



April 26, 2021

STATE CLEARINGHOUSE



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## Lahontan Regional Water Quality Control Board

April 26, 2021

File: Environmental Doc Review  
San Bernardino and Kern Counties

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### **Comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Operation and Maintenance of Pacific Gas & Electric's Pipelines in Southern California Deserts Project and Notice of Public Scoping Meeting, State Clearinghouse No. 2021030571**

Lahontan Regional Water Quality Control Board (Water Board) staff received the Notice of Preparation (NOP) of an environmental document for the above-referenced project (Project) on March 25, 2021. The NOP was prepared by the California Department of Fish and Wildlife (CDFW) for Pacific Gas and Electric's (PG&E) operations and maintenance needs in the Mojave Region (central and eastern Kern County and San Bernardino County). The NOP, which included a brief project description and plan of activities, was submitted in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096.

We feel that there are number of potentially significant impacts to water quality and hydrology resources that must be adequately addressed in the environmental review. Without adequate mitigation, Project implementation could result in significant adverse impacts to water quality and may result in cumulative impacts that have the potential to permanently alter the hydrological and ecological function of the aquatic water resources within the Project area, thereby adversely affecting beneficial uses of waters of the State. We trust that CDFW will consider our comments and value our position with respect to protecting and maintaining water quality within the Lahontan region.

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PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, EXECUTIVE OFFICER

## PROJECT OVERVIEW

The Project is for the operations, maintenance, and minor construction needs of PG&E's gas transmission and distribution systems, specifically 645 miles of pipeline within the Mojave Desert region. The Project area encompasses the jurisdiction of multiple Regional Water Boards, the Lahontan Region and the Colorado River Region. The Project areas under the jurisdiction of the Lahontan Regional Water Board are eastern Kern County and those portions of San Bernardino County within the Lahontan Region. Our comments herein are applicable only to those areas within the jurisdiction of the Lahontan Regional Water Board.

## AUTHORITY

All groundwater and surface waters are considered waters of the State. Surface waters include streams, lakes, ponds, and wetlands, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The [Basin Plan](#) can be accessed via the Water Board's web site at [http://www.waterboards.ca.gov/lahontan/water\\_issues/programs/basin\\_plan/references.html](http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.html).

We request that the environmental document reference the Basin Plan in the hydrology and water quality analyses and require that the Project proponent comply with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.

## PERMITS

A number of activities associated with the Project may require permits issued by either the State Water Board or Lahontan Water Board because they have the potential to impact waters of the State. The required permits may include:

- Land disturbance of 1 acre or more may require a CWA, section 402(p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board;

- Discharge of low threat wastes to a surface water, including, but not limited to, diverted stream flows, construction and/or dredge spoils dewatering, and well construction and hydrostatic testing discharge, may require an NPDES permit for Limited Threat Discharges to Surface Waters issued by the Water Board;
- Discharge of low threat wastes to land, including clear water discharges, small dewatering projects, and inert wastes, may require General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality issued by the Water Board; and
- Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification (WQC) for impacts to federal waters (waters of the U.S.), or dredge and fill WDRs for impacts to non-federal waters.

Some waters of the State are “isolated” from waters of the U.S.; determinations of the jurisdictional extent of the waters of the U.S. are made by the United States Army Corps of Engineers (USACE). Projects that have the potential to impact surface waters will require the appropriate jurisdictional determinations. These determinations are necessary to discern if the proposed surface water impacts will be regulated under section 401 of the CWA or through dredge and fill WDRs issued by the Water Board.

We request that Project proponent consult with the USACE and perform the necessary jurisdictional determinations for surface waters within the Project area. In addition, we request that the environmental document list the permits that may be required, as outlined above, and identify the specific operations, maintenance, and/or minor construction activities that may trigger these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>.

## **POTENTIAL IMPACTS TO SURFACE WATERS**

Surface waters are a significant resource, which perform a variety of important hydrologic and biogeochemical functions that affect water quality. In particular, riparian areas associated with both perennial streams and ephemeral drainages provide a natural buffer and help mitigate and control water quality impacts by removing pollutants and sediment from surface runoff. Truncation, realignment, channelization, lining, and/or infilling of surface water resources has the potential to impair a number of beneficial uses by reducing the available riparian habitat, thereby eliminating the natural buffer system to filter runoff and enhance water quality. In addition, the practice of channelizing, straightening, and lining streambeds changes a stream’s hydrology by decreasing water storage capacity and increasing water flow velocity, which in turn leads to increases in the severity of peak discharges. These hydrologic changes tend to exacerbate flooding, erosion, scouring, sedimentation and may ultimately lead to

near-total loss of natural functions and values, thereby resulting in the increased need for engineered solutions to re-establish the disrupted flow patterns.

### **Beneficial Uses**

The surface waters located within the Project area include the Mojave River and other surface waters, which are identified in the Basin Plan as lakes, perennial and intermittent streams, springs, wetlands, minor surface waters, and minor wetlands. Beneficial uses associated with these waterbodies include municipal and domestic supply (MUN), agricultural supply (AGR), groundwater recharge (GWR), freshwater replenishment (FRESH), navigation (NAV), rare threatened and endangered species (RARE), water contact recreation (REC-1), non-contact water recreation (REC-2), commercial and sportfishing (COMM), warm freshwater habitat (WARM), cold fresh water habitat (COLD), wildlife habitat (WILD), water quality enhancement (WQE), and flood peak attenuation/flood water storage (FLD). Truncation, realignment, channelization, lining, and/or infilling of these surface waters will result in changes in the stream channel functions and may adversely affect these beneficial uses, particularly GWR, RARE, WQE, FLD, and WILD.

The environmental document should identify the beneficial uses of surface waters within the Project area, evaluate the Project's potential impacts to water quality with respect to those beneficial uses, and provide alternatives to avoid those impacts or describe specific mitigation measures that, when implemented, will minimize unavoidable impacts to a less than significant level.

### **Hydrology**

PG&E's existing gas transmission and distribution systems cross a hierarchy of surface waters within the Lahontan region from blue-line streams (as identified on United States Geologic Survey topographic maps), to surface drainages, washes, and swales with less well-defined but still obvious bed and bank features. We request that the environmental document include a map identifying all surface water resources within the vicinity of the Project area and include a narrative discussion of the delineation methods used to discern those surface water features in the field.

A number of the maintenance activities described in the NOP have the potential to hydrologically modify natural drainage systems. The environmental document must provide specific information regarding the potential impacts to surface waters with respect to the proposed activities. The environmental document must describe and quantify all impacts to surface waters and identify whether those impacts are either permanent or temporary. The environmental document should identify alternatives and other mitigation measures to reduce and/or eliminate such impacts. If impacts are unavoidable, then we request that the impacts be minimized to the extent practical and that the Project be designed such that it would maintain existing hydrologic features and patterns to the extent feasible. All unavoidable impacts to waters of the State must be

mitigated to ensure that no net loss of function and value will occur as a result of Project implementation.

### **Stormwater Management**

Post-construction stormwater management must be considered a significant component in the environmental review process. Of particular concern is the collection of stormwater runoff into channels and the discharge of that stormwater to natural drainage systems. Without adequate design, the consequences of combining these flows will likely be aggradation and head-cutting upstream of the confluence and channel incision, increased sediment transport, and eventual widening downstream of the confluence. The environmental document must evaluate all potential stormwater impacts, particularly potential post-construction hydrologic impacts, and describe specific best management practices that, when implemented, will reduce those potential impacts to a less than significant level. Where feasible, we request that you consider design alternatives that redirect these flows from surface waters to areas where they will dissipate by percolation into the landscape.

Thank you for the opportunity to comment on the NOP for the Project. Early consultation with Water Board staff is encouraged as Project modifications may be required to avoid and minimize impacts to waters of the State. If you have any questions regarding this letter, please contact me at (760) 241-7373 ([amanda.lopez@waterboards.ca.gov](mailto:amanda.lopez@waterboards.ca.gov)) or Jan Zimmerman, Senior Engineering Geologist, at (760) 241-7376 ([jan.zimmerman@waterboards.ca.gov](mailto:jan.zimmerman@waterboards.ca.gov)).



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