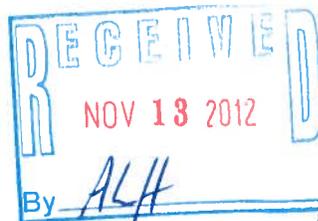




EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

November 7, 2012

Anne Holden
Regional Water Quality Control Board, Region 6 (Lahontan)
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

Subject: General Permit for Site-wide Groundwater Remediation Project
SCH#: 2008011097

Dear Anne Holden:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 5, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008011097
Project Title General Permit for Site-wide Groundwater Remediation Project
Lead Agency Regional Water Quality Control Board, Region 6 (Lahontan), South Lake Tahoe

Type EIR Draft EIR
Description Note: Extended Review

PG&E has implemented remediation activities to clean the groundwater impacted by historical chromium discharges from the Hinkley Compressor Station, pursuant to existing Water Board orders. The Water Board has worked with PG&E to develop feasible remedial approaches to comprehensively contain and remediate the chromium plume. The EIR evaluates at an equal level of detail six project alternatives, each with different types and combinations of remediation activities. The project area for the analysis encompasses the chromium plume area; adjacent areas to the north, east and west where the plume may be defined in the future (due to migration and addition investigation); and where monitoring activities may occur and areas of potential effects due to groundwater pumping from the remediation alternatives.

Lead Agency Contact

Name Anne Holden
Agency Regional Water Quality Control Board, Region 6 (Lahontan)
Phone (530) 542-5450 **Fax**
email LDernbach@waterboards.ca.gov
Address 2501 Lake Tahoe Boulevard
City South Lake Tahoe **State** CA **Zip** 96150

Project Location

County San Bernardino
City
Region
Lat / Long 34° 54' 13.25" N / 117° 9' 29.28" W
Cross Streets Mountain View Rd/Community Boulevard/Hinkley Road/SR 58
Parcel No. Various
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 58
Airports
Railways BNSF
Waterways Mojave River
Schools Hinkley Elementary/MS
Land Use Agriculture, Rural Living, Regional Industrial, Neighborhood Commercial, General Commercial, Single Residential, Special Development

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Noise; Soil Erosion/Compaction/Grading; Water Quality; Water Supply; Aesthetic/Visual; Agricultural Land; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Population/Housing Balance; Public Services; Recreation/Parks; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; CA Department of Public Health; Air Resources Board, Major Industrial Projects; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Inland Deserts Region
407 West Line Street
Bishop, California 93514



September 19, 2012

Ms. Anne Holden
California Regional Water Quality Control Board, Lahontan
2501 Lake Tahoe Blvd
Lake Tahoe, CA 96150

Subject: Draft Environmental Impact Report (DEIR) Ground Water Cleanup
Strategy/Historical Chromium Discharges from PG&E's Hinkley Compressor Station
Project. SCH#2008011097

Dear Ms. Holden,

The Department of Fish and Game (Department) has reviewed the Draft Environmental Impact Report for the above referenced project. The proposed project is a remedial clean up of chromium contamination to local ground water due to historical chromium discharge from the PG&E Hinkley Compressor Station. The Water Board has required PG&E to slow and stop the plume from spreading by following these cleanup technologies:

- Groundwater extraction: contaminated groundwater is pumped from the subsurface (also called the *aquifer*) to contain the contamination plume.
- Agricultural re-use (also called *agricultural treatment, land treatment or agricultural units*): extracted groundwater is used to irrigate forage crops for livestock. Hexavalent chromium in the extracted groundwater is converted to trivalent chromium (Cr[III]) by contact with organic matter in the soil as it infiltrates through the soil. Hexavalent chromium is the toxic form of chromium; trivalent chromium has very low toxicity (OEHHA 2010).
- Subsurface treatment (also called *in - situ treatment or in - situ reactive zones*): carbon substances are injected into the groundwater aquifer to convert the Hexavalent chromium into trivalent chromium.
- Subsurface freshwater injection: freshwater is injected within the aquifer along the western side

The Department is providing comments on the EIR as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and

Conserving California's Wildlife Since 1870

Anne Holden
DEIR Ground Water Cleanup Discharges from PG&E's Hinkley Compressor Station
September 19, 2012
Page 2 of 4

habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department has serious concerns with the potential impacts of this project on desert tortoise (*Gopherus agassizii*), which is listed as threatened under the California Endangered Species Act (CESA) and the Federal Endangered Species Act (FESA); the Mohave ground squirrel (*Xerospermophilus mohavensis*), which is listed as threatened under CESA, and the burrowing owl, which is a state Species of Special Concern and protected under Fish and Game Code §3503.5.

The Department's responsibilities in regard to the biological resources potentially impacted by the proposed project fall into two categories: (1) as Trustee agency for the state's fish and wildlife resources, the Department's role is to provide the California Regional Water Quality Board Lahontan with biological information and recommendations that the Board can use to comply with its responsibilities, as CEQA Lead Agency, to disclose the impacts of the proposed project, and adopt mitigation measures which will reduce the impacts to those resources to below significance and; (2) as a state Responsible Agency, is to issue permits, consistent with our authority, for the Incidental Take of state listed species; for the handling of wildlife species pursuant to research projects; and as appropriate, issue agreements for the alteration of state waters (Lake and Streambed Alteration Agreements). As a Responsible Agency, we must also rely on the Lead Agency's CEQA document on which to base our permits. Our comments on this project will address both of these roles.

Introduction

Table 1-1 on page 1-10: *Other required permits and approvals*: This section states the proposed project will need an Incidental Take Permit (ITP) from the Department for the Mohave ground squirrel. The ITP should include the desert tortoise due to the potential for Take of the species during remedial activities.

Table 1-1 on page 1-10: *Other required permits and approvals*: The project may require a Streambed Alteration Agreement pursuant to Fish and Game Code §1600 *et. seq.* The Department has direct authority under Fish and Game Code §1600 *et. seq.* in regard to any proposed activity that would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any waterway. Departmental jurisdiction under §1600 *et. seq.* may apply to all lands within the 100-year floodplain. Early consultation

Anne Holden
DEIR Ground Water Cleanup Discharges from PG&E's Hinkley Compressor Station
September 19, 2012
Page 3 of 4

with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Section 1600 *et. seq* of the Fish and Game Code requires the project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow of the bed, channel or bank (which includes associated riparian habitat) or a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams and watercourses with subsurface flow.

Biological Resource

Page C-16 *Mohave ground squirrel*: This Section states that raw Mohave ground squirrel surveys were conducted. Were protocol surveys done with the correct trapping methods in the raw surveys? Survey data sheets need to be submitted to the Department before a proper review can be determined.

Throughout the Biological Resource Section the document refers to surveys that were conducted on February 15th 2012. If this is the correct date for the surveys mentioned then it would be out of most of the protocol survey dates, for example a complete survey for burrowing owl consists of four separate site visits. Nesting Season Survey – begins as early as February 1 and continues through August 31. Survey for Winter Residents (non-breeding owls) – should be conducted between December 1 and January 31. For the desert tortoise protocol surveys should begin April-May and September-October and special status native plant species surveys should be conducted during the appropriate time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.

If Mojave Fridge-toed lizard (*Uma scoparia*) habitat is impacted it will need to be replaced at a 3:1 ratio. .

Page C-4 *Field Investigation*: The document concludes that a site visit was conducted on December 20, 2011. No protocol surveys were conducted but the date is out of all surveying ranges for special-plant species. The Department recommends protocol surveys be conducted during the appropriate time and data sheets be returned to the Department upon completion for review.

Alternatives

The Department recommends either Alternative 4C-2 or 4C-5 as these will have the least impacts to biological resources and species habitat.

Biological Resources Mitigation Measures 3.4

BIO-MM-1a: Desert Tortoise protocol-level surveys will need to be conducted before the Department can make an adequate determination of presence at the project site.

Anne Holden
DEIR Ground Water Cleanup Discharges from PG&E's Hinkley Compressor Station
September 19, 2012
Page 4 of 4

Bio-MM-1a: No one shall "hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill" a desert tortoise without an ITP. If a desert tortoise is handled or harmed it is considered Take without an ITP.

Bio-MM-1a: Will there be a qualified biologist on site at all times for all activities? Any authorized biologists need to be approved by USFWS and the CDFG. In addition, the Department also must approve the monitors.

Bio-MM-1a: The Department will also need a copy of the report regarding tortoise seen, injured, killed, excavated and handled. A translocation plan will need to be approved before moving any desert tortoise off site.

Bio-MM-1c: The Department recommends adding information for the American badger, Mojave river vole, desert kit fox, and sensitive plant species to the list of ongoing awareness and training programs.

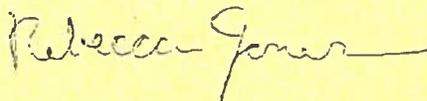
Cumulative effects

Biological Impacts CUMUI-7 page 4-26: The Department recommends analyzing the cumulative effects of the Barstow General Plan Buildout due to its proximity to the project site.

Biological Impacts CUMUI-7 page 4-26: The Department recommends analyzing the cumulative effects of increased predators for special status species from the Desert View Dairy Operation, Hawes Composting Facility and Abengoa Mojave Solar project.

Questions regarding this letter and further coordination on these issues should be directed to Ms. Heather Weiche, Environmental Scientist, at (909) 980-8607, or Ms. Rebecca Jones, Senior Environmental Scientist, at (661)285-5867.

Sincerely,



Rebecca Jones
Senior Environmental Scientist

cc: Ms. Heather Weiche, CDFG
State Clearinghouse

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



September 17, 2012

Ms. Anne Holden, Environmental Planner

California Water Quality Regional Control Board**Lahontan Region**

2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150



Re: SCH#2008011097; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "Groundwater Cleanup Strategy/Historical Chromium Discharges from PB&E's Hinkley Compressor Station Project;" located near the Community of Hinkley; San Bernardino County, California.

Dear Ms. Holden:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

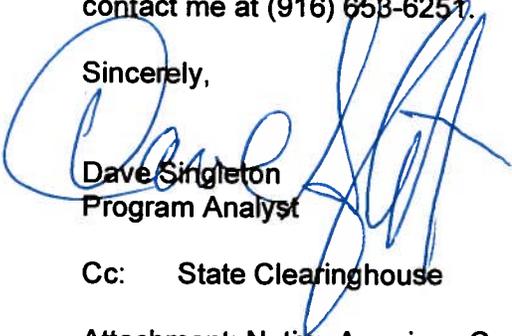
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
San Bernardino County
September 17, 2012**

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Carla Rodriguez, Chairwoman
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Chemehuevi Reservation
Edward Smith, Chairperson
P.O. Box 1976 Chemehuevi
Chemehuevi Valley CA 92363
chair1cit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

Fort Mojave Indian Tribe
Timothy Williams, Chairperson
500 Merriman Ave Mojave
Needles , CA 92363
(760) 629-4591
(760) 629-5767 Fax

Colorado River Indian Tribe
Eldred Enas ,Chairman; Ginger Scott, Museum
26600 Mojave Road Mojave
Parker , AZ 85344 Chemehuevi
crit.museum@yahoo.com
(928) 669-9211-Tribal Office
(928) 669-8970 ext 21
(928) 669-1925 Fax

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838 Fernandeno
Newhall , CA 91322 Tataviam
tsen2u@hotmail.com Serrano
(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

AhaMaKav Cultural Society, Fort Mojave Indian
Linda Otero, Director
P.O. Box 5990 Mojave
Mohave Valley AZ 86440
(928) 768-4475
LindaOtero@fortmojave.com
(928) 768-7996 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008011097; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Comprehensive Groundwater Cleanup Strategy for Historical Chromium Discharges from PG&E's Hinkly Compressor Station; located in San Bernardino County, California.

**Native American Contacts
San Bernardino County
September 17, 2012**

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning, CA 92220 Cahuilla
siva@dishmail.net
(951) 849-4676

Fort Mojave Indian Tribe
Nora McDowell, Cultural Resources Coordinator
500 Merriman Ave Mojave
Needles, CA 92363
NoraMcDowall@fortmojave.
(760) 629-4591
(760) 629-5767 Fax

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343 Serrano
Patton, CA 92369

(909) 528-9027 or
(909) 528-9032

Kern Valley Indian Council
Robert Robinson, Co-Chairperson
P.O. Box 401 Tubatulabal
Weldon, CA 93283 Kawaiisu
brobinson@iwvisp.com Koso
(760) 378-4575 (Home) Yokuts
(760) 549-2131 (Work)

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008011097; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Comprehensive Groundwater Cleanup Strategy for Historical Chromium Discharges from PG&E's Hinkly Compressor Station; located in San Bernardino County, California.