal end of the local power grid have been a significant issue for Molycorp's operations. A natural gas supply for Mountain Pass will provide reliable power generation and steam production for Molycorp's operations. The use of natural gas will replace the existing uses of diesel fuel and propane. In addition, the rare earth products produced by Molycorp are vital to the production of a wide range of technologies, including clean energy technologies (such as wind turbines, hybrid automobiles, and compact fluorescent bulbs), high-tech uses (such as lasers and hard disk drives), numerous defense applications, and advanced water treatment technology. China currently dominates the global market for rare earth products by producing approximately 96% of the global market supply. The installation of the interstate natural gas pipeline will enable Molycorp to produce these essential

rare earth products, which will be extremely beneficial to the United States. In addition, Molycorp’s energy costs will be lower, enabling Molycorp to be more cost competitive with Chinese rare earth producers. As a result of the remote location of the Mountain Pass operation, and the lack of other more viable energy alternatives, a lateral natural gas supply pipeline from the Kern River pipeline is the only feasible means to bring natural gas to Molycorp’s facility.

4.0 Project Setting

The proposed Project will traverse the eastern Mojave Desert in southeastern California on United States Bureau of Land Management (BLM) administered lands and private land owned and operated by Molycorp. Of the 8.60 miles of proposed pipeline, 7.89 miles (91.7%) are located on federally-owned lands and 0.71 mile (8.3%) are located on Molycorp’s property. Construction of the proposed lateral pipeline will require acquisition of permanent and temporary ROW easements. These easements will represent new, not-previously-designated ROW. Construction of the proposed pipeline will impact a total of 51.97 acres within the proposed permanent 50-foot-wide ROW, 26.11 acres within the proposed temporary construction ROW, and 15.43 acres of ATWS (including a contractor/laydown yard immediately adjacent to the meter station location), for a total construction impact of 93.51 acres. Nearly all of the 51.97 acres of permanent ROW will be restored to preconstruction conditions, within the exception of 0.41 acre for the minor aboveground facilities. The Applicant will utilize existing roads on BLM, Los Angeles Department of Water and Power (LADWP), and Molycorp property (with the exception of 0.10 mile of new road on BLM land) to access the permanent ROW for maintenance activities. Land requirements for the aboveground facilities and pipeline ROW are detailed in Table 1 and 2, respectively.

**Table 1
Land Requirements of Meter Station, Launchers, Receivers, and Mainline Taps**

Spread	Meter Stations	Launchers	Receivers	Mainline Facility Improvements	Land Requirements (dimensions ft ²)	Land Requirements (acres)
Mountain Pass Lateral	1 meter station	1 launcher	1 receiver	2 mainline taps	17,875 ft ²	0.41

**Table 2
Land Requirements for Pipeline Facilities**

Pipeline	Acres in Permanent ROW ¹	Acres in Temporary Construction ROW ²	Acres of ATWS ³	Acres of Staging Areas ⁴	Total Construction Corridor (acres)	Amount of Total Previously Disturbed ⁵ (acres)		Total Amount of New Disturbance (acres)	Acres of New Permanent ROW Retained for Operation
						Temp.	Perm.		
Pipeline ⁶	51.97	26.11	14.43	0.00	92.51	0.28	0.53	91.70	51.44
BLM	47.71	23.97	10.50	0.00	82.18	0.28	0.30	81.60	47.41
Molycorp	4.26	2.14	3.93	0.00	10.33	0.00	0.23	10.10	4.03

**Table 2
Land Requirements for Pipeline Facilities**

Pipeline	Acres in Permanent ROW ¹	Acres in Temporary Construction ROW ²	Acres of ATWS ³	Acres of Staging Areas ⁴	Total Construction Corridor (acres)	Amount of Total Previously Disturbed ⁵ (acres)		Total Amount of New Disturbance (acres)	Acres of New Permanent ROW Retained for Operation
						Temp.	Perm.		
Pipeyards/ Contractor yards	0.00	0.00	0.00	2.14	2.14	2.14	0.00	0.00	0.00
Total	51.97	26.11	14.43	2.14	94.65	2.42	0.53	91.70	51.44

Notes:

- ¹ Permanent ROW = Total area retained for operation of this proposed pipeline.
- ² Temporary Construction ROW = the area of temporary workspace parallel to the Permanent ROW for this proposed pipeline.
- ³ Includes 2.32 acres of ATWS along Powerline Road #2 access road, off of the ROW on BLM land.
- ⁴ Acres of temporary staging areas adjacent to the Permanent ROW/Temporary Construction ROW or acres of temporary pipeyards/contractor yards.
- ⁵ For the pipeyards, this includes the acreage of areas previously disturbed for any use.
- ⁶ Includes tap assembly and meter station at terminal ends of the pipeline; is sum of land requirements for both BLM and Molycorp.

Topography along the proposed pipeline varies from level to mountainous. Between MP 0.00 and MP 6.18, the topography is fairly level and is typical of the desert region of San Bernardino County. Between MP 6.18 and MP 8.60, the proposed pipeline route traverses mountainous terrain that is characteristic of the Clark Mountains. The ground surface elevation at MP 0.00 is approximately 3,956 (feet) ft above mean sea level (AMSL) in the Ivanpah Valley. The lowest portion of the alignment is in the Ivanpah Valley at MP 1.38, where the ground surface elevation is approximately 3,543 ft AMSL. The proposed pipeline route enters the Clark Mountain Range at MP 6.18 at an approximate elevation of 3,960 ft AMSL and reaches a maximum ground surface elevation of 4,997 ft AMSL at MP 7.25. The route terminates at MP 8.60 with an approximate elevation of 4,665 ft AMSL.

The land use is BLM rangeland and industrial associated with the Molycorp mining operations. Along the proposed Project 5.0 miles (58 percent) is characterized as federal rangeland, associated with the BLM. The remaining 3.6 miles (42 percent) of the proposed Project will traverse industrial and mining use as detailed in Table 3.

**Table 3
Land Crossed by the Mountain Pass Lateral**

Facility	County, State	Rangeland ^a		Industrial Land ^b		Total ^c	
		(mi)	(%)	(mi)	(%)	(mi)	(%)
Mountain Pass	San Bernardino, CA	5.02	58	3.58	42	8.60	100

^a Rangeland does not include pasture; pasture is included in Agricultural Land, which is not present in the Project.

^b Industrial Land includes utility corridors; does not include existing Kern River ROWs.

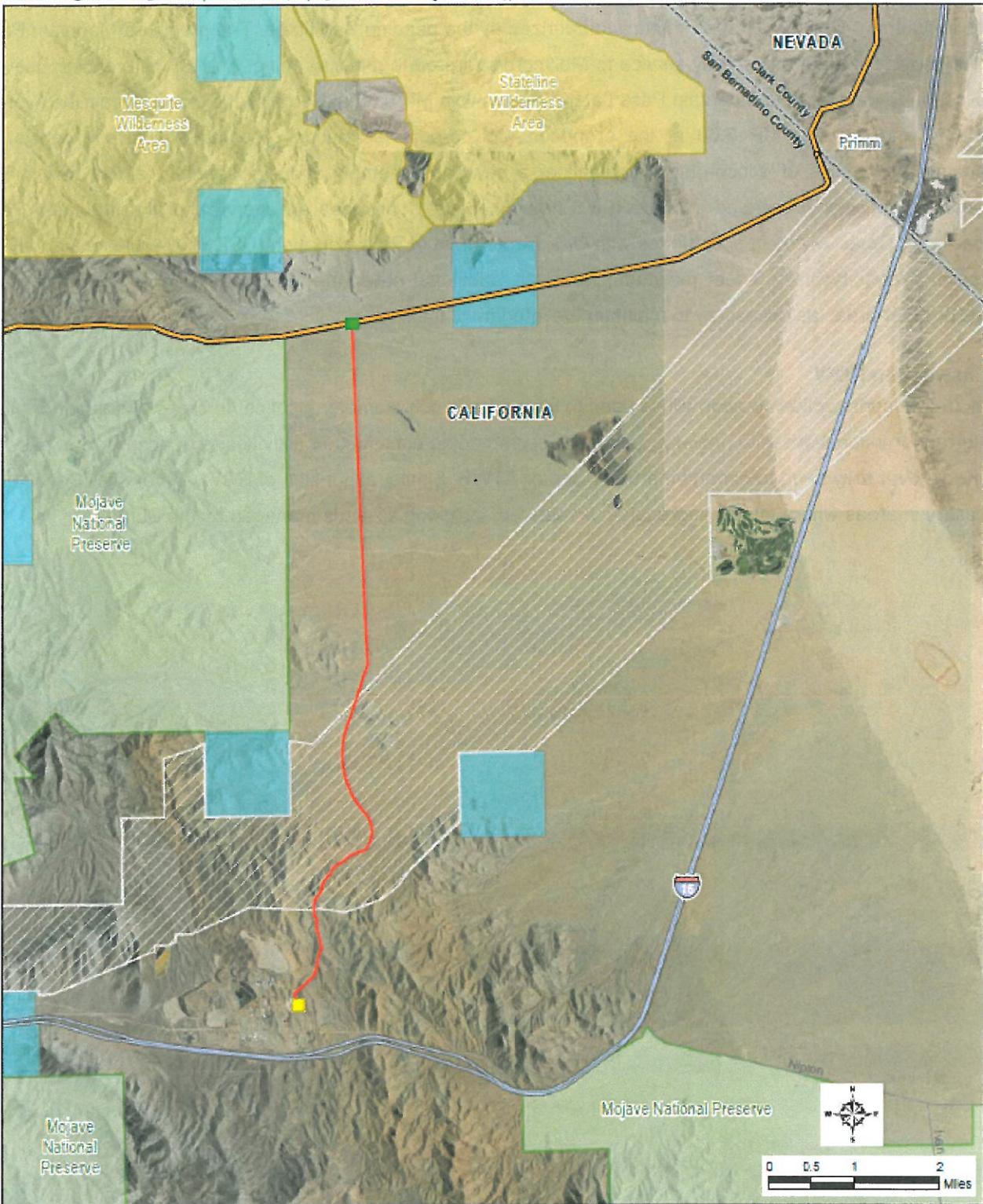
^c All mileage is rounded to the nearest hundredth; all percentages are rounded to the nearest whole number; slight differences in totals are due to rounding.

5.0 Pipeline Facilities

Kern River proposes to install an 8-inch-diameter lateral pipeline from its existing interstate transmission system to Molycorp in southern California if the Project is authorized by the pending Certificate. The proposed Mountain Pass Lateral will provide natural gas supply service to Molycorp's rare earth minerals mine. The MP referencing used in this application to describe the Mountain Pass Lateral begins with MP 0.00 at Kern River's existing mainline system (MP 585.77) and ends at MP 8.60 at the proposed Molycorp meter station. The lateral line will consist of approximately 8.60 miles of 8-inch-diameter pipeline, a new tap assembly and pig launcher, and a new meter station and pig receiver (described in Section 6.3 below). Figure 1 provides an overview of the Mountain Pass Lateral facilities. Cover will be in accordance with U.S. Department of Transportation (USDOT) regulations and Kern River specifications, typically 3 feet minimum; however, additional cover may be required at dry washes, road crossings or other areas as necessary to maintain the integrity of the line.

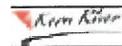
5.1 Construction ROW

A typical 75-foot construction corridor will be used to install the 8-inch-diameter pipeline. In areas of steeper or more difficult terrain or in locations with unstable soil or to accommodate construction activities (e.g. access road passing areas), Kern River may need to expand the ROW and/or ATWS. Similar expansion of ROW and/or ATWS may also be necessary in areas where topsoil segregation is required, including all lands managed by the BLM.



- Proposed Route
- Existing Kern River Gas Pipeline
- Highway
- Secondary Road
- Meter Station
- Tap and Pig Launcher
- Energy Corridor
- California Lands Commission
- Wilderness Area
- National Preserve

FIGURE 1
PROJECT LOCATION
MOUNTAIN PASS LATERAL PROJECT



OCTOBER 29 2010

5.2 Additional Temporary Workspaces

ATWS may be required at road crossings, designated waterbody (wash) crossings and in areas with steep side slopes or other difficult terrain. ATWS will also be required for topsoil segregation, truck turnarounds, access road passing lanes, hydrotest water withdrawal and discharge locations, crossovers, tie-ins, staging and fabrication areas and at foreign utility crossings. Additionally, ATWS will be needed wherever special construction techniques are required.

5.3 Access Roads

Kern River plans to use 11 access roads during installation of the Mountain Pass Lateral. Of these, 10 are existing roads and one temporary access road will be constructed. Once the Project is complete, the temporary access road will be restored as outlined in Section 6.4. Eight of these roads are located on BLM land, while the remaining three are located on Molycorp property. Powerline Road # 1 crosses through a parcel of land owned by LADWP, and Kern River is seeking a permanent use lease from the Department to utilize this road. A small portion (less than 900 ft) of Molycorp Facility Road # 2 crosses onto BLM land near the northern Molycorp border then returns to Molycorp property for the remainder of the route. Kern River will obtain landowner approval for use of all access roads. Other roads constructed by public and private entities may also be used provided they are suitable and landowner approval is received. Maintenance may be required on some existing roads prior to hauling construction equipment and materials. Of the 11 access roads, seven will be retained for permanent access to the ROW for routine maintenance.

5.4 Pipe Storage Yards, Contractor Yards, and Off-Loading Sites

To support construction of the Project, Kern River has identified one area for potential use as contractor yard. The site is approximately 1 acre of existing industrial land located on Molycorp property at the meter station. No pipe storage yards are proposed for the Project, as pipe will be shipped from the fabricator directly to the Project site (some temporary storage and stringing at the contractor yard may be required). The contractor yard will also be used as off-loading sites for the Project.

5.5 Permanent Operational ROW

Kern River will request a 50-ft-wide permanent operational easement for the Mountain Pass Lateral pipeline ROW. The tap and pig launcher aboveground facilities will be located within and immediately adjacent to this permanent ROW (as well as the permanent ROW of the existing mainline). The meter station and pig receiver will require a slightly smaller permanent easement located entirely on the Molycorp property.

6.0 Project Construction

All proposed facilities will be designed, constructed, tested, operated, and maintained to conform with or exceed the requirements of applicable federal regulations including Title 49 Code of Federal Regulations (CFR), Part 192,

Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards; and 18 CFR, 380.15, Site and Maintenance Requirements.

Construction is scheduled to begin in August 2011, with all facilities placed in-service by January 2012. Construction is proposed as a single spread, beginning at Kern River's mainline and running south to the Molycorp terminus. Construction is expected to take six months and require 65 workers on average and 105 workers during periods of peak construction. Construction equipment will include the following:

Generators	Tractors/Loaders/Backhoes
Trenchers	Crawler Tractors/Dozers
Excavators	Pipe Layers
Cranes	CRC Pipe Bender Machine
Off-Highway Trucks	Dump Truck
Rough Terrain Forklifts	Welder Unit

6.1 Pre-Construction Procedures

Pre-construction activities include surveying and staking the ROW to delineate centerline, workspaces, access roads, laydown yards, etc. This activity is essential to identify the outside limits of the ROW, the centerline location of the pipeline, drainage centerlines and elevations, access roads, highway and railroad crossings and any ATWS, such as laydown areas or stream crossings. Underground utilities (e.g., cables, conduits, and pipelines) will be located and flagged. Landowner permission and/or easements will be secured and affected landowners will be notified prior to surveying and staking activities along the proposed Project.

6.2 General Pipeline Construction Procedures

Construction of the proposed pipeline facilities will generally follow conventional overland pipeline construction techniques. The construction of the proposed pipeline will follow a set of sequential operations, common to the gas pipeline industry. In the typical pipeline construction scenario, the construction spread (comprised of multiple crews) proceeds along the pipeline ROW in one continuous operation. As the spread moves along, construction at any single point along the pipeline, from initial surveying and clearing to backfilling and finish grading, will last approximately six months. The entire process will be coordinated to minimize the total time a tract of land is disturbed, exposed to erosion, and temporarily precluded from normal use.

6.2.1 Clearing and Grading

The initial step in the preparation of the ROW for construction, following the pre-construction survey, is the clearing of the ROW. Large obstacles such as trees, rocks, brush, and logs will be removed. Cacti and other succulent plants to be salvaged for use in reclamation will also be removed (salvaged) with their root systems and stockpiled and maintained toward the outer edge of the construction ROW or ATWS for replanting within portions of the ROW. Small to mid-sized vegetative debris may be chipped for use as erosion-control mulch, or otherwise disposed of in accordance with applicable local regulations and landowner requirements (timber is not present within the ROW). Fences will be cut and braced along the ROW, and temporary gates will be installed to limit public access. The

ROW will then be graded where necessary to create a reasonably level working surface to allow effective use and safe passage of equipment. Conserved topsoil will be stockpiled along one side of the ROW, allowing the other side to be used for access, material transport, and pipe assembly. Typically water wells and natural springs will also be located and marked at this stage; however, none were encountered during environmental surveys.

Temporary erosion controls will also be installed immediately after initial disturbance of the soil. Temporary erosion controls will be properly maintained throughout construction and reinstalled as necessary until they are replaced by permanent erosion controls or restoration is completed.

6.2.2 Trenching

To bury the pipeline underground, a trench will be excavated with a rotary trenching machine, a track-mounted excavator, or similar equipment. Explosives will be used as necessary in areas where rock substrates are found at depths that interfere with conventional excavation or rock-trenching methods. The bottom of the trench will be excavated at least 12 inches wider than the diameter of the pipe (i.e., a minimum 20-inch-wide trench bottom for an 8-inch-diameter pipe). The trench will be excavated to a sufficient depth to allow a minimum of 3 ft of cover (unless otherwise specified in specific areas) between the top of the pipe and the final land surface after backfilling. Excavated spoil will be stockpiled separately from the topsoil where required along the ROW on the side of the trench away from the construction traffic and pipe assembly area.

On BLM land, topsoil segregation will occur across the full width of the construction workspace where possible. Topsoil may also be segregated on MolyCorp property to enhance restoration efforts in accordance with Project-specific plans to be developed in consultation with the landowner. Typically, subsoil will be stockpiled separately from topsoil; however, it may be necessary to employ a straw barrier technique between the topsoil and subsoil if ROW width is insufficient to maintain safe working conditions using separate topsoil/subsoil stockpiles. Topsoil and vegetative debris will be removed to a typical depth of 12 inches over the trench and spoil storage areas, as well as any areas involving cut and fill, such as on side-slopes. Topsoil will only be segregated on BLM lands where topsoil is available. Where shallow soils or soils with stony substrates are encountered, more typical for this area, Kern River will reduce the depth for segregating the topsoil to approximately 4 to 6 inches, instead of the typical 12 inches for deeper soils as specified in the *FERC Upland Erosion Control and Revegetation Plan* (FERC Plan). When soils have a high content of cobbles, rocks, or boulders, or when surface fines are less than 4 to 6 inches deep, topsoil salvaging may not be possible. Kern River will only attempt to salvage topsoil when safe construction conditions can be maintained. Kern River will make every effort to segregate the entire topsoil layer, avoiding mixing with the underlying horizons, and to stockpile separately from all subsoil material. The segregated topsoil and subsoil stockpiles will be replaced in the proper order during backfilling and final grading.

6.2.3 Stringing

Steel pipe for the pipeline will be procured in nominal 60 ft lengths or “joints” as appropriate for local terrain conditions. The pipe will be protected on the outside with a fusion-bonded epoxy coating and an abrasion-resistant overlay applied at the factory (the beveled ends will be left uncoated for welding) and shipped to contractor yards or directly to the ROW. Individual joints will be transported to the ROW by truck (or helicopter if required to cross the Clark Mountains) and typically placed along the excavated trench in a single, continuous line, easily accessible to the construction personnel on the working side of the trench, opposite the spoil side. This will allow the subsequent lineup and welding operations to proceed efficiently.

6.2.4 Pipe Bending

Pipe will be delivered to the Project site in straight sections. Some bending of the pipe will be required to allow the pipeline to follow the natural grade changes, cross washes and direction changes of the ROW. Selected joints will be field bent by track-mounted hydraulic bending machines as necessary prior to line-up and welding. Where angles are too great to be addressed by standard cold bending techniques, prefabricated induction bends or fittings will be installed.

6.2.5 Pipe Assembly and Welding

Following stringing and bending, the joints of pipe will be placed on temporary supports adjacent to the trench. The ends will be carefully aligned and welded together using multiple passes, which will provide for a full penetration weld. Only qualified welders will be permitted to perform the welding. Welders will be qualified according to applicable American Welding Society, American Society of Mechanical Engineers and American Petroleum Institute (API) Standards.

6.2.6 X-Ray and Weld Repair

To ensure that the assembled pipe will meet or exceed the design strength requirements, each weld will be visually inspected and non-destructively tested using radiographic (X-ray) or other approved test methods, in accordance with API Standards. Welds displaying unacceptable defects will be repaired or cut out and re-welded.

6.2.7 Coating Field Welds, Inspection, and Repair

Following welding, the previously uncoated ends of the pipe at the weld joints will be epoxy coated. Coating at the joints and on the remainder of the completed pipe section will be inspected for holidays (i.e., coating flaws) visually and by using an electronic holiday (i.e., coating flaw) detector with the voltage calibrated for the type and thickness of coating; any damaged areas will be repaired.

6.2.8 Pipe Lowering

The completed section of pipe will be lifted off the temporary supports and lowered into the trench by side-boom tractors. Prior to lowering of the pipe, the trench will be inspected to ensure that it is free of rocks and other debris

that could damage the pipe or its coating. The pipe and trench will also be inspected to ensure that the pipe and trench configurations are compatible.

6.2.9 Padding and Backfilling

After the pipe is lowered into the trench, the trench will be backfilled. Previously excavated materials will be pushed back into the trench using bladed equipment or excavators. Where the previously excavated material contains large rocks or other materials that could damage the pipe or its coating, screened fill (padding) will be placed around the pipe prior to backfilling. Screened fill materials will be generated from excavated material and processed with a track mounted padding machine or a bucket screener on a trackhoe.

6.2.10 Hydrostatic Test and Final Tie-In

To confirm the integrity of the pipeline before placing it in service, the Applicant will perform hydrostatic tests once construction is complete. All components in high-pressure natural gas service will be hydrostatically tested for eight hours in accordance with USDOT 49 CFR Part 192, Kern River's testing specifications, and applicable permits prior to being placed in service. Any leaks detected will be repaired and the segment retested. Upon completion of the test, the water will be cascaded (transferred to the next test segment) whenever possible to be reused for hydrostatic testing purposes. When discharged, the test water will be released within the construction ROW through an energy-dissipating device and straw bale filters or sediment bags. Additional measures will be observed to maximize safety and mitigate impact, such as anchoring the discharge pipe and screening the intake to avoid entrainment of fish and aquatic species, if present. Test water will not be discharged directly into surface waters. Discharge sites will be in upland areas.

Groundwater from four existing water supply wells owned by Molycorp will be used to test the pipeline in two segments. These wells are located in Shadow Valley, approximately 12 miles east of the Project. Upon completion of the testing, the Applicant proposes to discharge water to upland portions of the ROW. Water will be reused between test sections and discharge sites will generally be in upland areas, and neither chemical additives nor biocides will be used during testing. Additionally, groundwater withdrawn will be of potable water quality.

Depending on the volume of construction traffic, surface conditions of the work areas, environmental conditions, and proximity to other human activity, or for visibility and safety reasons during construction, water will be applied to the surface of the work areas at appropriate locations to suppress fugitive dust caused by construction activities. Water for dust control along the Mountain Pass Lateral will be withdrawn from existing groundwater wells located in Shadow Valley and owned by Molycorp. This water will be of potable water quality.

6.2.11 Blasting

Based on preliminary engineering studies conducted for the Mountain Pass Lateral, Kern River is aware of several locations where exposed or shallow bedrock exists in the Project area. Where unrippable rock is encountered, blasting for ditch excavation will be necessary. In these areas, care will be taken to prevent damage to underground

structures (e.g., cables, conduits, and pipelines) or any environmental resources that may be affected by the blasting activity. Blasting mats or soil cover will be used as necessary to prevent the scattering of loose rock. All blasting will be conducted during daylight hours and will not begin until occupants of nearby buildings (e.g., within the Molycorp facility) or recreation areas (e.g., on BLM land) have been notified. There is a high likelihood that blasting will be necessary as the Mountain Pass Lateral crosses the Clark Mountains, specifically between MP 6.30 and 8.20. The Applicant has developed a Project-specific *Blasting Plan* which includes detailed mitigation techniques for blasting.

6.3 Aboveground Facilities Construction

A new mainline tap assembly (including block valves) and pig launcher will be installed within and immediately adjacent to Kern River's existing ROW located at Project MP 0.00 (mainline MP 585.77), and a new meter station and pig receiver will be installed within the Molycorp facility at Project MP 8.60. The tap area will also include block valves and check valves used to isolate the latter from Kern River's mainlines.

6.4 Cleanup and Restoration

After a segment of pipeline has been installed, backfilled, and successfully tested, the ROW, ATWS and other disturbed areas will be finish-graded and the construction debris will be removed and disposed of properly. Original land contours will be restored to conform with adjacent areas. Permanent erosion and sediment control measures, including diversion terraces (slope breakers), trench breakers and revegetation, will be installed. Disturbed areas will be seeded in accordance with written recommendations for seed mixes, rates, and dates obtained from the local soil conservation authority or as requested by the BLM or landowner. Private and public property such as fences, gates, driveways, and roads that have been disturbed by the pipeline construction will be restored to original or better condition. Large rocks removed from the trench and not suitable for use as backfill will be spread across the ROW to discourage all-terrain vehicle use of the ROW and to stabilize erosion-prone areas.

7.0 County General Conditions, Project Design and Construction Features:

The County's general conditions and standards as well as Project-specific design and construction features will be incorporated into the proposed Project, as appropriate, insofar as they do not conflict with federal regulations, standards or Kern River design requirements. Kern River hereby submits this application for review subject to, and under an express reservation of any and all rights granted by, the Natural Gas Act and any other applicable federal regulation or statute. To the extent this application and/or any California state or local requirements may be preempted by the Natural Gas Act or other federal law, whether by express, conflict, or field preemption, this application is not intended in any way as a waiver of Kern River's rights to assert federal preemption of such requirements. Applicable Project design and construction features for this Project are listed below by issue area. These features are not all inclusive and other specification requirements or design and construction features may be developed during the Project that are as effective or more effective as those listed. Because these general conditions, design and construction features have been incorporated into the proposed Project's design, they are not considered mitigation.

7.1 General Measures

- The Project will comply with applicable local ordinances, standards, and procedures for facility design, construction, and operation insofar as they do not conflict with federal regulations, standards or Kern River design requirements.
- A trash abatement program will be initiated during pre-construction phases of the Project, and will continue through the duration of the Project. Trash and food items will be contained in closed (raven-proof) containers and removed regularly (at least once a week) to reduce attractiveness to opportunistic predators such as ravens, coyotes, and feral dogs. Refuse containing garbage shall be removed from the premises by a permitted hauler to an approved solid waste facility in conformance with County Code Chapter 8, Section 33.0830 *et seq.*

7.2 Air Quality

- Project activities will occur in eastern San Bernardino County, California, which is part of the Mojave Desert Air Basin (MDAB). Ambient monitoring in this area is coordinated by the Mojave Desert Air Quality Management District (MDAQMD). The portion of the MDAB where Project activities will occur is currently designated as nonattainment for particulate matter with aerodynamic diameter of 10 micrometers or less (PM₁₀) (National Ambient Air Quality Standards [NAAQS] and California Ambient Air Quality Standards [CAAQS]) and ozone (CAAQS only). This portion of the basin is designated as attainment and/or unclassifiable for all other pollutant NAAQS and CAAQS. Standard construction practices will be employed that include measures to control the generation of fugitive dust emissions during construction and to ensure routine maintenance of construction equipment.
- All clearing and grading will be carried out with dust control measures adequate to prevent creation of nuisance to persons or private property. The proposed Project will comply with the MDAQMD Rule 403.2 "Fugitive Dust Control for the Mojave Desert Planning Area." The Applicant has developed a Project-specific Fugitive Dust Control Plan, which outlines feasible measures to reduce and control fugitive dust emissions, including but not limited to, watering on site, soil stabilizers, prevention and clean up of dust and dirt migration onto paved surfaces, and reduce non-essential earth-moving activity under high wind conditions.
- Standard construction practices will be employed that include measures to control the generation of fugitive dust emissions during construction and to ensure routine maintenance of construction equipment.

7.3 Biological Resources

The proposed mitigation measures described in below include those that will be implemented throughout proposed Project area. The following measures will serve to avoid and minimize the magnitude of impacts on California Endangered Species Act (CESA)-listed species (e.g., desert tortoise, gilded flicker, burrowing owl, and banded Gila monster). The Applicant is coordinating with the Federal Energy Regulatory Commission (FERC), United States Fish and Wildlife Service (USFWS), BLM, and the California Department of Fish and Game (CDFG) to determine

specific timing and implementation of all these proposed measures, based on the detailed construction schedule for the Project.

1. Kern River will designate a field contact representative (FCR) responsible for overseeing desert tortoise mitigation measures and coordinating with the agencies. The FCR will be on-site during all Project activities. The FCR will have the authority to halt all activities that are in violation of the stipulations. The FCR will have a copy of all stipulations when work is being conducted on the site. The FCR may be a project manager, Kern River representative, or a contract biologist.
2. The FCR will have the authority to halt all non-emergency Project activity should danger to a desert tortoise arise. Work will proceed only after hazards to the tortoise are removed, the tortoise is no longer at risk, or the individual has been moved from harm's way by an authorized biologist.
3. Prior to initiation of construction, a sensitive resource education program will be presented to all personnel who will be on-site, including surveyors, construction engineers, proponent employees, contractors, employees, supervisors, inspectors, and all visitors. The program will include briefing sessions and pamphlets, both of which will be developed by biologists familiar with the requirements of the desert tortoise. At a minimum, the program will cover the distribution of desert tortoises, general behavior and ecology, sensitivity to human activities, legal protection, penalties for violation of State and Federal laws, reporting requirements, and Project minimization measures. In addition, the program will include fire prevention measures to be implemented by employees during Project activities.
4. Authorized biologists will act as or appoint and supervise biological monitors to be present during construction for the protection of desert tortoises and other listed species. The authorized biologist will be responsible for the outcome of all desert tortoise related activities for which the project is approved, including errors committed by biological monitors.
5. The authorized biologist will maintain a record of all sensitive species encountered during Project surveys and monitoring and will provide direct supervision for all biological monitors and their activities.
6. The biological monitor will oversee all project activities within desert tortoise habitat to ensure proper implementation of and compliance with mitigation measures as defined by the BO or other agreements between the Project proponent and agencies.
7. All activities shall be restricted to the ROW and approved access roads/ATWS. If unforeseen circumstances require expansion of this width, the potential expanded work areas shall be surveyed for species prior to use of the area. All appropriate minimization measures will be implemented within the expanded work areas, based on the judgment of the agencies and the biological consultant. Work outside of the original ROW or additional unimproved access roads/ATWS will proceed only after receiving written approval from FERC and BLM (on federal lands). FERC will also notify and coordinate with USFWS, BLM, and CDFG.
8. All employees shall be instructed that their activities must be confined to locations within the flagged areas. Specific routes of travel shall be approved by FERC and marked prior to construction crew arrival. Employees will exercise caution when commuting to the Project area and while traveling the ROW. To minimize the likelihood of vehicle strikes of tortoises, speed limits when commuting to the Project areas on access roads will not exceed 20 miles per hour.
9. Existing routes of travel will be used whenever possible. To the extent possible, previously disturbed areas within the Project site shall be used for temporary storage areas, laydown sites, and any other surface-disturbing activities. Any routes of travel that require construction or modification will have a qualified biologist(s) survey the area for tortoises immediately prior to modification or construction of route.
10. Cross-country vehicular travel outside of the ROW is prohibited unless approved by FERC, BLM, USFWS, and the CDFG.

11. Within 30 days prior to construction, authorized biologists and/or biological monitors will conduct pre-construction surveys of the proposed ROW within desert tortoise habitat. All important habitat features (e.g., desert tortoise burrows) within the construction ROW shall be flagged to alert biological and work crews to their presence and subsequent disposition. Burrows observed outside the ROW but within 50 feet of construction work areas may be inadvertently damaged or destroyed and will also be flagged to alert work crews of their presence.
12. Within known tortoise range: authorized biologists and/or biological monitors will conduct pre-construction surveys of the ROW based on proximity to suitable desert tortoise habitat as determined by BLM as the jurisdictional federal land manager following consultation with USFWS and CDFG. Survey protocol is as follows:
 - Activities within suitable habitat: Two surveys will be performed when activities occur during the tortoise active season (April–May and September–October), or when temperatures and environmental conditions are conducive to desert tortoise activity. The first survey will be conducted within 14 days prior to surface disturbance. The second survey will occur immediately before surface disturbance. During the inactive season (November–March and June–August) and as noted above, one survey will occur within 72 hours of surface disturbance.
 - Activities outside suitable habitat (e.g., previously disturbed industrial areas on MolyCorp property): One survey will be conducted during the desert tortoise active season, or as stipulated above, between 7 and 21 days before surface disturbance. A second survey will occur immediately before surface disturbance unless BLM, USFWS, and CDFG concur that a second survey is not required. During the inactive season, one survey will occur within 72 hours of surface disturbance.
13. Occupied desert tortoise burrows that are located within the ROW and that are unavoidable by construction will be excavated using hand tools under the supervision of an authorized biologist. All excavation activities will adhere to guidelines (e.g., temperature requirements) provided by USFWS and CDFG. To prevent re-entry by a desert tortoise, all burrows in the construction zone that do not contain desert tortoises will be collapsed.
14. Tortoises excavated from unavoidable burrows along the route will be relocated to unoccupied natural or artificially constructed burrows immediately following excavation. The artificial or unoccupied natural burrows will be constructed approximately 150–300 feet from the original burrow. The artificial burrow will be similar in size, shape, and orientation to the original burrow. Relocated tortoises will not be placed in existing occupied burrows. Desert tortoises moved during inactive periods will be monitored for at least 2 days after placement in the new burrows to ensure their safety. The authorized biologist will be allowed some judgment and discretion to ensure that survival of the desert tortoise is likely. Procedures for handling tortoises will follow those described in the *Desert Tortoise Field Manual* (USFWS 2010b).
15. Tortoises removed from occupied burrows and relocated to newly constructed burrows will be handled using disposable surgical gloves. The gloves will be disposed of after handling each tortoise. Other equipment will be sterilized or changed between uses. Biologists handling tortoises will be included in handling permits and may be authorized biologists or biological monitors operating under the direct supervision of an authorized biologist.
16. A biological monitor will be assigned to operations requiring large equipment (e.g., clearing, grading, lowering-in). A biological monitor shall also be assigned to all backfilling, re-contouring, and reclamation activities.
17. A biological monitor will be assigned to each blasting crew or area in which blasting will occur. Prior to any blast, a 200-foot radius around the blast site should be surveyed for desert tortoises. Aboveground tortoises should be relocated at least 500 feet from the blast site. Tortoises in burrows within 50 feet of the blast site should be relocated at least 150 feet away from the blast site to an unoccupied existing or artificial burrow. Burrows located between 50 and 150 feet away from the blast site shall be flagged and stuffed with newspaper prior to the blast. The newspaper shall be removed immediately after the blast, and burrows shall be assessed for damage.
18. The meter station and tap assembly must include a tortoise-proof fence around the facility. Prior to grading activities, the site will be fenced and surveyed for the presence of desert tortoises. No construction activities

will begin until two consecutive surveys yield no individuals. Following installation, the fences will be inspected at least quarterly and after major precipitation events. Any damage discovered to the tortoise-proof section of the fence should be repaired as soon as possible. The bottom 20–24 inches should be constructed of 1- by 2-inch galvanized vertical mesh fence material. The fence should be buried at least 6 inches below ground or bent at a right angle towards the outside of the fence, and covered with dirt, rocks, or gravel to prevent desert tortoises from digging under the fence. Gates should provide minimal ground clearance and deter ingress by desert tortoises. All desert tortoises found should be relocated outside the fence or removed to an area previously approved by the agencies.

19. Incidences of observations of listed species and their sign during construction activities will be conveyed to the field supervisor and/or authorized biologist.
20. A trash abatement program will be initiated during pre-construction phases of the project, and will continue through the duration of the Project. Trash and food items will be contained in closed (raven-proof) containers and removed regularly (at least once a week) to reduce attractiveness to opportunistic predators such as ravens, coyotes, and feral dogs.
21. Firearms and domestic dogs will be prohibited from the Project site.
22. Upon Project completion, all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes will be removed from the site and disposed of properly.
23. Any fuel or hazardous waste leaks or spills will be stopped/repared immediately and cleaned up at the time of occurrence in accordance with the approved contingency plan. The storage and handling of hazardous materials will be excluded from the construction zone in areas within 100 feet of an active tortoise burrow and wash crossings. Any unused or leftover hazardous products will be properly disposed of offsite.
24. After construction, the area will be restored in accordance with the Project *Reclamation Plan*.
25. Upon completion of construction, a thorough inspection of the site will be conducted by the biological monitor to determine the extent of compliance with the conditions of the agreements between the Project proponent and the agencies.
26. Within 90 days of completion of Project activities, the FCR and/or authorized biologist will submit a standardized report to the lead agency for distribution to the other agencies.
27. Efforts will be made to minimize impacts to vegetation and soils in the construction corridor.
28. Desert tortoises will only be moved by an authorized desert tortoise biologist, or desert tortoise monitor operating under the direct supervision of the biologist, and solely for the purpose of moving them out of harm's way.
29. Kern River will submit the names of all proposed authorized biologist(s) to the BLM and USFWS for review and approval at least 30 days prior to initiation of any desert tortoise clearance surveys. Project activities will not begin until an authorized biologist(s) has been approved.
30. All handling of desert tortoises and their eggs and excavation of burrows will be conducted by or under the supervision of an authorized biologist in accordance with recommended protocol (Desert Tortoise Council 1999). No stakes or flagging will be placed on the berm/apron, or in the mouth of a desert tortoise burrow. Desert tortoise burrows will not be marked in a manner that facilitates poaching. Avoidance flagging will be designed so as not to be easily confused with other construction-related flagging, and will be designed in consultation with experienced construction personnel and authorized biologists.
31. Desert tortoises that are found above ground and need to be moved from harm's way will be placed in the shade of a shrub.

32. Anytime a vehicle is parked, the ground around and under the vehicle will be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is observed, it will be left to move on its own. If this does not occur within 15 minutes, an authorized biologist will remove and relocate the tortoise.
33. Within desert tortoise habitat, any construction pipe, culverts, or similar structures with a diameter of 3 to 12 inches that are stored on the construction site for one or more nights will be inspected for tortoises before the material is moved, buried, or capped. As an alternative, all such structures may be capped before being stored on the construction site.
34. Trench segments or other excavations will be fenced with temporary tortoise-proof fencing, covered at the close of each working day, or provided with tortoise escape ramps. All excavations will be inspected for tortoises prior to filling.
35. Dust control watering of the ROW within desert tortoise habitat will be conducted in a manner that does not result in the pooling of water. If pooling occurs, these areas will be checked on a regular basis for the presence of tortoise.
36. Water will be applied to the construction ROW for dust control and to the topsoil piles as necessary to prevent the loss of topsoil due to wind erosion. Kern River may be able to reduce the applications of water to the construction ROW by adding a non-toxic, organic tackifier to the dust control water in desert tortoise habitat during the tortoise active season. However, the effectiveness of tackifier is dependent on the structure and moisture holding capabilities of the soil. Frequently these soil properties can only be determined after the removal of the topsoil and application of water. Kern River may also apply tackifier to segregated topsoil piles in areas designated as highly susceptible to wind erosion. During the desert tortoise active season, an authorized biologist will be assigned to patrol each area being watered. The biological monitor will patrol the area immediately after the water is applied and at approximate 60-minute intervals until the ground is no longer wet enough to attract tortoises.
37. Before engaging in activities involving surface disturbance in desert tortoise habitat outside of critical habitat, the proponent will notify the BLM at least 3 weeks prior to nonemergency maintenance activities and immediately for emergency repairs.
38. All cacti and Yucca species within disturbance areas will be avoided, transplanted adjacent to the disturbance area, and/or re-transplanted back into the disturbance area after surface disturbing activities are completed. Re-vegetation is addressed in additional detail in the *Reclamation Plan*.
39. All pipeline markers within desert tortoise habitat will be fitted with "bird-be-gone" or similar bird repellent devices to minimize the potential for increased predation from aerial predators during operation of the proposed pipeline.
40. Tortoises fatally injured or killed by project activities will be submitted for necropsy, according to *Salvage Protocols for Dying and Recently Dead Tortoise* (2001), at the expense of Kern River.
41. To compensate for desert tortoise habitat affected during construction, Kern River will offset these effects through either an acceptable land acquisition or an assessed direct financial contribution based on the final construction footprint. Compensation on non-critical habitat is currently determined by a 1:1 ratio on BLM lands, with a 2:1 ratio in general applied to all lands by the CDFG, for a total ratio of 3:1. Kern River proposes to provide funding for both an enhancement fee and money to manage acquired lands, as applicable.

7.4 Geology and Soils

- Project construction activities will comply with the *FERC Plan* existing regulatory requirements related to erosion and sedimentation.

- Project construction activities will comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit, including the implementation of the Project-specific *Stormwater Pollution Prevention Plan* (SWPPP) and associated Best Management Practices (BMPs).
- The Applicant has developed a Project-specific *Blasting Plan* for all blasting-related operations. Blasting of unrippable rock during construction will comply with applicable federal, state and local regulations, permit conditions and the construction Contractor. Blasting for grade or trench excavation shall be utilized only after all other reasonable means of excavation have been used and are unsuccessful in achieving the required results. Drilling and blasting shall be done with a safety or other designated Kern River inspector present who has been determined to be qualified to oversee and direct the handling or use of the explosive materials for these applications during construction. The Kern River representative's approval is required to proceed prior to each qualifying blast.

7.5 Hazards and Hazardous Materials

- Hazardous materials will be handled in accordance with Federal requirements and non-conflicting County and State requirements. The San Bernardino County Hazardous Material Contingency Plan will be implemented during all construction and grading activities. At present, it is not anticipated that hazardous materials will be encountered during construction.
- The Construction Contractor will implement Kern River's Project-specific *Spill Prevention Control and Containment (SPCC) Plan* and *SWPPP*, which outline the BMP's and procedures to prevent impacts to the public through the storage and use of any hazardous materials.

7.6 Hydrology/Water Quality

- In accordance with the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and the State Construction General Permit (CGP), the Applicant has developed a Project-specific *SWPPP*, which provides detailed descriptions of the various structural and nonstructural water quality management measures to be used, and includes: construction BMPs; use of permanent source control BMPs; and treatment control BMPs, which may include installation of filters, straw bale barriers, silt fences, stock pile coverings and sediment basings and preserving existing vegetation.
- The Applicant is required to provide periodic and continuous maintenance of all BMP devices/facilities listed in the *SWPPP* for the project. The CGP requires that the *SWPPP* must be amended when there are any changes in the Project design, construction, or operations that may have a significant effect on the potential for discharge of pollutants to surface waters or groundwater, there are violations of any condition of the CGP, or the general objective of eliminating or minimizing pollutants in stormwater discharges is not achieved. Furthermore, such maintenance activity will require compliance with all applicable local, State and Federal laws and regulations, including those pertaining to waste disposal methods in effect at the time such maintenance occurs.

7.7 Noise and Vibration

- Construction activities will be limited to daylight hours and shall conform to local noise standards per County Development Code Section 83.01.080.

7.8 Traffic / Circulation

- Project ingress and egress routes shall be designated, and Project-related vehicle traffic outside these routes shall not be allowed.

7.9 Utilities and Service Systems

- The applicant shall notify and coordinate with all other utility providers that own easements, ROWs, or facilities within or adjacent to the area affected by the proposed project.

Other Public Agencies whose approval or coordination is required:

Federal Energy Regulatory Commission (FERC)

U.S. Bureau of Land Management (BLM)

California Department of Fish and Game (CDFG)

Lahontan Regional Water Quality Control Board (LRWQCB)

U.S. Fish and Wildlife Service (USFWS)

Mojave Desert Air Quality Management District (MDAQMD)

California State Historic Preservation Office (SHPO)

Clark County (Nevada) Department of Air Quality and Environmental Management (DAQEM)

Nevada SHPO

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, *et seq.* and the State CEQA Guidelines (California Code of Regulations Section 15000, *et seq.*). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

- Potentially Significant Impact
- Less than Significant with Mitigation Incorporated
- Less than Significant
- No Impact

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impacts are identified or anticipated and no mitigation measures are required.

Less than Significant Impact: No significant adverse impacts are identified or anticipated and no mitigation measures are required.

Less than Significant Impact with Mitigation Incorporated: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures).

Potentially Significant Impact: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are: (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self-monitoring or as requiring a Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

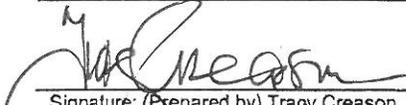
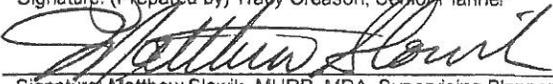
The environmental factors checked below would be potentially affected by this project.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION would be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION would be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


 Signature: (Prepared by) Tracy Creason, Senior Planner

 Signature: Matthew Slowik, MURP, MPA, Supervising Planner

19 Aug 2011
 Date
 8/19/11
 Date

CEQA ENVIRONMENTAL CHECKLIST

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------	---------------------------------------	------------------------------	-----------

I. AESTHETICS: Will the project:

a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

The proposed project impacts on aesthetics will be considered significant if:

- Landform alterations obstruct important scenic vistas or views presently open to the public.
- The visual contrast between landscape alterations associated with the proposed project and the natural surrounding setting creates an aesthetically offensive site open to public view.
- The impacts on light and glare will be considered significant if the project adds lighting which will add glare to residential areas or sensitive receptors.

SUBSTANTIATION:

Less than Significant Impact: A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the benefit of the general public. According to the BLM's Visual Resource Inventory (VRI), the proposed Project is located in Visual Resource Management (VRM) Class III, which the objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape. The proposed Project is consistent with VMR Class III, as existing vegetation along the entire ROW, if previously present, will be allowed to return to preconstruction conditions within several growing seasons subsequent to the completion of cleanup and restoration activities. The Applicant will not conduct maintenance mowing of these areas, as the minimal vegetation growth in this area will not impact operation of the pipeline. The minor aboveground facilities (0.41 acre) will be the only visual pipeline facilities associated with the operation of the Project. Of the 0.41 acre of aboveground facilities, 0.22 acre will be located on previous disturbed land on Molycorp property and 0.19 acre are located on BLM land, mostly within the existing Kern River mainline ROW. Therefore, impacts to scenic vistas will be less than significant, since the majority of the existing visual character and quality of the site will be returned to preconstruction conditions.

b. No Impact: No historic properties were identified during the cultural resource inventory conducted by for the Project, for which visual characteristics contribute to their significance. Interstate 15 (I-15) is the nearest highway, located to the south and east of the proposed Project. I-15 is not listed as a National Byway by the USDOT. In addition, there are no designated or eligible State scenic highways in the viewshed of the proposed Project; therefore there will be no impacts to these visual resources.

The nearest scenic vista will be the Mojave National Preserve, located approximately 1 mile west of the proposed pipeline corridor, which will not be crossed by the proposed Project. The preserve is managed by the National Park Service (NPS) and is the third largest unit of the National Park System in the contiguous United States. The Applicant has contacted representatives of the Mojave National Preserve, who have stated they do not have any concerns about the Project's impact on the preserve. Therefore the Project will not impact scenic resources.

c. Less than Significant: Existing vegetation along the entire ROW, if previously present, will be allowed to return to preconstruction conditions within several growing seasons subsequent to the completion of cleanup and restoration activities. The Applicant will not conduct maintenance mowing of these areas, as the vegetation growth in this area will not impact operation of the pipeline. The minor aboveground facilities (0.41 acre) and required pipeline markers will be the only visual pipeline facilities associated with the Project. Of the 0.41 acre of aboveground facilities, 0.18 acre is located on BLM land. Therefore the majority of the existing visual character and quality of the site will be returned to preconstruction conditions.

d. No Impact. The proposed Project will not create a new source of substantial light or glare which will adversely affect day or nighttime views in the area.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

II. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

Project-related impacts on agricultural resources will be considered significant if any of the following conditions are met:

- The proposed project conflicts with existing zoning or agricultural use or Williamson Act contracts.
- The proposed project will convert prime farmland, unique farmland or farmland of statewide importance, as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California Resources Agency, to non-agricultural use.
- The proposed project conflicts with existing zoning for, causes rezoning of forest land, or results in the loss of forest land.

SUBSTANTIATION:

a-e. No Impact: There are no agricultural resources or forest lands at, or in the vicinity of, the Project site. In addition the Project site is not located in an area identified as prime farmland nor is the site being used for or zoned for agriculture. No significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Will the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SIGNIFICANCE CRITERIA:

Increase in impacts for criteria pollutants will be evaluated and compared to the significance criteria described above. The criteria for determining whether a given impact from the modification of a project is significant is delineated in Section 15162 of the CEQA Guidelines, which states that the impacts must be "... new significant environmental effects or a substantial increase in the severity of previously identified significant effects." Thus the impact of the modification is determined by comparing the difference between the post-modification emissions to those previously approved. The Project site is located within the MDAB and is within the jurisdiction of the MDAQMD. The MDAQMD has established recommended air quality significance thresholds for projects subject to CEQA review. According the MDAQMD guidance, projects could be considered significant if the increases equal or exceed any of the thresholds listed in Table 4.

TABLE 4
Air Quality Significance Thresholds

Mass Daily Thresholds		
Pollutant	Construction (lbs/day)	Operation (tons/year)
CO	548	100
NO _x	137	25
VOC/ROG	137	25
SO _x	137	25
PM ₁₀	82	15
PM _{2.5}	82	15

Source: MDAQMD, 2009.

CO = Carbon Monoxide, NO_x = Nitrogen Oxides, VOC = Volatile Organic Compounds, ROG = Reactive Organic Gases, SO_x = Sulfur Oxides, PM₁₀ = particulate matter less than 10 microns in size, PM_{2.5} = particulate matter less than 2.5 microns in size.

A potential for a project to cause a nuisance to or adversely impact a nearby sensitive receptor, could also be considered significant.

SUBSTANTIATION:

a. Less than Significant Impact: The Air Quality Management Plan (AQMP) provides a program for obtaining attainment status for key monitored air pollution standards, based on existing and future air pollution emissions resulting from employment and residential growth projections. The AQMP is developed using input from various agencies' General Plans and other projections for population and employment growth. While the proposed Project is not identified specifically in the County of San Bernardino General Plan, it will not generate new homes or employment opportunities that will change the County's projections. Given that the proposed Project will not alter the population or employment projections considered during the development of the AQMP, and considering the minor emissions attributable to the proposed Project during operation (refer to discussion in item III (b) below), impacts associated with AQMP consistency will be less than significant.

b. Less than Significant Impact: Air quality impacts will include construction exhaust emissions generated from construction equipment, vegetation clearing and earth movement activities, construction workers' commute, and construction material hauling for the entire construction period. These activities will involve the use of diesel- and gasoline-powered equipment that will generate emissions of criteria pollutants such as Carbon Monoxide (CO), Nitrogen Oxides (NO_x), Reactive Organic Gases (ROG) (also known as Volatile Organic Compounds [VOC]), Sulfur Oxides (SO_x), Particulate Matter less than 10 microns (PM₁₀), and Particulate Matter less than 2.5 microns (PM_{2.5}). The Project construction activities also represent sources of vehicle re-entrained fugitive dust (which includes

PM₁₀), a potential concern because the proposed Project is in a non-attainment area for ozone and PM₁₀. Emissions estimates for the Project are provided in Table 5.

TABLE 5
Summary of Constructions Emissions

Emission Source	Emissions (tons)							Emissions (metric tons)
	NO _x	VOC	CO	SO ₂	PM ₁₀	PM _{2.5}	HAPs	CO ₂
Exhaust Emissions - Nonroad Equipment	2.5	0.24	1.3	0.0063	0.22	0.22	0.0067	291
Exhaust Emissions - Onroad Vehicles	1.2	0.16	1.0	0.0019	0.053	0.045	0.011	181
Fugitive Dust Emissions - Roads	-	-	-	-	14	1.4	-	-
Fugitive Dust Emissions - Construction	-	-	-	-	4.5	0.62	-	-
TOTAL	3.7	0.39	2.3	0.0082	18	2.2	0.018	472

Construction-related activities will result in PM₁₀ emissions of fugitive dust, exhaust from construction equipment, and employee commute vehicles. The vast majority of these emissions are fugitive dust generated from travel on unpaved roads from construction activities. These PM₁₀ emissions will exceed the PM₁₀ levels identified in Table 4. However, these increases will be temporary and localized during the six (6) months of total construction time, and no other emission categories will be exceeded. The emissions estimates provided in Table 5 are conservative in that they assume a worst-case scenario. The worst-case result is derived by assuming that all of the construction equipment (as presented) is operating simultaneously at the percent utilization listed and by combining their emissions. This is a worst-case level, and it is unlikely that all of the equipment will be operating simultaneously. The nearest populated area (Primm, NV) and recreational facility (Primm Valley Golf Course) are more than 5 miles from the Project area. The proposed Project will also include dust abatement measures that will limit the generation of pollutants, including PM₁₀, consistent with Rule 403.2 *Fugitive Dust Control for the MDAB*. This includes using water trucks to minimize the production of visible dust emissions in areas where grading or vegetation removal occurs, within the staging areas, and on any unpaved roads used during Project construction. Additionally, water application will be used to increase moisture content and reduce dust generation during construction.

Only very minor amounts of emissions are expected from the operation and maintenance of the pipeline lateral and associated facilities. Small amounts of air pollutant emissions may also be generated from the vent stack (including emissions from the filter/separator pressure safety vent [PSV] and manual piping vents), and condensate tank at the meter station to be constructed for the Project. The condensate tank is expected to have very little or no emissions due to the low volatility of stored materials. Natural gas emissions (primarily methane) will only be released from

vent stack under upset conditions or as required for routine maintenance. In addition, fugitive natural gas emissions may occur from pipeline and meter station components.

In the context of the Project design and construction features, proposed Project construction-related air quality impacts will be temporary and reduced to the extent feasible with fugitive dust mitigation.

c. Less than Significant Impact: The Project will contribute criteria pollutants in the area during the short-term Project construction period. None of the activities associated with the proposed Project will create a substantial permanent increase in the emissions of criteria pollutants that will be cumulatively considerable. Although the Project is in a non-attainment area for PM₁₀ and ozone, the minimal emissions from operation and maintenance of the pipeline and associated facilities will have a minor impact on the emissions of criteria pollutants that will be cumulatively considerable. Therefore, impacts will be less than significant.

d. Less than Significant Impact: The MDAQMD defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities (MDAQMD 2007). There are no sensitive receptors in close proximity to the Project area, and the nearest populated area (Primm, NV) and recreational facility (Primm Valley Golf Course) are more than 5 miles from the Project area.

e. Less than Significant Impact: The operational phase of the Project will result in only minor amounts of air pollutant emissions or objectionable odors due to normal operation and maintenance activities. Potential odor generation associated with the proposed Project will be limited to construction sources such as diesel exhaust and dust. No significant odor impacts related to Project implementation are anticipated due to the nature and short-term extent of potential sources, as well as the distance to sensitive receptors. Therefore the operation of the Project will have a less than significant impact associated with the creation of objectionable odors affecting substantial number of people.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------	---------------------------------------	------------------------------	-----------

IV. BIOLOGICAL RESOURCES: Will the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

SIGNIFICANCE CRITERIA:

The impacts on biological resources will be considered significant if any of the following criteria apply:

- The project conflicts with local state or federal plans and policies protecting sensitive species and habitat resources
- The project results in adverse effects on a rare or endangered species of animal, plant, or the habitat of the species
- The project results in substantial reduction of species diversity or abundance
- The project creates a barrier that prevents the migration of resident or migratory fish or wildlife species
- The project interferes with natural processes, such as fire and flooding, upon which habitat depends
- The project results in a loss of valuable habitat for fish, wildlife, or plants

SUBSTANTIATION:

IV.a. Less Than Significant Impact: Vegetative cover types traversed by the proposed Project are based on field surveys conducted by Ecology and Environment, Inc. between April 15 - 29, 2010. Major vegetative cover types crossed by the pipeline route include Mojave creosote bush – white bursage desert scrub, Joshua tree woodland and industrial/disturbed lands. The Project area provides potential habitat for several special status species. The

CESA lists the desert tortoise (*Gopherus agassizii*) as threatened and the gilded flicker (*Colaptes chrysoides*) as endangered. Desert tortoise and gilded flicker geographic ranges overlap the proposed Project area, and habitat for both of these species is present. These species are not subject to rules and guidelines pursuant to Section 2112 and Section 2114 of the California Fish and Game Code. The Mojave population of the desert tortoise, which includes all California populations, is also designated as threatened by the USFWS under the Endangered Species Acts (ESA). Gilded flickers receive additional protection under the MBTA.

Species of Special Concern (SSC) are wildlife species designated by the CDFG to be at conservation risk; however, this designation is administrative and affords no formal legal status. However, the CEQA does require consideration of SSC. Two SSC may potentially be present in the proposed Project area – banded Gila monster (*Heloderma suspectum cinctum*) and burrowing owl (*Athene cunicularia*). The burrowing owl is also protected under California Fish and Game Code Section 3503.

Bighorn sheep (*Ovis Canadensis*) is designated as a Fully Protected species by the CDFG. The applicant proposes to implement construction monitoring measures to ensure that no individuals are harmed as a result of the proposed Project. The steep, rocky, mountainous terrain required as habitat for bighorn sheep does not occur in the Project area. The Clark Mountains unit of the Mojave National Preserve, located to the west of the Project area, contains a native population of Nelson bighorn sheep (*O. c. nelson*); however, a 1994 helicopter census of the area identified only 10 sheep (NPS 2005). Because of the lack of suitable habitat within or adjacent to the Project area and small populations likely to occur in the Clark Mountains, it is unlikely that the Project will affect bighorn sheep.

Potential effects of the proposed Project on desert tortoise, gilded flicker, banded Gila monster and burrow owl are discussed below. In general, impacts to species of concern in the proposed Project area will be reduced to less than significant levels with the implementation of the conservation measures proposed by the Applicant, which are provided in Section 7.3.

Desert Tortoise

The level of effect described herein will not appreciably reduce the likelihood of survival and recovery of the Mojave population of the desert tortoise, for the following reasons.

- The effects of the proposed Project on desert tortoise habitat will be reduced through revegetation and restoration efforts
- The implementation of the Applicant's proposed desert tortoise conservation measures described above in Section 7.3 and the additional recommendations of the agencies will reduce the potential effects
- Desert tortoise densities in the Project area are relatively low. As planned, the Project will disturb approximately 88.05 acres of habitat, of which approximately 0.41 acres will be impacted permanently. Active revegetation efforts and natural reestablishment should allow most of the disturbed area to revegetate and eventually achieve functionality similar to pre-disturbance habitat

- The proposed Project does not occur within USFWS-designated desert tortoise critical habitat

Although the proposed action will alter suitable habitat for the desert tortoise, implementation of the proposed Project impact avoidance, minimization, and conservation measures will ensure that such alteration does not jeopardize the survival and recovery of desert tortoises in the Mojave Desert.

Gilded Flicker

The level of effect described herein will not appreciably reduce the likelihood of survival and recovery of the gilded flicker in California, for the following reasons.

- The effects of the proposed Project on Joshua tree habitat will be reduced through revegetation and restoration efforts
- The implementation of the Applicant's proposed gilded flicker conservation measures described above in Section 7.3 and the additional recommendations of the agencies will reduce the potential effects
- Gilded flickers are rare to uncommon in the vicinity of the proposed Project area. The Project is projected to disturb approximately 29.15 acres of Joshua tree habitat; however, only 0.41 acres of the entire Project area will be impacted permanently. Active revegetation efforts and natural reestablishment should allow most of the disturbed area to re-vegetate and eventually achieve functionality similar to pre-disturbance habitat
- Construction will be conducted outside of the breeding season, thus avoiding disturbance to nesting gilded flickers

Although the proposed Project will alter suitable habitat for the gilded flicker, the proposed Project impact avoidance, minimization, and conservation measures suggest that such alteration will not jeopardize the survival and recovery of the species in California.

Banded Gila Monster

The level of effect described herein will not appreciably reduce the likelihood of survival and recovery of the banded Gila monster in California, for the following reasons:

- The effects of the proposed Project on Gila monster habitat will be reduced through revegetation and restoration efforts
- The implementation of the Applicant's proposed Gila monster conservation measures described above in Section 7.3, the Nevada Department of Wildlife's *Gila Monster Protocol for Minimizing Impacts in the Construction Site* (2005), and the additional recommendations of the agencies will reduce the potential effects
- Banded Gila monsters are rare to uncommon in the vicinity of the proposed Project area. Very few records have been documented in this area (Lovich and Beaman 2007). The Project is proposed to disturb approximately 88.05 acres of habitat; however, only 0.41 acres of the entire Project area will be impacted permanently. The impacts on Gila monster habitat will be less because some portions of the Project are previously disturbed. Active revegetation efforts and natural reestablishment should allow most of the disturbed area to revegetate and eventually achieve functionality similar to pre-disturbance habitat
- Construction will be conducted outside of the period when Gila monsters may be most active (April to July), thus reducing potential disturbance to the species (Lovich and Beaman 2007)

Although the proposed action will alter suitable habitat for the banded Gila monster, the proposed Project impact avoidance, minimization, and conservation measures suggest that such alteration will not jeopardize the survival and recovery of the species in California.

Burrowing Owl

The level of effect described herein will not appreciably reduce the likelihood of survival and recovery of the burrowing owl in California, for the following reasons:

- The effects of the proposed Project on burrowing owl habitat will be reduced through revegetation and restoration efforts
- The implementation of the Applicant's proposed burrowing owl conservation measures described above in Section 7.3, the California Burrowing Owl Consortium's *Burrowing Owl Survey Protocol and Mitigation Guidelines* (1993), and the additional recommendations of the agencies will reduce the potential effects
- Burrowing owl densities appear to be relatively low, but potentially increasing, in the vicinity of the proposed Project area, according to occurrence data (Sauer et al. 2008; eBird 2010). The Project is projected to disturb approximately 88.05 acres of habitat; however, only 0.41 acres of the entire Project area will be impacted permanently. Active revegetation efforts and natural reestablishment should allow most of the disturbed area to revegetate and eventually achieve functionality similar to pre-disturbance habitat. In the meantime, burrowing owls may use the disturbed areas, as they are known to do
- Construction will be conducted outside of the breeding season, thus avoiding disturbance to nesting burrowing owls

Although the proposed action will alter suitable habitat for the burrowing owls, the proposed Project impact avoidance, minimization, and conservation measures suggest that such alteration will not jeopardize the survival and recovery of the species in California.

IV.b. No Impact: There is no riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS in the Project Area. All desert tortoise habitat in the Project Area has been designated as non-critical by the USFWS (USFWS 2008).

IV.c. No Impact: There are no waters of the United States as defined by Section 404 of the Clean Water Act impacted by the Project.

IV.d. Less Than Significant Impact: No fisheries will be impacted by the Project; therefore, there is no potential for the Project to substantially interfere with any native resident or migratory fish. Construction of the Project will result in temporary impacts to native resident wildlife species. Following the completion of construction, the Applicant will restore the Project right-of-way in accordance with the Project-specific *Reclamation Plan*, with the exception of 0.41 acre of land required for the tap assembly and pig launcher located on BLM land and the meter station site on Molycorp's property. Following reclamation, all wildlife that currently occupy the Project area will be able to return.

IV.e. Less Than Significant Impact: Joshua trees and all species of the family Agavaceae, including yucca, are protected in the San Bernardino County Development Code §88.01.060. In accordance with the Project-specific *Reclamation Plan*, the Applicant is proposing to salvage all succulent plant specimens in the construction workspace prior to clearing and grading activities for replanting in the ROW following construction. By adhering to the measures for plant salvage in Section 6.2.3.4 of the *Reclamation Plan*, impacts to plants protected by the San Bernardino County Code will be reduced to less than significant levels.

IV.f. No Impact: The Project is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There is no USFWS-designated critical habitat for desert tortoise located within the Project Area (USFWS 2008).

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Will the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

Impacts to cultural resources will be considered significant if:

- The project results in the disturbance of a significant prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group
- Unique paleontological resources are present that could be disturbed by construction of the proposed project
- The project will disturb human remains

SUBSTANTIATION:

a-b. No Impact: The Applicant has conducted a Class III Cultural Resources survey which did not indicate any known National Historic Preservation Act (NHPA) cultural or historic resources have been identified along the Project ROW or along access roads. In the event that cultural or historic resources are discovered during construction, the Applicant shall immediately notify the FERC and the SHPO, and the BLM if such discoveries are on land under BLM jurisdiction. Interested tribes, as appropriate, will also be notified and consulted where properties discovered may be of traditional religious and cultural significance to those tribes. Where a discovery is made, construction work will be redirected from the discovery or halted by the appropriate Kern River designated official (i.e., Environmental Inspector or other Kern River supervisory person) at the discovery location and the discovery shall be protected. A minimum 100 foot buffer on either side of the discovery location shall be established. Work will be redirected or halted for a period of time adequate to assess the nature of the discovery and to determine and implement the necessary course of action as determined by the Applicant in consultation with FERC, SHPO, and BLM, as appropriate per land jurisdiction. Work will not resume in the area of discovery until authorized by FERC, BLM, or SHPO.

c. Less than Significant Impact: The Project will cross sedimentary rocks that may have the potential for paleontological resources. As such, the Applicant will monitor construction that may affect sedimentary units that

have a potential for significant fossils along the proposed pipeline lateral. No monitoring will occur where sedimentary units are found to have low paleontological sensitivity. An approved, qualified paleontological monitor will be present during groundbreaking activities in areas with high paleontological sensitivity. The paleontologist will check disturbed areas during or immediately following grading and trenching through specific segments and before the pipeline is lowered-in and the trench is backfilled. The Project specific *Paleontological Resource Plan* includes the following tasks:

- Pre-construction approvals;
- Field monitoring during excavation and grading of areas previously found or have high potential to encounter significant fossils, and variations crossing formations having moderate to high potential to encounter significant fossils;
- Orientation of workers and spot-check by paleontologists in non-monitored areas;
- Notification of finds in non-monitored areas;
- Access road clearance where modifications may be necessary in formations having the potential to yield significant fossils below the depth of the existing road bed;
- Preparation, identification, preservation and curation of recovered fossils; and
- Preparation of report findings.

Each of these tasks will be performed under the direct supervision of a qualified paleontologist, holding the necessary permits or approvals from BLM, and with related regional experience.

d. No Impact. The Project site is not located within or near a known cemetery, and no human remains are anticipated to be disturbed during the construction phase. However in accordance with applicable regulations, construction will halt in the event of the discovery of human remains, and consultation and treatment will occur as prescribed by law.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------	---------------------------------------	------------------------------	-----------

VI. GEOLOGY AND SOILS: Will the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SIGNIFICANCE CRITERIA:

The impacts on the geological environment will be considered significant if any of the following criteria apply:

- The project modifications result in major changes in topography or ground surface relief features
- The project results in the disturbance or destruction of unique geologic features or physical features
- The project results in unstable earth conditions
- The project results in a large increase in erosion onsite or off-site, if the erosion is related to activities on the site
- The project exposes people or property to geologic hazards such as earthquakes, active faults, landslides, mudslides, ground failure, or similar hazards

SUBSTANTIATION:

a. Less than Significant Impact: The entire San Bernardino County area is potentially subject to strong seismic groundshaking with potential levels being greatest in the western portion of the county and at sites near known earthquakes or potentially active faults. Earthquakes can cause ground motion and induce ground failure that can

result in damage to roads, structures and utilities. Impacts associated as a result of earthquakes is not anticipated to cause significant harm to people or structures including the risk of loss, injury, or death, due to the low potential for seismic activity, lack of active faults in the vicinity and low expected ground motion and surface displacement from earthquakes. In addition, the area is not close to any residential or recreational areas where people are located. With the exception of the 65 to 105 workers for construction of the proposed Project and those regular workers associated with Molycorp, the area does not support a population of people that could be impacted by significant impacts associated with an earthquake.

a.(i) Less than Significant Impact: The Project is not located in the Alquist-Priolo Earthquake Zone but rather a portion of the active Eastern California Shear Zone (ECSZ), the Stateline Fault System (SFS) trending northwest-southeast and parallel to the state line just within California is located approximately 5 miles northeast of the proposed workspaces. The SFS was previously thought to be inactive with only minor historic movement. Recent studies found that this fault was responsible for substantial lateral movement (30 ± 4 kilometers) over the past 13 million years. These data indicate that the fault is either in an inactive period or that this movement has transitioned to other faults within the ECSZ to the west (GSA 2007).

There are two Pre-Quaternary faults (considered to be inactive) that cross the proposed Project: the Ivanpah fault at MP 2.01 and the North fault at MP 7.72. The Ivanpah fault is observed in the bedrock north of the Mountain Pass area in the north end of the Clark Mountains. This fault has been mapped as a normal pre-Quaternary fault. The North fault is a transverse left lateral also pre-Quaternary fault. Pre-Quaternary faults are defined as faults that are older than 1.6 million years or faults without recognized Quaternary displacement (CGS 2010).

While the potential for onsite ground rupture cannot be totally discounted (i.e., unmapped faults), the likelihood of such an occurrence is considered low due the absence of known active faults within or adjacent to the site. During preconstruction investigations, the Applicant will verify that there is no new evidence of ground rupture since geologic maps were last updated along the proposed Project. If evidence of rupture is discovered, mitigation will be added to protect the pipeline and public. Accordingly, no significant impact related to seismic ground rupture (and related effects) are anticipated from implementation of the proposed Project.

a.(ii). Less than Significant Impact: Based on historical seismicity and Quaternary fault data, the USGS has produced probabilistic seismic hazard maps for the United States. This hazard mapping was used to address two risk levels for the Project: 1) a 10 percent probability of exceedance in 50 years (475-year return period); and 2) a 2 percent probability of exceedance in 50 years (2,475-year return period). The output from the seismic hazard mapping includes estimates of the peak horizontal ground acceleration (PGA) and spectral accelerations (Sa) for 0.2-second and 1.0-second structural periods. Both the PGA and Sa values are given in percentages or decimal fractions of the acceleration of gravity (g). On the Earth's surface, the conventional standard value of the acceleration resulting from gravitational forces (gf) is defined as approximately 32 feet per second squared (ft/s²).

The 10 percent probability of exceedance (475-year return period) PGA is 7 to 8 percent gf for the entire proposed Project. This seismic hazard rating is associated with moderate perceived shaking and very light potential damage (Wald, Worden, and Pankow 2003). The 2 percent probability of exceedance (2,475-year return period) PGA is 14 to 16 percent gf from MP 0.00 to MP 5.05 and 12 to 14 percent gf from MP 5.05 to MP 8.60. Therefore, there is a small chance of a significant earthquake during the useful lifetime of the Project.

The project design will incorporate measures to accommodate projected seismic loading, pursuant to existing guidelines such as the "Greenbook" Standard Specifications for Public Works Construction (2006) and the International Code Council's (ICC) 2007 California Building Code (CBC). Specific measures that may be used for the proposed project include proper fill composition and compaction; anchoring (or other means of for securing applicable structures); and use of appropriate pipeline materials, dimensions and flexible joints. Based on the incorporation of applicable measures into project design and construction, potential project impacts associated with strong seismic ground shaking will be less than significant.

a.(iii). Less than Significant Impact. Liquefaction could result in a pipeline becoming buoyant within the liquefied soil. Over most of the proposed Project Area, liquefaction will be very unlikely due to groundwater depth (generally much greater than 50 feet). Approximately 64.9 percent of the 8.60-mile lateral in the Project is located within the Popups Sandy Loam, which is characterized as a well-drained, moderately deep to a hardpan, formed on fan remnants from mixed alluvium, sandy loam surface and subsurface over stratified gravelly sandy clay loam and gravelly coarse sandy loam. The San Bernardino County General Plan Safety Element does not indicate liquefaction potential within the proposed Project area. However, it is expected that liquefaction potential exists around the perimeter of playas (playa fringes) where sand layers could be saturated with perched water; that is, shallow groundwater of limited extent that is situated on top of a layer of clay. Such conditions where liquefaction could be produced will be identified by geotechnical investigations prior to construction. Engineered mitigation for risks associated with liquefaction and lateral spreading may be needed if the pipeline route will cross playas where sand layers could be saturated with perched water, which will make impact less than significant.

a.(iv). Less than Significant Impact. The Project was routed to avoid landslides and steep, potentially unstable slopes to the extent practicable. The BMP's outlined in the *FERC Plan* will be implemented in order to reduce the potential for construction to adversely affect slope stability. However, landslides, rockfalls, and debris flows may occur on all slopes; some processes act very slowly, while others occur very suddenly, with potentially disastrous results. Most of the proposed Project area is in low to moderately sloping (MP 0.00 to MP 6.18) topography containing sandy and gravelly alluvium that is not susceptible to landslide effects. However, where the Project crosses the Clark Mountains (MP 6.18 to 8.60) the alignment encounters moderately steep to very steep topography containing highly weathered and fractured bedrock/basement rock. These areas may be susceptible to rockfall and rotational (landslide) movement of moderate to large sections of hillslope within or adjacent to the

proposed Project. Additionally, any area where the Project will cross active alluvial fans may be susceptible to debris flows. If active alluvial fans are identified, the Applicant will implement special construction methods such as increased depth of cover, site stabilization, and/or long-term monitoring. Moreover, because the proposed pipeline alignment traverses approximately 2.5 miles of relatively rugged terrain, there is potential for previously unidentified landslides or new landslides to affect the pipeline after its installation. Monitoring higher-risk areas along the pipeline can aid in detecting landslide occurrence and movement such that action can be taken to prevent damage to the pipeline. The use of these methods will reduce potential impacts due to landslides to less than significant.

b. Less than Significant Impact. Erodible soils are present within the Project site; however, the Applicant will implement *FERC Plan* to minimize or avoid impacts to soils during construction and operation. Where applicable, the Applicant will complete site-specific plans, incorporating more recent technical standards or information, in consultation with the BLM, the National Resource Conservation Service (NRCS), and in conjunction with developing the post-certificate Implementation Plan. With the implementation of the *FERC Plan* potential impacts due to erosion will be less than significant.

c. Less than Significant Impact. There are seven types of soils that have been mapped within the Project site. The soils present within the Project are stable, generally excessively to well-drained and are suitable for most types of development. Furthermore, excavation associated with the proposed project will extend to the maximum depths of approximately six feet and will thus be limited to the existing fill materials and alluvial deposits. Potential liquefaction and landslide impacts are discussed above in Section VI.a.ii and VI.a.iv, respectively. Based on the described conditions and project design and construction methods, no significant impacts related to geologic instability are anticipated as a result of the Project.

d. Less than Significant Impact. Expansive behavior is attributable to the water holding capacity of clay minerals and can adversely affect the structural integrity of facility including underground pipelines. The majority of soils within the Project site significantly lack clay materials and are generally excessively to well-drained. The Project does cross soils associated perimeter of playas (playa fringes) where sand layers could be saturated with perched water, resulting in a potential for subsidence involves the presence of expansive soils. The potential for expansive soils in the Project area will be generally low to moderate, within one high unit (playa), due to the shallow groundwater of limited extent that is situated on top of a layer of clay. A preliminary geotechnical study concluded that extensive layers of expansive soils are not anticipated within the Project alignment based on geologic conditions. Localized zones of expansive soils do not represent a significant hazard to proposed pipeline Project. Therefore it is not anticipated that the presences of these soils within the Project area will result in significant impacts.

e. No Impact. The Project does not include the use of a septic system or alternative waste water disposal system; therefore, no impacts are anticipated.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

VII. GREENHOUSE GAS EMISSIONS: Will the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SIGNIFICANCE CRITERIA:

San Bernardino County uses the South Coast Air Quality Management District’s (SCAQMD) adopted greenhouse gas (GHG) significance thresholds for industrial facilities, as neither the County nor MDAQMD have established quantitative GHS significance thresholds. The following bullet points describe the SCAQMD’s tiered interim GHG significance threshold for stationary/industrial sources (SCAQMD, 2008).

- **Tier 1** – consists of evaluating whether or not the project qualifies for any applicable exemption under CEQA
- **Tier 2** – consists of determining whether or not the project is consistent with a GHG reduction plan that may be part of a local general plan, for example. The County is currently preparing a GHG reduction plan for the areas within jurisdiction but no such plan is currently available. If the project is not consistent with a local GHG reduction plan, there is no approved plan, or the GHG reduction plan does not include all of the components described above, the project will move to Tier 3.
- **Tier 3** – establishes a screening significance threshold level of 10,000 metric tons of carbon dioxide (CO₂) equivalent emissions per year (MTCO₂e/yr) (the majority of combustion emissions are comprised of CO₂). If a project’s GHG emissions exceed the GHG screening threshold, the project will move to Tier 5.
- **Tier 4** – SCAQMD staff recommended deferring consideration of this tier pending further evaluation and direction from the SCAQMD’s Governing Board. Currently, Tier 4 will establish a decision tree approach that will include compliance options for projects which have incorporated design features into the project and/or implement GHG mitigation measures; demonstrate a 30 percent reduction for normal business as usual, sector based performance standards.
- **Tier 5** – will require projects to mitigate GHG emissions to less than the applicable GHG screening threshold level

SUBSTANTIATION:

a,b) **Less than Significant Impact.** Project construction will generate GHG emissions, primarily carbon dioxide (CO₂), from construction equipment and construction workers’ personal vehicles traveling to and from construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. It is estimated that approximately 472 metric tons (MT) CO₂e will be generated during construction.

During Project operation, fugitive natural gas emissions may occur from pipeline and meter station components. Though it is not possible to fully determine the amount of future maintenance required, it is estimated that blowdown/equipment venting and fugitive releases from the pipeline could emit approximately 21 MTCO₂e/yr, primarily as methane, which is equivalent to approximately 474 MTCO₂e/yr of GHG emissions.

By adding construction GHG emissions (amortized over 30 years) of 16 MTCO₂e/yr and operation GHG emissions of 474 MTCO₂e/yr, the overall annual GHG emissions for the Project are estimated at 490 MTCO₂e/yr. Thus, GHG emissions generated from the Project will be substantially less than the 10,000 MTCO₂e/yr threshold and are expected to be less than significant.

As indicated above, total GHG Project emissions will be well below the GHG significance threshold of 10,000 MTCO₂e/yr. A comparison of estimated GHG emissions from Project construction and operation to GHG emission inventories of a regional, national and global scale (as presented in Table 6) further demonstrates the insignificance of the emissions. Thus, Project GHG emissions will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

**Table 6
Comparison of Project GHG Emissions to Current GHG Emission Inventories**

Emission Type	Area	Annual Gross GHG Emissions (million metric tons CO ₂ e)
Total Project Emissions		0.00049
Current Emission Inventories	California	478
	United States	7,150
	World	41,400

Source: CARB 2010; EPA 2006; EPA 2009

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

VIII. HAZARDS AND HAZARDOUS MATERIALS: Will the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SIGNIFICANCE CRITERIA:

The impacts associated with hazards will be considered significant if any of the following occur:

- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment or fire protection
- Substantial human exposure to a hazardous chemical as defined by exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels, which is 150 parts per million (ppm) for ammonia and 3 ppm for chlorine

SUBSTANTIATION:

a,b. Less than Significant Impact. The potential risk associated with the accidental discharge during use, transport and storage of such construction-related hazardous materials during Project construction is considered low because the handling of any such materials will be addressed through the implementation of BMPs outlined in the Applicant’s Project-specific SPCC Plan, which complies with State and Federal regulations.

In addition, the Applicant has developed a Project-specific *Fire Prevention and Suppression (FPS) Plan* that complies with San Bernardino County Fire Code, CAL FIRE and the BLM Fire standards. Implementation of the standard operating procedures identified in the *FPS Plan* will reduce the risk of fire and control the spread of a potential fire due to construction activities.

Operation of the proposed Project will not require the use or storage of significant quantities of hazardous substances; therefore, no substantial potential for a major release of hazardous substances is expected. Furthermore, standard operating procedures for use, transport and storage of hazardous materials will prevent the use of these materials from causing a significant hazard to the public or environment.

c. No Impact. There are no existing or proposed schools within 0.25 mile of the proposed Project site. No significant adverse impacts are anticipated and therefore, no mitigation measures are required.

d. No Impact. The Project site is not located on a known site that is included on the hazardous material sites compiled pursuant to Government Code Section 65962.5. The proposed Project shall not create a significant hazard to the public or environment. No impact and no significant hazards are expected to the public or environment as a result of contamination along the proposed Project, including on Molycorp property; as such no mitigation measures are required.

e,f. No Impact. The Project site is not located near any public or private airports. Therefore there will be no impact to airports as a result of the construction of the Project.

g. No Impact. Activities associated with the Project will not impede any existing emergency response plans for the Project site and/or other land uses in the Project vicinity. All vehicles and stationary equipment will be staged off public roads and will not block emergency access routes. Accordingly, implementation of the Project shall not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

h. Less than Significant Impact. The proposed Project is located in a non-Very High Fire Hazard Severity Zone (VHFHSZ) for Local, State and Federal Responsibility Areas, according to CAL FIRE (2009); however, any development, along with the associated human activity, in previously undeveloped areas increase the potential of the occurrence of wildfires in this region. Comprehensive safety measures that comply with federal, state and local worker safety and fire protection codes and regulation will be implemented for the Project and will minimize the occurrences of fire due to Project activities during construction and operation of the Project.

The Applicant will implement the Project-specific *FPS Plan* that complies with the San Bernardino County Fire Code, CAL FIRE and the BLM Fire standards. Implementation of the standard operating procedures identified in the *FPS Plan* will reduce the risk of fire and control the spread of a potential fire due to construction activities. The *FPS*

Plan includes fire safety measure that will be implemented for all construction activities including blasting, welding, spark arrestors, power tool usage and refueling. Burning will not be an approved vegetation disposal method for the Project. No open burning associated with warming fires, cooking or other personal uses will be permitted. Smoking areas will be designated with "Designated Smoking Area" signs and smoking material containment will be provided and maintained. Smoking is not allowed at flammable compound storage locations, explosives storage areas and other areas as designated by the Applicant. "No Smoking" signs will be installed in these areas. Therefore, the implementation of the *FPS Plan* will reduce potential impacts due to fire during construction to less than significant impacts are anticipated.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

IX. HYDROLOGY AND WATER QUALITY: Will the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunamis, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

Potential impacts on water resources will be considered significant if any of the following criteria apply:

- The project will cause degradation or depletion of ground water resources substantially affecting current or future uses
- The project will cause the degradation of surface water substantially affecting current or future uses
- The project will result in a violation of NPDES permit requirements
- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs

- The project results in alterations to the course or flow of floodwaters
- The existing water supply does not have the capacity to meet the increased demands of the project, or the project increases water demand by more than 300,000 gallons per day

SUBSTANTIATION:

a., e., f. Less than Significant Impact: No waters or habitats that fall under the jurisdiction of the United States Army Corps of Engineers are located in the Project area. The potential water quality impacts from the proposed Project are associated with short-term construction related erosion/sedimentation and hazardous material use/discharge. As described above in Section VI.b and VII.a, potential erosion/sedimentation and hazardous materials impacts will be avoided or reduced below a level of significance through conformation with the BMPs outlined in the *FERC Plan* and the Applicant's Project-specific *SWPPP* and *SPCC* Plans, thereby reducing any impact to water quality to less than significant.

b. Less than Significant Impact: It is unlikely that construction will have a direct impact on groundwater as the Project entails only limited, temporary use of groundwater. The trench excavation for the proposed pipeline will generally range from 4 feet to 6 feet deep, which is too shallow to have a direct impact on the major aquifer systems underlying the proposed pipeline ROW, and no producing aquifers will be encountered at this depth.

The Applicant will be withdrawing groundwater for hydrostatic testing of the pipeline in order to confirm the integrity of the pipeline before placing it in-service. All components in the high-pressure natural gas pipeline will be hydrostatically tested for eight hours in accordance with USDOT 49 CFR Part 192, Kern River's testing specifications and applicable permits prior to being placed in service. When discharged, the test water will be released within the construction ROW through an energy-dissipating device and straw bale filters or sediment bags. Additional measures will be observed to maximize safety and mitigate impact, such as anchoring the discharge pipe and screening the intake to avoid entrainment of fish and aquatic species, if present. Discharge sites will generally be in upland areas, and neither chemical additives nor biocides will be used during testing.

Groundwater from four existing water supply wells owned by Molycorp will be used to test the pipeline in two segments. These wells are located in Shadow Valley, approximately 12 miles east of the Project. The withdrawal volumes provided in Tables 7 and 8 represent the total amount of water to be withdrawn and discharged from each site. Additionally, groundwater withdrawn will be of potable water quality; therefore, discharge of the water to upland areas within the ROW will not result in environmental contamination. Water from Test Section 1 will be transferred to Test Section 2, with the 9,518 gallon balance being discharged on the ROW.

**Table 7
Potential Hydrostatic Test Water Sources**

Facility	Water Source	Withdrawal Location (MP)	Withdrawal Rate (gallons/minute)	Approximate Volume ¹ (gal)	Discharge Location (MP)	Length of Test Segment (miles)	Discharge Rate (gallons/minute)
Test Section 1 – MP 8.6 to 4.2	Molycorp	8.60	100	67,400	NA	2.0	NA
Test Section 2 – MP 4.2 to 0.0	Test Section 1	NA	NA	57,882	0.0	6.6	75

¹ Volumes shown are 100% of the fill volumes for the pipeline sections.

Depending on the volume of construction traffic, surface conditions of the work areas, environmental conditions, and proximity to other human activity, or for visibility and safety reasons during construction, water will be applied to the surface of the work areas at appropriate locations to suppress fugitive dust caused by construction activities. Water for dust control along the Project will be withdrawn from existing groundwater wells located in Shadow Valley and owned by Molycorp. The volumes and sources of water to be used for dust control are provided in Table 8.

**Table 8
Water Volume and Sources for Dust Control**

Location ¹	Mileage	Acreage	Volume per Day (gallons)	Number of work days	Water Volume (gallons)	Source
MP 0.00 to 6.50	6.5	NA	8,000	110	880,000	Molycorp
MP 7.25 to 8.60	1.4	NA	4,000	110	440,000	Molycorp
Tap Assembly	NA	0.23	100	110	11,000	Molycorp
Meter Station	NA	0.34	100	110	11,000	Molycorp
Contractor Yard	NA	1.00	100	110	11,000	Molycorp
Access Roads	29.18	NA	12,000	110	1,320,000	Molycorp
Total			24,300		2,763,000	

¹ Due to steep slopes from MP 6.5 to 7.25, vehicular traffic, including water trucks, is not possible; as such, water will not be used for dust control in this area.

In addition, the Applicant will be constructing a 500-foot-deep well for cathodic protection at the meter station located on Molycorp property. Cathodic protection wells house devices to minimize electrolytic corrosion of metallic pipelines, tanks, and other facilities in contact with the ground. These wells have the potential to allow groundwater quality degradation to occur. Improperly constructed or destroyed cathodic protection wells can constitute a preferential pathway for the movement of poor-quality water, pollutants, and contaminants. Construction shall be in accordance with Environmental Health Services (EHS) requirements, EHS Well Permit number 2011050280, and the California Water Code, in order to reduce potential groundwater quality degradation.

Groundwater that will be withdrawn from existing groundwater wells for hydrostatic testing and dust control will be discharged to upland areas will recharge the groundwater in the area. As such impact associated with the use of groundwater supplies for construction will be less than significant.

c., d. Less than Significant Impact: The temporary ROW of the proposed project crosses 94 intermittent washes, 92 of which cross the centerline of the pipeline, and all of which are classified as intermittent to ephemeral washes. These washes generally flow west to east, from the Clark Mountain Range to the Ivanpah Valley, with no outflow. Construction of the Project across waterbodies may result in minor short-term impacts, associated with in-stream construction activities or construction on slopes adjacent to stream channels. To minimize adverse impacts at stream crossings, the Applicant will implement the *FERC Plan* and *FERC Wetland and Waterbodies Construction and Mitigation Procedures (FERC Procedures)* during construction, post-construction restoration, and operation of the Project. Construction activities at stream and river crossings will also be in accordance with all federal, state, and local regulations and permit requirements. Depending on the overall construction schedule, pipeline construction at intermittent stream crossings will be conducted during low- or no-flow periods whenever possible. Construction during low- or no-flow conditions will minimize sedimentation and turbidity, minimize stream bed and bank disturbances, and limit the time required to complete in-stream construction.

Alteration of the natural drainage or compaction of soils by heavy equipment near stream banks during construction may accelerate erosion of the banks and the transportation of sediment carried by overland flow into the waterbodies. The extent of the impact will depend on sediment loads, stream velocity, turbulence, stream bank composition, and sediment particle size. To minimize these impacts, the Applicant will use equipment pads and culverts, clean rock fill and culverts, or portable flexi-float bridges. Vegetation clearing will be limited between the edge of the waterbody and the construction ROW. To the extent possible, at least 15 feet of vegetation will be preserved or salvaged along the banks where the pipeline crosses waterbodies. Upon completion of construction, permanent erosion control measures such as slope breakers will be installed as necessary. In accordance with the *FERC Procedures* existing drainage patterns along the proposed ROW will be restored to preconstruction conditions, therefore the impact to drainage patterns within the Project site will be less than significant.

g., h. No Impact: The proposed Project is not located in a 100-year floodplain nor does it create or result in housing located within a 100-year floodplain. In addition there are no wetlands or perennial waterbodies crossed by the Project. Therefore no impacts from the proposed Project are anticipated.

i. No Impact: The Project does not expose people or structures to significant risk or loss, injury or death involving flooding, including flooding as a result of a levee or dam. The Project site is not located within any identified path of inundation flow that might result in the event of a dam or levee failure or that might occur from a stream, river, lake or sheet flow situation.

j. No Impact: A seiche is an oscillating surface wave in a restricted or enclosed body of water generated by ground motion, usually during an earthquake. Inundation from a seiche can occur if the wave overflows a containment water or the banks of a water body. No impacts are anticipated to occur because the Project is not located adjacent to any body of water that has the potential for seiche or tsunami, nor is the Project located in the path of any potential mudflow.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

X. LAND USE AND PLANNING: Will the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SIGNIFICANCE CRITERIA:

Significance criteria for land use are based on the compatibility of the currently proposed modifications with existing and future land uses and with established policies and regulations. A project will have a significant impact if it:

- Conflicts with adopted environmental plans and goals of the local community; or
- Disrupts or divides the physical arrangement of an established community.

SUBSTANTIATION:

a. No Impact. The Project will not physically divide an established community, because there are no established residential communities present in vicinity of the Project.

b., c. Less than Significant Impact: The proposed Project is formally exempt from County land use planning codes and laws, since the Project is a facility that is regulated by the FERC; although the Project has been designed to comply with all County land use planning codes and laws that are not contradictory with federal regulations and standards. In addition, federal land use guidance does apply since the majority of the land impacted is owned by the BLM.

The Project is located in the Northern and Eastern Mojave Desert (NEMO) planning area, located in the northeastern portion of the California Desert Conservation Area (CDCA). The NEMO has outlined its own regional land use policies that supersede those in the CDCA Plan and are based on the BLM’s adoption of the national policy to develop standards and guidelines for public health and grazing management on public lands, as well and the listing of several species under the ESA; and implementation of new BLM policies for travel routes/designations, landfills and identification of Wild and Scenic Rivers on public lands.

The NEMO Plan outlines the federal objective to ensure that multiple use, sustained yields and maintenance of environmental quality as a priority of public land use planning. The Project is consistent with these objectives, as the

majority of the impacted land associated with the Project will be returned to preconstruction conditions. The Project will affect a total of 81.60 acres of public lands owned by the BLM, of which 34.47 acres is temporary workspaces, and 47.41 acres is permanent 50-foot wide ROW; however both the temporary and permanent ROW will be restored to preconstruction conditions in accordance with the Applicant's *Reclamation Plan*. In addition, the Applicant will not conduct maintenance mowing of the permanent ROW as the minimal vegetation growth in the desert region will not impact the operation of the pipeline. The new tap and pig launcher site will be the only aboveground facilities located on BLM land. The tap and launcher site will impact an area 65x125 feet (0.19 acre), located mostly within the existing permanent ROW of the Kern River mainline. Therefore, although 47.41 acres are proposed for permanent ROW, all public lands impacted by the Project, except for the 0.19 acre associated with the tap and launcher site will be restored to natural rangeland preconstruction conditions. As such, the majority of the public lands impacted by the Project will be continue to be available for habitat for wildlife, such as the desert tortoise, recreational use, and grazing opportunities, and is therefore consistent will the multiple use objective of public land use.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

XI. MINERAL RESOURCES: Will the project:

a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

Project-related impacts on mineral resources will be considered significant if any of the following conditions are met:

- The project will result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state.
- The proposed project results in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

SUBSTANTIATION:

a., b. No Impact. The purpose of the Project is to supply natural gas to Molycorp to assist with their rare earth mining operations. The Project does not directly cross or impact any mining operations. Two producer mines, one of which is the rare earth minerals mining operations of Molycorp, were identified within 0.5 mile of the proposed pipeline centerline based on the information provided in the USGS MRDS. The remaining mines identified are in the prospect stage, including two prospect mines (Desert Antimony Mine and Bullsnake Prospect) located less than 1,000 feet from the Project. The construction and operation of the proposed Project will not impact access to these mines. There will be no impact to either of these mines from the construction and operation of the Project.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

XII. NOISE: Will the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

Impacts on noise will be considered significant if:

- The project increases the ambient noise levels at the nearest receptors above the maximum allowable noise levels, based on the land use classification
- The project increases the ambient noise levels more than 3 decibels (dBA) at the nearest sensitive receptor
- The project results in exceedance of noise standards of the County of San Bernardino

SUBSTANTIATION:

a., b., c. No Impact: Construction of the pipeline will cause temporary increases in ambient noise levels in the immediate vicinity of the construction sites. On-site construction noise will occur mainly from heavy-duty construction equipment (e.g., trucks, backhoes, bulldozers). The estimated worst-case sound pressure level (SPL) at 50 ft for the construction of the pipeline will be 92 dBA. The worst-case result is derived by assuming that all of the construction equipment (as presented) is operating simultaneously at the percent utilization listed and by combining their sound pressure levels logarithmically. This is a worst-case level, and it is unlikely that all of the equipment will be operating simultaneously. Noise from on-site construction activities along the pipeline route may be intermittent or continuous, but will be limited to short durations during daylight hours. The closest noise sensitive area (NSA) is the Primm Valley Golf Club located approximately 5 miles east of the Project ROW, off of I-15. It is anticipated that noise levels from construction activities will be below the San Bernardino County noise ordinance at that NSA. There are no NSAs within 0.5 mile of the Project ROW and noise from construction activities will be temporary, there will be no noise impact due to construction of the Project based on the above criteria.

d. Less than Significant impact: As stated above there will be a temporary increase in ambient noise levels in the immediate vicinity of the Project during construction. However, since the nearest NSA is located approximately 5 miles from the Project, the impact due to the increase in ambient noise levels will be less than significant.

e., f. No Impact. The Project site is not located near any public or private airports. Therefore there will be no impact to airports as a result of the construction of the Project.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

XIII. POPULATION AND HOUSING: Will the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

The impacts of the currently proposed modifications on population and housing will be considered significant if the following criteria are exceeded:

- The demand for temporary or permanent housing exceeds the existing supply
- The proposed project produces additional population, housing or employment inconsistent with adopted plans either in terms of overall amount or location

SUBSTANTIATION:

a., b., c. No Impact: Construction is expected to take six months and require 65 workers on average and 105 workers during periods of peak construction. The proposed Project will not result in an increase in new residential homes, as the personnel needed to construct the project will mostly come from the local population. Accordingly, the Project will not directly or indirectly induce population growth. No houses or structures are located in the Project area; therefore no houses will be removed or otherwise directly affected by the construction of the Project. No significant adverse impacts are anticipated and therefore, no mitigation measures are required.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

XIV. PUBLIC SERVICES:

a) Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

Impacts on public services will be considered significant if the project modifications result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response time or other performance objectives.

SUBSTANTIATION:

a. Fire – Less than Significant Impact: The proposed Project is serviced by North Desert division of the San Bernardino County Fire Department. Baker Station – Station 53 is the nearest fire station and is approximately 35 miles south east of the Project site. The proposed project will not impact service ratios, response times, or other performance objective related to fire protection. However, during construction, some public services may be required, such as fire protection, but these will be short-term requirements during construction and will not require increases in the level of public services offered or affected these agencies’ response times. Any development, along with the associated human activity, in previously undeveloped areas increases the potential of the occurrence of wildfires in this region. The Project-specific *FPS Plan* detailed above in Section VIII (h) includes comprehensive safety measures that comply with federal, state and local worker safety and fire protection codes and regulation will be implemented for the Project and will minimize the occurrences of fire due to project activities during construction and operation of the project. Therefore, less then significant impacts are anticipated.

Police – Less than Significant Impact: The proposed Project area is served by the San Bernardino County Sheriff’s Department. The proposed Project will not impact service ratios, response times, or other performance

objectives related to police protections. However, during construction, some public services may be required, such as police protection, but these will be short-term requirements and will not require increases in the level of public services offered or affect these agencies' response times. Therefore, less than significant impacts are anticipated.

Schools/Parks/Other Public Facilities: No Impact: The construction and operation of the proposed Project will not place any demand on school services; parks or other public facilities because it will not involve the construction of facilities that require such services, such as residences, and will not involve the introduction of a temporary or permanent human population into this area. Therefore the proposed Project will not result in any impacts to these public facilities.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

XV. RECREATION:

a) Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

SIGNIFICANCE CRITERIA:

The impacts to recreation will be considered significant if:

- The project results in an increased demand for neighborhood or regional parks or other recreational facilities
- The project adversely affects existing recreational opportunities

SUBSTANTIATION:

a., b. No impact. The proposed Project will not result in any new residences or recreational facilities. In addition the Project will not induce population growth in adjacent areas and will not increase the use of recreational facilities in the area. No significant impacts are anticipated; therefore, no mitigation measures are required.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

XVI. TRANSPORTATION/TRAFFIC: Will the project:

a) Cause an increase in traffic, which is substantial in relations to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on the roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?				
g) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

The impacts on transportation/traffic will be considered significant if any of the following criteria apply:

- A major roadway is closed to all through traffic, and no alternate route is available
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system
- The demand for parking facilities is substantially increased
- Traffic hazards to motor vehicles, bicyclists or pedestrians are substantially increased

SUBSTANTIATION:

a. Less than Significant Impact. Worker commute vehicles shall account for the majority of traffic trips to the site. It is estimated that the number of onsite workers, and therefore commute trips to the site, shall average 65 per day and the peak shall be 105 per day.

Delivery of material and supplies will access the construction ROW from on-road truck delivery via access roads off of Interstate 15. The majority of truck deliveries are required for the pipeline and welding and the dump trucks used to haul materials. It is estimated that a total of up to 4,400 on-road truck roundtrips are required to complete the

Project. It is estimated that there shall be an average of 734 truck deliveries per month (about 24 per work day or about three (3) to five (5) per hour) with a peak number of truck deliveries of 487 deliveries per month (about 30 per work day, or about three (3) to five (5) per hour). These truck trips shall be intentionally spread out throughout the construction day and off peak hours as is practical by being scheduled to arrive at predetermined time to minimize the impacts on I-15.

The heaviest delivery loads to the site shall also consist of the pipeline deliveries. These loads shall typically be limited to total weight of greater than 30,000 lbs, with a cargo load of approximately 25 tons or 50,000 lbs of pipe. The line pipe shall be delivered on pipeline delivery trucks with a minimum of five (5) axles. Low bed transport trucks shall transport the construction equipment to the site as needed. The size of the low bed truck (axles for weight distribution) shall depend on the equipment transported. Construction equipment shall be delivered to the site on "low bed" trucks unless the equipment can be driven to the site (for example the boom trucks). It is estimated that there shall be approximately 50 pieces of construction equipment on site each month. The proposed Project will generate short-term construction traffic and intermittent truck traffic delivering machinery and parts to be used during the lifetime of the project. Access to the Project site will be primarily via existing access roads off of I-15. Signage and flaggers will be utilized to decrease delays on I-15.

Daily increases in traffic volume during construction will primarily result from Project personnel commuting to and from the work site. Based on the low number and short-term duration of projected traffic generation anticipated for the construction of the proposed Project, the volume increase will be less than significant compared to the typical volume on I-15. Construction of the proposed Project will not require the closure of any public roads. Cumulatively, the additional traffic generated by the Project will be an insignificant addition to the typical traffic on I-15.

b. No Impact. The Project will not exceed any applicable level of service either individually or cumulatively, based on the short-term duration of Project-related construction traffic. Therefore, no impacts are anticipated.

c. No Impact. The Project will not affect air traffic patterns. The majority of the Project is underground, and the maximum height of minor aboveground facilities is approximately 12 feet. This height is not sufficient to impact air traffic. Therefore, no impacts are anticipated.

d. No Impact. The Project does not include design features that will affect traffic safety, or incompatible uses (such as farm equipment) on local roads. Therefore, no impacts are anticipated.

e. No Impact. During construction of the Project, all vehicles will be parked off of public roads, and will not impact emergency access routes. No public roads will be closed during construction of the Project. Therefore, no impacts to emergency access are anticipated.

f. No Impact. Construction of the Project will not contribute to the loss of parking capacity in the Project Area. During construction, all vehicles will park within approved construction workspaces. No new parking facilities are required for operation of the Project. Therefore, no impacts are anticipated.

g. No Impact. No alternative transportation policies, plans, or programs have been designated for the Project. There is no public transportation in the Project area. Therefore, no impacts are anticipated.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------	---------------------------------------	------------------------------	-----------

XVII. UTILITIES AND SERVICE SYSTEMS: Will the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SIGNIFICANCE CRITERIA:

The impacts to utilities/service systems will be considered significant if any of the following criteria are met:

- The generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills
- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project
- The existing water supply does not have the capacity to meet the increased demands of the project, or the project will use a substantial amount of potable water
- The project increases demand for water by more than 300,000 gallons per day

SUBSTANTIATION:

a. No Impact. The Project does not involve the construction of facilities that will generate sewage; therefore, it will not exceed any wastewater treatment requirements.

b. No. Impact. Construction or expansion of water or wastewater treatment facilities is not required for the Project.

c. No Impact. Following construction of the Project, land will be restored to existing contours and vegetative conditions with only 0.41 acre of permanent aboveground facilities resulting in impervious surfaces. Construction or expansion of storm water drainage facilities is not required for the Project.

d. No Impact. Water will be required for fugitive dust control during construction, and for hydrostatic testing of the pipeline prior to placing the pipeline in-service. This water will be withdrawn from existing wells on Molycorp's property, and will not require any new or expanded entitlement.

e. No Impact. No wastewater treatment will be required for the Project; therefore, no impacts are anticipated from implementation of the Project.

f. Less Than Significant Impact. Waste generated during construction of the Project will include construction debris. This waste generation will be associated with construction and will be short-term in nature. All construction waste will be removed and disposed of in accordance with all applicable laws. Operation of the Project will not generate waste. No significant impacts related to landfill capacity are anticipated from the Project.

g. No Impact. Disposal of any waste generated during construction of the Project will be done in accordance with all federal, state, and local statutes and regulations related to solid waste.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

a. Less than Significant Impact: Design measures that will be implemented for biological and cultural resources will reduce the impact of the proposed Project to less than significant. Implementation of the Project, with the design measures outlined in this document, will not degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history.

b. Less than Significant Impact: Cumulative impacts are defined as two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The *CEQA Guidelines*, Section 15130 (a) and (b), states:

- (a) *Cumulative impacts shall be discussed when the projects incremental effects is cumulatively considerable.*
- (b) *The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the Project. The discussion should be guided by the standards of practicality and reasonableness.*

Relative to the other past, present, and reasonably foreseeable future actions occurring within Ivanpah Valley, the Project has an incrementally small disturbance area and even smaller permanent footprint, particularly when considering less than one acre of aboveground facilities are proposed. Dry washes, vegetation, desert tortoise

habitat, and soils are the resources most likely to be cumulatively affected in the valley, and these resources will be restored for all but 0.41 acre of the Project area occupied by the minor aboveground facilities following construction. Moreover, the Project, beyond providing an improved fuel source for Molycorp's operations, is not connected to the other projects planned in the Ivanpah Valley area and is not expected to have other growth inducing effects. Following construction, all of the impacted lands will be restored to preconstruction conditions in accordance with the Project *Reclamation Plan*, with the exception the land used for the minor aboveground facility. The minor aboveground facilities will occupy a total of 0.41 acre, of which only 0.19 acre is located on public lands previously disturbed by Kern River's mainline construction, and the remaining 0.22 acre is located on land owned by Molycorp.

Biological mitigation for desert tortoises located in the Project area of the Ivanpah Solar Electric Generating System may include translocation of the impact desert tortoise to the Project area. The Applicant is working closely with the agencies to identify additional mitigation measures as may be necessary to avoid and/or mitigate for this planned relocation during construction. Following construction, the Project ROW will be reclaimed and translocated tortoises will be allowed to utilize this habitat.

The Applicant has proposed mitigation measures for the desert tortoise, in the Project's *Draft Desert Tortoise Biological Assessment (BA)*. In addition, the Applicant has provided the *Draft BA* to the BLM for their review and comments. In order to fulfill the requirements of the ESA Section 7 consultation, FERC will be sending the *BA* to the USFWS, and the Applicant has submitted a CESA Section 2081 Incidental Take Permit application to the CDFG that includes the same proposed mitigation measures as the *Draft BA*. The *BA* will include the agency comments and concerns including the cumulative impacts associated with the Ivanpah Solar Generating System. The Applicant anticipates that USFWS will issue a *Biological Opinion* for the Project.

When further considering the construction BMPs and restoration measures proposed in the Project *Reclamation Plan* and biological mitigation detailed in the *BA*, cumulative impacts to environmental resources are anticipated to be negligible as a result of the construction and operation of the Project.

c. Less than Significant Impact. The incorporation of the pipeline design measures, County of San Bernardino policies, standards, and guidelines will ensure that there will be no substantial adverse effects on human beings, either directly or indirectly. Impact of the proposed Project will be less than significant.

References

Berry, K. H. 2001. Salvaging injured, recently dead, ill, and dying wild, free-roaming desert tortoises (*Gopherus agassizii*). Protocol prepared for Fish and Wildlife Permit TW006556-11. June 2001.

California Burrowing Owl Consortium. 1993. Burrowing Owl Survey Protocol and Mitigation Guidelines. 13 pgs.

California Geological Survey. 2002. *California Geomorphic Provinces*. California Department of Conservation.

Desert Tortoise Council. 1994 (Revised 1999). Guidelines for handling desert tortoises during construction projects. Edward L. LaRue, Jr., editor. Wrightwood, California. Unpublished document prepared for Fish and Wildlife Service, Bureau of Land Management, California Department of Fish and Game, Nevada Department of Wildlife, Arizona Game and Fish Department, and Utah Division of Wildlife Resources.

eBird. 2010. eBird: An online database of bird distribution and abundance [web application]. Version 2. eBird, Ithaca, New York. Available online at <http://www.ebird.org> (Accessed December 13, 2010).

Geological Society of America (GSA). 2007. *Seismic Hazard: Stateline Fault System is Major Component of Eastern California Shear Zone*. Science Daily. Available online at <http://www.sciencedaily.com/releases/2007/11/071106075253.htm> (accessed November 16, 2010).

International Code Council. 2006. 2006 International Building Code.

Lovich, J. E. and K. R. Beaman. 2007. A History of the Gila Monster (*Heloderma suspectum cinctum*) Records from California with Comments on Factors Affecting their Distribution. Bull. Sother California Acad. Sci. 106(20): 39-58.

Mojave Desert Air Quality Management District (MDAQMD). 2009. California Environmental Quality Act (CEQA) and Federal Conformity Guidelines.

National Park Service (NPS). 2005. Environmental Assessment for the Translocation of Desert Bighorn Sheep from Mojave National to the Naval Air Weapons Station, Chine Lake California. Available online at <http://www.nps.gov/moja/parkmgmt/upload/translocation%20ea-final.pdf> (accessed November 18, 2010).

Nevada Department of Wildlife (NDOW). 2005. Gila Monster Protocol for Minimizing Impacts in the Construction Site. NDOW Southern Region, 3 pgs.

Sauer, J. R., J. E. Hines, and J. Fallon. 2008. *The North American Breeding Bird Survey, Results and Analysis 1966 – 2007*. Version 5.15.2008. USGS Patuxent Wildlife Research Center, Laurel, Maryland.

South Coast Air Quality Management District (SCAQMD). 2008. SCADQMD Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold. October 2008.

United States Fish and Wildlife Service (USFWS). 2010. *Desert Tortoise Field Manual*.

_____. 2008. Draft revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassisi*). U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, California. 209 pgs.