

Mitigation Monitoring and Reporting Plan
for the
Kinder Morgan Energy Partners
Line Section 111 Washout Repairs

Prepared for
Colorado River Basin Regional Water Quality Control Board

and

Kinder Morgan Energy Partners
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Orange, California 92868

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Introduction

The Mitigation Monitoring and Reporting Plan (MMRP) has been prepared consistent with the Mitigated Negative Declaration (MND) for the Line Section 111 Washout Repairs Project and in accordance with the requirements set forth in Section 21081.6 of the California Public Resources Code of the California Environmental Quality Act (CEQA) (Cal. Pub. Resources Code, Section 21000 et seq.), and Section 15097 of the CEQA Guidelines (Cal. Code Regs., tit. 14, Section 15000 et seq.). These provisions require public agencies to establish MMRPs as a condition of approval for a project in which it has been determined, based on an initial study conducted, that the project may have a significant impact on the environment, and that implementation of mitigation measures would avoid the impacts or mitigate them to a point where clearly no significant impact on the environment would occur.

The mitigation measures described in this MMRP were identified in the Initial Study (IS) and the MND prepared for the proposed project. Mitigation measures were developed to avoid the potentially significant impacts on the environment that the IS determined may occur with implementation of the project as initially proposed, or to reduce those impacts to a less than significant level. Potentially significant impacts from the project as initially proposed were identified for the following environmental factors:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Recreation

The purpose of this MMRP is to ensure effective implementation of the proposed mitigation measures as outlined in the IS/MND. The MMRP outlines the mitigation measures, actions required to implement those measures, identifies the timing of each measure, establishes monitoring requirements, identifies the responsible monitoring party, and requires evidence of completion of the mitigation measures.

Project Description

Santa Fe Pacific Pipelines Partners, L.P. (SFPP), an operating company of Kinder Morgan Energy Partners, L.P. (KMEP), owns and operates a 20-inch pipeline, Line Section (LS) 111, which transports petroleum products between Colton, California and Phoenix, Arizona. LS 111 crosses the San Gorgonio River near the intersection of Interstate 10 and State Highway 111 in the vicinity of the City of Palm Springs, California. Heavy storm water flows in 2004 undermined the soil cover over the pipeline in two locations leaving the line exposed. SFPP/KMEP is proposing to re-cover the exposed areas and install permanent structures that will protect the pipeline from erosion caused by future storm events.

Roles and Responsibilities

As the lead agency under CEQA, the Colorado River Basin Regional Water Quality Control Board (Regional Water Board) is required to develop this MMRP to ensure that the required mitigation measures for the project are implemented. This MMRP outlines the mitigation

measures that were identified as conditions of approval for the project. The Regional Water Board shall require the project applicant, SFPP, to comply with CEQA to ensure that the identified mitigation measures are implemented. The Regional Water Board shall also require SFPP to provide it with evidence of completion of the mitigation measures. Other responsible agencies involved in reviewing and approving the proposed MMRPs include the United States Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and the U.S. Army Corps of Engineers (ACOE).

MMRP Submittals

SFPP shall provide the Regional Water Board and the responsible agencies identified above with quarterly updates on the status of the project and implementation of the mitigation measures throughout the duration of the project. Upon completion of the proposed project, SFPP shall provide the Regional Water Board and the responsible agencies with a final report that provides evidence of completion of the project and the mitigation measures (i.e., summary reports, photo documentation pre-construction, construction, and post-construction phases of the project, copies of training manuals, and implemented Best Management Practices (BMPs)).

Table 1: Mitigation Monitoring and Reporting Plan

Mitigation Measure Number	Mitigation Measure	Timing			Responsible Monitoring Party	Source Document	Completion of Mitigation Measures		
		Pre-Const	Const	Post-Const			Evidence of Completion	Initials	Date
Air Quality									
AQ-1	The proposed Project shall comply with applicable South Coast Air Quality Management District (SCAQMD) air regulations.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
AQ-2	All disturbed areas which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

Mitigation Measure Number	Mitigation Measure	Timing			Responsible Monitoring Party	Source Document	Completion of Mitigation Measures		
		Pre-Const	Const	Post-Const			Evidence of Completion	Initials	Date
AQ-3	All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
AQ-4	All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions using application of water or presoaking.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
AQ-5	Traffic speeds on unpaved roads shall be limited to 15 miles per hour (mph).		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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Biological Resources									
BR-1	Coachella Valley milk-vetch populations shall be fenced off using staking and flagging for avoidance during project activities.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS ¹	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-2	Pre-construction surveys for desert tortoise shall be conducted no earlier than 48 hours before project activities by a qualified biologist in the project area to insure avoidance of active burrows should they be found. If an occupied desert tortoise burrow is found, further consultation with the Service will be required.	X			Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

¹ Mitigation measures were proposed in Kinder Morgan's Biological Assessment and adopted in the informal Consultation Letter of the USFWS dated July 27, 2006.
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BR-3	Excavation activities will be conducted after March 31 or when air temperatures are at or above 71 degrees Fahrenheit to minimize potential for impact to sensitive reptiles including desert tortoise and Coachella Valley fringe-toed lizard. Reptiles become active during these periods making them easy to observe and avoid and allowing them to avoid construction areas.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-4	A qualified biological monitor shall be onsite during all access, staging and construction activities to insure minimization of impact to habitat and insure no sensitive species enter the work area. The biological monitor shall flag the access, staging, and construction area with easily identified flagging to insure that the work activities, including movement of equipment to and from the project site, will be kept to the smallest area possible to avoid unnecessary impacts to sensitive resources.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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BR-5	The biological monitor shall conduct a Worker Awareness Training program for all construction personnel prior to their gaining access to the project site. The training shall cover the biological resources present and avoidance, minimization and mitigation procedures required as conditions of approval for the proposed project. Employees will sign a form stating that they attended the program and understand all protection measures for sensitive resources.	X			Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-6	Work activities, including movement of equipment to and from the project site, will be kept to the smallest area possible to avoid unnecessary impacts to sensitive resources.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-7	Should a desert tortoise or fringe-toed lizard (or any sensitive species) enter the construction area, construction activities will be stopped and the species will be allowed to leave the area on their own volition. In the event that an individual specimen does not leave, additional consultation will be required with the resource agencies.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/ USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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BR-8	Activities within the wash shall be limited to the dry period of the year from April to November and when the wash is not actively flowing and no measurable rain is forecasted within 48 hours.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-9	If construction operations are required during nesting and breeding season of raptors and other migratory birds (February through September), a qualified biologist shall conduct pre-construction surveys to identify active nests in the project area. Should active nests be found, a determination will be made in consultation with the CDFG and USFWS whether or not construction will impact the nests. If it is determined that construction will impact species, construction will be delayed until juvenile birds have fledged or until nesting season is completed.	X			Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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BR-10	Upon completion of construction activities, all access and staging areas will be restored to their original condition.			X	Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-11	Permanent impacts resulting from the construction of the FCR at both Area 1 and Area 2 shall be mitigated at a ratio of 3:1 at an offsite location approved by USFWS, in consultation with CDFG and the Coachella Valley Water District.			X	Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
BR-12	A post-construction memo will be filed with USFWS and any other appropriate agencies describing minimization measures used and sensitive species observed, if any.			X	Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/USFWS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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Cultural Resources									
CR-1	At the request of Native American tribes affiliated with the area, a Native American monitor shall be present during excavation activities. In the event of an important archaeological discovery the monitor shall have the authority to temporarily halt or divert excavation activities until a qualified archaeologist can evaluate the find.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
CR-2	Should paleontological resources be encountered during excavation activities, work shall cease until a qualified paleontologist can evaluate the resource.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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CR-3	In accordance with Public Resources Code Section 5097.94, if human remains are discovered, the Riverside County coroner shall be notified within 2 hours of the discovery. If the coroner determines that the remains are not recent, the coroner will notify the Native American Heritage Commission in Sacramento to determine the most likely descendent for the area.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
Geology and Soils									
GS-1	Activities within the wash shall be limited to the dry period of the year from April to November and when the wash is not actively flowing and no measurable rain is forecasted within 48 hours.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

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Hazards and Hazardous Materials									
H-1	SFPP/KMEP's standard safety practices, as described in its Process Safety Management Program, shall be incorporated to reduce the hazard to the public or the environment caused by reasonably foreseeable upset and accident conditions that would involve the release of hazardous materials into the environment. Incorporation of this measure will reduce the impact to less than significant.		X		Kinder Morgan Energy Partners (Applicant)	RWQCB ² /IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
Hydrology and Water Quality									
WQ-1	Standard construction BMPs, such as silt fencing, shall be utilized to avoid and minimize erosion and prevent water quality impacts.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		

² The Colorado River Basin Regional Quality Control Board proposed this mitigation measure in the Initial Study.
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WQ-2	Activities within the wash shall be limited to the dry period of the year from April to November and when the wash is not actively flowing and no measurable rain is forecasted within 48 hours.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		
Recreation									
REC-1	The construction site shall be marked with precautionary signage and safety barriers during the two-week construction period.		X		Kinder Morgan Energy Partners (Applicant)	Applicant Proposed/IS	<input type="checkbox"/> Documentation in Report <input type="checkbox"/> Photodocumentation <input type="checkbox"/> Training Manuals <input type="checkbox"/> Best Management Practices <input type="checkbox"/> Other (describe below) _____		