

1.0 INTRODUCTION

On February 7, 2006, North Baja Pipeline, LLC (North Baja), an indirect wholly owned subsidiary of TransCanada Pipelines Ltd., filed an application with the Federal Energy Regulatory Commission (Commission or FERC) under sections 7 and 3 of the Natural Gas Act (NGA) and Parts 157, 284, and 153 of the Commission's regulations. The application was assigned Docket Nos. CP06-61-000 and CP01-23-003 and was noticed in the Federal Register on March 1, 2006. North Baja is seeking a Certificate of Public Convenience and Necessity (Certificate) from the FERC to construct, own, and operate an expansion of its existing interstate natural gas pipeline system. North Baja is also seeking FERC authorization for an amendment to its Presidential Permit to allow construction of additional facilities at the U.S.-Mexico border and the importation of vaporized liquefied natural gas (LNG). North Baja's application to the California State Lands Commission (CSLC) for an amendment to its existing right-of-way lease across California's Sovereign and School Lands was received on May 17, 2005. North Baja's proposal, referred to as the North Baja Pipeline Expansion Project (Project or proposed Project), was analyzed in a draft environmental impact statement/environmental impact report and draft land use plan amendment (draft EIS/EIR) that was issued on September 27, 2006.

On November 21, 2006, North Baja filed an amendment to its application with the FERC in Docket No. CP06-61-001 seeking authorization to modify its point for delivery of natural gas to the Southern California Gas Company (SoCalGas) system. Modifying the point for delivery to the SoCalGas system would also modify the point for delivery to the Blythe Energy Facility I supply pipeline. The facilities needed to deliver natural gas to the modified delivery points are referred to as the Arrowhead Alternative. Adoption of the Arrowhead Alternative would modify a small portion of the originally proposed Project by exchanging certain aboveground facilities and short segments of pipeline. Adoption of the Arrowhead Alternative would also eliminate the need for North Baja to construct an odorant facility because the natural gas would be odorized by SoCalGas using its existing odorant facilities. The Arrowhead Alternative was fully analyzed in the draft EIS/EIR. North Baja's amendment did not propose any changes to the transportation capacity of its proposed expansion.

On February 1, 2007, North Baja filed an amendment to its application filed on February 7, 2006, as amended on November 21, 2006, in Docket No. CP06-61-002 to eliminate the Blythe Energy Interconnect (BEI) Lateral. The amendment addressed only the pipeline extending from the proposed Blythe-Arrowhead Meter Station to the Blythe Energy Facility I supply pipeline and did not propose any changes to the transportation capacity of North Baja's proposed expansion.

The vertical line in the margin identifies text that has been modified in this final environmental impact statement/environmental impact report and proposed land use plan amendment (final EIS/EIR) and differs from the corresponding text in the draft EIS/EIR.

The North Baja Pipeline Expansion Project would involve the construction and operation of up to 79.8 miles of 42-inch- and 48-inch-diameter pipeline loop¹ adjacent to North Baja's existing 30-inch- and 36-inch-diameter pipeline; a 2.1-mile-long, 36-inch-diameter lateral;² a 45.7-mile-long, 16-inch-diameter lateral; two new meter stations; modifications at North Baja's existing compressor and meter stations; and installation of new taps and crossover piping, mainline and lateral valves, and pig³ launchers and receivers. The existing North Baja system is currently certificated by the FERC to transport 512,500

¹ A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

² A lateral pipeline typically takes gas from the main system to deliver it to a customer, local distribution system, or another interstate transmission system.

³ A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

dekatherms per day (Dthd) (500 million standard cubic feet per day [MMscfd]) of natural gas in a southbound direction. Once completed, the expanded system would be capable of transporting up to 2,932,000 Dthd (2,753 MMscfd) of natural gas in a northbound direction.

A total of 65.3 miles of the proposed pipeline would be on lands managed by the Bureau of Land Management (BLM) under the jurisdiction of the Palm Springs-South Coast, El Centro, and Yuma Field Offices. Because the proposed route deviates from a designated utility corridor on BLM land in several locations and would cross the Milpitas Wash Special Management Area (SMA), the BLM would need to amend two resource management plans: the California Desert Conservation Area Plan (CDCA Plan) (as amended) and the Yuma District Resource Management Plan (Yuma District Plan). The environmental staffs of the FERC, the CSLC, and the BLM (Agency Staffs) have prepared this final EIS/EIR to assess the environmental impacts associated with the construction and operation of the facilities proposed by North Baja in accordance with the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

North Baja proposes a phased construction schedule beginning in 2007 and ending in 2009. The proposed Project facilities and schedule are described in detail in Section 2.0.

1.1 PROJECT OBJECTIVES, PURPOSE, AND NEED

North Baja's existing system extends approximately 79.8 miles from an interconnection with the facilities of El Paso Natural Gas Company (El Paso) near Ehrenberg, Arizona through southeast California to a point on the international border between Yuma, Arizona and Mexicali, North Baja Mexico, where the pipeline interconnects with the Gasoducto Bajanorte pipeline.

The North Baja system and the Gasoducto Bajanorte pipeline were built in 2002 to supply domestic natural gas from the United States primarily to gas-fired electric generation facilities in Baja California, Mexico. Since that time, several projects have been initiated to build LNG storage and vaporization terminals on the Baja California coast, near the terminus of the Gasoducto Bajanorte pipeline. LNG is natural gas that has been cooled to a temperature of about -260 degrees Fahrenheit (°F) so that it becomes a liquid. Because LNG is more compact than the gaseous equivalent, it can be transported long distances across oceans using specially designed ships. The terminals in Baja California would receive LNG imported from southern and western Pacific Rim countries including Russia (the Sakhalin Project), Australia (the Gorgon Project, among others), and Indonesia (the Tangguh Project).

The first of these terminals, Sempra LNG's (Sempra) Energia Costa Azul (ECA) terminal, is already under construction with an anticipated commercial in-service date of early 2008. Sempra has announced its intention to expand the ECA terminal to double its base and peak load capacity and held a non-binding open season between April 17 and May 12, 2006 to solicit commercial interest in additional LNG processing capacity. Although the open season was non-binding, the results indicated high shipper interest in additional processing capacity. Sempra has announced that it will begin working with the shippers that submitted bids to develop binding terminal agreements. Pending regulatory approvals and successful commercial negotiations, the expansion could become operational as early as 2010.

At the time of North Baja's application submittals and the issuance of the draft EIS/EIR, Chevron Corporation (Chevron) was developing the Terminal GNL Mar Adentro de Baja California (Mar Adentro). The Mar Adentro terminal received project approval from the Secretaria de Medio Ambiente y Recursos Naturales in 2004 and authorization from the Communication and Transport Secretariat in January 2005. In January 2005, several U.S. and Mexican environmental groups filed a challenge to the Mar Adentro terminal authorizations under the North American Free Trade Agreement (NAFTA). Under

NAFTA rules, the environmental commission can hold hearings on disputed issues surrounding the project but it cannot stop the project. Front end engineering and design work on the terminal commenced in March 2004. In March 2007, Chevron announced cancellation of the project.

The North Baja Pipeline Expansion Project is designed to transport LNG-source natural gas from Baja California to California and Arizona. In addition to the new volumes from Baja California, North Baja would continue to offer southbound gas transportation service for several existing shippers via backhaul.⁴ More specifically, the objectives of the proposed Project are to:

- modify the North Baja pipeline system to allow natural gas entering the continent at LNG terminals in Baja California to flow into California and Arizona;
- expand the current capacity of the North Baja pipeline system to transport up to 2,932,000 Dthd (2,753 MMscfd) of LNG-source natural gas from Baja California⁵ to U.S. delivery points;
- expand the system in a phased manner that would allow flexibility for the capacity to become available when market needs warrant;
- interconnect with the gas transmission systems of SoCalGas at Blythe, California and El Paso at Ehrenberg, Arizona, which would allow LNG-source gas to be delivered to various users within southern California and other customers in the Southwest, and to provide adequate delivery pressures into those systems; and
- provide the Imperial Irrigation District (IID) direct access to LNG-source gas and to the interstate natural gas pipeline network by delivering up to 110,000 Dthd (103 MMscfd) of LNG-source gas to a delivery point at IID's existing El Centro Generating Station in El Centro, California. The El Centro Generating Station currently receives its natural gas from SoCalGas. The volumes delivered by the North Baja system would be used to serve the existing electric generating load at the station and would provide supply and supplier diversification for the IID. As stated above, North Baja would continue to offer southbound transportation via backhaul. This arrangement would enhance the IID's current access to domestic supplies and provide greater flexibility and reliability for the IID.

According to North Baja, access to natural gas from the southern and western Pacific Rim countries would provide an entirely new source of natural gas supply and allow gas consumers in the Southwest (including California) to replace North American reserves. This new supply would benefit American consumers by increasing gas-on-gas competition and putting downward pressure on prices. Any action that can reduce prices will have a significant impact on the total amount spent by consumers, because the California gas market is the second largest in the United States.

⁴ The American Gas Association defines a backhaul as a transaction that results in the transportation of gas in a direction opposite of the aggregate physical flow of gas in the pipeline. This is typically achieved when the transporting pipeline redelivers gas at a point(s) upstream from the point(s) of receipt. A backhaul condition will exist as long as the aggregate backhaul transactions total less than the aggregate forward haul transactions. An example of how this could occur on North Baja's expanded system is if a southbound shipper desires to deliver domestic gas to the IID Lateral. The gas would be delivered to the interconnection with the North Baja system and the IID Lateral and received at the existing interconnection between North Baja and El Paso. The actual physical flow direction of the gas would be northbound. Physically, molecules of LNG would be delivered at the IID Lateral while the domestic molecules would be delivered to customer(s) at the interconnections at the northern end of the North Baja system or other pipelines.

⁵ It is now likely that only the ECA terminal and the expanded ECA terminal would supply gas for the North Baja Pipeline Expansion Project.

In 2003, Californians consumed about 2.2 trillion cubic feet of gas. In-State production of natural gas satisfies only about 13 percent of Statewide demand (California Energy Commission [CEC] 2005b). The remaining natural gas that is consumed in the State comes primarily from five major out-of-State production basins: the Western Canadian Sedimentary Basin (Alberta, Canada), the Rocky Mountain Basin (Utah, Wyoming, and Colorado), the San Juan Basin (New Mexico), the Anadarko Basin (Oklahoma and Texas), and the Permian Basin (Texas). The natural gas currently transported on the SoCalGas system between Blythe and the Los Angeles metropolitan area comes entirely from the San Juan and Permian Basins. These basins are in decline or are projected to go into decline in the relatively near future.

The demand for natural gas in California, as in the rest of the United States, is expanding. Recent projections estimate that the use of natural gas in California will increase at a rate of 0.7 percent per year to about 2.4 trillion cubic feet of natural gas in 2013 (CEC 2005a). This is based on the most comprehensive information available at the time the final EIS/EIR was prepared. According to the CEC, although increases in efficiency and use of renewable energy sources are expected to moderate future demand, they are offset by population and business growth. Gas producers across North America are struggling to keep pace with the growing demand and while the number of natural gas wells drilled in the United States and Canada is at an all-time high, conventional production from most of the mature supply basins in North America has declined or only increased modestly since 1990 (CEC 2005a). The amount of gas produced per well is also declining, and each well is being drained faster (CEC 2005a). The result is that domestic natural gas production is expected to remain almost the same over the next decade and will not keep up with the growth in demand.

The projected shortfall in North American production relative to demand in California is expected to be compounded by two factors: California's position at the western end of the American and Canadian pipeline network, which exposes it to supply/demand imbalances that occur in other regions of the United States, and the growth in natural gas demand in Canada and Mexico.

California's supply of natural gas is affected by rising demand for natural gas in neighboring states. Forty-three new power plants totaling more than 8,000 megawatts have come online in Arizona since 2001 (CEC 2005a). These plants are intermediate load and peaking power plants, which often ramp up quickly to meet changing electricity demand. According to the CEC, this may take more natural gas from the pipeline faster than expected. Under normal circumstances, this practice is not troublesome if the pipeline can be balanced by taking gas out of storage. In the Phoenix area, however, the nearest storage is over 300 miles away, and it is becoming increasingly common for pipeline pressure to drop during periods of high demand. If the gas pressure gets low enough, it could cause curtailments that could affect natural gas delivery into California (CEC 2005a).

California's supply of natural gas could also be affected by the demands for natural gas in Canada and Mexico, which are projected to grow at an annual rate of 1.3 and 2.9 percent, respectively (CEC 2005a). Although the CEC estimates that domestic and Canadian sources could fulfill projected California natural gas demand through 2013, as Canada and Mexico increasingly turn to natural gas to satisfy their own growing demand for electricity, traditional drilling and exploratory activities are not going to be sufficient to meet both their own domestic needs and their export requirements to the United States. For these reasons, the CEC has strongly recommended that the State pursue other measures to secure supplies (Marks 2004).

Given the demand for natural gas and the need to reduce potential supply interruptions, the CEC has identified the need for California to develop new natural gas infrastructure to gain access to a diversity of fuel supply sources and to remove constraints on the delivery of natural gas. In addition to efficiency programs and use of renewable power sources, the CEC has identified LNG receiving

terminals on the Pacific Coast as a potential future cost-competitive and reliable source (CEC 2005a), enabling California gas markets to obtain supplies from producing basins throughout the Pacific and Indian Oceans (e.g., Indonesia, Australia, Russia, South America, and Alaska). Moreover, the CEC has said that the cost to deliver natural gas to the West Coast via an LNG project could be well below the market prices that California pays at its borders. Thus, a potential new supply source close to or in California could have a major effect on the market prices for natural gas in California (CEC 2005a). However, actual prices to consumers will depend upon contracts signed between suppliers and consumers or their representatives.

The anticipated delivery points for the proposed Project are: the El Centro Generating Station in El Centro, California (via the proposed 45.7-mile-long lateral [IID Lateral]); the SoCalGas system in Blythe, California; and the El Paso system in Ehrenberg, Arizona. These interconnections would provide markets in California and the Southwest with access to LNG-source gas, either physically or through displacement. For example, a portion of the LNG-source gas shipped on the North Baja system is expected to displace gas currently being supplied by other pipeline systems from other sources. Specifically, some of the deliveries to the SoCalGas system would displace deliveries currently received from the El Paso system. The displaced gas could be delivered by El Paso to Arizona, while the LNG-source gas delivered to SoCalGas would be delivered to customers throughout southern California, including Imperial County. North Baja states that no modifications would be required on the SoCalGas system to receive gas from the North Baja Pipeline Expansion Project and that the El Paso pipelines appear to have the necessary capacity without the need to construct additional pipeline.

The proposed Project would be constructed in three phases as follows:

- Phase I would involve modifications at North Baja's existing Ehrenberg Compressor Station and Ogilby Meter Station to allow for natural gas flow from south to north; modifications at the existing El Paso Meter Station at the Ehrenberg Compressor Station site to allow LNG-source gas to be delivered into the El Paso system; and construction of a 2.1-mile-long, 36-inch-diameter lateral (Arrowhead Extension) and new meter station (Blythe-Arrowhead Meter Station) to connect with the SoCalGas system.
- Phase I-A would involve the construction of the 45.7-mile-long IID Lateral between the North Baja system and the existing IID El Centro Generating Station in El Centro.
- Phase II would involve the construction of up to 79.8 miles of pipeline loop (B-Line) adjacent to North Baja's existing system (A-Line) between Blythe and the U.S.-Mexico border. At this date, it remains uncertain what the final Phase II volumes would be. Therefore, the environmental review of the Project has been based on the maximum facility footprint (i.e., full looping of the existing A-Line) to ensure a full analysis of the potential environmental impacts.

Once the Phase I, Phase I-A, and Phase II expansions are completed, the total northbound capacity of the North Baja system would be 2,932,000 Dthd (2,753 MMscfd).

North Baja currently has executed precedent agreements⁶ for firm natural gas transportation service on its expanded system that exceed the estimated size of the proposed ECA terminal expansion. The average contract term is 20 years. Table 1.1-1 lists North Baja's shippers by phase, the contracted volumes, and the delivery path. In addition to the new expansion shippers, several of North Baja's

⁶ A precedent agreement is a binding contract under which one or both parties has the ability to terminate the agreement if certain conditions, such as receipt of regulatory approvals, are not met.

existing shippers have elected to reverse the direction of their existing southbound capacity to northbound capacity. The initial volumes that these shippers have elected for northbound flow is 302,000 Dthd (283.57 MMscfd) in 2007. In 2010, this volume is reduced to 272,000 Dthd (255.40 MMscfd).

Phase/Shipper	Quantity (Dthd) Annual	Delivery Path
Phase I Northbound		
Coral Energy Resources, LP	212,000	U.S.-Mexico border to El Paso Natural Gas Company ^a (El Paso)
Sempra Energy LNG Marketing Corp.	100,000	U.S.-Mexico border to El Paso ^a
Existing Shippers ^b	<u>302,000</u>	U.S.-Mexico border to El Paso ^a
Total Phase I Northbound	614,000	
Phase I-A IID Lateral		
Imperial Irrigation District	110,000	Ogilby Meter Station to El Centro Generating Station
Phase II Northbound		
Chevron USA, Inc.	1,070,000 ^c	U.S.-Mexico border to El Paso ^a
Coral Energy Resources, LP	530,000 ^c	U.S.-Mexico border to El Paso ^a
Sempra Energy LNG Marketing Corp.	<u>200,000</u>	U.S.-Mexico border to El Paso ^a
Total Phase II Northbound	1,800,000	
Total Northbound Phases (2010)	2,384,000 ^d	
Unsubscribed Northbound Capacity	548,000	
^a Deliveries to Southern California Gas Company would fall within the path. ^b Several existing shippers reversed the primary path from southbound to northbound for a total 302,000 Dthd (283.57 MMscfd). In 2010, this volume is reduced to 272,000 Dthd (255.40 MMscfd). ^c Although these volumes were anticipated to be transported from the Mar Adentro terminal, the shippers have not terminated their precedent agreements for transportation capacity on Phase II of the North Baja Pipeline Expansion Project. ^d Reflects the reduction in Phase I volumes described in footnote b.		
Note: All precedent agreement terms are for 20 years.		

The current gas quality and interchangeability standards for delivery into the SoCalGas and San Diego Gas & Electric Company (SDG&E) local distribution systems were established in September 2006 by the California Public Utilities Commission (CPUC) in its *Phase 2 Order Addressing Infrastructure Adequacy & Slack Capacity, Interconnection & Operational Balancing Agreements, an Infrastructure Working Group, Natural Gas Supply and Infrastructure Adequacy for Electric Generators, Natural Gas Quality, and Other Matters* (CPUC 2006). In the proceeding, the CPUC specifically adopted new gas quality and interchangeability standards for SoCalGas and SDG&E and reduced the upper Wobbe Index⁷ (WI) limit to 1385 for SoCalGas and SDG&E. The WI measures the heating potential of the gas; the higher the WI, the higher the heat value. Combustion of natural gas with higher heating values and a higher WI results in increased combustion temperature and, possibly, increased nitrogen oxides (NO_x) emissions. The limit set by the CPUC is based on the recommendations set forth in the *White Paper on Natural Gas Interchangeability and Non-Combustion End Use* issued by the NGC+ Interchangeability Work Group on February 28, 2005 (NGC+ Interchangeability Work Group 2005). In its *Policy Statement on Provisions Governing Natural Gas Quality and Interchangeability in Interstate Natural Gas Pipeline Company Tariffs* issued on June 15, 2006 (FERC 2006), the FERC encouraged the use of the White Paper

⁷ The Wobbe Index is the main indicator of the interchangeability of fuel gases and is frequently defined in the specifications of gas supply and transport utilities. The Wobbe Index is found by dividing the higher heating value of natural gas by the square root of its specific gravity with respect to air.

as a common scientific reference point for resolving gas quality and interchangeability issues. All gas delivered to end users in southern California is transported through the SoCalGas/SDG&E system at some point before delivery and, therefore, must comply with the new CPUC-approved gas quality standards. Before the adoption of the new standards, SoCalGas and SDG&E could accept natural gas with a WI as high as 1437.

Comments on the draft EIS/EIR were received from the U.S. Environmental Protection Agency (EPA), the South Coast Air Quality Management District (SCAQMD), the Imperial County Air Pollution Control District (ICAPCD), and the Border Power Plant Working Group expressing concern that the supplies of natural gas from the Mexican LNG facilities that would be transported on the North Baja system would have a higher WI compared to the gas historically transported through the SoCalGas/SDG&E system. These parties refer to this LNG-source gas as “hot gas” and assert that the introduction of the LNG-source gas would substantially increase emissions of the ozone precursor NO_x in the South Coast Air Basin (SCAB), directly affecting air quality and making attainment of the Federal air quality standards more difficult. Some of the commentors requested that the FERC and the CSLC impose an upper limit on the WI for the gas received into North Baja’s system and urged that Project approval be conditioned upon the treatment of the gas prior to its delivery into the SCAB. It appears that the commentors would prefer the maximum WI to be set at 1360.

The CPUC is the regulatory agency responsible for setting the appropriate gas quality and interchangeability standards for gas on the SoCalGas and SDG&E pipeline systems. The CPUC has determined that the appropriate maximum WI for gas received on these systems should be 1385. The precedent agreements between North Baja and all of the shippers require that the gas delivered to the North Baja system meet the most stringent gas quality standard of any of the pipelines to which the North Baja system might ultimately deliver the gas.⁸ The precedent agreements also state that North Baja would file with the FERC to modify its gas quality standards to be consistent with the most stringent standards of any directly interconnecting downstream pipeline. These requirements mean that either the gas delivered to Baja California would meet the most stringent gas quality standard, or the receiving terminal would have to process the gas before delivering it to the pipelines to meet this standard. Thus, North Baja would meet the gas quality and interchangeability standards of SoCalGas and SDG&E as required by the CPUC.

1.2 PURPOSE AND SCOPE OF THIS EIS/EIR

The principal purposes for preparing an EIS/EIR and proposed land use plan amendment are to:

- identify and assess the potential direct, indirect, and cumulative impacts on the natural and human environment that would result from the implementation of the proposed Project;
- describe and evaluate reasonable alternatives to the proposed Project that would avoid or substantially lessen any significant adverse effects of the Project on the environment;
- identify and recommend specific mitigation measures, as necessary, to avoid or minimize significant environmental effects; and
- encourage and facilitate involvement by the public and interested agencies in the environmental review process.

⁸ It is noted that the CPUC’s ruling is currently under appeal. Whatever the final outcome of the appeal, the gas quality standards for the SoCalGas system would be applicable to shippers on the North Baja system.

The topics addressed in this EIS/EIR include alternatives, geology (including hazards and mineral and paleontological resources); soils; groundwater; surface waters (including water quality); wetlands; vegetation; wildlife and aquatic resources; special status species (including federally and State-listed threatened and endangered species); land use (including agricultural resources); special management areas; recreation and public interest areas; aesthetic resources; socioeconomics (including population, housing, and utilities and public service systems); transportation; cultural resources; air quality; noise; reliability and safety; cumulative impacts; growth-inducing impacts; and environmental justice. The EIS/EIR describes the affected environment as it currently exists, discusses the environmental consequences of the proposed Project, and compares the Project's potential impact to that of a reasonable range of alternatives as discussed in Section 3. The EIS/EIR also presents recommended mitigation measures.

The FERC and the CSLC are the lead agencies for the preparation of this EIS/EIR. The BLM and the Bureau of Reclamation (BOR) are Federal cooperating agencies. A cooperating agency has jurisdiction by law or special expertise with respect to environmental impacts involved with the proposal and is involved in the NEPA analysis. The roles of the FERC, the CSLC, the BLM, and the BOR in the Project review process are described below. Several other agencies (i.e., the U.S. Army Corps of Engineers [COE], the U.S. Fish and Wildlife Service [FWS], and the California Department of Fish and Game [CDFG]) were asked to participate in the environmental review process as cooperating agencies but declined to be formal cooperating agencies. These agencies and several other agencies participated in the process by providing scoping comments, comments on the draft EIS/EIR, and/or additional information. The agency and public participation process for the proposed Project is discussed in Section 1.3. The major Federal, State, and local permits, approvals, and consultations for the Project are discussed in Section 1.6.

1.2.1 Federal Energy Regulatory Commission

The FERC is the Federal agency responsible for evaluating applications filed for authorization to construct and operate interstate natural gas pipeline facilities. As such, the FERC is the lead Federal agency for the preparation of this EIS/EIR in compliance with the requirements of NEPA, the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500-1508), and the FERC's regulations implementing NEPA (Title 18 CFR Part 380).

As the lead Federal agency for the North Baja Pipeline Expansion Project, the FERC is required to comply with section 7 of the Endangered Species Act of 1973 (ESA) and section 106 of the National Historic Preservation Act (NHPA). Both of these statutes have been taken into account in the preparation of this EIS/EIR. The FERC will use the document to consider the environmental impacts that could result if it issues North Baja a Certificate and a Presidential Permit amendment under sections 7 and 3, respectively, of the NGA.

The FERC will also consider non-environmental issues in its review of North Baja's application. Authorization will be granted only if the FERC finds that the evidence produced on financing, rates, market demand, gas supply, existing facilities and service, environmental impacts, long-term feasibility, and other issues demonstrates that a project is required by the public convenience and necessity. Environmental impact assessment and mitigation development are important factors in the overall public interest determination.

North Baja's siting, construction, operation, and maintenance of the proposed pipeline facilities at the international border between the United States and Mexico for the purpose of importing and exporting natural gas are subject to the jurisdiction of the FERC under section 3 of the NGA. Section 3 states that

“the Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest.” Section 3 further provides that “...the exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and applications for such importation and exportation shall be granted without modification or delay.”

The NAFTA established an international trade agreement among the governments of the United States, Canada, and Mexico. The NAFTA was ratified by the three countries' national legislatures in 1993 and went into effect on January 1, 1994.

Executive Order 10485 requires that the FERC obtain the favorable recommendations of the Secretaries of Defense and State before issuing a Presidential Permit. On April 25, 2006, the FERC issued letters to the Secretaries of Defense and State informing them of North Baja's application, providing copies of a draft Presidential Permit amendment, and soliciting their views. The designees of the Secretaries of Defense and State responded in letters dated August 15 and 18, 2006, respectively, indicating concurrence with the issuance of the amendment to the Presidential Permit pending approval and validation of any COE permit process.

For some of the projects under its review, the FERC issues a Preliminary Determination on Non-Environmental Issues (PD) before completing its review of the project's environmental aspects. Consistent with the Policy Statement issued by the FERC in September 1999,⁹ the PD typically considers such issues as the need for a project and its economic effect on existing customers of the Applicant, on other pipelines in the area, and on landowners and communities. For example, the FERC considers the extent to which the Applicant may need to exercise eminent domain to obtain a right-of-way for a proposed project and balances that against the benefits to be provided by the project.

The FERC issued a PD for the proposed Project on October 6, 2006. The PD indicates that the issuance of a Certificate to North Baja under section 7(c) of the NGA authorizing the construction and operation of the natural gas facilities would, on the basis of all pertinent non-environmental issues, be required by the public convenience and necessity. The PD further indicates that the requested modification of North Baja's Presidential Permit and authorization pursuant to NGA section 3 would, on the basis of pertinent non-environmental issues, be consistent with the public interest. The issuance of a PD does not prejudice any further actions by the FERC. Final action regarding issuance of a Certificate would not occur until after the environmental review is completed, all environmental issues have been appropriately addressed, and a final Order is issued by the FERC. The issuance of a PD also does not prejudice actions by other jurisdictional agencies.

1.2.2 California State Lands Commission

The CSLC is the State agency that has jurisdiction and management control over California's Sovereign and School Lands.¹⁰ As such, the CSLC has the principal responsibility for carrying out and approving the Project in California, and is thus the lead agency in California for preparing the EIS/EIR,

⁹ On September 15, 1999, the FERC issued a Policy Statement that established criteria for determining whether there is a need for a proposed project and whether the proposed project would serve the public interest. The Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the FERC balances the public benefits against the potential adverse consequences. In evaluating new pipeline construction, the FERC's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the Applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain.

¹⁰ Generally, Sovereign Lands include all ungranted tidelands and submerged lands, beds of navigable rivers, streams, sloughs, lakes, bays, estuaries, inlets, and straits. School Lands are what remain of the nearly 5.5 million acres throughout the state originally granted to California by Congress in March of 1853 to benefit public education.

complying with the CEQA (Public Resources Code section 21000 et seq.), following the guidelines for the implementation of the CEQA (California Code of Regulations Title 14, section 15000 et seq.), and coordinating the review of the EIS/EIR by State and local responsible and trustee agencies (see Section 1.2.4).

The CSLC will use the document to consider North Baja's application to amend its existing right-of-way lease across the State's Sovereign and School Lands in conjunction with the environmental impacts that could result from any part of the Project in California. When the EIS/EIR is completed, the CSLC must certify that:

- the final EIS/EIR has been completed in compliance with the CEQA;
- the final EIS/EIR was presented to the CSLC in a public meeting, and the CSLC reviewed and considered the information contained in the final EIS/EIR prior to considering the proposed Project; and
- the final EIS/EIR reflects the CSLC's independent judgment and analysis (State CEQA Guidelines section 15090[a]).

In conjunction with its consideration of North Baja's application, the CSLC must prepare one or more written findings of fact for each significant environmental impact identified in the document. These findings must either state that:

- the Project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact;
- changes to the Project are within another agency's jurisdiction and have been or should be adopted; or
- specific considerations make mitigation measures or alternatives infeasible.

If any of the impacts identified in the EIS/EIR cannot be reduced to a level that is less than significant, the CSLC may issue a Statement of Overriding Considerations for approval of the Project if specific social, economic, or other factors justify a project's unavoidable adverse environmental effects. If the CSLC decides to approve North Baja's application to amend its lease for crossing California's Sovereign and School Lands, it will subsequently file a Notice of Determination.

1.2.3 Bureau of Land Management and Bureau of Reclamation

The BLM and the BOR are Federal land management agencies affected by North Baja's proposal. Because these agencies must comply with the requirements of NEPA before granting or amending rights-of-way across lands under their management, these agencies have elected to act as cooperating agencies in preparing this EIS/EIR.

The BLM will use the EIS/EIR to meet its NEPA responsibilities in considering North Baja's application to amend its existing Right-of-Way Grant and obtain a Temporary Use Permit for the portion of the Project on Federal lands. The BLM will also use the EIS/EIR to consider amending the CDCA Plan (as amended), which would be necessary for any pipeline construction outside of designated utility corridors, as well as amending the Yuma District Plan, which would be necessary for pipeline construction across the Milpitas Wash SMA. The BLM would adopt the EIS/EIR per Title 40 CFR Part

1506.3 if, after an independent review of the document, it concludes that its comments and suggestions have been satisfied.

Under section 185(f) of the Mineral Leasing Act of 1920, the BLM has the authority to issue Right-of-Way Grants and Temporary Use Permits for all affected Federal lands. This would be in accordance with Title 43 CFR Parts 2800 and 2880, subsequent 2800 and 2880 Manuals, and Handbook 2801-1. For the North Baja Pipeline Expansion Project, the BLM would consider the issuance of an amended Right-of-Way Grant and associated Temporary Use Permits that would apply to all BLM-managed and BOR-administered lands. The BLM would also issue the Right-of-Way Grant and Temporary Use Permit for the crossing of the Cibola National Wildlife Refuge (NWR), which is managed by the FWS. The BLM would consider conformance with land use plans and impacts on resources and programs to determine whether to issue an amended Right-of-Way Grant and Temporary Use Permit.

The BOR and the FWS would issue letters to the BLM that would concur or not concur with issuance of an amended Right-of-Way Grant and Temporary Use Permit across their lands. The BLM would consider the concurrence or non-concurrence of the BOR and the FWS, as well as FERC approval or denial, in making its decision whether to amend the Right-of-Way Grant and issue a Temporary Use Permit. The BLM's decision would be documented in a Record of Decision (ROD). If the BLM decides to approve the Project, it would issue an amended Right-of-Way Grant, Temporary Use Permit, and a Notice to Proceed that would allow construction on Federal lands. The Right-of-Way Grant would include standard and site-specific stipulations of the BLM, the BOR, and the FWS; conditions imposed on the Project as the result of the NEPA and the CEQA review; and a complete Plan of Development (POD). The POD is described in more detail in Section 2.3. Details of land ownership are presented in Sections 2.2 and 4.8.2. Consistency with land management plans is discussed in Section 1.5.

1.2.4 Responsible and Trustee Agencies

Under the CEQA, the CSLC is responsible for providing the EIS/EIR to the California State Clearinghouse for it to coordinate the review of the document with State and local responsible and trustee agencies. A responsible agency is an agency other than the lead agency that also has a legal responsibility for carrying out or approving a project. A responsible agency must actively participate in the lead agency's CEQA review process, review the EIS/EIR, and use the document when making a decision on the Project. A trustee agency has jurisdiction over certain resources held in trust for the people of California. Responsible and trustee agencies for the North Baja Pipeline Expansion Project include the CDFG; the California Department of Transportation (CalTrans); the California Regional Water Quality Control Board, Colorado River Basin Region (CRWQCB); the Mojave Desert Air Quality Management District (AQMD); and the ICAPCD.

1.3 PUBLIC REVIEW AND COMMENT

On May 19, 2005, North Baja filed a request with the FERC to implement the Commission's Pre-Filing Process for the North Baja Pipeline Expansion Project. At that time, North Baja was in the preliminary design stage of the Project and no formal application had been filed with the FERC. On June 2, 2005, the FERC granted North Baja's request and established a pre-filing docket number (PF05-14-000) to place information related to the Project into the public record. The purpose of the Pre-Filing Process is to encourage the early involvement of interested stakeholders, facilitate interagency cooperation, and identify and resolve issues before an application is filed with the FERC. The CSLC, the BLM, and the BOR agreed to conduct their environmental reviews of the Project in conjunction with the Commission's Pre-Filing Process.

As part of the Pre-Filing Process, North Baja mailed notification letters to landowners, government and agency officials, and the general public informing them about the Project and inviting them to attend open houses on July 6 and 7, 2005 to learn about the Project and to ask questions and express their concerns. Notifications of the open houses were also published in local newspapers. The open houses were held in Blythe, El Centro, and Calexico, California. The Agency Staffs attended the open houses to explain the NEPA/CEQA environmental review process to interested stakeholders and take comments about the Project. The questions and concerns raised by the public at the open houses are addressed in this EIS/EIR as indicated in Table 1.3-1.

Additional contacts North Baja has had with landowners regarding the proposed Project include establishing a single point of contact within North Baja to answer questions and provide information, distributing direct mailings, posting information in local newspapers and at local libraries, and sending notification to all landowners that its Certificate application was filed with the FERC. In addition, North Baja notified landowners and tenants potentially affected by the Arrowhead Alternative that it had amended its Certificate application seeking authorization to adopt the alternative.

In June 2005, the FERC mailed out a *Notice of Pre-Filing Process Review for the North Baja Pipeline Expansion Project* (Notice of Pre-Filing Process Review) that briefly described the Project, the Pre-Filing Process, and the agencies involved. The notice also announced the dates and locations of North Baja's open houses; invited comments from the public; and provided information on how to obtain additional information about the Project. The notice was sent to Federal, State, and local agencies; elected officials; environmental and public interest groups; Native American tribes; affected landowners; local libraries and newspapers; and other stakeholders in the region who had indicated an interest in the Project.

On August 30, 2005, a *Notice of Intent/Preparation to Prepare an Environmental Impact Statement/Report and Proposed Land Use Plan Amendment for the Proposed North Baja Pipeline Expansion Project, Request for Comments on Environmental Issues/Impacts, and Notice of Public Scoping Meetings* (NOI/NOP) was issued. The NOI/NOP was published in the Federal Register and briefly described the Project, announced that the BLM would be using the EIS/EIR to consider an amendment to the CDCA Plan and the Yuma District Plan, and described the EIS/EIR process and the BLM's plan amendment process. The NOI/NOP also provided a preliminary list of EIS/EIR issues/impacts identified by the Agency Staffs, invited written comments on the environmental issues/impacts to be addressed in the EIS/EIR, listed the date and location of two public scoping meetings to be held in the Project area, and established a closing date for receipt of comments of October 10, 2005. The Agency Staffs mailed the NOI/NOP to the same parties that were sent the Notice of Pre-Filing Process Review. In accordance with the CEQA, all parties in California were sent the NOI/NOP via certified mail. Seventeen written comment letters or e-mails were received.

TABLE 1.3-1

**Issues/Impacts Identified and Comments Received During the Public Scoping Process
for the North Baja Pipeline Expansion Project**

Issue/Summary of Comment	EIS/EIR Section Addressing Comment
GENERAL/PROJECT DESCRIPTION	
Explanation of the Project's purpose and need, discussion of the term "precedent agreement," description of the potential sources of imported gas, recipients of the gas delivered by the Imperial Irrigation District (IID) Lateral	1.1
Route and schedule for the IID Lateral	1.1, 2.4, 4.8.4.3, Appendix B
Communication with landowners	1.3, 4.2.4, 4.5.3, 4.9.5
Consideration of Mexican facilities as connected actions; applicability of Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, to the proposed action	1.4
Evaluation of the feasibility of locating the loop closer to the existing pipeline than the proposed 25-foot offset	2.2.1
Coordination with the U.S. Border Patrol, evaluation of the potential for open trenches to be used for illegal activities	2.3.1
Hydrostatic testing procedures	2.3.1, 4.3.4
Post-construction monitoring	2.5, 4.5.3, Appendix E
Pipeline abandonment procedures	2.7
Number of pipelines within the Bureau of Land Management right-of-way	2.0, Appendix B
Evaluation of alternatives	3.0
Evaluation of mitigation measures	4.0
ALTERNATIVES	
Consideration of an alternative route along the Arizona side of the Colorado River	3.2.3.1
Consideration of alternative routes for the IID Lateral; alternatives to avoid the need to revise the management plans for the California Desert Conservation Area and the Milpitas Wash Special Management Area; routing through the Imperial Sand Dunes Recreation Area (ISDRA), including use of a designated utility corridor	3.2.3.2
Locate the proposed Mexican compressor station in the United States; locate the IID El Centro Power Generating Station on the old Brock Research facility property	3.2.5
GEOLOGY	
Description of seismic studies	4.1, Appendix J
Evaluation of mitigation to prevent a pipeline rupture due to seismic events	4.1.4, Appendix J
SOILS	
Description of compaction levels considering the high water table and clay soils	4.2.3
Installation of culverts where dry washes cross Stallard Road	4.2.4
WATER QUALITY/AQUATIC RESOURCES/WETLANDS	
Description of required U.S. Army Corps of Engineers (COE) permits, coordination with the COE, potential requirement for a Streambed Alteration Agreement with the California Department of Fish and Game	4.3.3.2, 4.3.3.4, 4.4.2
Description (including acreage and channel lengths, habitat types, values, and functions) and maps of all waters of the United States within the Project area	4.3.2, 4.4, Appendix B
Description of impaired waters in the Project area and mitigation measures to avoid further degradation of impaired waters	4.3.2
Impacts on the East Highline Canal	4.3.3.3
Evaluation of discharges to waters of the United States, description of measures to minimize or mitigate proposed discharges, evaluation of discharges as the least environmentally damaging alternative	4.3.4, 4.4.3
VEGETATION	
Reduction of impacts on productive agricultural lands	4.2.4, 4.5.3
Evaluation of restoration methods for microphyll woodlands; post-construction restoration efforts; concentrate mitigation efforts in microphyll woodlands; conduct maintenance beyond the right-of-way in microphyll woodlands; protection of trees; impact on native vegetation; lack of revegetation from the previous project; plans for invasive plant management; use of native plants for restoration	4.5.3
Consideration of exotics removal from areas of mesquite; seed mixes; noxious weed concerns	4.5.5

TABLE 1.3-1 (cont'd)

**Issues/Impacts Identified and Comments Received During the Public Scoping Process
for the North Baja Pipeline Expansion Project**

Issue/Summary of Comment	EIS/EIR Section Addressing Comment
WILDLIFE	
Evaluation of impact on birds protected under the Migratory Bird Treaty Act	4.6.2.3
SPECIAL STATUS SPECIES	
Identification of all petitioned and listed threatened and endangered species and critical habitat, inclusion of the Biological Assessment in the draft environmental impact statement/environmental impact report	4.7.2
Mitigation required only for new impacts; evaluation of crossing of desert tortoise critical habitat and mitigation measures; use of adaptive responses to field issues	4.7.4.3
Status of and impacts on the flat-tailed horned lizard; implementation of the Flat-tailed Horned Lizard Rangeland Management Strategy and other mitigation measures	4.7.4.4
Impacts on Peirson's milk-vetch	4.7.4.6
Evaluation of mitigation measures, including buffer zones, for burrowing owls	4.7.6.3
LAND USE	
Consistency with Federal, State, tribal, and local land use plans, policies, and controls; compatibility with the management plan for the Cibola National Wildlife Refuge; need for an Environmental Assessment	1.5, 2.2
Crossings of Bureau of Reclamation (BOR) withdrawn lands in the Palo Verde area, concurrence of the BOR for crossings of BOR-withdrawn land, clarification of land ownership for the IID Lateral	4.8.2
Location of the A-Line and distance from another existing pipeline; space restriction within county easement; allowable distance from residences; discussion of compensation and easement issues; workspace requirements associated with the A-Line's crossing of the Colorado River; indemnification for agricultural damages	4.8.2
Effect of the pipeline right-of-way on the development of private property and public access to the riverfront	4.8.2, 4.8.5
Potential effect on a future border fence	4.8.3.2
Evaluation of location, impacts on facilities, sand movement, and designated open areas in association with the IID Lateral; timing of construction of the IID Lateral to avoid potential conflicts with recreational users; depth of cover in the ISDRA	4.8.4.3
Potential for increased off-highway vehicle use, including that caused by tamarisk removal; installation of fencing as a mitigation measure; adherence to the Right-of-Way Agreement for Metropolitan Water District fee-owned property	4.8.5
Evaluation of visual impacts	4.8.7
Impacts of hazardous waste from construction and operation; evaluation of storage, disposal, and management plans; applicability of Federal and State requirements	4.2.3, 4.3.2.2, 4.3.3.2, 4.5.3, 4.6.3.2, 4.8.6
SOCIOECONOMICS/TRAFFIC AND TRANSPORTATION	
Impact of new right-of-way on public roads and a bridge to Riviera Drive and the Riviera subdivision; effect on residences and school bus routes; notification of landowners	4.8.3, 4.10.2
Effect of new right-of-way on public utilities (i.e., water and sewer lines) and schools	4.9.4
Impacts of open-cut road crossings; U.S. Border Patrol access requirements; consideration of repairs to the road membrane and the potential for future settling	4.10.2, 4.10.3
Impact on rental revenue	4.9.5
CULTURAL RESOURCES	
Potential effect of the IID Lateral on the historical Plank Road Area of Critical Environmental Concern	4.8.5, 4.10.3
Potential of the B-Line to adversely affect the integrity of the buried cultural strata at Site CA-IMP-791 I/H; potential effects on the All-American Canal and the Coachella Canal; discussion of survey methodology	4.11.3
Evaluation and treatment of prehistoric sites on BOR lands along the All-American Canal	4.11.3, 4.11.6
Impact on Native American cultural artifacts; use of a Native American monitor and a certified archaeologist; implementation of mitigation; effect on the traditional use area of the Cahuilla People and Native American sites; description of consultation between the Federal Energy Regulatory Commission and tribal governments	4.11.5
Discussion of Executive Order 13007, including avoidance of adverse effects on the physical integrity of sacred sites; cooperating agency status in regards to consultation with section 106 of the National Historic Preservation Act	4.11.6

TABLE 1.3-1 (cont'd)

**Issues/Impacts Identified and Comments Received During the Public Scoping Process
for the North Baja Pipeline Expansion Project**

Issue/Summary of Comment	EIS/EIR Section Addressing Comment
AIR QUALITY	
Evaluation of gas quality and the potential for large nitrogen oxides (NO _x) increases due to high British thermal units liquefied natural gas (LNG), evaluation of the adequacy of U.S. standards and the Wobbe Index to protect air quality, comparison of U.S. and Mexican gas quality standards	1.1, 4.12.4
Evaluation of construction and operation emissions for facilities associated with the IID Lateral, specifically the IID El Centro Generating Station, as well as mitigation measures to control and minimize emissions	1.4, 4.12.4
Discussion of baseline conditions and impact of the additional supply of natural gas on Imperial County's air quality	4.12.2, 4.12.4
Coordination with State and local air pollution control districts in evaluating permitting requirements	4.12.3
Applicability of Clean Air Act section 176 and the U.S. Environmental Protection Agency's general conformity regulations at Title 40 Code of Federal Regulations (CFR) Parts 51 and 93 and conformance with an approved State Implementation Plan	4.12.3
Identification of air quality impacts related to the proposed modifications at the Ogilby Meter Station	4.12.3, 4.12.4
Evaluation of mitigation measures to control emissions during construction and operation	4.12.4
Evaluation of particulate matter having an aerodynamic diameter of 10 microns or less (PM ₁₀) emissions associated with fugitive dust emissions	4.12.4
Consideration of associated and/or connected equipment in Mexico	4.15.6
RELIABILITY AND SAFETY	
Depth of cover, including in the ISDRA	2.3.2, 4.2.4, 4.8.4.3, 4.14.2
Public safety concerns	4.14
Potential for the aboveground portions of cathodic protection systems to be targets for vandalism	4.14.2
Identification of Federal, county, and Mexican emergency response procedures to be implemented if a seismic event ruptures the pipeline	4.14.2
Conformance with Occupational Safety and Health Act, Subpart P, 29 CFR 1926.650, .651, and .652 during trenching and excavation; monitoring requirements during field activities; consistency with the standards of the California Public Utilities Commission, General Order 112-E (CPUC GO 112-E)	4.14.2
CUMULATIVE IMPACTS	
Secure offsets in Imperial County for excess emissions from the Sempra and Intergen and any new facilities, install Best Available Control Technology emission controls on new facilities utilizing gas supplied from the proposed Project	1.1, 1.4, 4.15.8
Evaluation of transport of criteria pollutants from any new heavy industrial, commercial, and economic development projects resulting from the construction of the B-Line	1.4
Requirement to include a comprehensive evaluation and disclosure of environmental impacts from the Project and all connected actions on both sides of the U.S.-Mexico border	1.4
Evaluation of potential conflicts between the IID Lateral, the All-American Canal Relining Project, and the BOR's canal and reservoir construction projects, including the Drop 2 Storage Reservoir Project	4.8.3.2
Evaluation of standards applicable to the construction of additional power plants and other industry south of the U.S.-Mexico border resulting from additional gas supplies and the impact on Imperial Valley's airshed	4.12.4
Include the specifics (size, rating, expected emissions, etc.) of the proposed compressor station to be built south of Algodones, Mexico, evaluate its NO _x emissions	4.15.8
Identification of the Federal and State air quality mitigation and offsets for future long-term health risks proposed for Imperial County and Mexicali residents	4.15.8
Identification of air impacts resulting from the total number of power plants and future development projects that could be constructed within the Southeast Desert Air Basin and evaluation of the potential long-term air quality deterioration and possible human health impacts	4.15.8
Evaluation of PM ₁₀ emissions due to fugitive dust emissions generated by vehicles traveling on both Mexican and Imperial Valley unpaved roads	4.15.8
Requirement for a cumulative health risk assessment of potential toxic emissions, identification of offsets	4.15.8

TABLE 1.3-1 (cont'd)

**Issues/Impacts Identified and Comments Received During the Public Scoping Process
for the North Baja Pipeline Expansion Project**

Issue/Summary of Comment	EIS/EIR Section Addressing Comment
GROWTH-INDUCING IMPACTS	
Description of the reasonably foreseeable future land use and associated impacts that would result from the additional power supply provided by the IID Lateral, including an estimate of the amount of growth, its likely location, and the biological and environmental resources at risk	4.16
ENVIRONMENTAL JUSTICE	
Evaluation of environmental justice populations within the Project area, the potential for disproportionate adverse impacts on minority and low-income populations, and the approaches used to foster public participation by these populations	4.17

The two public scoping meetings were held to provide an opportunity for agencies and the general public to learn more about the proposed Project and participate in the environmental analysis by commenting on the issues/impacts to be addressed in the EIS/EIR. The first meeting was held in Blythe, California on September 28, 2005; the second meeting was in El Centro, California on September 29, 2005. These meetings were announced in the NOI/NOP and in five local newspapers. The newspaper notifications were placed in both English and Spanish. Two people commented at the meeting in Blythe and six people, including a representative from the ICAPCD, commented at the meeting in El Centro. The proceedings of each meeting were recorded, and the transcripts were placed into the public record for the Project.

On September 27, 28, and 29, 2005, the FERC and CSLC staff conducted interagency scoping meetings in the Project area to solicit comments and concerns about the Project from other jurisdictional agencies. Agencies present at the meetings were the FWS, Carlsbad Office; the FWS, Cibola NWR; the BLM; and the BOR.

On March 10, 2006, the FERC and the CSLC sent a letter and a copy of the August 30, 2005 NOI/NOP to potentially affected landowners on 18th Avenue in Riverside County that inadvertently had not been included on the environmental mailing list for the NOI/NOP. The purpose of the letter was to provide these landowners an opportunity to participate in the environmental review process. The letter solicited comments about the proposed Project from the potentially affected landowners and established a closing date for receipt of comments of April 10, 2006. In accordance with the CEQA, these parties were sent the letter and NOI/NOP via certified mail. No comments were received.

The transcripts of the public scoping meetings, a summary of the interagency scoping meetings, and all written scoping comments are part of the public record for the North Baja Pipeline Expansion Project and are available for viewing on the FERC Internet website (<http://www.ferc.gov>).¹¹ The most frequently raised issues were related to impacts on air quality in Imperial County as a result of the existing and proposed upstream facilities in Mexico and the cumulative impact of the proposed Project when considered in association with past, present, and future projects or activities. Other issues of concern included impacts on special status species and native vegetation and the development of mitigation measures to minimize and compensate for these impacts. Comments relating to safety, protection of surface waters, cultural resources, alternatives, and the effects of the Project on off-highway vehicle (OHV) use were also received. As previously stated, Table 1.3-1 lists the environmental issues/impacts that were identified during the scoping process described above and indicates the section of the EIS/EIR in which each issue/impact is addressed. Additional issues/impacts independently identified by the Agency Staffs are also addressed in the EIS/EIR.

On September 27, 2006, the FERC and the CSLC sent a letter to landowners and tenants potentially affected by the Arrowhead Alternative. The purpose of the letter was to inform the recipients that North Baja had identified them as a landowner or tenant that would be potentially affected by the Arrowhead Alternative and to solicit comments about the proposed Project and the Arrowhead Alternative. In accordance with the CEQA, these parties were sent the letter via certified mail. No comments were received.

On September 29, 2006, a formal notice announcing that the draft EIS/EIR was available for review and comment was published in the Federal Register and filed with the California State Clearinghouse. The draft EIS/EIR was filed with the EPA; submitted to the California State Clearinghouse; and mailed to Federal, State, and local government agencies; elected officials; Native American tribes; affected landowners, including landowners and tenants potentially affected by the

¹¹ Using the "eLibrary" link, select "General Search" from the eLibrary menu and enter the docket number excluding the last three digits in the "Docket Number" field (i.e., PF05-14 and CP06-61). Be sure to select an appropriate date range.

Arrowhead Alternative; local libraries and newspapers; intervenors¹² in the FERC's proceeding; and other interested parties (i.e., miscellaneous individuals who provided scoping comments or asked to be on the mailing list). The typical NEPA/CEQA comment period for a draft EIS/EIR is 45 days. However, because the draft EIS/EIR was also a BLM draft land use plan amendment, the public was given 90 days after the date of publication in the Federal Register to review and comment on the draft EIS/EIR both in the form of written comments and at two public meetings held in the Project area.

The public meetings held to receive comments on the draft EIS/EIR were in El Centro, California on December 5, 2006 and Blythe, California on December 6, 2006. The meetings were announced in the draft EIS/EIR, in the notice indicating that the draft EIS/EIR was available, on the FERC Internet website, and in several local newspapers. One speaker made oral statements at the El Centro meeting and two speakers made oral statements at the Blythe meeting. Both meetings were recorded for the public record. The 90-day comment period for receiving written comments on the draft EIS/EIR closed on December 28, 2006. Written comment letters were received from Federal agencies (6), State agencies (9), local agencies (14), Native American tribes (1), companies/organizations (9), and North Baja (2). The transcripts from the public meetings and the written comment letters are available for viewing on the FERC's Internet website (<http://www.ferc.gov>)¹³ and are included in Section 6.0 of this final EIS/EIR with the Agency Staffs' response to each comment.

This final EIS/EIR has been filed with the EPA for its formal Notice of Availability and was mailed to Federal, State, and local government agencies; elected officials; Native American tribes; affected landowners and tenants; local libraries and newspapers; intervenors to the FERC's proceeding; and other interested parties (i.e., miscellaneous individuals and environmental groups who provided scoping comments, commented on the draft EIS/EIR, or wrote to the FERC or one of the cooperating agencies asking to receive a copy of the document). The distribution list for the final EIS/EIR is in Appendix A.

In accordance with CEQ regulations implementing NEPA, no agency decision on the proposed action may be made until 30 days after the EPA publishes a Notice of Availability of the final EIS/EIR in the Federal Register. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal appeal process that allows other agencies or the public to make their views known. This is the case at the FERC, where any Commission decision on the proposed action would be subject to a 30-day rehearing period. Therefore, the FERC decision may be made at the same time that notice of the final EIS/EIR is published by the EPA, allowing the appeal periods to run concurrently.

Under the CEQA, if the CSLC decides to approve a project for which an EIS/EIR has been prepared, the CSLC will file a Notice of Determination with the California State Clearinghouse (Office of Planning and Research) within 5 working days after project approval. The Notice of Determination would be available for public inspection, and posted for a period of at least 30 days. The Office of Planning and Research would retain the notice for not less than 12 months. The filing of the Notice of Determination starts a 30-day statute of limitations period for parties wanting to challenge the CSLC's decision under the CEQA.

For the BLM, the implementation decision (Right-of-Way Grant) is separated from the land use plan decision (plan amendment) at this stage. The date the EPA's Notice of Availability appears in the

¹² Intervenors are official parties to the proceeding and have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other intervenors. Only intervenors have the right to seek rehearing of the Commission's decision.

¹³ Using the "eLibrary" link, select "General Search" from the eLibrary menu and enter the docket number excluding the last three digits in the "Docket Number" field (i.e., PF05-14 and CP06-61). Be sure to select an appropriate date range.

Federal Register initiates a 30-day availability period before the implementation decision is made. Comments received on the final EIS/EIR during the 30-day period will be reviewed to determine whether they have merit (e.g., identify significant issues not previously addressed or introduce significant new information). If no changes are warranted, a ROD is prepared that documents the selected alternative as well as mitigation measures. No action concerning a proposal may be taken on BLM land until the ROD for the EIS/EIR has been signed and the Right-of-Way Grant has been issued. Details of the land use plan decision process are presented in Section 1.7.7.

1.4 NONJURISDICTIONAL FACILITIES

1.4.1 Background

Under section 7 of the NGA, the FERC is required to consider, as part of its decision to certify interstate natural gas facilities, all factors bearing on the public convenience and necessity. The facilities for the North Baja Pipeline Expansion Project that would be under the FERC's jurisdiction include modifications at the existing compressor and meter stations, approximately 127.6 miles of new pipeline loop and laterals, two new meter stations, new taps and crossover piping, new valves, and new pig launchers and receivers. The proposed facilities are described in detail in Section 2.1.

Occasionally, proposed projects have associated facilities that do not come under the jurisdiction of the FERC. These "nonjurisdictional" facilities may be integral to the need for the proposed Project (e.g., a new or expanded power plant at the end of a pipeline that is not under the jurisdiction of the FERC) or they may be merely associated as a minor, non-integral component of the jurisdictional facilities that would be constructed and operated as a result of the proposed facilities.

The nonjurisdictional facilities associated with the North Baja Pipeline Expansion Project include the upstream facilities in Mexico associated with bringing the LNG-source gas to the North Baja system. Among these are the ECA LNG terminal project in Baja California del Norte and the Gasoducto Bajanorte pipeline in Baja California.

As discussed in Section 1.1, Sempra's ECA terminal is currently under construction and an expansion is being planned that would, at a minimum, double the LNG processing capacity. The LNG from this terminal would be vaporized and then transported on Sempra's existing Gasoducto Bajanorte pipeline.

The Gasoducto Bajanorte pipeline, which currently takes gas from the North Baja system at the U.S.-Mexico border and moves it west, would be reconfigured to move gas in the opposite direction, similar to the reconfiguration of the North Baja system that would occur during Phase I. Transport of the initial volumes of LNG-source gas would also require a new 45-mile-long pipeline lateral from the ECA terminal to connect to the Gasoducto Bajanorte pipeline and a new compressor station (Algodones Compressor Station) on the Gasoducto Bajanorte pipeline. This compressor station would be located 2.5 miles south of the California-Mexico border and 3 miles west of the Arizona-Mexico border, in Baja California del Norte just southwest of the border town of Algodones. All of the permits have been obtained for the construction of the lateral, the reconfiguration of the Gasoducto Bajanorte pipeline, and the construction of the Algodones Compressor Station, which are planned for completion in late 2007.

The capacity of the Gasoducto Bajanorte pipeline system would similarly be expanded in coordination with North Baja's Phase II expansion to transport the volumes that would originate from the ECA terminal expansion. Up to 100 percent looping of the Gasoducto Bajanorte pipeline and additional compression would be required, both at the Algodones Compressor Station and at a new compressor station near Mexicali (Mexicali Compressor Station). These facilities would be constructed in 2009 to be operational by 2010. These facilities are shown on Figure 1.4-1.

Non-Internet Public

FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT FOR
THE PROPOSED NORTH BAJA PIPELINE EXPANSION PROJECT
Docket Nos. CP06-61-000 and CP01-23-003

Figure 1.4-1 North Baja System and Upstream Mexican Facilities

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Public access for this Non-Internet information is available only through the Public Reference Room, or by e-mail at public.referenceroom@ferc.gov.

In addition to the upstream Mexican facilities, an expansion proposed by IID at the El Centro Generating Station to serve the growing electrical load demands of the region could be considered a Project-related nonjurisdictional facility. The IID is proposing to replace an existing boiler with a low NO_x combustion turbine generator and heat recovery steam generator to supply steam to the existing Unit 3 steam turbine generator. The expansion is referred to as the Unit 3 Repower or the El Centro Repower Project. The Unit 3 Repower would increase the existing Unit 3 generating capacity from 44 megawatts to 128 megawatts (an increase of 84 megawatts). The Unit 3 Repower would interconnect with the existing SoCalGas meter station located on the generating station property.

The Unit 3 Repower is under the jurisdiction of the CEC, which is responsible for reviewing all thermal electric power plants 50 megawatts or greater proposed for construction in California. The CEC's Small Power Plant Exemption (SPPE) process allows projects between 50 and 100 megawatts an exemption from the licensing process if the CEC finds that the project would not create a substantial adverse impact on the environment or energy resources. The CEC is the lead agency under the CEQA.

On May 19, 2006, the IID filed an application for an SPPE for the Unit 3 Repower with the CEC. On June 29, 2006, the CEC deemed the application adequate and began the formal proceeding. The committee assigned to the project conducted an Evidentiary Hearing on December 19, 2006, and on the basis of the uncontested record, which includes the CEC staff's Final Initial Study and Proposed Negative Declaration, released its Presiding Member's Proposed Decision on December 20, 2006. That decision determined that the project would cause no unmitigated significant environmental impacts or adverse impact on energy resources and recommended granting an SPPE to the IID for the Unit 3 Repower. On January 3, 2007, the CEC granted the project an SPPE under Public Resources Code section 25541.

The FERC has adopted a four-factor procedure to determine the appropriate scope of its environmental review when Project-related nonjurisdictional facilities are involved. These factors are:

- whether the regulated activity comprises "merely a link" in a corridor-type project (e.g., a transportation or utility transmission project);
- whether there are aspects of the nonjurisdictional facility in the immediate vicinity of the regulated activity that affect the location and configuration of the regulated activity;
- the extent to which the entire Project will be within the FERC's jurisdiction; and
- the extent of cumulative Federal control and responsibility.

Under the CEQA, the State lead agency (in this case the CSLC) may not divide a larger project into pieces (i.e., piecemeal or segment a project). This rule arises from the definition of project in CEQA section 21065, which includes the phrase "whole of the activity." Pursuant to State CEQA Guidelines section 15165, the CSLC must ensure that the EIS/EIR meets the following standards:

- where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program document for the ultimate project as described in State CEQA Guidelines section 15168;
- where an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, the document must address the scope of the larger project; and

- where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one document for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

For example, activities related to a proposed project must be included in a single CEQA document: (1) when they are reasonably foreseeable consequences of the project; (2) when the activity is a future expansion of the proposed project and will be significant because it will likely change the scope, nature, and impacts of the project; (3) when the proposed project cannot proceed without essential public services that would be provided by the related activity; or (4) when the proposed project and related activity are integral parts of the same project.

1.4.2 Conclusions

After applying the FERC's four-factor procedure to the North Baja Pipeline Expansion Project and reviewing the Project for consistency with the CEQA, the Agency Staffs have concluded:

- The North Baja Pipeline Expansion Project is more than a mere link in a larger corridor-type project.
- The location of the LNG terminal in Baja California and planned facilities on the Gasoducto Bajanorte pipeline does not affect the location of the proposed looping on the North Baja system or the location of the IID Lateral. The locations of North Baja's proposed expansion facilities and laterals are affected by the location of the existing pipeline facilities and the proposed delivery points.
- The FERC's control and responsibility is not sufficient to extend its environmental review to include the associated upstream facilities.
- The associated upstream facilities are subject to the sovereign jurisdiction of another nation and there is no jurisdictional basis for the FERC, the CSLC, the BLM, or the BOR to approve, mitigate, or reject such facilities.
- The environmental review for the IID's Unit 3 Repower has already been completed by the CEC and it would be duplicative to conduct an environmental review of the IID's project in this EIS/EIR. In addition, the CEC determined that the project would cause no unmitigated significant environmental impacts or adverse impact on energy resources.

In summary, the Agency Staffs have concluded that they have no jurisdiction over the associated upstream facilities to require their environmental analysis in connection with the analysis of the North Baja Pipeline Expansion Project. These upstream facilities are subject to the Mexican environmental regulatory review process and standards. However, in response to scoping comments, the air quality impacts on the United States from the associated upstream facilities are addressed in the cumulative impact analysis in Section 4.15 of this EIS/EIR. The impacts of the expansion at the El Centro Generating Station as well as the impacts of other projects in the proposed Project area that are not considered Project-related nonjurisdictional facilities are also addressed in the cumulative impact analysis in Section 4.15 of this EIS/EIR.

In their comments on the draft EIS/EIR, the EPA, the ICAPCD, and the Border Power Plant Working Group, among others, disagreed with the conclusion regarding the associated upstream facilities and indicated that the EIS/EIR should address emissions from these upstream facilities (i.e., the Mexican

compressor stations). These commentors asked that the Agency Staffs require Best Available Control Technology (BACT), including Selective Catalytic Reduction (SCR) for NO_x reduction, to be installed and maintained at the Mexican compressor stations as well as require that emissions from the stations be offset as would be required in the United States. As noted above, the emissions from the Mexican facilities are addressed in the cumulative impact analysis in Section 4.15. The FERC, the CSLC, the BLM, and the BOR do not have legal authority to control the construction and operation of facilities located in Mexico. Therefore, mitigation measures, such as the requirement to use SCR or offset emissions, cannot be imposed on those facilities. For the original North Baja Pipeline Project EIS/EIR, there was a litigation challenge¹⁴ concerning this issue that failed.

Various commentors on the draft EIS/EIR, including the EPA, the SCAQMD, the ICAPCD, and the Border Power Plant Working Group, indicated that the definition of the proposed Project is too limited in focus. As discussed in Section 1.1, these commentors assert that the supplies of LNG-source gas that would be transported on the North Baja system would have a higher WI compared to existing supplies and, therefore, the introduction of the LNG-source gas would increase emissions of NO_x in the SCAB. These commentors stated that the end use of the natural gas that would be transported on the North Baja system is a “connected action” and that the EIS/EIR should describe, analyze, and mitigate the air quality impacts that would result from the end use of the gas in the SCAB. Furthermore, these commentors stated that a full General Conformity analysis should be conducted that considers the air quality impacts of the end use of the gas.

The end use of the natural gas that would be transported by the proposed Project is not considered part of the Project and, consequently, is outside the scope of the EIS/EIR. A detailed discussion of the definition of the proposed Project in regards to the General Conformity Rule is presented in Section 4.12.3.

During the scoping process, the EPA commented that the EIS/EIR should address the applicability of Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, to the proposed action. This Executive Order was signed by President Carter on January 4, 1979, and requires that responsible officials of Federal agencies be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States, including Antarctica. Executive Order 12114 defined the environment to mean only the natural and physical environment and is applicable to the following categories of major Federal actions abroad:

- actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans and the upper atmosphere);
- actions significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action (e.g., the reentry of a spacecraft and impact on such nation's environment); and
- actions significantly affecting the environment of a foreign nation that provide to that nation:
 - a product or physical project producing a principal product or an emission or effluent, which is prohibited or strictly regulated by Federal law, in the United

¹⁴ Superior Court of California, County of Sacramento, No. 02CS00327, filed November 8, 2002 and Court of Appeal of California, Third Appellate District, No. CO43219, filed July 27, 2004.

States because its toxic effects on the environment create a serious public health risk;

- a physical project that is prohibited in the United States or strictly regulated by Federal law to protect the environment against radioactive substances; and
- actions significantly affecting natural or ecological resources of global importance, either designated for protection by the President or protected by a binding international agreement (e.g., protection of whales or migratory species, or binational transboundary agreements such as those between the United States and Canada).

The North Baja Pipeline Expansion Project would not be included in one of the categories of Major Federal Actions described above and would not have significant environmental impacts outside the United States; therefore, Executive Order 12114 is not applicable to the proposed Project.

In its comments on the draft EIS/EIR, the EPA stated that it would be within the FERC's control and responsibility to extend its environmental review to include the associated facilities in Mexico in accordance with the CEQ's *Guidance on NEPA Analyses for Transboundary Impacts*. As discussed above, Executive Order 12114 directs Federal agencies to consider the effects of their actions on the environment outside of the United States. The FERC and the BLM actions on the North Baja Pipeline Expansion Project are the issuance of a Certificate and a Presidential Permit amendment and an amended Right-of-Way Grant and plan amendment, respectively. The construction and operation of North Baja's proposed facilities in the United States would be localized and would not have a significant effect on the environment of Mexico. The upstream facilities in Mexico must comply with the Mexican environmental regulatory review process and standards.

1.5 CONSISTENCY WITH REGIONAL AND LOCAL PLANS

The proposed Project must be consistent or in conformance with the guidelines, management objectives, and/or designated uses set forth in regional and local plans for the Project area, or a plan amendment would be required. Plans that were reviewed for consistency include BLM resource management plans (RMPs), FWS RMPs, and local land management plans. A summary of the applicable plans and consistency information is presented below.

1.5.1 Bureau of Land Management

The proposed Project would cross BLM-administered lands under the jurisdiction of three field offices in Arizona and California and one district office in California. These include the California Desert District (CDD) Office, the Palm Springs-South Coast Field Office, the El Centro Field Office, and the Yuma Field Office.

A review by the Agency Staffs of the RMPs for each of the listed field or district offices indicates that the proposed Project would not conform with some of these plans in their current forms, but that amendments to these plans would bring the proposed Project into conformance. At that time, the proposed Project would conform to BLM plans and programs, subject to site-specific conditions that may be implemented as a result of this analysis. The RMPs analyzed are summarized below.

California Desert Conservation Area Plan

The proposed North Baja Pipeline Expansion Project is not consistent with the BLM's CDCA Plan. The BLM is considering amending this plan to the extent necessary to allow the Project. The majority of the proposed B-Line and IID Lateral fall within the CDCA. The BLM administers a comprehensive land use management plan for this area, which is referred to in this EIS/EIR as the CDCA Plan. The goal of the CDCA Plan is to provide for the educational, scientific, and recreational uses of public lands and resources within the CDCA in a manner that enhances and does not diminish the environmental, cultural, and aesthetic values of the desert and its productivity. According to the CDCA Plan, this goal is to be achieved through the direction given for management actions and resolution of conflicts. Direction is stated first on a geographic basis in guidelines set forth in each of four multiple-use classes (MUCs). Within those guidelines, further refinement of direction is expressed in the goals for each CDCA Plan element (e.g., cultural resources, wildlife, vegetation, wilderness, recreation, motorized-vehicle access, geology, and energy production and utility corridors). Direction is also expressed in certain site-specific CDCA Plan decisions such as Areas of Critical Environmental Concern (ACECs).

The CDCA Plan, when approved, established four general MUCs: Controlled (Class C); Limited (Class L); Moderate (Class M); and Intensive (Class I). The four MUCs have been used to describe a different type and level or degree of use that is permitted within a particular area. However, certain uses of public lands, such as for utilities, may reach across all MUCs except Class C. Therefore, individual plan elements were created to further address issues specific to each MUC. One of those elements is the "Energy Production and Utility Corridor Element" which, among other things, establishes a network of joint-use planning corridors capable of meeting projected utility service needs.

The CDCA Plan states that: "Applications for utility rights-of-way will be encouraged by BLM management to use designated corridors." The proposed Project is not consistent with the CDCA Plan where portions of the proposed B-Line and IID Lateral deviate from designated utility corridors on BLM-managed land. This EIS/EIR proposes to modify those utility corridor decisions to the extent needed to allow the BLM to issue North Baja a permit for the proposed Project. The CDCA Plan amendment process is discussed in Section 1.7. Additional discussion of the CDCA Plan and the proposed pipeline routes and designated utility corridors is presented in Sections 3.2.3.2 and 4.8.4.

Although the proposed Project is not consistent with the current CDCA Plan, it would be consistent with previous projects and the goal of grouping similar land uses. The proposed B-Line would be entirely adjacent to North Baja's existing A-Line, which was the subject of an amendment to the CDCA Plan and previously approved by the BLM in 2002. On BLM land within the CDCA, the B-Line includes 29.9 miles inside designated utility corridors and 20.8 miles outside of the utility corridors but within the previously approved A-Line right-of-way. The IID Lateral would be on BLM land within the CDCA for a total of 25.7 miles, of which 18.9 miles would be located within designated utility corridors. The remainder of the route outside of designated utility corridors would be within or adjacent to existing transportation (Interstate 8 and Evan Hewes Highway) and transmission line rights-of-way.

Within the CDCA, the proposed facilities would be within three planning areas, each with its own approved management plan that was adopted as an amendment to the CDCA Plan. These three plans are described below.

Northern and Eastern Colorado Desert Coordinated Management Plan

The Northern and Eastern Colorado Desert (NECO) Coordinated Management Plan (NECO Plan) was approved and adopted as an amendment to the CDCA Plan in December 2002. The NECO Plan amends or creates land use plans and specific management prescriptions for species and habitats on

Federal lands. The entire portion of the proposed B-Line within the CDCA would be in the NECO planning area except for the portion of the route between mileposts (MPs) 71.1 and 74.5. This portion of the route would be in the Imperial Sand Dunes Recreation Area (ISDRA), which is discussed in greater detail below.

The NECO Plan establishes an 820,077-acre Desert Wildlife Management Area (DWMA) in the Chuckwalla area, which is an area designated by the FWS as critical habitat for the desert tortoise. Of the 820,077 acres, about 465,300 acres are managed by the BLM. The NECO Plan eliminated the Milpitas Wash Wildlife Habitat Management Plan (WHMP) and Chuckwalla Bench ACEC for incorporation into the Chuckwalla DWMA. The proposed B-Line would not cross the Chuckwalla DWMA but would be immediately adjacent to the DWMA's eastern boundary, which is on the west side of State Route (SR) 78, between about MPs 35.0 and 46.0.

The proposed Project is subject to section 7 consultation in accordance with the ESA, as amended, to address potential impacts on the desert tortoise, including cumulative impacts (see Section 4.7). Although recovery of the desert tortoise is an important aspect of the NECO Plan, the plan also addresses the conservation of other species. For example, special mitigation measures avoiding disturbance of Couch's spadefoot toad habitat should be strongly considered on all projects. North Baja has, through consultation with the CDFG, established avoidance and monitoring measures for the Couch's spadefoot toad (see Section 4.7). The NECO Plan's consideration of other desert endemic species and their habitats is reflected in this EIS/EIR.

Western Colorado Desert Routes of Travel Designations Plan

The Western Colorado Desert (WECO) Routes of Travel Designations Plan (WECO Plan) was approved and adopted as an amendment to the CDCA Plan in January 2003. The WECO Plan allows the BLM to manage the area in a way that balances OHV use on a designated trail system with the maintenance or improvement of special status species populations and other natural and cultural resources. The IID Lateral would be in the WECO planning area between MPs 7.9 and 27.6. The majority of this portion of the IID Lateral would be in a designated utility corridor. An amendment to the CDCA Plan would be required for the portion of the route that deviates from a designated utility corridor on BLM land. A detailed discussion regarding OHV use in the Project area is provided in Section 4.8.5.

Imperial Sand Dunes Recreation Area Management Plan

The ISDRA was created in 1977 for the purpose of providing a formal space for OHV use. The ISDRA Management Plan (ISDRA Plan) was approved and adopted as an amendment to the CDCA Plan in March 2005. Like the WECO, which is west of and adjacent to the ISDRA, the ISDRA is primarily managed for OHV use in a way that is consistent with principles of multiple use and resource conservation. The B-Line would be in the ISDRA between MPs 71.1 and 74.5 and the IID Lateral would be in the ISDRA between MPs 0.0 and 7.9. The majority of the route in these areas would be in a designated utility corridor. An amendment to the CDCA Plan would be required for the portion of the route that deviates from a designated utility corridor on BLM land. Additional discussion of the ISDRA is presented in Section 4.8.4.

Yuma District Resource Management Plan

The proposed North Baja Pipeline Expansion Project is not consistent with the BLM's current Yuma District Plan. The Yuma District Plan identifies special management areas in the vicinity of the Milpitas Wash. In general, the management objectives of the Yuma District Plan include consolidation, protection, and enhancement of wildlife habitat and habitat for plants of special management concern.

North Baja proposes a number of conservation measures protecting wildlife and special status plants that are generally consistent with objectives of the management plans addressing the proposed activities in the Milpitas Wash area. The Yuma District Plan, however, prohibits new utilities or rights-of-way across the Milpitas Wash SMA.

This EIS/EIR proposes to modify the land use plan decisions to the extent needed to allow the BLM to issue North Baja a permit to cross the Milpitas Wash SMA. In this location, the proposed B-Line would be adjacent to North Baja's existing A-Line, which was the subject of an amendment to the Yuma District Plan and previously approved by the BLM in 2002. The Yuma District is currently in the process of revising its plan and is considering a proposal that would reroute the designated utility corridor to follow SR 78 through the Milpitas Wash SMA. The revision to the Yuma District Plan is a separate action from the proposed North Baja Pipeline Expansion Project. On December 15, 2006, the EPA published a *Notice of Availability of Yuma Field Office Draft Resource Management Plan and Draft Environmental Impact Statement* in the Federal Register.¹⁵ The existing A-Line and proposed B-Line would be within the newly designated corridor; therefore, adoption of this revision would eliminate the need for a plan amendment for the proposed North Baja Pipeline Expansion Project. The revised plan, however, is not expected to be completed before the environmental review process for the proposed Project is completed. Therefore, for the North Baja Pipeline Expansion Project, the EIS/EIR will be used by the BLM to consider amending the current Yuma District Plan, which would be necessary for any pipeline construction outside of a designated utility corridor. The Yuma District Plan amendment process is discussed in Section 1.7. Additional discussion of the Milpitas Wash SMA and North Baja's proposed conservation measures is presented in Sections 4.6.2.4 and 4.8.4.2.

1.5.2 U.S. Fish and Wildlife Service

Approximately 1.2 miles of the proposed B-Line would cross the Cibola NWR administered by the FWS. A decision that allows a crossing of the Cibola NWR must be compatible with the FWS Refuge Management Regulations in Part 603 FW 2.10(D). In approving a proposed utility right-of-way across the Cibola NWR, the Refuge Manager must find that none of the conditions listed in Part 603 FW 2.10(D) exist with regards to the proposed Project. The existing A-Line complied with these conditions and a favorable Compatibility Determination was issued for the installation of that pipeline. The proposed B-Line would be adjacent to the existing A-Line through the Cibola NWR; therefore, a favorable Compatibility Determination is expected to be issued for the proposed B-Line.

1.5.3 Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a metropolitan planning organization for the six-county southern California region (i.e., Ventura, Los Angeles, Orange, San Bernardino, Riverside, and Imperial Counties). The SCAG was established under California Government Code 6502 et seq. and is designated a Council of Governments, a Regional Transportation Planning Agency, and a Metropolitan Planning Organization.

The SCAG's responsibilities include development of solutions to the region's common problems including transportation management, growth, land use, housing, air quality, waste management, and other regional issues. The SCAG also acts as an information clearinghouse and provides counties and cities with data on demographics, forecasting, mapping, and other regional statistics. The SCAG has developed a Regional Comprehensive Plan and Guide (RCPG) as well as a Regional Transportation Plan (RTP), which include individual plans that address specific issues such as growth management, regional

¹⁵ The *Yuma Field Office Draft Resource Management Plan and Draft Environmental Impact Statement* is available for viewing on the Internet at <http://www.blm.gov/az/LUP/planning.htm> or at the Yuma Field Office.

housing needs, regional mobility, water quality, and air quality. The SCAG has also developed a Compass Growth Vision to encourage better relationships between housing, transportation, and employment.

In its comments on the draft EIS/EIR, the SCAG outlined several policies of its RCPG that may apply to the North Baja Pipeline Expansion Project. A summary of these policies and the Project's consistency with these policies is presented in Table 1.5.3-1.

According to the SCAG, the 2004 RTP also has goals and policies that are pertinent to the proposed North Baja Pipeline Expansion Project. The RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socioeconomic, geographic, and commercial limitations. In its comments on the draft EIS/EIR, the SCAG acknowledged that because most roadways in the Project area currently operate at a level of service of A or B, the relatively minor increase in traffic associated with the Project would not result in a significant change in the level of service on any roadway (see Section 4.10.3). In addition, North Baja would implement traffic management plans for work in or adjacent to area roadways (see Section 4.10.2). For these reasons, the SCAG determined that the proposed Project is consistent with the RTP.

The fundamental goal of the Compass Growth Visioning effort is to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income class. According to the SCAG, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability, and prosperity. Several principles provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. These principles include:

- improve mobility for all residents;
- foster livability in all communities;
- enable prosperity for all people; and
- promote sustainability for future generations.

The Project would not interfere with efforts to develop sustainable communities or to provide public services because the majority of the facilities (99 percent) would be located in or adjacent to existing rights-of-way. The Project would, however, provide a new source of tax revenues to the area that could help facilitate the implementation of this effort.

1.5.4 Counties and Municipalities

Every city and county in California has adopted a general plan to set forth policies guiding local land use and development. Each general plan contains a map that identifies the location of allowable land uses. These designated land use maps not only identify existing land uses, but also future potential uses of lands. The Project's consistency with local land management plans was evaluated by consulting these land use plans and maps, as well as with officials from each county and municipality crossed by the Project.

TABLE 1.5.3-1

**Consistency of the North Baja Pipeline Expansion Project with the Policies of the
Southern California Association of Governments'
Regional Comprehensive Plan and Guide**

Policy Group/ Policy No.	Policy Description	Project Consistent (Yes/No)	Comments
Consistency with Regional Comprehensive Plan and Guide (RCPG) Policies			
3.01	The population, housing, and jobs forecasts that are adopted by the Southern California Association of Governments' (SCAG) Regional Council and that reflect local plans and policies shall be used by the SCAG in all phases of implementation and review.	Yes	The most current SCAG forecasts show increases in population, households, and employment across the region, subregions, counties, and cities that would be affected by the Project. The Project would not detract from the achievement of this policy. The Project would temporarily increase population, households, and employment during construction. The Project would not add any permanent staff but would also not cause a decrease in population, households, or employment (see Section 4.9.2).
3.03	The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by the SCAG to implement the region's growth policies.	Yes	Some of the Project facilities could be in service by late 2007/early 2008; the remainder could be in service by early 2010. The Project would be privately financed. The Project would not affect regional growth because no new permanent staff would be required to operate the facilities (see Section 4.9.2).
Growth Management Chapter Policies Related to the RCPG Goal to Improve the Regional Standard of Living			
3.05	Encourage patterns of urban development and land use, which reduce costs on infrastructure construction and make better use of existing facilities.	Yes ^a	About 99 percent of the proposed pipeline facilities would be in or adjacent to existing rights-of-way and would require the construction of minimal new infrastructure (see Section 2.1).
3.08	Encourage subregions to define an economic strategy to maintain the economic vitality of the subregion, including the development and use of marketing programs, and other economic incentives that support attainment of subregional goals and policies.	Yes	As described in Section 4.9.6, the Project would have a beneficial impact on tax revenues. How the government entities use the tax revenues is outside North Baja Pipeline, LLC's (North Baja) control but it is assumed that the revenues could support the achievement of this policy.
3.09	Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.	Yes	The Project would require the construction of minimal new infrastructure (see Section 2.1) and would not interfere with local jurisdictions' efforts to provide public services (see Section 4.9.4). In addition, the Project would provide a new source of tax revenues in the area (see Section 4.9.6).
3.20	Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.	Yes ^a	North Baja would implement general and species-specific conservation measures as well as the recommendations of the environmental staffs of the Federal Energy Regulatory Commission, the California State Lands Commission, and the Bureau of Land Management (Agency Staffs) to avoid, minimize, or compensate for Project-related impacts on protected species. North Baja would also implement a Construction Mitigation and Restoration Plan to minimize and restore disturbances to native vegetation, reduce impacts on water resources, prevent the invasion and establishment of exotic-nuisance species, and protect nesting migratory birds (see Sections 4.3.2, 4.4, 4.5, 4.6, 4.7, and 4.8).

TABLE 1.5.3-1 (cont'd)

**Consistency of the North Baja Pipeline Expansion Project with the Policies of the
Southern California Association of Governments'
Regional Comprehensive Plan and Guide**

Policy Group/ Policy No.	Policy Description	Project Consistent (Yes/No)	Comments
3.21	Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.	Yes ^a	North Baja is coordinating with the appropriate agencies regarding potential impacts on cultural resources and has developed an Unanticipated Discovery Plan that would be followed in the event that sites are found during construction (see Section 4.11).
3.22	Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.	Yes ^a	North Baja would prepare and implement an Operation and Maintenance Plan and an Emergency Response Plan in accordance with the requirements in Title 49 Code of Federal Regulations (CFR) Part 192 (see Section 4.14.2). North Baja has also developed a Fire Prevention and Suppression Plan to minimize the potential for wildfires (see Section 4.6.2.2).
3.23	Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.	Yes ^a	Impacts on noise levels associated with construction and operation of the proposed facilities would be less than significant (see Section 4.13). North Baja would implement both general and species-specific conservation measures as well as the Agency Staffs' recommendations to avoid, minimize, or compensate for Project-related impacts on biological and ecological resources (see Sections 4.4, 4.5, 4.6, 4.7). To minimize potential impacts associated with seismic hazards, the pipelines and associated facilities would be designed using Title 49 CFR Part 192, the <i>Guidelines for the Design of Buried Steel Pipe, Guidelines for the Seismic Design and Assessment of Natural Gas and Liquid Hydrocarbon Pipelines</i> , applicable building codes, and/or other similar recognized seismological engineering standards (see Section 4.1.4). North Baja would also develop an Emergency Response Plan (see Section 4.14.2).
Growth Management Chapter Policies Related to the RCPG Goal to Provide Social, Political, and Cultural Equity			
3.25	Encourage the efforts of local jurisdictions, employers, and service agencies to provide adequate training and retraining of workers, and prepare the labor force to meet the future challenges of the regional economy.	Yes	North Baja constructed its existing A-Line in 2002 and did not encounter shortages in the supply of local workers. Based on this experience, North Baja does not anticipate a deficiency in the number of skilled local workers needed for the North Baja Pipeline Expansion Project.
3.26	Encourage employment development in job-poor localities through support of labor force retraining programs and other economic development measures.	Yes	North Baja constructed its existing A-Line in 2002 and did not encounter shortages in the supply of local workers. Based on this experience, North Baja does not anticipate a deficiency in the number of skilled local workers needed for the North Baja Pipeline Expansion Project.

TABLE 1.5.3-1 (cont'd)

Consistency of the North Baja Pipeline Expansion Project with the Policies of the Southern California Association of Governments' Regional Comprehensive Plan and Guide

Policy Group/ Policy No.	Policy Description	Project Consistent (Yes/No)	Comments
3.27	Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.	Yes	The Project would not interfere with efforts to develop sustainable communities or to provide public services because the majority of the facilities (99 percent) would be in or adjacent to existing rights-of-way (see Section 2.2.1). The Project would, however, provide a new source of tax revenues to the area (see Section 4.9.6).
Air Quality Chapter Core Actions			
5.11	Through the environmental document review process, ensure that plans at all levels of government (regional air basin, county, subregional and local) consider air quality, land use, transportation, and economic relationships to ensure consistency and minimize conflicts.	Yes ^a	This environmental impact statement/environmental impact report for the North Baja Pipeline Expansion Project will be used by several agencies at various levels of government to determine their respective actions on the Project (see Section 1.2). Section 1.5 presents an overview of applicable plans and policies and the Project's consistency with those plans and policies.

^a The SCAG concurred with this determination in its December 28, 2006 letter providing comments on the draft EIS/EIR.

Riverside County, California

The proposed North Baja Pipeline Expansion Project would not conflict with the Riverside County General Plan. The proposed B-Line and Arrowhead Extension would cross county lands that the Riverside County Land Use Ordinance designates as being for agricultural use. After construction, the buried pipeline would not interfere with agricultural land uses. A detailed discussion of agricultural lands affected by the Project is presented in Section 4.8.2.

The Riverside County Board of Commissioners is considering the adoption of a new Land Use and Development Code. A review of the draft code has indicated that the proposed Project would not conflict with the code if it were to be adopted.

City of Blythe, California

The City of Blythe General Plan includes a public utilities element that urges the sharing of utility corridors and the burial of utility lines whenever possible. Because the proposed B-Line would be adjacent to North Baja's existing A-Line, and the B-Line and the Arrowhead Extension pipeline would be buried, the proposed Project is consistent with the City of Blythe General Plan.

Imperial County, California

The proposed North Baja Pipeline Expansion Project would not conflict with the Imperial County General Plan or existing land use designations. The proposed B-Line and IID Lateral would both be located primarily in areas that are designated for Recreation/Open Space uses. After construction, the buried pipelines would not interfere with such land uses. The Imperial County Land Use Ordinance does not include guidelines for utility installation. A detailed discussion of recreation and public interest areas affected by the Project is presented in Section 4.8.5.

1.6 PERMITS, APPROVALS, CONSULTATIONS, AND REGULATORY REQUIREMENTS

Table 1.6-1 lists the major Federal, State, and local permits, approvals, and consultations identified for the construction and operation of the North Baja Pipeline Expansion Project. North Baja would be responsible for obtaining all permits and approvals required to implement the proposed Project regardless of whether they appear in this table.

For the BLM, the proposed Federal actions are whether to amend the CDCA Plan, as amended (1980), and the Yuma District Plan, as amended (1985), allowing for a one-time exemption to the plans, and whether to grant rights-of-way to North Baja for the installation of the B-Line and IID Lateral, plus ancillary facilities, across Federal lands managed by the BLM, the BOR, and the FWS.

The proposed B-Line and IID Lateral pipeline alignments and ancillary facilities are located within and outside BLM-designated utility corridors. In addition, portions of the pipelines would cross the Milpitas Wash SMA and the NECO, WECO, and ISDRA planning areas. As discussed in Section 1.5, before any rights-of-way may be issued, plan amendments must be approved to allow for an exemption to the utility corridor element of the CDCA Plan and the special management areas element of the Yuma District Plan. The proposed amendments are under consideration to accommodate the North Baja Pipeline Expansion Project only, and would not create a new corridor or modify existing corridors. The BLM plan amendment process is described in detail in Section 1.7.

TABLE 1.6-1

Major Permits, Approvals, and Consultations for the North Baja Pipeline Expansion Project

Regulatory Agency	Required Permit or Approval	Agency Action
FEDERAL		
Advisory Council on Historic Preservation	Section 106 Consultation, National Historic Preservation Act (NHPA)	Has the opportunity to comment if the Project may affect cultural resources that are either listed on or eligible for listing on the National Register of Historic Places.
Federal Energy Regulatory Commission (FERC)	Certificate of Public Convenience and Necessity	Determine whether the construction and operation of a natural gas pipeline project is in the public interest.
	Presidential Permit	Consider issuance of an amendment of North Baja's permit for interconnection of natural gas transmission facilities at the international border of the United States and Mexico.
International Boundary and Water Commission	Compliance with International Treaties and Conventions	Review and approve Project components as they relate to the international boundary, boundary monuments, and potential changes to surface runoff characteristics at the international border.
U.S. Department of the Army Corps of Engineers (COE)	Section 10, Rivers and Harbors Act Permit	Consider issuance of a section 10 permit for construction across the Colorado River.
	Section 404, Clean Water Act (CWA) Permit	Consider issuance of a section 404 permit for the placement of dredge or fill material into all waters of the United States, including jurisdictional wetlands.
U.S. Department of the Interior Bureau of Land Management (BLM)	Antiquities and Cultural Resource Use Permit	Consider issuance of antiquities and cultural resources use permit to conduct surveys and to excavate or remove cultural resources on Federal lands.
	California Desert Conservation Area (CDCA) Plan Amendment	Consider amending the CDCA Plan.
	Yuma District Resource Management Plan (Yuma District Plan) Amendment	Consider amending the Yuma District Plan.
	Right-of-Way Grant	Consider granting rights-of-way and temporary use permits for portions of the Project that would encroach on Federal lands, including easements across federally owned waterways.
	Temporary Use Permit	Consider issuance of a temporary use permit for temporary activities in a construction right-of-way.
	Plan of Development	Consider approval of detailed Construction, Operation, and Maintenance Plan.
	Notice to Proceed	Following issuance of the right-of-way grant and approval of the Construction, Operation, and Maintenance Plan, consider issuance of a Notice to Proceed with Project development and mitigation activities.

TABLE 1.6-1 (cont'd)

Major Permits, Approvals, and Consultations for the North Baja Pipeline Expansion Project

Regulatory Agency	Required Permit or Approval	Agency Action
U.S. Bureau of Reclamation (BOR)	Right-of-Way Grant	Provide concurrence for BLM to issue amended Right-of-Way Grant covering BOR lands.
	Hydrostatic Test Coordination	In conjunction with the Imperial Irrigation District, consult with North Baja regarding the withdrawal and discharge of hydrostatic test water from and to the All-American Canal.
U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms, and Explosives	Explosive User's Permit	Consider issuance of permit to purchase, store, and use explosives for site preparation during pipeline construction.
U.S. Department of Transportation Federal Highway Administration	Encroachment Permit	Consider issuance of permit for pipeline crossing of federally funded highways.
U.S. Environmental Protection Agency, Region IX	Section 401, CWA, Water Quality Certification	In conjunction with states, consider issuance of water use and crossing permits.
	Section 402, CWA, National Pollutant Discharge Elimination System (NPDES)	In conjunction with states, review and issue NPDES permit for discharge of hydrostatic test water.
	Section 404, CWA	Review CWA, section 404 applications for wetland dredge-and-fill applications for the COE with 404(c) veto power for wetland permits issued by the COE.
U.S. Fish and Wildlife Service (FWS)	Section 7 Consultation, Biological Opinion (Endangered Species Act)	Consider lead agency finding of impact on federally listed or proposed species. Provide Biological Opinion if the Project is likely to adversely affect federally listed or proposed species or their habitats.
	Fish and Wildlife Coordination Act	Provide comments to prevent loss of and damage to wildlife resources.
	Compatibility Determination	Provide concurrence for BLM to issue amended Right-of-Way Grant covering FWS lands.
ARIZONA		
Arizona Department of Environmental Quality, Division of Water Quality	Section 401, CWA, Water Quality Certification	Consider approval of certification of activities related to dredge and fill materials.
	Construction Dewatering Permit (if necessary)	Consider issuance of permit regulating discharge of intruded or stormwater from construction excavation to land or waters of the United States.
Arizona Game and Fish Department	Threatened and Endangered Species Clearance	Consider issuance of biological clearance for State-listed species.
Arizona State Historic Preservation Office	Section 106 Consultation, NHPA	Consult with the FERC, Project Applicant, appropriate land management agencies, and others regarding activities potentially affecting cultural resources.
Arizona State Lands Department, Natural Resources Division	Soil Erosion, Sedimentation Control, and Spill Plan Approval	Consider approval of Soil Erosion, Sedimentation Control, and Spill Plans in coordination with local conservation districts.
	Easement	Consider authorization of an easement for the pipeline crossing of State lands.

TABLE 1.6-1 (cont'd)

Major Permits, Approvals, and Consultations for the North Baja Pipeline Expansion Project

Regulatory Agency	Required Permit or Approval	Agency Action
	Temporary Use Permit	Consider issuance of a temporary use permit for extra workspace associated with the Colorado River horizontal directional drill.
CALIFORNIA		
California Department of Fish and Game	California Endangered Species Act	Consider issuance of a section 2081 Incidental Take Permit and/or a section 2080.1 consistency determination for effects on species that are both State- and federally listed.
	California Native Plant Protection Act	Review of mitigation agreement and mitigation plan for plants listed as rare.
	Streambed Alteration Agreement (section 1603 of the California Fish and Game Code)	Consider issuance of section 1603 Streambed Alteration Agreement.
California Department of Transportation	Encroachment Permit	Consider issuance of permit to cross or bore under State highways or be within a State highway right-of-way.
California Regional Water Quality Control Board, Colorado River Basin Region	Section 401, CWA, Water Quality Certification	Consider approval of certification of activities related to dredge and fill materials.
	NPDES Hydrostatic Test Permit	Consider issuance of permit for discharge of hydrostatic test water.
	Construction Dewatering Permit (if necessary)	Consider issuance of permit regulating discharge of intruded or stormwater from construction excavation to land or waters of the United States.
California State Historic Preservation Office	Section 106 Consultation, NHPA	Consult with the FERC, Project Applicant, appropriate land management agencies, and others regarding activities potentially affecting cultural resources.
California State Lands Commission	Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) Statement of Overriding Considerations	Consider certification of the EIS/EIR. Consider issuance of a Statement of Overriding Considerations for impacts identified in the EIS/EIR that cannot be reduced to a level that is less than significant.
	Amendment to Lease of State Lands	Consider amendment to Lease of State Lands.
Imperial County Air Pollution Control District	Dust Control Plan	Consider dust control plan for construction.
Mojave Desert Air Quality Management District	Dust Control Plan	Consider dust control plan for construction.
IMPERIAL COUNTY		
Board of Supervisors	Franchise Agreement	Consider issuance of franchise agreement.
Planning Department	Temporary Use Permit	Consider issuance of temporary use permit for pipe storage and contractor yards.
Public Works Department	Encroachment Permit	Consider issuance of an encroachment permit.
	Road Crossing Permit	Consider issuance of road crossing permit.
Sheriff's Department	Explosives Permit	Consider issuance of a license to store flammable explosives.

TABLE 1.6-1 (cont'd)

Major Permits, Approvals, and Consultations for the North Baja Pipeline Expansion Project		
Regulatory Agency	Required Permit or Approval	Agency Action
IMPERIAL VALLEY IRRIGATION DISTRICT	Encroachment Permit	Consider issuance of an encroachment permit.
	Trench Dewatering Permit	Consider issuance of trench dewatering permit.
PALO VERDE IRRIGATION DISTRICT	Crossing Agreement	Consider issuance of a crossing agreement.
	Trench Dewatering Permit	Consider issuance of trench dewatering permit.
RIVERSIDE COUNTY		
Board of Supervisors	Franchise Agreement	Consider issuance of franchise agreement.
Transportation Department	Encroachment Permit	Consider issuance of encroachment permit.
Planning Department	Temporary Use Permit	Consider issuance of temporary use permit for pipe storage and contractor staging yards.
CITY OF BLYTHE		
	Encroachment Permit	Consider issuance of an encroachment permit.
	Grading Permit	Consider issuance of a grading permit.
CITY OF EL CENTRO		
	Encroachment Permit	Consider issuance of an encroachment permit.

As a cooperating agency, the BLM proposes to adopt this EIS/EIR per Title 40 CFR Part 1506.3 to meet its responsibilities under NEPA and its planning regulations per Title 43 CFR Part 1610. As a BLM NEPA document, this EIS/EIR includes an analysis of the direct, indirect, and cumulative impacts of granting the aforementioned rights-of-way and alternatives on BLM-managed public lands. This EIS/EIR includes all the required elements per Title 43 CFR Part 1610, such as public participation, consistency review, issue identification, development of planning criteria, formulation of alternatives, environmental impact analysis, and protest procedures.

1.7 BUREAU OF LAND MANAGEMENT PLAN AMENDMENT PROCESS

1.7.1 Regulatory Requirements

Section 202 of the Federal Land Policy and Management Act (FLPMA) states: “The Secretary shall, with public involvement ... develop, maintain, and when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands” (43 United States Code [USC] 1712). The regulations for making and modifying land use plans and planning decisions are found in Title 43 CFR Part 1600. The proposed land use plan amendments shall follow the regulations as set forth in Title 43 CFR Part 1610, Resource Management Planning. In short, an interdisciplinary approach shall be used in amending resource plans. The disciplines of the preparers shall be appropriate to the values involved and the issues identified for the amendment. The amendment shall be analyzed through the NEPA process. Through the NEPA process the public and other Federal, State, and local governments shall be provided opportunities to meaningfully participate in and comment on the preparation of amendments and be given early notice of planning activities. The analysis and public involvement for the proposed land use plan amendments shall coincide, to the extent possible, with the public notices, hearings, and comment periods of this EIS/EIR for the proposed North Baja Pipeline Expansion Project.

1.7.2 Need for Plan Amendments

An amendment to the CDCA Plan is required because the proposed B-Line deviates from a designated utility corridor on BLM land at five locations in the CDCA for a total length of approximately 20.8 miles (MPs 34.2 to 36.5, MPs 53.8 to 65.2, MPs 68.3 to 70.4, MPs 71.7 to 74.3, and MPs 77.4 to 79.8). In addition, the IID Lateral deviates from a designated utility corridor on BLM land at three locations in the CDCA for a total length of approximately 6.8 miles (MPs 18.9 to 24.5, MPs 24.9 to 26.0, and MPs 27.5 to 27.6). The locations requiring a CDCA Plan amendment are shown on Figure 1.7.2-1.

An amendment to the Yuma District Plan is required because a portion of the proposed B-Line that deviates from a designated utility corridor on BLM land crosses the Milpitas Wash SMA for approximately 2.5 miles (MPs 29.8 to 30.3, MPs 30.4 to 30.6, MPs 32.2 to 32.7, and MPs 32.9 to 34.2) (see Figure 1.7.2-1). The Yuma District Plan prohibits the location of new utility facilities in SMAs.

Although the B-Line deviates from designated utility corridors within the CDCA and within the Milpitas Wash SMA, it would be collocated with North Baja’s existing A-Line. The BLM approved plan amendments to both the CDCA and Yuma District Plans to accommodate the A-Line in 2002. Where the IID Lateral is outside of a designated utility corridor, the route would primarily follow or abut other previously disturbed corridors established by roads (rather than utilities) such as Interstate 8 and Evan Hewes Highway.

If the plan(s) are not amended, the BLM may authorize installation of the Project within existing corridors only, or the BLM may deny the Project if the existing corridor option does not prove feasible. Section 1.7.5 summarizes the alternative routes considered and Section 3 provides a comparison of the alternatives.

Non-Internet Public

FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT FOR
THE PROPOSED NORTH BAJA PIPELINE EXPANSION PROJECT
Docket Nos. CP06-61-000 and CP01-23-003

Figure 1.7.2-1 Locations Requiring a BLM Plan Amendment

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1.7.3 Identification of Issues

Major issues raised by the BLM and other agencies include: potential impact on special status species, including the desert tortoise; potential impact on desert wildlife habitat; potential for OHV route proliferation; timing of construction; and visual impacts. These issues are addressed in Section 4.

1.7.4 Planning Criteria

Planning criteria (Title 43 CFR Part 1610.4-2) are parameters that guide development of the land use plan amendment to ensure the planning process is tailored to the issues and that unnecessary data collection is avoided. Planning criteria are based on standards prescribed by applicable laws and regulations; agency guidance; and the result of coordination with the public, tribes, and other Federal, State, and local government agencies. The BLM has prepared the planning criteria for the proposed land use plan amendments as presented below.

Planning and NEPA

The proposed land use plan amendments shall not amend the majority of the decisions, goals, and objectives established in the CDCA Plan or the Yuma District Plan and these decisions shall remain in effect. The plan amendment process shall be conducted in compliance with the FLPMA, planning regulations at Title 43 CFR Part 1600, BLM manual guidance, and all applicable Federal laws affecting BLM land use decisions. The planning process shall include an environmental analysis prepared in compliance with NEPA, the CEQ regulations at Title 40 CFR Part 1500, and BLM guidance.

Consistency with Other Land Use Plans and Ongoing BLM Planning Efforts

The BLM's land use plans and amendments must be consistent with officially approved or adopted resource-related plans of Native American tribes, other Federal agencies, and State and local governments to the maximum extent practical, given that the BLM's land use plans must also be consistent with the purposes, policies, and programs of the FLPMA, as well as other Federal laws and regulations applicable to public lands (Title 43 CFR Part 1610.3-2[a]). Consistency with current land use plans is discussed in Section 1.5.

1.7.5 Alternatives Considered in the Analysis

An alternative this EIS/EIR must consider is that North Baja use existing corridors, as designated in the CDCA Plan (BLM 1980 as amended) for its entire route across public land in California. In 1980 when the CDCA Plan was issued, utility corridors 2 to 5 miles wide were designated, mostly along existing pipelines and transmission lines (BLM 1980). Several additional corridors were subsequently designated. The intent of the CDCA Plan was to limit future disturbance and land use designation for utilities to previously disturbed areas already carrying utilities. By the legislation enabling the CDCA Plan, a plan amendment is required to allow an exception to the plan's designated utility corridors.

As part of the EIS/EIR for the original North Baja Pipeline Project (referred to in this EIS/EIR as the A-Line), the alternative of following designated utility corridors was considered. Based on the analysis conducted for that Project, the route selected for the A-Line, including the deviations from designated utility corridors and the crossing of the Milpitas Wash SMA, was determined to be environmentally preferable to a route that remained within designated utility corridors. The proposed B-Line would be adjacent to the existing A-Line for the entire route. The collocation of facilities is generally preferred by land management agencies, land use planners, and other regulatory agencies and has several inherent engineering and environmental advantages. Perhaps the most important of these

advantages is that new land disturbance is minimized. Because of the advantages of collocation, and because the route selected for the A-Line that would be followed for the B-Line was previously determined to be environmentally preferable to a route that remains within a designated utility corridor, alternatives for the B-Line route that would follow designated utility corridors are not considered in this EIS/EIR.

Along the IID Lateral, North Baja proposes to deviate from a designated utility corridor at three locations within the CDCA. Two alternative routes were examined to stay within a designated utility corridor for a longer distance than the proposed route. These alternatives are referred to as the Corridor L Alternative and the Bond's Corner Alternative. A detailed discussion of these alternatives is presented in Section 3.2.3.2.

1.7.6 Agency Coordination

The BLM and the FWS have worked closely with North Baja representatives throughout the process of collecting information for this environmental analysis. Additionally, BLM and FWS personnel have consulted informally on the impacts of the corridor exception, on North Baja's proposed restoration plan, and on the potential impacts on desert wildlife habitat and the desert tortoise.

1.7.7 Public Participation

BLM planning regulations (Title 40 CFR Part 1601-1610) provide for specific points of public involvement in environmental analysis and land use planning decisions including plan amendments. The review and analysis of the North Baja Pipeline Expansion Project follows the BLM guidelines for public participation and opportunity to comment, as well as those of the FERC and the CSLC. The opportunities for the public to review and comment on the EIS/EIR and plan amendment are described in Section 1.3.

The EPA's publication of the Notice of Availability of the final EIS/EIR and proposed plan amendment in the Federal Register initiates a 30-day protest period on the plan amendment. Any participant in the planning process who has an interest that is or may be adversely affected may file a protest (Title 43 CFR Part 1610.5-2(a)). A letter of protest must be filed with the BLM Director within 30 days of the EPA notice. The Director may dismiss or uphold a protest in whole or in part. The BLM will withhold approval and implementation on any protested portion of a plan amendment until the protest process has been completed. Portions of the plan amendment not being protested may be approved and implemented.

The EPA's notice simultaneously initiates the Governor's consistency review. The Governor has a maximum of 60 days to identify inconsistencies between the proposed plan and State and local plans and provide written comments to the BLM California State Director. The BLM and the State may mutually agree upon a shorter review period satisfactory to both.

Once protests have been resolved and the Governor's consistency review has been completed, the BLM State Director(s) may approve the plan amendment by signing a ROD. The plan amendment decision of the BLM Director is the final decision of the Department of the Interior and therefore cannot be appealed to the Interior Board of Land Appeals.