DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the United States Marine Corps Basewide Water Infrastructure Project at Marine Corps Base Camp Pendleton, California

AGENCY: United States Marine Corps, Department of the Navy

ACTION: Record of Decision

SUMMARY: The Department of the Navy (DoN), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to upgrade and improve the Basewide water infrastructure (BWI) at Marine Corps Base Camp Pendleton, California (MCBCP). Specifically, the proposed action will include the construction, operation, and maintenance of potable water infrastructure upgrades. These improvements will include a new Northern Advanced Water Treatment (AWT) plant and associated facilities, including an effluent discharge system, and connection of the MCBCP northern and southern water systems. All practical means to avoid or minimize environmental harm from the selected alternative have been adopted.

FOR FURTHER INFORMATION CONTACT: Basewide Water Infrastructure EIS Project Manager, 1220 Pacific Highway, San Diego, California 92132-5190. Telephone: 619-532-3844.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (U.S.C.) § 4332(2)(c), as implemented by the Council on Environmental Quality (CEQ) Regulations at 40 Code of Federal Regulations (C.F.R.) Parts 1500-1508; DoN NEPA regulations (32 C.F.R. Part 775); and the U.S. Marine Corps Environmental Compliance and Protection Manual (Marine Corps Order P5090.2A, Change 2), the DoN announces its decision to upgrade, improve, maintain, and operate Basewide water infrastructure systems at MCBCP, California as described in Alternative 5, the Preferred Alternative, of the Basewide Water Infrastructure Improvements Final Environmental Impact Statement (EIS).

In addition to NEPA and other environmental laws, the DoN considered applicable executive orders (EOs), including the requirements of EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations;

EO 13045, Environmental Health Risk and Safety Risks to Children; EO 11990, Protection of Wetlands; and EO 11988, Floodplain Management.

PURPOSE AND NEED: The purpose of the proposed action is to allow MCBCP to efficiently meet its mission by providing improved and compliant drinking water treatment capabilities, capacity, and redundancy and by providing more efficient water delivery in the northern region of MCBCP and throughout the base during periods of scheduled, unscheduled, and emergency system interruption. The proposed action will accomplish this purpose through two separate projects designed to meet current and future needs.

PUBLIC INVOLVEMENT: The DoN initiated a mutual exchange of information through early and open communications with interested groups and, on March 31, 2010, published a Notice of Intent (NOI) to prepare an EIS in the *Federal Register* (75 FR 16080). A public scoping meeting was held on April 16, 2010 in the City of San Clemente, California. Public scoping comments were used to identify public concerns to be analyzed in the Draft EIS.

A Notice of Availability (NOA) for the Draft EIS was published in the *Federal Register* on December 2, 2011 initiating the 45-day comment period (76 FR 75544), and Notices of the Public Meeting for the Draft EIS were published in three local newspapers on December 16-18, 2011. The Draft EIS was distributed to various federal, state, Native American Tribes, local agencies, and other interested groups and individuals. The Draft EIS was also available for review in three local libraries and on the U.S. Marine Corps public website. A public meeting for the Draft EIS was conducted in San Clemente, California on January 5, 2012. Three federal agencies, one state agency, one local jurisdiction, one Native American Tribe, and one local organization submitted comments between December 18, 2011 and January 31, 2012. All comments were considered and responded to in the Final EIS.

Three projects were analyzed in the Draft EIS, but one of them, the Stuart Mesa Bridge Replacement project (P-1039), was dropped from the Final EIS as not fully ripe for analysis; this project will be evaluated in the future. The ocean outfall component of P-1044 has been excluded from the preferred alternative due to the need for additional analysis and regulatory consultations related to use of the outfall. In addition, the pipeline connections of P-1044 to the 53 Area (Horno), 63 Area (Cristianitos), and 64 Area (Talega) are not considered in this decision. Although the Draft EIS evaluated these pipeline connections, the Final Biological Opinion (BO) issued by the U.S. Fish &

Wildlife Service (USFWS) did not include these segments. Therefore, these pipeline segments are not considered in this decision.

The NOA for the Final EIS was published in the *Federal Register* on August 24, 2012 (77 FR 51532). The Final EIS was distributed to various Federal, State and local agencies, local organizations, Native American tribes, and interested private citizens. Additionally, the Final EIS was available for review at three local libraries and on the U.S. Marine Corps public website. No comments were submitted during the waiting period between August 24, 2012, and September 24, 2012.

ALTERNATIVES CONSIDERED: The DoN identified and evaluated a reasonable range of alternatives that consisted of five action alternatives and a no action alternative. Each action alternative includes a different means of implementing the two projects to provide the services required to meet the action's purpose and need. The following provides a description of these six alternatives:

Alternative 5 (Preferred Alternative) - Alternative 5 consists of the two projects described below.

P-1044

- Military Construction Project (MILCON) P-1044 includes construction and operation of a 6.6 million-gallon-per-day (mgd) Northern AWT serving the northern region of MCBCP to reduce the total dissolved solids (TDS), total organic compounds (TOC), and aggressiveness in the raw water from wells in the San Mateo and San Onofre basins. The treatment process at the Northern AWT includes a liquid-phase granulated activated carbon/reverse osmosis (LGAC/RO) facility. The Northern AWT will be constructed on an approximately 8.5-acre site roughly 2,000 feet south of Basilone Road, 500 feet northeast of the San Onofre Nuclear Generating Station (SONGS) East Mesa facility, and 3,000 feet southeast of the San Onofre 3 Housing Area.

- P-1044 includes construction and operation of pipelines ranging from 8 to 24 inches in diameter for the conveyance of raw water, potable water, and brine in the northern region of MCBCP. The new lines will connect the new Northern AWT facility to a number of cantonment or other developed areas in the northern region, including the 64 Area (Talega), 63 Area (Cristianitos), 62 Area (San Mateo), 51 Area (San Onofre), San Onofre Housing Areas, 52 Area (School of Infantry), and 53 Area (Horno). In most areas the lines will be installed

underground, by trenching in most places but using trenchless construction where pipelines cross major streams, Interstate 5 (I-5), and the railroad.

- Potable water lines from the Northern AWT will connect with the cantonments north and west of the AWT—the 64 Area (Talega), 63 Area (Cristianitos), 62 Area (San Mateo), 51 Area (San Onofre), and the San Onofre Housing Areas. The Northern AWT will connect to this northern distribution system by way of Basilone Road. A pipeline will also be constructed in Basilone Road eastward from the plant to connect with the 52 Area (School of Infantry) and 53 Area (Horno). As discussed above, the pipeline connections to the 53 Area (Horno), 63 Area (Cristianitos), and 64 Area (Talega) are not included in this decision.

- The LGAC/RO facility will produce an effluent ("brine") containing concentrated constituents removed from the treatment water. P-1044 includes a brine disposal system, consisting of a brine storage facility, brine pump station, and brine disposal pipelines. The disposal pipelines will convey the brine produced by the Northern AWT to deep ground injection wells. The deep injection wells will use a 12-inch pipeline to convey RO brine effluent to a series of up to 8 deep injection wells in a 500-foot by 125-foot area north of SONGS and west of I-5. Drilling and construction of the injection wells will be performed as part of P-1044. The injection wells will be between 500 and 1,000 feet deep and could be vertical or slant wells or both. The injection well system will include two monitoring wells.

P-1045

P-1045 will construct potable water lines 36 inches or less in diameter to connect the northern and southern regions of MCBCP, a new 4-million-gallon water reservoir in the Wire Mountain area, and distribution pipelines from the new reservoir. In most of its length, the pipeline will be constructed by trenching, but trenchless construction will be used at San Onofre Creek, Las Flores Creek, Aliso Canyon drainage, French Creek, the Santa Margarita River, I-5, and the railroad. Pipelines will connect to the Las Pulgas potable water distribution system, the Wire Mountain Housing Area, the new Naval Hospital, and the 21 Area (Del Mar). The project will also construct and operate two pump stations along the alignment, one within the Northern AWT and a second in a disturbed parking area near the Las Pulgas Gate.

Alternative 1

P-1044

P-1044 Alternative 1 is the same as the Preferred Alternative.

P-1045

Under Alternative 1, the P-1045 pipeline follows the same routes and makes the same connection as Alternative 5, but also includes a connection to the AWT South following a route north of the Santa Margarita River, crossing the river east of Marine Corps Air Station Camp Pendleton (MCAS) by trenchless construction, and connecting to the AWT South on the south side of the river and Vandegrift Boulevard.

Alternative 2

P-1044

P-1044 Alternative 2 is the same as Alternative 5 except for the conveyance line routes. Part of the potable water line in Basilone Road is eliminated and replaced by a more southerly route parallel to I-5 to convey treated water to the cantonments north and west of the AWT.

P-1045

The pipeline connecting the northern and southern water systems follows the same alignment in Stuart Mesa Road noted under Alternative 5, but only as far south as Las Pulgas Road. It follows Las Pulgas Road northeasterly to Basilone Road, runs south in Basilone Road, and crosses the Santa Margarita River and Vandegrift Boulevard by trenchless construction, as in Alternative 1, to connect with the southern water system at the AWT South.

Alternative 3

P-1044

P-1044 is the same as Alternative 5, except the Northern AWT is located farther north, adjacent to and south of Basilone Road and north of San Onofre Creek.

P-1045

P-1045 is the same as the Preferred Alternative.

Alternative 4

P-1044

P-1044 is the same as the Preferred Alternative, except the Northern AWT is in the same location as Alternative 3.

P-1045

P-1045 is the same as Alternative 5 with the addition of a connection to the AWT south by way of Vandegrift Boulevard.

No Action Alternative

Under the No Action Alternative, neither of the two projects would be constructed and the need for adequately treated water, the need for the northern water system to meet the Safe Drinking Water Act secondary standards and Title 22 reuse standards, and the leaching of copper into the northern water system would continue. MCBCP would continue to rely on two separate water systems with maintenance conducted incrementally. A lack of redundancy would continue to adversely affect the system's reliability and ability to provide service in cases of accidental or catastrophic interruption. This alternative does not meet the purpose and need of the proposed action.

Other alternatives to satisfy the purpose and need for the action were considered but were dismissed from further consideration based on the screening criteria in the EIS. Alternatives dismissed from further consideration included:

- Several alternative sites for the Northern AWT
- Use of the I-5 freeway corridor as a pipeline route
- Trenching rather than trenchless construction for stream and river crossings
- Alternative water treatment and storage technologies

Preferred Alternative and Environmentally Preferable Alternative

The DoN, acting on behalf of the U.S. Marine Corps, selected Alternative 5 as the Preferred Alternative. The Preferred Alternative best meets the purpose and need in terms of the screening criteria applied; will have environmental impacts less than or comparable to the other action alternatives; and will provide the most operational efficiency, construction flexibility, and cost-effectiveness of the action alternatives.

CEQ regulations (40 C.F.R. 1505.2[b]) also require that an Environmentally Preferable Alternative be identified. The No Action Alternative would not substantially impact the environment in the short term, and for NEPA purposes, would be the Environmentally Preferable Alternative. Under the No Action Alternative, some of the sludge from the wastewater plants would continue to be classified as hazardous waste requiring continued special disposal requirements and greater disposal costs. Portions of the

Base would experience more frequent interruptions to water delivery system services. Repair and maintenance of this system would become more frequent and more expensive. Over the long term, Public Health and Safety and socio-economics could be significantly impacted. A break in the pipeline could discharge 823,000 gallons of water before flow was cut off. The resulting flood could damage downstream natural resources, including Pacific pocket mouse habitat, and inundate Basilone Road and San Onofre II and III housing, causing property damage. Failure of this line would interrupt the water supply to San Onofre I, II, and III housing. If the failure occurred during a fire-fighting event such as the 2007 Horno fire, these housing areas would not have water storage to fight the fire. Overall, the No Action Alternative would not meet the purpose and need for the proposed action and would not provide relief from the inadequacies of the current potable water system.

ENVIRONMENTAL IMPACTS: The DoN prepared an EIS to evaluate the potential environmental impacts associated with the implementation of each of the alternatives carried forward for analysis. Impacts were assessed for the following resource areas: geology and soils, water quality and hydrology, biological resources, cultural resources, land use, visual resources, socioeconomics and environmental justice, traffic, air quality, noise, public health and safety, services and utilities, coastal zone resources, and marine resources.

The Preferred Alternative (Alternative 5) presents no or less than significant impacts to geology and soils, water quality and hydrology, land use, visual resources, socioeconomics and environmental justice, traffic, air quality, noise, public health and safety, services and utilities, and coastal zone resources. Implementation of the Preferred Alternative will result in significant impacts to biological resources and cultural resources; however, MCBCP intends to avoid or minimize impacts on these resources to the maximum extent practicable during project design and construction. The impacts under Alternative 5 are generally comparable to those anticipated under Alternatives 1, 2, 3, and 4.

Biological Resources

Construction of all facilities will be designed to minimize or avoid impacts where practicable to protected resources, e.g., jurisdictional Waters of the U.S. and habitats occupied by federally listed species. Trenchless construction at stream and river crossings will be implemented where practicable and where sensitive resources are present. As described in the Final EIS, construction in most utility corridors will be designed to result in only temporary impacts to biological resources. All feasible

restoration of areas temporarily disturbed by utility installation will be conducted, i.e., areas disturbed by trenching will be backfilled, and areas of native vegetation will be restored. Permanent and temporary impacts will occur to riparian and jurisdictional Waters of the U.S. including wetlands. Permanent impacts will also occur to the following federally listed species: thread-leaved brodiaea (*Brodiaea filifolia*), and habitat occupied by Riverside fairy shrimp (*Streptocephalus wootton*i), San Diego fairy shrimp (*Branchinecta sandiegonensis*), arroyo toad (*Anaxyrus californicus*), coastal California gnatcatcher (*Polioptila californica californica*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Pacific pocket mouse (*Perognathus longimembris pacificus*). The USFWS issued a Final BO on 15 August 2012.

Cultural Resources

Of a total of 26 resources identified within the Area of Potential Effect (APE), 16 are ineligible for the National Register of Historic Places (NRHP) and 10 have been evaluated as eligible or are listed in the NRHP. Impacts to ineligible sites would not be significant under NEPA or the National Historic Preservation Act (NHPA); however, Native American tribes participating in NHPA Section 106 consultations for this action noted that ineligible sites are considered important to the tribes as part of the landscape. As specified in the Final EIS, all cultural sites, including ineligible sites, will be avoided to the extent practicable within engineering constraints. MCBCP, the California State Historic Preservation Officer (SHPO), and other consulting parties (Native American Tribes) have executed and will implement a signed Programmatic Agreement (PA) to ensure NHPA Section 106 compliance and resolve the adverse effects if avoidance is not feasible. NRHP-eligible properties that cannot be avoided by construction will be subject to treatment in accordance with the PA and an approved Historic Properties Treatment Plan (HPTP).

CUMULATIVE IMPACTS: The Preferred Alternative, when considered in combination with 58 other past, present, and reasonably foreseeable future actions identified in the Final EIS will not, for the most part, result in significant cumulative impacts on the human environment. Since many of the potential impacts resulting from the proposed action are associated with construction rather than operation, many potential impacts are localized and are of relatively short duration. With the implementation of BMPs, construction and conservation measures, and mitigation measures described in the Final EIS, there will be negligible cumulative impacts on geology and soils, land use, visual resources, socioeconomics and environmental justice, traffic, noise, public health and safety, services and utilities, and coastal zone management. Resources that have

the potential for cumulative impacts under the proposed action include water quality and hydrology, biological resources, cultural resources, and air quality.

Water Quality and Hydrology

Construction under the Preferred Alternative will not contribute to cumulative hydrology and water quality impacts at MCBCP, as impacts will be short-term and temporary. All construction will be required to comply with California's General Construction Permit (Order No. 2009-0009-DWa, NPDES No. CAS000002). This permit requires a Storm Water Pollution Prevention Plan (SWPPP), along with applicable BMPs, to control erosion, minimize sediment transport, and protect surface waters. Denuded or graded areas will be stabilized as they are disturbed during the construction of the project. Trenched and excavated areas will be returned to preconstruction conditions upon the completion of construction, and new drainage improvements will be installed to properly collect and convey surface runoff. The same or similar measures apply to the other cumulative projects.

Operation of the Preferred Alternative could contribute to cumulative impacts on water quality and hydrology. Potential operational impacts may occur from discharge of wastewater and excess recycled water. However, the Regional Water Quality Control Board (RWQCB) will strictly regulate such discharges through pollutant limitations, environmental monitoring, and regulatory reporting as specified by a National Pollutant Discharge Elimination System permit. Inadvertent discharges from spills, ruptures, or leaks could also occur from the proposed utility improvements. Such potential occurrences will be addressed through Spill Prevention Control and Countermeasures Plans, SWPPPs, or similar requirements for facility operations. The other cumulative projects are or will be required to incorporate specific measures and procedures into project designs and operational plans. The Preferred Alternative, in conjunction with other projects on MCBCP, will not result in significant cumulative impacts to hydrology and water quality.

Biological Resources

The Preferred Alternative will result in some loss of riparian and wetland plant communities, native uplands, and nonnative grassland areas, all of which potentially provide habitat for sensitive species. In addition, the Preferred Alternative could affect endangered or threatened species or their habitat, including thread-leaved brodiaea (*Brodiaea filifolia*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), arroyo toad (*Anaxyrus californicus*), coastal

California gnatcatcher (*Polioptila californica californica*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and Pacific pocket mouse (*Perognathus longimembris pacificus*).

All federal activities conducted by the Base potentially affecting federally protected species and their habitats are subject to Endangered Species Act (ESA) Section 7 consultation. In addition, MCBCP, in coordination with the USFWS, has established plans and conditions throughout the Base to protect, preserve, and conserve natural resources to minimize significant cumulative impacts. The conditions identified in BOs issued by the USFWS are implemented in training and operations guidelines and in the MCBCP Integrated Natural Resources Management Plan (INRMP).

For all projects identified in the EIS cumulative effects analysis, mitigation will be required wherever necessary to compensate for impacts to jurisdictional waters, habitats occupied by federally listed species, and migratory bird species covered under the Migratory Bird Treaty Act. Therefore, while the Preferred Alternative will, in combination with other actions on the Base, contribute to cumulative impacts, the overall cumulative impact will not be significant.

Cultural Resources

The Preferred Alternative will potentially affect a total of 26 cultural resources. If these effects cannot be avoided or mitigated, the effects from the current action could result in cumulative impacts when combined with other unavoidable or unmitigatable impacts on cultural resources that result from the projects identified in the Final EIS cumulative effects analysis. The cultural resources evaluation process is designed to ensure that, to the greatest extent practicable, cultural resources considered significant are preserved. All projects with the potential for significant impacts to cultural resources will or have undergone review under Section 106 of the National Historic Preservation Act, and the effects will be mitigated through adherence to the HPTP and PA. Therefore, the implementation of the Preferred Alternative, when combined with other actions, will not result in significant cumulative impacts to cultural resources but, to the extent that archaeological sites cannot be avoided, would result in an irretrievable loss of archaeological data.

Air Quality

Construction of the proposed action will result in the emission of pollutants on both local and regional scales but will not directly result in a significant impact. The proposed

action will conform to the State Implementation Plan and will not trigger a conformity determination under Section 176(c) of the Clean Air Act. Due to the temporary nature of construction emissions, regional construction emissions from the proposed action, when combined with other actions, will not result in a cumulatively significant impact. Moreover, implementation of the recommended fugitive dust control measures will ensure that all particulate matter emissions from proposed construction and operational activities within the MCBCP project region, in combination with any reasonably foreseeable future emission source, will produce less than significant cumulative effects. Emissions of GHGs were also evaluated, determined to be negligible, and therefore will not have a significant cumulative impact,

MITIGATION MEASURES: The projects will be designed to minimize impacts to the maximum extent practicable, including the use of Best Management Practices (BMPs) as discussed under Agency Coordination and Consultation below. Special conservation and construction measures listed in the Final EIS will be implemented as part of the action as conditions of design/build contracts for both projects. The U.S. Marine Corps has identified specific avoidance, minimization, and mitigation measures for impacts to biological resources, cultural resources, and traffic as described below.

Biological Resources

Mitigation will be consistent with the INRMP and the 1995 Riparian and Estuarine/Beach Biological Opinion (Riparian BO). Where avoidance of impacts to regulated biological resources is not feasible, e.g., permanent facility-related improvements, mitigation will follow the Final BO issued by the USFWS for this action that incorporates the requirements set forth in the Riparian BO. Additional mitigation measures will also be determined via negotiations with the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) for the project-specific Clean Water Act (CWA) Section 404 permitting and Section 401 water quality certification.

Review and approval of a detailed mitigation plan will be required as part of the permitting and consultation processes, and implementation of the mitigation plan will be required as a condition of design/build contracts for all projects.

Cultural Resources

If impact avoidance is not feasible, the U.S. Marine Corps will implement an HPTP for the affected resources. The U.S. Marine Corps, SHPO, and other consulting parties (Native American Tribes) have developed and executed a PA to ensure NHPA Section

106 compliance and resolve the adverse effects of the proposed action on historic properties within the APE if avoidance is not feasible. Implementation of the HPTP will be required as a condition of design/build contracts for all projects.

Construction Traffic

During construction, a traffic construction management plan will be implemented to minimize impacts to intersections and roadway segments. This plan will apply during the construction period only and will not require permanent physical improvements to facilities.

AGENCY COORDINATION AND CONSULTATION: No cooperating agencies participated in the EIS process; however, MCBCP completed consultation with the USFWS under Section 7 of the ESA and with SHPO under Section 106 of the NHPA. Implementation of the Preferred Alternative will also require coordination and consultation with USACE and RWQCB.

USFWS: Endangered Species Act Section 7 Consultation

A Biological Assessment (BA) for the Preferred Alternative was submitted to the USFWS Carlsbad Field Office in October 2011. Focused project changes occurred concurrent with USFWS review. Therefore, two Supplements to the BA were submitted in November 2011 and April 2012. A draft BO was received on 13 August 2012 and a Final BO was issued on 15 August 2012. The U.S. Marine Corps will implement the general and species-specific conservation measures listed in the Final BO issued for this action and the Riparian BO already in place for MCBCP to avoid, minimize, and offset adverse effects to federally listed species under the purview of USFWS that may otherwise be caused by the proposed action and will comply with the terms and conditions that implement the reasonable and prudent measures.

Because the action will be implemented through design/build contracts, detailed design of the projects will not be available until after the contracts are executed. The design/build contracts will require contractors to avoid impacts to threatened and endangered species wherever feasible. Where avoidance of impacts to such species is not feasible, mitigation will be determined by the terms of the Final BO and Riparian BO by reference, and implemented by MCBCP.

SHPO: National Historic Preservation Act, Section 106 Consultation

MCBCP conducted an initial consultation brief to SHPO on March 20, 2011. A second consultation letter was submitted to SHPO on December 13, 2011 requesting concurrence on the Finding of Effect for the proposed action, and concurrence was received on May 7, 2012. In letters, dated March 5 and 24, 2012, the Advisory Council for Historic Preservation (ACHP) was invited to participate in the Section 106 process for the BWI undertakings, and on June 13, 2012 the ACHP declined to participate. On March 27, 2012, MCBCP submitted to SHPO a draft PA that specified the process for identifying effects, evaluating those effects, and the potential mitigation measures recommended for the proposed action. Comments were received back from SHPO on May 7, 2012. A revised PA was submitted on June 19, 2012, and comments were received from the SHPO by email on July 26, 2012. On August 3, 2012, the MCBCP Commanding Officer and Tribal consulting parties signed the PA. The SHPO signed the PA on August 7, 2012. The final PA includes an approved HPTP.

Because the action will be implemented through design/build contracts, detailed design of the projects will not be available until after the contracts are executed. Since physical disturbance associated with the Preferred Alternative will not affect the entire APE, there is potential to avoid impacts to historic properties. Potential impacts to undiscovered buried resources will be addressed through compliance with the PA. To the extent possible, all facilities will be designed to avoid impacts to cultural resources. Ineligible sites will be avoided to the extent practicable with engineering constraints. If avoidance of eligible sites is not feasible, MCBCP will implement the HPTP for the affected resources. The HPTP includes a historic context and research design; specific treatments for each affected property, including archaeological data recovery; and archaeological and Native American monitoring of all ground-disturbing areas with potential for buried cultural deposits.

Coordination and consultation with six federally recognized and four non-federally recognized Native American Tribes, as well as other consulting parties, was initiated on March 28, 2011. A consultation meeting with the Tribes was held at MCBCP on May 11, 2011. Updated project information with corresponding technical reports was sent to the tribes on November 9, 2011 and another consultation meeting occurred on February 22, 2011 to address the changes. A site visit was held on March 14, 2011. The draft PA was submitted to the Tribes on March 30, 2011, and a meeting on the PA was held with the consulting parties on April 17, 2011. The PA was signed by the Tribes on August 3, 2012. All substantive issues identified by the Tribal government representatives and other consulting parties have been discussed and addressed directly, in person and

phone calls and e-mails, and documented in the administrative record. Archaeological and Native American monitors will be required during construction of the projects as appropriate, and all consulting parties have been given an opportunity to review and provide comments on the PA.

USACE and RWQCB: Clean Water Act Sections 401 and 404

MCBCP is preparing Section 404 permit applications for submittal to the USACE and Section 401 water quality certification applications for submittal to the RWQCB for the projects in the Preferred Alternative. Section 404 permit applications will be submitted as needed by the U.S. Marine Corps when plans for the design/build contracts for either of the two projects allows an accurate quantification of impacts to Waters of the U.S. and wetland or riparian communities. To the maximum extent practicable, MCBCP will implement pre- and post-construction BMPs for sediment and erosion control. The proposed action will also comply with the MCBCP INRMP and Riparian BO.

It is anticipated that impacts to Waters of the U.S. will occur within the corridors evaluated in the EIS, but that impacts will affect less than the total amount of waters within the corridors. Because trenchless construction is proposed where utilities will cross major streams, it is anticipated that no discharge into jurisdictional waters will occur at these locations, but that will have to be verified by the USACE based on the design/build contractors' project designs. The design/build contracts will require contractors to avoid impacts to jurisdictional waters wherever feasible. If avoidance of impacts to jurisdictional waters is not feasible, mitigation will be determined via negotiations with the USACE and RWQCB and reflected in permits and other authorizations issued for the project; i.e., project-specific Section 404 permits and Section 401 water quality certifications.

Clean Air Act

The proposed action will conform to the State Implementation Plan for air quality and would not trigger a conformity determination under Section 176(c) of the Clean Air Act. Due to the temporary nature of construction emissions, regional construction emissions from the proposed action in conjunction with the projects identified in the Final EIS cumulative effects analysis will not result in a significant cumulative impacts. Moreover, implementation of the recommended fugitive dust control measures will ensure that all particulate matter emissions from construction and operation of the proposed action, in combination with any reasonably foreseeable future emission source, will produce less than significant cumulative effects. Air quality emissions do not exceed *de minimis*

levels for criteria pollutants of nonattainment or maintenance and accordingly, a Record of Non-Applicability for Clean Air Act Conformity has been adopted for the action.

COMMENTS ON THE FINAL EIS: No substantive comments were received on the Final EIS during the 30-day wait period following the publication of the Final EIS NOA.

CONCLUSION: After careful consideration of the purpose and need for the proposed action, the analysis contained in the Final EIS, and comments received on the Draft and Final EIS from Federal, State, and local agencies, Native American Tribes, non-governmental organizations, and individual members of the public, I have decided to proceed with the Preferred Alternative, which entails two separate projects to construct, operate, and maintain water infrastructure upgrades, expansions, and improvements at MCBCP. Regarding P-1044, the Northern Advanced Water Treatment Plant, I am selecting only the deep injection well brine disposal method at this time, and deferring judgment on the use of the SONGS conduit option. Any future decision on the use of the SONGS conduit, either instead of or in addition to deep injection wells, will be predicated on a supplemental analysis, any necessary ESA consultation with the National Marine Fisheries Service, as well as any necessary real estate agreement with the California State Lands Commission. The Preferred Alternative, as limited above, best meets the purpose and need for the proposed action and will support the mission of the U.S. Marine Corps by providing new or upgraded, reliable, and compliant water infrastructure facilities to replace aging, deteriorating, inadequate, and inefficient facilities. It will provide system redundancy for reliability and uninterrupted service and maintain a desirable quality of life for military personnel and their dependents on MCBCP.

25 SEPT 12

Date

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