

**Line Section 111 Washout Repairs
Mitigated Negative Declaration**

Prepared for
Colorado River Basin Regional Water Quality Control Board

and

Kinder Morgan Energy Partners
1100 Town and Country
Orange, California 92868

February 2007

Project Title: Line Section 111 Washout Repairs, San Gorgonio River

Project Location: San Gorgonio River, Line Section 111, Riverside County, California

Project sponsor's name and address: Kinder Morgan Energy Partners - 1100 Town and Country, Orange, California

A. 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 stormwater flows in 2004 undermined the soil cover over the pipeline in two locations leaving the line exposed (Figure 1, Appendix A)¹. 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.

SFPP/KMEP proposes to install Flexible Concrete Revetments (FCR) at Area 1 and Area 2 (Figure 2A and 2B, Appendix A)¹. The proposed FCR structures will either consist of biodegradable bags filled with a sand/cement mix that, when hydrated becomes solid concrete as shown in Photo 3 (Appendix A)¹, or will be installed as an intact solid concrete structure. This engineered system is pinned together with malleable reinforced rods to provide a contiguous, but flexible revetment structure. Undercutting of the FCR is diffused by a subsurface Grout Mat as shown in Figure 2A and 2B (Appendix A)¹. Construction is to occur over a two-week period for both structures and will involve the use of a track-mounted excavator, front-end loader, water truck, and 3-5 pickup trucks to transport work crews.

Area 1

Area 1 occurs along the western bank of the San Gorgonio River on the eastern slope of a large sand dune as shown in Photo 1 (Appendix A)¹. The sand at the base of the dune washed away during the floods of 2004, leaving approximately 30 feet of pipeline exposed. SFPP/KMEP plans to reconstruct the base of the sand dune using the FCR and Grout Mat for protection against future storm events. The construction of the FCR will result in permanent impacts to the stream bank. The FCR structure will be approximately 3-feet-high and 125-feet-long and will be keyed into the hillside 10 feet along its northern edge. The area behind the FCR will be filled with sand collected from the base of the stream channel and covered by a synthetic material in order to keep the sand in place. Excavation will occur over an area of 0.14 acre at a depth of 1 foot. Sand excavation from the stream channel will result in temporary impacts to the streambed, as subsequent storm events will re-contour the streambed.

Area 2

Area 2 occurs along the eastern bank of the San Gorgonio River at the base of a steeply sloping hill approximately 25 feet high from the base of the stream channel as shown in Photo 2 (Appendix A)¹. Erosion during the floods of 2004 cut away the base of the hill leaving approximately 10 feet of pipeline exposed. Subsequently, earth from the hill slumped back into the void created by the erosion re-covering the pipeline. SFPP/KMEP plans to reconstruct the base of the hill using the FCR and Grout Mat for protection against future storm events. The construction of the FCR will result in permanent impacts to the stream bank. The FCR structure will be approximately 4-feet-high and 180-feet-long. Construction within the stream channel will result in 0.02 acre of temporary impacts to the streambed, as subsequent storm events will re-contour the

¹ Figures and Appendices found in Line Section 111 Washout Repair Initial Study

streambed.

B. Project Setting

The pipeline washouts occur within the San Gorgonio River near the intersection of Interstate 10 and State Highway 111. Area 1 occurs on the western edge of the San Gorgonio River and Area 2 occurs on the eastern edge of the San Gorgonio River, approximately 100 feet southwest of the Union Pacific Railroad tracks.

The proposed Project area is situated on unincorporated land in northwest Riverside County, approximately 10 miles northwest of Palm Springs. The proposed Project sites are bordered by desert flats to the north, east and west, and by the steep northern escarpment of the San Jacinto Mountains to the south. The sites are located along a braided stream channel within a wide ephemeral floodway of the San Gorgonio River.

The proposed Project is located within the Open Space-Rural and Open Space-Water land use classifications, as determined by the Riverside County Land Information System (2007). Open Space Conservation Habitat is located to the south and west of the proposed Project area, and Open Space-Rural and transportation right of way (I-10 and Union Pacific Railroad) are located to the north and east of the proposed Project area.

C. Mitigation, Minimization, and Avoidance

Air Quality	
AQ-1	The proposed Project shall comply with applicable South Coast Air Quality Management District (SCAQMD) air regulations.
AQ-2	All disturbed areas which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water.
AQ-3	All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water.
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
AQ-5	Traffic speeds on unpaved roads shall be limited to 15 miles per hour (mph).
Biological Resources	
BR-1	Coachella Valley milk-vetch populations shall be fenced off using staking and flagging for avoidance during project activities.
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.
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.

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
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.
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
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.
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.
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.
BR-10	Upon completion of construction activities, all access and staging areas will be restored to their original condition
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.
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.
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.
CR-2	Should paleontological resources be encountered during excavation activities, work shall cease until a qualified paleontologist can evaluate the resource.
CR-3	In accordance with Public Resources Code 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.
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.
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.
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.
WQ-2	Activities within the wash shall be limited to the dry period of the year from April to November, when the wash is not actively flowing, and no measurable rain is forecasted within 48 hours.
Recreation	
REC-1	The construction site shall be marked with precautionary signage and safety barriers during the two-week construction period.

D. Mandatory Finding of Significance

MANDATORY FINDINGS OF SIGNIFICANCE				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

By incorporating the mitigation, minimization, and avoidance measures previously described, the proposed Project would not degrade the quality of the environment. The proposed Project would protect the existing petroleum pipeline in the area. As previously mentioned, prior to construction, biological surveys for sensitive species would be conducted by a qualified biologist in the project area to insure avoidance and minimal impacts. During construction, a qualified biological monitor would be onsite to insure minimization of impact to habitat and insure no sensitive species enter the work area. Additionally, a Native American monitor would be onsite to observe all excavations and confirm that no cultural resource (i.e. artifact), should one be encountered, is impacted. Impacts to the stream channel during excavation of sand will be temporary since subsequent storm events will re-contour the channel naturally.

The proposed Project would protect the existing petroleum pipeline. Impacts would be mitigated through incorporation of the measures previously described to a less than significant level. No projects are being

considered in the proposed Project area at this time, and no past projects have been conducted in this area. Therefore, no cumulative impacts are foreseen with the proposed Project.

The proposed Project would not result in environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly.