

September 24, 2001

David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First St., NE., Room 1A
Washington D.C. 20426

SUBJECT: **Docket No. CP01-422-000** - Kern River 2003 Expansion Project
Project No. 01-1155

Dear Mr. Boergers:

The State of Utah, through the Resource Development Coordinating Committee, has reviewed the Notice of Intent to prepare an Environmental Impact Statement for the proposed Kern River 2003 Expansion Project. The state has also reviewed the Field Survey Report available on the FERC website.

Generally, the state supports streamlining the permitting process for projects that are vital to the energy future of both the state and the West, while safeguarding Utah's natural environment. The state has identified the following natural resource concerns associated with the proposed project in an effort to provide advance notice to regulators and interested parties of these issues.

The state appreciates the opportunity to submit this information early in the review process. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee at the above address, or call Carolyn Wright at (801) 538-5535 or John Harja at (801) 538-5559.

Sincerely,

Wes Curtis
State Planning Coordinator

WC/jh/cw

attachments
cc: Gas Group 1
Cy Oggins

State Specific Agency Comments

Department of Natural Resources

The Department recommends that a geologic hazard survey be performed for any proposed pipeline segments on land that was not part of the previous right-of-way studies. In addition, the Department recommends that the EIS include an evaluation of known and potential paleontological resources.

The Department is also concerned about the impact of the project on wildlife and wildlife habitat. Specifically, these concerns include big game winter range impacts; timing issues associated with construction delays that would impact wildlife during the wintering period; trapping and/or injury of wildlife in open trenches; impacts on Utah State Sensitive species; habitat loss or direct loss of small mammals, reptiles and birds; impacts on desert tortoise, Utah prairie dog, burrowing owl, raptors, and Greater Sage-Grouse; impacts on Virgin spinedace from crossing Moody Wash; and accounting for late-nesting raptors in aerial raptor surveys.

The Department recommends that the EIS should compare the impacts to wildlife and wildlife habitat of both the Pinnacle Pass route and the alternate route around the north end of the Mineral Mountains.

The Department believes the effects of the pipeline upon the price and price stability for natural gas within the state should be examined as part of the EIS.

Finally, the Department recommends that seeds needed for re-vegetation work be identified as soon as possible so that sources can be found and obtained to facilitate seeding of disturbed areas.

Division of Wildlife Resources

A significant portion of the pipeline route traverses big game (deer, elk, and moose) winter ranges. Winter ranges for these species are crucial for survival, and these habitats should be appropriately evaluated for potential impacts from pipeline activities.

1. Current plans are to construct the Utah sections of the pipeline between June 1st and November 1st, which would reduce wildlife impacts during the wintering period. If, however, construction is delayed and continues past November 1st, then there is a potential to have disturbance and displacement of big game on winter ranges, disturbance of wintering bald eagles, and other impacts. The Environmental Impact Statement (EIS) should consider this possibility and discuss potential impacts and mitigation.
2. Resource Report 3, page 3-58, states that during construction as many as 15 to 20 miles of trench along any construction spread may be open at any given time, and would likely be open for 10 to 20 days. This is a serious concern, as wildlife, especially desert tortoise, other state sensitive reptiles, Utah prairie dog, and mule deer may become trapped or injured in the trench. The EIS

should consider minimizing impacts by opening much shorter sections of trench for a much shorter time period in sensitive wildlife areas. The use of escape plugs within the trench may be necessary. During construction of the previous Kern River Pipeline, wildlife becoming trapped and injured in the open trench was a problem.

3. The Field Survey Report and Resource Report 3 do not address all Utah State Sensitive wildlife species that may occur along the pipeline ROW. Impacts and mitigation for the following state sensitive species should also be included: Bonneville cutthroat trout, chisel-toothed kangaroo rat, cactus mouse, southern grasshopper mouse, Arizona toad, lowland leopard frog, Utah banded gecko, Mojave zebra-tailed lizard, desert glossy snake, Sonora lyre snake, Utah blind snake, Mojave patch-nosed snake, southwestern speckled rattlesnake, Mojave rattlesnake, and the western chuckwalla.
4. The Field Survey Report does not recommend any mitigation to offset habitat loss or direct loss of small mammals, reptiles, and birds in Washington County, where many state sensitive species occur. The EIS should consider the cumulative impacts to many species in this area and recommend some mitigation beyond environmental training of contractors and inspectors.
5. The Kern River Gas Transmission Company (KRGT) is still developing appropriate conservation measures for several species, including desert tortoise, Utah prairie dog, burrowing owl, raptors, and Greater Sage-Grouse. These conservation measures should be finalized and included in the EIS. The UDWR should be consulted when finalizing appropriate conservation measures.
6. The Field Survey Report discusses water flows in Moody Wash and the presence of Virgin spinedace, a Conservation Species. KRGT expects no water to be present in Moody Wash when it is crossed with the pipeline. To the contrary, it is likely that there will be water and Virgin spinedace present when the pipeline crosses Moody Wash. The EIS should discuss mitigation and strategies to minimize impacts from crossing Moody Wash while Virgin spinedace are present at the site.
7. If aerial raptor surveys are conducted only in April, late arriving birds and late nesters may be missed. The EIS should discuss strategies to account for late nesting raptors.
8. The EIS should thoroughly compare the impacts to wildlife and wildlife habitat from following the Pinnacle Pass route versus following the alternate route around the north end of the Mineral Mountains. The UDWR recommends following the alternate route around the north end of the Mineral Mountains.
9. Proposed reclamation plans and seeding mixes have not yet been identified. The UDWR recommends that seeds needed for re-vegetation work be identified as soon as possible so that sources can be found and supplies can be obtained to facilitate seeding of disturbed areas at appropriate times.
10. Several errors have been identified in Section 4.3 of the Field Survey Report. These errors are as follows:

- 1) The citation at the bottom of the page should be the Utah Division of Wildlife Resources and **not** the Utah Department of Fish and Game.
- 2) Several inaccuracies were found in Table 4.3-1 and in the accompanying individual species assessments:
 - a) Greater Sage-Grouse do occur in Morgan County
 - b) Red-tailed Hawks do occur in Summit County and Morgan County
 - c) Northern Goshawks do occur in Morgan County
 - d) Golden Eagles do occur in Morgan County
 - e) Swainson s Hawks do occur in Morgan County
 - f) Prairie Falcons do occur in Morgan County
 - g) northern flying squirrels do occur in Morgan County
 - h) mountain sucker do occur in Morgan County

Division of Air Quality

The proposal requires a permit, known as an Approval Order, from the Utah Division of Air Quality if any compressor stations are operating at the site. A permit application, known as a Notice of Intent (NOI) should be submitted to the Executive Secretary at the Utah Division of Air Quality at 150 N. 1950 West, SLC, UT, 84116 for review according to the Utah Air Conservation Rule R307-400, Permits, Notice of Intent and Approval Order.

In addition, the project is subject to R307-205-3, Fugitive Dust, and R307-309, Fugitive Emissions and Fugitive Dust (if project is located in a non-attainment area), since the project will have a short-term impact on air quality due to the fugitive dust that is generated during the excavation and construction phases of the project.

Provisions of 40 Code of Federal Regulations (CFR) Part 93, Determining Conformity of General Federal Actions to State or Federal Implementation Plans may apply if the project is located on federal lands. If General Conformity applies, the project needs to be evaluated to determine if its actions conform to the applicable State Implementation Plan (SIP).