

Comment Set B6
Center for Biological Diversity



CENTER FOR BIOLOGICAL DIVERSITY

VIA U.S. Mail and Electronic Mail

August 11, 2006

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**Re: Draft Environmental Impact Report/Environmental Impact Statement for the
Proposed Devers – Palo Verde No. 2 Transmission Line Project,
State Clearinghouse No. 2005101104**

Dear Ms. Blanchard and Mr. Kalish,

I. Introduction.

These comments are submitted on behalf of the Center for Biological Diversity (“Center”). As detailed below, the Center objects to approval of the proposed Devers to Palo Verde No. 2 Transmission Line Project (“project”) because it is entirely unnecessary and the current environmental documents are wholly inadequate in identifying, analyzing, avoiding or minimizing and mitigating the many significant impacts of the project.

The Center has over 25,000 members throughout the western United States, many of whom reside in Arizona and California. The Center is a non-profit organization dedicated to the preservation, protection, and restoration of biological diversity, native species, ecosystems, and public lands. The Center’s members and staff regularly use the public lands and waters that will be impacted by the project for observation, research, aesthetic enjoyment, and other recreational, scientific, and educational activities. The Center’s members and staff have researched, studied, observed, and sought protection for the public lands along the proposed route and for many of the rare, threatened, endangered and special status species that may be impacted by the project and for the habitats on which these species’ survival depends. The Center’s staff and members derive scientific, recreational, conservation, and aesthetic benefits from these public lands and from these species’ existence in the wild.

The joint Draft EIR/EIS prepared by the California Public Utilities Commission and the Bureau of Land Management is wholly inadequate under both State and Federal environmental

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laws to assess the impacts that will result from a project of this scale. The Draft EIR/EIS fails to adequately address many of the impacts that could result from the proposed project, including but not limited to: impacts to biological resources, air quality, water quality, and cumulative impacts. A thorough environmental review of the proposed route would have shown that there are many unacceptable impacts and that the Draft EIR/EIS should have looked at a wider range of alternatives that could avoid many of the significant impacts of the project. Moreover, the Draft EIR/EIS fails from the outset to comply with NEPA and CEQA because the project itself – another high voltage transmission line – is entirely unnecessary to achieve the stated purpose and goals.¹ Rather than look at alternative ways to achieve similar results in terms of energy reliability and cost that would have far fewer impacts to the environment, the Draft EIR/EIS simply assumes that the project is needed. The Center urges the CPUC and BLM to closely examine the purported need for this project and revise the Draft EIR/EIS to include a range of alternatives that could meet any legitimate needs while avoiding the many significant, and potentially devastating, impacts to the environment from the project as currently proposed.

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The Center is particularly concerned with the impacts on biological resources along the proposed route and alternative routes which would cross and adversely impact protected species and habitats in the Kofa National Wildlife Refuge, the Alligator Rock ACEC, Chuckwalla DWMA, the Coachella Valley Preserve, and the Badlands and Potrero ACEC in Riverside County, California. If, as the agencies recently stated, the Devers-Valley No. 2 Alternative is now the only “feasible” alternative for the western segment of the project, then, as a matter of law, the agencies must revise the Draft EIR/EIS to provide at least one other alternative route in this area that will avoid the significant impacts to biological resources and other environmental resources in this area. In addition, the project will have significant growth inducing impacts and impacts to water resources, water and air quality, soils, and visual resources, as well as significant cumulative impacts that are not fully disclosed or analyzed. Because the Draft EIR/EIS fails to meet the basic requirements of NEPA and CEQA, it must be revised and re-circulated before this project proposal can move forward.

II. Legal Background.

This project requires environmental review under both the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, and the California Environmental Quality Act (“CEQA”), California Public Resources Code § 21000 *et seq.* In addition, a number of other local, state and federal laws and regulations are triggered by the proximity of the project to natural wilderness areas, federally protected lands, other areas of significant biological and ecological value, and by its impacts to waters of the United States, waters of the States of California and Arizona, and listed species and their habitats.

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NEPA is an action-forcing statute. Its sweeping commitment is to “prevent or eliminate damage to the environment and biosphere by focusing government and public attention on the environmental effects of proposed agency action.” Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 371 (1989). It requires the federal agency to “consider every significant aspect of

¹ The Center is aware that the issue of the need for this project and an evaluation of its supposed economic benefits is being reviewed by the CPUC in separate proceedings. Nonetheless, the need for the project is also relevant to the scope of the EIR/EIS and particularly to the range of alternatives examined in the EIR/EIS.

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the environmental impact of a proposed action,” Vermont Yankee Power Corp. v. Natural Resources Defense Council, 435 U.S. 519, 553 (1978), and to ensure “that the agency will inform the public that it has indeed considered environmental concerns in its decision making process.” Baltimore Gas and Electric Company v. NRDC, 462 U.S. 87, 97 (1983). NEPA requires that federal agencies take a “hard look” at the environmental impacts of a project. See Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 416 (1971). To satisfy NEPA, a federal agency “must explicate fully its course of inquiry, its analysis, and its reasoning.” Dubois V. U.S. Department of Agriculture, 102 F.3d 1273, 1287 (1st Cir. 1996).

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NEPA’s implementing regulations require agencies to:

[I]nsure the professional integrity, including scientific integrity of the discussions and analysis in environmental impact statements. [Agencies] shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.

40 CFR 1502.24 (Methodology and Scientific Accuracy). Accordingly, NEPA also prohibits reliance upon conclusions or assumptions that are not supported by scientific or objective data. Further, NEPA documents must be “supported by evidence that the agency has made the necessary environmental analysis.” 40 CFR § 1502.1. Consequently, federal agencies have a duty to disclose the underlying scientific data and rationale supporting the conclusions and assumptions in an EIS.

Federal agencies are required to “describe the environment of the areas to be affected or created by the alternatives under consideration.” 40 CFR § 1502.15. The establishment of the baseline conditions of the affected environment is a practical requirement of the NEPA process. “The concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process.” Council of Environmental Quality, *Considering Cumulative Effects under the National Environmental Policy Act* (May 11, 1999).

NEPA requires the agencies to “rigorously explore and objectively evaluate” a range of alternatives to proposed federal actions. 40 C.F.R. §§ 1502.14(a) and 1508.25(c). Importantly, this evaluation extends to considering more environmentally protective alternatives and mitigation measures. See, e.g., Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094, 1122-1123 (9th Cir. 2002) (and cases cited therein). The purpose of NEPA’s alternatives requirement is to ensure agencies do not undertake projects “without intense consideration of other more ecologically sound courses of action, including shelving the entire project, or of accomplishing the same result by entirely different means.” Env’tl Defense Fund., Inc. v. U.S. Army Corps. of Eng’rs, 492 F.2d 1123, 1135 (5th Cir. 1974); see also, City of New York v. Dept. of Transp., 715 F.2d 732, 743 (2nd Cir. 1983) (NEPA’s requirement for consideration of a range of alternatives is intended to prevent the EIS from becoming “a foreordained formality.”); Utahns for Better Transportation v. U.S. Dept. of Transp., 305 F.3d 1152 (10th Cir. 2002), modified in part on other grounds, 319 F.3d 1207 (2003). Whether an alternative is “reasonable” or not turns on whether it will accomplish the stated purpose for the project. City of Carmel-By-The-Sea v. U. S. Dep’t of Transp., 123 F.3d 1142, 1155 (9th Cir. 1997).

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In conducting a NEPA review, federal agencies must look at cumulative actions and effects. Cumulative actions are those that “have cumulatively significant impacts and should therefore be discussed in the same impact statement.” 40 CFR § 1508.25(a)(2). Similar actions include those that have “common timing or geography.” *Id.* at § 1508.25(a)(3). A project’s “cumulative impact,” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The agency must do more than offer conclusions, it must identify and adequately analyze the cumulative impacts likely to result from past, present and future projects. *See Great Basin Mine Watch v. Hankins*, ___ F.3d ___, 2006 U.S. App. LEXIS 19298 (9th Cir. February 14, 2006)

CEQA and NEPA have many similar requirements. However, CEQA mandates many additional specific kinds of impacts to be considered, requires specific analysis of alternatives that would avoid significant impacts to the environment, and requires agencies to minimize or mitigate those impacts that cannot be avoided. Thus, for the most part, if an EIR/EIS meets the standards of CEQA it will also meet the standards for NEPA. However, a document that meets the NEPA standards may not meet the CEQA standards.

An EIR prepared under CEQA, must describe and analyze all significant environmental effects on the environment of a proposed project, evaluate alternatives that will avoid those impacts, and describe and analyze measures to minimize or mitigate impacts that cannot be avoided. Pub. Res. Code §21100; 14 Cal Code Regs § 15362. The purpose of an EIR “is to inform the public and its responsible official of the environmental consequences of their decisions before they are made.” *Laurel Heights Improvement Association v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1123 (emphasis in original) (citations omitted). An EIR should provide decision making bodies and the public with detailed information about the effect a proposed project is likely to have on the environment, to list ways in which the significant effects of a project might be avoided or minimized, and to indicate alternatives to the project. Pub. Res. Code § 21061; 14 Cal Code Regs. § 15002. “The ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decisionmakers, and the public, with the information about the project that is required by CEQA.” *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 829.

California courts have emphasized that an EIR should: disclose all relevant facts; provide a balancing mechanism whereby decision makers and the public can weigh the costs and benefits of a project; provide a means for public participation; provide increased public awareness of environmental issues; provide for agency accountability; and provide substantive environmental protection. Because of the shortcomings discussed below, the Draft EIR/EIS for the proposed project is inadequate to meet both the procedural and substantive mandates of CEQA.

One of the fundamental objectives of CEQA is to facilitate the identification of “feasible alternatives or feasible mitigation measures which will avoid or substantially lessen” significant

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environmental effects. Pub. Res. Code § 21002. Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . .” Public Resources Code § 21002. Consequently, an EIR must accurately identify impacts, provide meaningful alternatives that will avoid those impacts, and provide detailed feasible measures to mitigate or minimize any remaining significant environmental impacts identified in the EIR. See 14 CCR §15126. The agency’s duty to provide a detailed analysis of environmental impacts of the proposed project and to impose enforceable mitigation measures cannot be deferred to a later stage of environmental analysis it must be provided in the EIR. CEQA requires mitigation measures to be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” CEQA Guidelines § 15126.4(a)(2). CEQA requires the adoption of binding mitigation in order to reduce a project’s environmental impacts.

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Here, the Draft EIR/EIS is inadequate because even where it does identify specific environmental impacts, it fails to provide adequate analysis of the scope and magnitude of those impacts (current or projected). In other words, in those instances where the Draft EIR/EIS mentions relevant potential environmental impacts, it fails to provide any disclosure or assessment of the extent to which the proposed project might be expected to produce those impacts. By failing to provide essential information about the environmental impacts of the alternatives that are examined, the Draft EIR/EIS is inadequate as a matter of law. Moreover, for many impacts that are identified no mitigation measures are provided at all and, where mitigation measures are mentioned, they fail to meet the standards for detailed enforceable measures as required by CEQA. The Draft EIR/EIS also fails to identify or analyze many feasible mitigation measures, fails to include an adequate monitoring program for mitigation measures identified, and fails to ensure that the proposed mitigation consists of specific, enforceable measures. Pub. Res. Code §§ 21001(g), 21081.6; CEQA Guidelines § 15126.4.

III. The Draft EIR/EIS is inadequate under both NEPA and CEQA.

A. The Draft EIR/EIS fails to adequately identify the environmental baseline and fails to examine a reasonable range of alternatives that would avoid the significant impacts of the project.

1. The Draft EIR/EIS fails to properly describe the environmental setting/baseline of the project area.

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CEQA requires that the EIR accurately describe the environmental setting of the project. 14 CCR § 15125. An EIR based on an inaccurate description of the environmental setting or baseline may, in turn, lead to an inaccurate description and analysis of the environmental impacts of the project, inadequate review of alternatives, and inaccurate assessment of the mitigation measures needed to avoid or minimize the significant impacts of the project. San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus (1994) 27 Cal. App. 4th 713; Cadiz Land Co. v. Rail Cycle (2000) 83 Cal. App. 4th 74. In San Joaquin Raptor the court found that “the description of the environmental setting of the project site and surrounding area is inaccurate, incomplete and misleading; it does not comply with State CEQA Guidelines section 15125.” Id. at 728-29.

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NEPA has similar requirements for a “no action” alternative and environmental baseline. As the Ninth Circuit has noted, where an EIS fails to provide accurate, site-specific baseline information regarding the conditions which exist on the project site, there is “simply no way to determine what effect the proposed [project] will have on the environment, and consequently, no way to comply with NEPA.” Half Moon Bay Fishermans’ Marketing Ass’n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988). Accordingly, a Draft EIR/EIS must provide a full description of species and ecosystems present in the project area. Here, BLM and the CPUC have failed to provide even the most basic information about many of the environmental resources of the project area that are likely to be affected by the proposed project and failed to provide adequate baseline information about those environmental resources that are discussed.

An environmental baseline needs to be established based on up-to-date biological surveys. Thorough, updated protocol-level surveys should be performed during the appropriate seasons for sensitive plant species and vegetation communities and sensitive animal species. Full disclosure of survey methodology and results to the public and other agencies must be implemented to ensure compliance with CEQA and NEPA.

Here, the Draft EIR/EIS states that general field surveys were conducted on different days in the fall of 2005. DEIR/EIS D.2-2. Such surveys are likely inadequate to identify many plants particularly annuals. Moreover, some areas remained inaccessible, and therefore, the document only provided previous findings and assumptions as to what existed in those areas. DEIR/EIS D.2-2. However, those areas could also contain species or ecosystems that would be impacted by this project, and more informational statements of the baseline for those areas are required. For example, a proper environmental baseline was not established for the Devers-Valley No. 2 alternative because a field survey was performed in February of 2006 and a portion of that linear route was inaccessible. DEIR/EIS at D.2-249. No explanation was given as to whether that missing information was later retrieved, assumed, or otherwise ignored.

Additionally, only a few focused surveys were done on the listed plant and animal species in the project area, or capable of utilizing the project area. Accounting for an accurate environmental setting includes a thorough analysis of which species exist in the area, especially when those species are state and federally protected.

2. The Draft EIR/EIS fails to examine a reasonable range of alternatives that could avoid the significant impacts of the project.

NEPA requires that the EIS “rigorously explore and objectively evaluate all reasonable alternatives’ to a proposed plan of action that has significant environmental effects. 40 C.F.R. § 1502.14(a) (2000). This is ‘the heart’ of an EIS.” Natural Resources Defense Council v. U.S. Forest Service, 421 F.3d 797, 813 (9th Cir. 2005).

An EIR, under CEQA, is required to describe a range of reasonable alternatives to the project, which would feasibly attain most of its basic objectives but would avoid or substantially lessen its significant effects. 14 Cal Code Regs § 15126.6(a). The lead agency has a substantive duty to adopt feasible, environmentally superior alternatives. Pub. Res. Code § 21002, 14 Cal.

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Code Regs. §§ 15002(a)(3), 15021(a)(2). A lead agency cannot abdicate this duty unless substantial evidence supports a finding that the alternative is infeasible. See, e.g., Citizens of Goleta Valley v. Board of Supervisors, 197 Cal. App. 3d 1167, 1181 (1988).

The stated purpose of the project is to provide economic benefits related to energy markets; transmission reliability and capability are secondary concerns. Thus, in this instance it is unclear whether this project is needed at all to fulfill the stated purposes or whether an alternative that took a wholly different approach would better fulfill those purposes. Nonetheless the Draft EIR/EIS fails to look at any alternatives that would provide similar economic benefits through the use of alternative energy sources or decentralized power production such as roof-top solar photovoltaic generation, or any alternatives that could lower costs and energy demand in other ways, such as through conservation measures and energy efficiency. Instead, the project proponent, Southern California Edison (“SCE”), proposes to construct a high-voltage line that will permanently scar the landscape, increase fire danger, and significantly impact public lands set aside for preservation, protected species and their habitats, and visual resources in two states.

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Even if a new transmission line were necessary in order to provide some economic benefit to SCE, the Draft EIR/EIS has failed provide any estimate of the externalized costs to other private parties or to the public and to public lands and resources that will be impacted by the proposed project. In order to fairly estimate the economic benefits of this project such costs must be off-set against any savings that could be reaped by SCE alone.

Furthermore, the Draft EIR/EIS fails to examine any alternative that will fully protect the environmental values of the public lands that are likely to be impacted by the project. Although the Draft EIR/EIS includes alternatives to some segments that would run through designated conservation areas such as the Kofa National Wildlife Refuge, the Alligator Rock ACEC, and the Potrero ACEC, it does not examine any coordinated alternative that would avoid all such conservation areas and other preserves including the Coachella Valley Preserve.

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Moreover, the recent notice from the agencies makes it clear that now there is no alternative provided in the Draft EIR/EIS for the Devers-Valley No. 2 segment of the project. Regardless of the reason that the other alternative (the environmentally superior alternative along the existing West of Devers corridor) is no longer considered feasible, the Draft EIR/EIS must now be revised to provide at least one other feasible alternative that will avoid the significant environmental impacts associated with this segment of the proposed project.

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Many problems exist with the Devers-Valley No.2 alternative. However, they were barely identified in the Draft EIR/EIS and their impacts were not fully analyzed, nor were sufficient mitigation measures proposed regarding this alternative. For example, the area is rich in biological diversity of both plant and animal species. It maintains potential habitat for many listed and otherwise protected species (even though no surveys were done to confirm the extent to which those species would be impacted). This alternative degrades the natural environment in more ways than just impacts to wildlife (even though, those impacts are significant). This alternative route would cross a National Forest, a National Monument, and the Pacific Crest National Scenic Trail (PCT). Noise from the helicopter construction, lines, and transformers would be a pervasive disturbance to all wildlife and to the ecological balance of this

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environmentally sensitive area. It would disturb previously pristine areas in the San Jacinto Mountains as well as in other parts of Western Riverside County.

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The Draft EIR/EIS fails to examine a reasonable range of alternatives that would avoid such impacts and thus is inadequate.

B. The Draft EIR/EIS fails to adequately identify, analyze and mitigate for the project's impacts to biological resources.

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The biological diversity and biotic richness within the project area is not in dispute. Endangered, threatened, rare and endemic, and other vital species reside in the Sonoran Desert and other areas traversed by the proposed project and rely on the remaining habitat in these areas for their survival. NEPA and CEQA require that detailed environmental review be performed before projects are approved in order to facilitate public participation from interested parties, and to inform decision-makers of the consequences of their actions on the natural environment. The Draft EIR/EIS fails to adequately discuss the impacts to biological resources, and under CEQA's more stringent mitigation requirements, fails to properly avoid or mitigate for those impacts which are deemed to be significant. This Draft EIR/EIS fails to explain or analyze the impacts to several listed species and inadequately discusses mitigation strategies.

An environmental review document must fully disclose and analyze impacts to any listed, candidate, or sensitive species, and discuss alternatives and enforceable mitigation measures to avoid, reduce, and mitigate impacts to the species. Here, the Draft EIR/EIS falls short on all of those requirements. The Draft EIR/EIS fails to properly identify the impacts to listed species, adequately analyze the impacts it does identify, or provide sufficient alternatives that would avoid those impacts or mitigate for the potentially severe and irreversible impacts to species, habitats or other biological resources.

For example, expanded and maintained transmission line access roads will likely result in increased off-highway vehicle activity and other vehicle traffic resulting in vegetation and soil damage and disturbance to wildlife from noise, especially around springs. Unauthorized dispersal of vehicles from transmission line easement roads into previously undisturbed areas (and private property) is likely to become a major problem. Transmission line access roads and regular maintenance will likely destroy habitat and disrupt normal behavior of Desert Tortoise, Coachella Valley Fringe-Toed Lizard, Peninsular bighorn sheep, Flat-tailed horned lizards, Least Bell's vireos, Southwestern willow flycatchers, and many others.

Likely routes of the project will pass through world-class natural landscapes supporting critically important populations of wildlife and plants. The Kofa National Wildlife refuge protects a relatively intact assemblage of native desert ecosystems, wildlife and plants. The Badlands and the Potrero ACEC sites support similarly important ecosystems and concentration of species including the endangered Stephen's kangaroo rat. Many of these natural elements would be seriously degraded by a new transmission line through their midst, essentially converting some of the last best natural Sonoran desert habitat, chaparral and sage scrub into an industrial facility. The proposed route for the project through the center of the Alligator Rock ACEC will unnecessarily fragment an area important to several species including the threatened

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desert tortoise. The Devers-Valley No. 2 Route now proposed as the western segment of the project will also impact the Western Riverside Multiple Species Conservation Plan's preserve at Potrero. Construction and maintenance of the project through this area will likely irreparably harm a host of threatened and endangered plant and animal species, radically fragment an area already beset by rapid growth of surrounding human communities, and facilitate the spread of exotic invasive plants and animals among many other problems. The project will also impact threatened and endangered species in many other parts of the route.

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1. The Draft EIR/EIS fails to identify and analyze impacts to birds from collisions with power lines or impacts to other species from increased nesting and roosting by predators.

The transmission lines are a major threat to migrating and resident birds. Eagles, waterfowl, and neotropical migrants have been killed in collisions with power lines, communication towers, and other tall structures. Many raptors such as hawks, owls, eagles, and other birds are regularly killed by electrocution when they land on high voltage wires or conductors. Others are killed or injured when they collide with wires or transmission towers. Collisions are a particular problem during periods of low visibility when migratory birds are attracted to flashing safety lights on towers. In some cases the level of fatalities is significant enough to contribute to population declines. Utilities have been reluctant to report bird fatalities and there is no requirement for them to do so. However, the California Energy Commission estimates that bird fatalities from collisions with power lines likely range in the hundreds of thousands in California. See Hunting, K. 2002, A Roadmap for PIER Research on Avian Collisions with Power Lines in California, California Energy Commission (available on line at http://www.energy.ca.gov/pier/environmental/land_use.html and incorporated herein by reference). The location of the proposed power lines through highly sensitive habitats is likely to result in a high risk of collision fatalities. Almost all resident and migratory birds are protected under the Migratory Bird Treaty Act and other state and federal laws, making the potential for collision fatalities the Project a significant legal issue (Hunting 2002). See DEIR/EIS D2.173.

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The Draft EIR/EIS also fails to quantify the effects of increases in perch and nest sites for avian predators. This is potentially an extremely significant impact on species such as the desert tortoise. See DEIR/EIS D2.174. The Draft EIR/EIS fails to acknowledge these problems and thus inevitably fails to provide mitigation measures that could reduce such impacts. For example, such mitigation measures could include, but are not limited to: alternative pylon designs with down sloping arms that reduce nesting a roosting by ravens (which prey on desert tortoise); barrier fencing along the adjacent highways that would reduce road kill which attracts ravens; and exclusion of all vehicles other than maintenance vehicles from access roads to reduce garbage and road kill, also excluding ORV access will help reduce or eliminate the resulting increased habitat fragmentation and soil damage that could occur.

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Instead, the proffered mitigation measures appear to be entirely generic. There was clearly no effort made to tailor these proposed mitigation to the project area. For example mitigation measure B-15 for collisions by listed bird species suggests that tower and line placement not be located significantly above topographic features or tree lines. See DEIR/EIS at D.2-173. However, along the vast majority of the route there are no trees and few other

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topographical features that could “hide” this massive power line from birds—if undertaken as proposed this project will become the largest visual feature in the landscape along much of the proposed route. Neither are the measures calling for raven nest removal likely to be effective as there is no monitoring or frequency requirement. The promise of a future “raven control plan” unlawfully defers development of required mitigation and likewise fails to meet the CEQA standard that mitigation measures be specific, detailed, and enforceable.

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2. Potential to increase spread of invasive species.

The Draft EIR/EIS must fully identify and evaluate impacts to species and ecosystems from invasive exotic species. Many of these species invade disturbed areas, and then spread into wildlands and other native vegetation communities. Construction and maintenance activities transport invasive species into pristine native vegetation communities and disturbed soils are much more susceptible to invasion than undisturbed native soils with intact soil crusts. Invasive species displace native vegetation, degrade functioning ecosystems, adversely impact habitat for native wildlife, and increase fire danger and fire carrying capacity.

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The spread of exotic invasive plant and animal species and resulting harm to native wildlife and plants is a crisis in southern California and Arizona ecosystems. The spread of exotic invasive species into natural landscapes is primarily facilitated by the disturbance of soils and vegetation and by vehicle traffic in previously undisturbed areas. The project will greatly exacerbate this problem by causing significant disturbance of natural lands during construction, improvement and maintenance of roads, tower pads, and other activities, and by providing a very long linear access route for exotic species into several relatively pristine natural areas including, but not limited to, the Kofa National Wildlife Refuge, the Alligator Rock ACEC, the Coachella Valley Preserve, and the Potrero ACEC.

Transmission lines are well known to facilitate the establishment of non-native plant species See, Stephenson, John R. and Calcarone, Gena M., (1999) Southern California Mountains and Foothills Assessment: Habitat and Species Conservation Issues, General Technical Report GTR-PSW-175. Albany, CA: Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture (available online at <http://www.treesearch.fs.fed.us/pubs/6778> and incorporated herein by reference). Scientists have affirmatively documented that powerline rights-of-way in southern California acted as points-of-entry for several exotic species, including black mustard and ripgut brome. Id. at 78; see D’Antonio, C.M. and K. Haubensak (1998) Community and ecosystem impacts of introduced species, *Fremontia* 26(4):13—18. These non-native plant species increase fire frequency and intensity and displace native plant species.

Despite the extreme ecological and economic damage caused by invasive species that is documented in the scientific literature, however, many significant impacts are simply ignored altogether in the Draft EIR/EIS. For example, the Draft EIR/EIS proposes under mitigation measure B-2a to survey the project corridor for invasive and noxious weeds, flag all populations within 500 feet of each tower, and submit a Noxious Weed Control Plan at least 60 days prior to the start of construction. DEIR/EIS D.2-116. Mitigation measure B-1a involves preparing a Habitat Restoration/Compensation Plan but does not state whether chemical or mechanical

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methods of control are contemplated. If there will be chemical methods employed to control or reduce exotic weed spread, the Draft EIR/EIS must address and analyze the environmental impacts of these methods including potential indirect and cumulative impacts. The lack of disclosure and failure to analyze the impact of using chemical controls, which we can expect will likely be used for weed control purposes, is especially disconcerting, given how significant and widely documented the environmental impacts of such methods are known to be.

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Other mitigation measures proposed in the Draft EIR/EIS for dealing with invasive species are also unlikely to be effective. They include washing vehicles before and after entering all project sites, using weed-free seeds and straw material, maintaining written logs about when vehicles and equipment are washed. There is little evidence offered in the Draft EIR/EIS that these measures alone would prevent the facilitation and spread of non-native species into disturbed areas. Proposed mitigation measures also include submitting a Noxious Weed Control Plan, but the Draft EIR/EIS fails to provide any specific information about this plan; thus, the public is unable to determine the potential efficacy and environmental impacts of proposed measures. Moreover, the Draft EIR/EIS is attempting to defer an important analysis to a later date, precluding the public from being able to provide input to the process. Simply acknowledging the problem and stating that a weed-control plan will be developed to deal with the problem does not by any measure constitute an adequate analysis. The project proponents must survey and identify areas with and without noxious weeds, and apply higher protective standards (e.g., avoidance) for areas without noxious weed problems.

3. Impacts to Biological Resources in the Badlands/Northern San Jacinto Valley region and to the Western Riverside MSHCP have not been adequately identified or analyzed.

B6-13

The Devers-Valley No. 2 alternative, now the only proposed route for the western segment of the project, would traverse through the Badlands, the northern San Jacinto River Valley, and the Potrero ACEC. Prominent local scientists have described the northern San Jacinto Valley and Badlands as an area of exceptional biological diversity and critical for the long-term maintenance of native endemic species of southern California. The Badlands is home to Potrero Valley, which supports thousands of acres of occupied habitat for a variety of native imperiled species including the Stephens' kangaroo rat and the coastal California gnatcatcher and it is part of the Potrero Creek conservation unit-San Jacinto wildlife area which is essential to the preserve system for the Western Riverside Multiple Species Habitat Conservation Plan. See Western Riverside MSHCP. In addition, San Timoteo Creek supports a population of highly endangered least Bell's vireo as well as other sensitive riparian bird species (Orange County Water District, personal communication).

Dr. Wilbur Mayhew, in his 1991 comments on the Moreno Highlands Specific Plan DEIR, stated that the San Jacinto Valley was one of the best sites in southern California to find a large number of amphibians, reptiles, birds, and mammals in a relatively short time – in fact, it was the only place his Vertebrate Field Biology class from U.C. Riverside identified more than 100 vertebrate species in a single day. Dr. Patrick Kelly noted in his 1992 comment letter on the Moreno Highlands Project that the northern San Jacinto Valley still has a relatively complete complement of native carnivores and ungulates, and with the protection of existing habitat,

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creation of wildlife corridors in some of the fragmented areas, re-introduction of some extirpated species, and other restoration measures, the valley could support a phenomenally diverse ecological reserve with huge recreational and eco-tourism potential.

B6-13 cont.

Perhaps most importantly for the proposed project, “The diversity and abundance of winter raptors in this area is unrivaled in California...Over 160 species of birds have been recorded wintering in the San Jacinto Valley, placing it among the most important avian wintering areas in California and the United States...These consistently high numbers place the San Jacinto Valley area within the top 1% and 2% of all count areas in all of North America.” Dr. Kelly (quoting the City of Moreno Valley’s biological consultant Pacific Southwest Biological Services from the Moreno Highlands DEIR regarding the area’s outstanding raptor population). The proposed location of the Devers-Valley No. 2 segment of the high voltage Devers to Palo Verde transmission line through this region will undoubtedly pose a major threat to migrating birds, particularly raptors, in this area of extremely high local, regional, state-wide, and even national ecological significance.

B6-14

The Draft EIR/EIS admits that the project will have significant impacts on vegetative communities and sensitive wildlife and plants in the Badlands/San Timoteo Canyon region. “The ROW is located within a region that is characterized by a diversity of sensitive and unique types of native vegetation communities, including perennial and ephemeral streams, riparian habitat, desert dunes and washes, oak woodland, Riversidean alluvial fan sage scrub, Riversidean sage scrub, and coastal sage scrub. In addition, the diversity of vegetation communities in the proposed ROW provides a wide array of habitats that are available for wildlife species to utilize as foraging, breeding, and over-wintering areas.” DEIR/EIS D.2-4. Yet the Draft EIR/EIS fails to properly disclose and analyze the project’s effects to these extremely sensitive biological resources. In addition the Draft EIR/EIS only mentions but does not examine impacts to many listed and sensitive species. For example, the Draft EIR/EIS states only that the threatened “California gnatcatcher has been reported in the Badlands near Laborde Canyon, which is less than a mile from the route of this alternative”. DEIR/EIS at D.2-252. Similarly, the Draft EIR/EIS only mentions the federally endangered Peninsular bighorn sheep that occur in this area and have critical habitat in the area of this alternative. DEIR/EIS at D.2-252. This review fails to meet either the NEPA or CEQA standards for adequate environmental review.

B6-15

In addition, the mitigation measures for the impacts identified are insufficient as they are both vague and undeveloped. They primarily consist of preconstruction surveys and restoration plans. None of the mitigation measures are well-developed enough to ensure that they will, in fact, mitigate any of the impacts expected from this alternative. Since the CPUC and BLM have stated that this alternative is now likely to be the only feasible alternative studied in the Draft EIR/EIS, this alternative and its mitigation measures should have been more developed in the Draft EIR/EIS. It is only in this way that its potential harm to the environment can be genuinely assessed through the environmental review process. The mitigation measures here are insufficient and were clearly not sufficient to meet the requirements of CEQA/NEPA.

B6-16

Construction in this area would make it more susceptible to fires and more vulnerable to accelerated degradation. The alternative route traverses through a sensitive ecological area. Repeated fires have occurred in the 1990’s and 2004. The areas of these fire hazards are in the

B6-17

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San Bernardino National Forest and the Santa Rosa and San Jacinto National Monument. D.2-249. The Draft EIR/EIS needs to fully analyze and mitigate for this increased danger to the National Forest and National Monument. Combined with the presence of the transmission line, possibility of invasive species, and other factors, the natural vulnerability of these areas will be heightened, creating a dangerous situation.

B6-17 cont.

4. The Draft EIR/EIS fails to properly analyze the impacts of the project on many endangered, threatened, rare or otherwise protected species

B6-18

The Draft EIR/EIS should analyze the impacts of the project on any species listed under the Federal ESA and any species that are designated as special status by the State of California, including species of special concern, species listed as threatened or endangered under the California Endangered Species Act, and species with “fully protected” status by Section 3511 of the California Fish and Game Code. All impacts must be avoided or mitigated to the fullest extent feasible. The Draft EIR/EIS must also fully disclose, analyze, avoid, and minimize or mitigate impacts to sensitive vegetation communities and those areas that support habitat for endangered, threatened, rare or otherwise protected wildlife species.

The Draft EIR/EIS must evaluate all direct, indirect, and cumulative impacts including impacts associated with the construction, maintenance, and daily operation of the transmission line. For the majority of the listed and protected species in the project area, no updated information is provided about their existence on the project site. Focused surveys were not performed, therefore no accurate assessment of the potential damage to the species was able to be developed. The Draft EIR/EIS primarily relies on previous studies and field observations conducted within a period of one or two months. There was no attempt to conduct these surveys at other times of the year.

Adverse impacts not only include effects on native plants and wildlife, but any reduction in habitat connectivity and ability of species to move through the project site. Fragmentation of habitat threatens species’ survival. Land use conversions and linear developments (highways or other human infrastructure) have partially or completely eliminated the possibility of migrations between some areas and prevent genetic exchange and demographic “rescue” among populations. The cumulative impacts from existing roads, power and pipeline corridors and other infrastructure, as well as other projects that have and will increase habitat fragmentation must be considered along with the impacts imposed by the project proposal. The Draft EIR/EIS does not recognize many areas used by wildlife as “movement corridors/wildlife corridors.” These areas play an essential role in the connectivity of remaining habitats and are essential in the maintenance and recovery of many imperiled species. DEIR/EIS at D.2-193. These areas known to support or capable of supporting migration paths, movement for breeding or foraging, or general ecological connectivity of wildlife communities should be protected because they serve an essential function and the loss of these areas will have adverse impacts on the environment if disturbed or eliminated.

B6-19

a. Desert Tortoise

B6-20

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B6-20 cont.

The desert tortoise, *Gopherus agassizii*, is listed as a threatened species under the federal Endangered Species Act and is also protected under the California Endangered Species Act. Essential and critical habitat for the desert tortoise is found along much of the proposed project route. The ESA requires that the desert tortoise and its critical habitat be protected in order to aid in the recovery of the species. The desert tortoise is recognized by the Draft EIR/EIS as being present throughout the project area. DEIR/EIS at D.2-33.

However, the DEIR/EIS fails to discuss any specific impacts to the desert tortoise. A proper EIS/EIR must address these impacts and should address impacts in relation to the goals of the Desert Tortoise Recovery Plan. The project will result in recognized threats to the desert tortoise including both direct and indirect threats to their survival due to construction and maintenance on the line as well as the ongoing impacts from habitat fragmentation and disturbance and disruption. In addition, power lines can attract predators such as ravens and lead to an increase in predation and death of individual tortoises. Moreover, where the project is in proximity to highways and other roads this additional disturbance may increase the risk that desert tortoise will move onto roads and be killed in traffic. Tortoise exclusion fencing or barriers should be considered as a necessary mitigation all along the roads and highways adjacent to the project route and have the additional benefit of reducing other roadkill which attracts tortoise predators such as ravens.

In a discussion of impacts, the Draft EIR/EIS states that tortoises, among other less mobile species, are most at risk of direct mortality from the construction, clearing and grading activities. Additionally, the Draft EIR/EIS later states that “[n]oise, dust, visual disturbance from increased human activity, and exhaust emissions from heavy equipment during construction could result in native habitats...being temporarily unattractive to wildlife”. DEIR/EIS at D.2-118 (emphasis added). This is an understatement. In the same paragraph, the Draft EIR/EIS states that more harmful impacts are possible including “interfering with breeding or foraging activities, altering movement patterns, or causing animals to temporarily avoid areas adjacent to the construction zone”. DEIR/EIS at D.2-118. These specific impacts must be addressed for the desert tortoise and other listed species. Impacts to rare, endemic or otherwise protected species are not adequately identified and analyzed and the Draft EIR/EIS fails to provide adequate mitigation measures for significant impacts to listed species that are identified. Both CEQA and NEPA require full disclosure, analysis and mitigation of such impacts.

The Draft EIR/EIS makes sweeping generalizations without any support such as stating that “[m]ost of the wildlife expected to be impacted by the construction in these disturbed easements are composed of common, wide-ranging species.” Without specifically addressing the impacts to the desert tortoise, this statements, and others similar to it are without merit. The construction activities have the potential to impact and directly kill many species that are not common but are wide-ranging including the desert tortoise. The Draft EIR/EIS gives the impression that these species and their populations are durable and/or expendable. This is clearly not the case.

Additionally, the indirect and cumulative impacts that threatened the desert tortoise, such as the destruction, degradation, and fragmentation of desert tortoise habitat resulting from

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urbanization, agricultural development, livestock grazing, ORV use, and roads, and presence of non-native plants must be considered along with the project's potential impacts. 59 FR 5820, 5823. For example, impacts to native vegetation also impact Desert Tortoises which prefer certain plants, to which their digestive systems are accustomed. When forced to eat unfamiliar plants, their digestive tract require several months to become accustomed to them and to extract all available nutrients and water from them. Because they only have a few months in the spring to take in enough water to last them all year, destruction of their habitats and the plants in it can be fatal to the desert tortoise in the long run. Desert ecosystems require decades to recover from disturbances, and desert tortoise populations are incapable of rapid growth, even under optimum conditions. 59 FR 5820, 5824.

B6-20 cont.

The discussion of impacts to the desert tortoise and other species were categorized by linear segments of the project. In this way, segmentation of the impacts analysis serves to undercut the impacts analysis and particularly the cumulative discussion of impacts on these species.

The proposed mitigation measures for the desert tortoise are also inadequate and development of detailed measures is improperly deferred. These include preparation and implementation of a Habitat Restoration/Compensation Plan, pre-construction tortoise surveys, and purchasing mitigation lands for impacts to tortoise. Several aspects of this mitigation plan are unacceptable. First, no details of the Habitat Restoration/Compensation Plan are discussed. Second, while pre-construction tortoise surveys are necessary they cannot substitute for focused surveys performed before project approval that will provide information needed for informed decisionmaking. NEPA and CEQA both require agencies to obtain information and present it in the EIR/EIS so that decision-makers can consider the full environmental impact of the project before making their decision. The third mitigation measure is one of compensation. Avoidance and minimization should be prioritized before compensation is used as mitigation. Habitat purchase cannot replace the occupied tortoise habitat that is destroyed or mitigate for the tortoises harmed by direct or indirect impacts of the project including being displaced from their habitat.

B6-21

Mitigation measures must adequately mitigate for the impacts of the project. They must be detailed, binding and enforceable. The Draft EIR/EIS does not provide any details as to what lands are available to purchase that would be comparable to the ones the project will be disturbing. Moreover, no specific mitigation measures lands are identified that would provide equal or higher quality habitat or mitigate for the loss of large un-fragmented habitat areas. No plan is in place to perform this mitigation measure.

Failure to identify all impacts to the desert tortoise and failure to propose mitigation measure renders the Draft EIR/EIS unacceptable.

b. Coachella Valley fringe-toed lizard

The Coachella Valley fringe-toed lizard is a federally threatened (endangered under the CESA) species which will be directly impacted by the proposed project and alternatives. The Draft EIR/EIS acknowledges that the project would destroy critical habitat for the species.

B6-22

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DEIR/EIS at D.2-131. The project would directly impact the species by severely disturbing, permanently destroying, and fragmenting critical habitat in the Coachella Valley Preserve and Thousand Palms Conservation area set aside to promote the survival and recovery of the Coachella Valley Finge-toed Lizard as part of the CVFTL HCP and to preserve other native species and habitats that are rapidly disappearing in this area. These impacts are not fully disclosed or analyzed in the Draft EIR/EIS.

B6-22 cont.

Here, as elsewhere, the Draft EIR/EIS offers consultation under the ESA as mitigation for impacts to this species. Section 7 consultation is necessary to comply with the ESA but cannot substitute for the identification and analysis of impacts required by NEPA and CEQA. Moreover, consultation alone is not a mitigation measure under NEPA or CEQA, mitigation measures must work to further minimize, reduce or eliminate impacts that would result from the project. While some mitigation measures are proposed, the Draft EIR/EIS admits that those measures alone would not be sufficient to mitigate for this potentially devastating impact on the CVFTL critical habitat. The purchase of mitigation lands is also proposed but no details are provided regarding whether equal or higher quality habitat exists or is available for purchase and it is entirely unclear how, if at all, additional land purchases can mitigate for the loss of a large contiguous habitat area that will be irrevocably fragmented by the proposed project. Even in conjunction with the suggested restoration programs, the mitigation measures offered appear wholly inadequate to fully mitigate for the inevitable permanent loss of habitat for the CVFTL.

c. Bighorn sheep

B6-23

The Peninsular Bighorn sheep is an endangered species known to be present in the project area. No effort is made in the Draft EIR/EIS to assess the potential direct, indirect or cumulative impacts on this endangered species of siting the western segment of the project along the Devers-Valley No. 2 corridor. In order to be legally adequate the EIS/EIR must determine the actual extent and types of impacts that the project will have on the bighorn and its critical habitat and propose alternatives and actual mitigation measures; that detailed information must then be provided to the FWS along with the request for consultation.

d. Stephen’s Kangaroo Rat.

B6-24

The Draft EIR/EIS fails to sufficiently identify and analyze impacts to the Stephen’s kangaroo rat. The Potrero ACEC is home to one of the last remaining populations of this species and this preserve is part of both the SKR HCP and the WR MSHCP. The Draft EIR/EIS fails to identify and analyze how direct, indirect and cumulative impacts to this species and the surrounding habitat may affect the long-term survival of the species and its recovery.

Once again, the few mitigation measures provided are comprised of compliance measures and promises to conduct future surveys. Focused surveys should be performed before a decision is made. While “protocol” surveys are not required, the impacts to the species must be identified and analyzed, it is impossible to adequately assess those impacts with out some up-to-date survey data. It is unfair to the process, as well as legally inadequate to defer site-specific surveys and analysis until after project approval.

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In addition, the razorback sucker is an endangered species with designated critical habitat in the Colorado River. The project will cross the Colorado River, therefore impacting the razorback sucker's critical habitat. Any direct or indirect alteration that appreciably diminishes the value of the critical habitat for the survival or recovery of the species is considered to be adverse or destructive modification and all potential impacts should have been identified and analyzed in the Draft EIR/EIS. Whether and to what extent the project will have an adverse impact on the species and its critical habitat must be established in a revised impact analysis.

B6-25

The project also has the potential to adversely impact many other listed and candidate species including, but not limited to: Southwestern willow flycatcher; Least Bell's vireo; Palm Springs round-tailed ground squirrel (candidate); San Bernardino kangaroo rat; Yuma clapper rail; Western yellow-billed cuckoo (candidate); Munz's onion; San Diego ambrosia; Coachella Valley milk-vetch; San Jacinto Valley crowscale; Nevin's barberry; Slender-horned spinyflower; Santa Ana River woollystar; Gambrel's water cress; Arroyo toad; Mountain yellow-legged frog;

B6-26

In each case the Draft EIR/EIS failed to provide adequate identification and analysis of the likely impacts to these species and their critical habitats (where designated).

e. Species Protected Under the California ESA and Species of Concern.

The project site provides potential habitat for burrowing owls to breed. This species is recognized by the State of California as a species of special concern and as a sensitive species by the BLM. Over 71 percent of California's breeding owls currently live in the margins of the agricultural land, primarily nesting burrows in earthen irrigation channels. All potential habitats and particularly potential breeding sites must be considered in an impact report for a sensitive species of special concern. Threats to the species include habit degradation, species displacement, disturbance to nesting and roosting sites, and direct harm from the construction of the transmission line towers. The project is likely to threaten the owl in each of these ways. Burrowing owls are vanishing throughout California as they are being forcibly evicted from their burrows and their grassland habitat is being bulldozed to make way for urban sprawl and human infrastructure. The threats created by the project must all be considered along with other existing threats in a cumulative impact analysis.

B6-27

The species protected under the California ESA and species of concern that may also be adversely impacted by the project include, but are not limited to, the following: Southern Rubber Boa; Swainson's hawk (nesting and migrant); Peregrine falcon; California black rail; Elf owl; Gilded flicker; Gila woodpecker; Willow flycatcher Sensitive species; Foxtail cactus; Le Conte's Thrasher; Loggerhead shrike; Prairie falcon, and Couch's spadefoot toad. The Draft EIS/EIR fails to adequately identify impacts to these species, analyze the impacts to these species, or provide mitigation measures which would be effective in minimizing the impact to these species.

B6-28

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C. The Draft EIR/EIS fails to adequately identify or analyze impacts to areas of special environmental significance.

B6-29

The Draft EIR/EIS fails to adequately identify and analyze impacts to public lands set aside as refuges, ACECs, habitat preserves, National Forest lands, and National Monuments to protect and preserve unique environmental values, species, and habitats that are fast disappearing in the arid southwest. The impacts of a high voltage transmission line on these areas includes the potential to undermine the very purposes for which they were created, and could set a dangerous precedent of chipping away at these protected areas. Because the project is inconsistent with the management planning and purposes of these protected areas the Draft EIR/EIS must provide alternatives that avoid these protected areas. There is simply no logic to destroying public lands set aside for preservation – a permanent loss to the entire public and future generations— only to provide temporary, marginal economic benefits. See DEIR/DEIS, ES-2 (“the project is designed to provide economic benefits and it is not primarily a reliability enhancement project”). The specific impacts to these areas include, but are not limited, to adverse impacts to listed species and designated critical habitats and visual resources.

For example, the Draft EIR/EIS does not ensure that direct impacts to sensitive areas will be adequately avoided: “In most cases the team would be able to move the tower away from sensitivities to a new site. Typically this could be accomplished with a move of 50 feet or less.” DEIR/EIS B-32. The Draft EIR/EIS fails to provide any on-the-ground data to support this statement and thus it appears to be no more than mere speculation and cannot substitute for the detailed enforceable mitigation measures required by CEQA. A few of the many issues that the Draft EIR/EIS fails to adequately address are discussed below.

1. Kofa National Wildlife Refuge.

B6-30

The project would cut across the Kofa National Wildlife Refuge in Arizona. This is pristine desert environment and is habitat to many species including but not limited to the Desert bighorn sheep, desert tortoise, the California Palm (the only native palm species in Arizona), chuckwalla, banded Gila monster, and desert rosy boa. The Refuge was set aside to protect the unique values of these public lands for wildlife; the proposed project which will adversely impact wildlife is incompatible with the purposes of the refuge. The project would also conflict with the Refuge’s management policies and plans by adversely affecting biological resources within the Kofa NWR during construction, operation, and maintenance of the line. This impact is inadequately discussed in the Draft EIR/EIS.

Construction, operation, and maintenance of the project through this sensitive area would have significant long-lasting impacts to native species, habitats, and recreational use from noise, increased fire danger, increased predation, fragmentation of habitat, destruction of visual resources, and other impacts. For example, bighorn sheep would be displaced during construction and maintenance by noise, loss of habitat, and disruption which can lead to reduced breeding success and/or increased mortality of young desert bighorn sheep. The Draft EIR/EIS admits that impacts to lambing and breeding would remain significant even after the implementation of mitigation measures.

B6-31

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The alternatives in the Kofa area would also have significant impacts to many of the same resources but would avoid the impacts to these protected public lands. Because there is no need for the project, none of the impacts are justified. However, should the project proceed at all, it should not be sited so as to destroy these public lands set aside for a wildlife refuge.

B6-32

2. Alligator Rock ACEC, Chuckwalla DWMA, and Chuckwalla Valley Dune Thicket ACEC

B6-33

The Alligator Rock ACEC, Chuckwalla DWMA, and Chuckwalla Valley Dune Thicket ACEC include large areas that provide critical habitat to the desert tortoise. The project would result in permanent loss of significant amounts of desert tortoise habitat, lead to additional fragmentation of habitat, and construction, operation, and maintenance of the line will cause ongoing impacts to this threatened species including increased predation and increased ORV impacts. The “proposed project” route that would essentially bisect the ACECs and the DWMA is completely unsupportable. There are multiple other routes that would avoid most of the impacts to these preserve areas that could occur from such an ill-conceived route. Unfortunately, the North of Desert Center alternative route would also impact significant amounts of tortoise habitat and lead to additional fragmentation and predation and is unacceptable. The Blythe Energy project alternative fails to avoid most of the significant impacts to the ACEC and therefore is also unacceptable as an alternative and fails to meet CEQA’s requirements.

If the line is to be constructed despite its significant adverse impacts on environmental resources, a route directly along the existing I-10 corridor is the only area that would possibly be acceptable as a location. Even that route will have impacts to the desert tortoise and other species and habitats that must be mitigated. Many bird species area known to occur in the area which will be significantly impacted by the project as well.

Moreover because the proposed power line will be visible from several sensitive areas, including Joshua Tree National Park, it will have long-term impacts to visual resources must be more fully explored, avoided where possible, and mitigated or minimized.

B6-34

3. The Badlands and Potrero ACEC

B6-35

The Devers-Valley No. 2 alternative will have significant impacts to biological resources, water resources, water and air quality in the Badlands and Potrero ACEC. These impacts are inadequately disclosed, analyzed or avoided in the Draft EIR/EIS. Moreover, the Draft EIR/EIS fails to adequately disclose or analyze the impacts of the project on the lands in this area set aside as preserves for listed and imperiled species and as mitigation lands for other projects under the Western Riverside MSHCP and the Stephen’s Kangaroo Rat HCP. Because the Draft EIR/EIS is deficient in this regard it cannot properly be relied on by the agencies in considering the approval of this project.

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The Draft EIR/EIS also failed to adequately identify or analyze impacts to designated critical habitat, areas identified as recovery habitat, and unique vegetation communities in both California and Arizona.

B6-36

D. The Draft EIR/EIS also fails to adequately identify and analyze impacts to Soils, Water Quality, Air Quality, Visual Resources.

B6-37

As detailed above, there is no need for this project and therefore none of its significant impacts are acceptable. However, should this project go forward, a revised Draft EIR/EIS must be prepared that adequately identifies impacts to soils, water quality, air quality, and visual resources. Construction and maintenance of the project will disturb surface soils in arid regions where soil structure is critical to maintaining an intact ecosystem. Even after re-vegetation it can take decades for soils in these areas to recover normal structure. In addition, new access roads used for maintenance will provide access for other vehicles, including ORVs, that are known to widely damage soils in these environments.

The proposed project includes some 85 water crossings including small streams, desert washes, alluvial fan washes, and irrigation canals. Some of the water resources that will be impacted include, but are not limited to, the Colorado River, San Gorgonio River, Whitewater River, Snow Creek, San Timoteo Creek, and the Santa Ana River. The project will likely increase the degradation of water quality in the many basins it traverses due to erosion and sedimentation and may also cause adverse impacts through a spill of potentially harmful materials used in construction and maintenance activities.

B6-38

The project will admittedly adversely impact air quality in Arizona. Construction activities will also adversely impact the already severely impaired air quality in Southern California including by increasing dust and loose soils in air basins that are already out of compliance for particulates.

B6-39

E. The Draft EIR/EIS fails to adequately identify and analyze the growth inducing impacts of the project.

B6-40

Although the Draft EIR/EIS admits that increased capacity will make growth more likely, it gives little information regarding the expected growth inducing impacts of the project. In addition, the Draft EIR/EIS completely fails to provide any analysis of the impact of increase capacity and additional substations in areas where sprawl development is already taking a heavy toll on the natural environment. Instead, the Draft EIR/EIS simply concludes that growth is expected to occur with or without implementation of the proposed project. See DEIR/EIS at G-32. CEQA requires more.

F. The Draft EIR/EIS fails to adequately identify and analyze cumulative impact of the project and other past, present, and future projects in the areas on the environment including impacts to global warming.

B6-41

The Draft EIR/EIS also fails to adequately identify and analyze cumulative impacts of the project on the environment. Rather than provide any meaningful analysis of the cumulative

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impact on biological resources and other environmental resources the supposed analysis contains nothing more than conclusory assertions that the cumulative impacts will not be significant. Both CEQA and NEPA require more. See, e.g., Great Basin Mine Watch v. Hankins, ___ F.3d ___, 2006 U.S. App. LEXIS 19298 (9th Cir. February 14, 2006) (agency must do more than offer conclusions, it must identify and adequately analyze the cumulative impacts likely to result from past, present and future projects); Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 721.

B6-41 cont.

The Draft EIR/EIS is also inadequate because it ignores global warming and the project's greenhouse gas emissions. The project will result in foreseeable and quantifiable emissions of carbon dioxide and other greenhouse gases during both construction and the lifetime of the project. These emissions, although small in comparison to worldwide greenhouse gas emissions, will contribute directly and cumulatively to the increase in atmospheric greenhouse gases, and will thus contribute directly, indirectly, and cumulatively to global warming. Under CEQA, it is irrelevant that the emissions associated with the project are small in comparison to total emissions. On the contrary, CEQA's cumulative impact analysis requirement exists to capture precisely this type of impact that may be individually small but cumulatively significant. Kings County Farm Bureau v. City of Hanford (1990) 221 Cal. App. 3d 692, 721. ("The EIR improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality.") The Draft EIR/EIS is inadequate because it ignores global warming and the project's greenhouse gas emissions. A revised Draft EIR/EIS must calculate the project's greenhouse gas emissions, and then avoid, minimize, and mitigate them to the maximum extent feasible. It is entirely feasible to undertake each step in this process and they will likely make the project more efficient should it go forward.

B6-42

The greenhouse gas emissions of each component and phase of the project must be calculated. For example, the construction phase would include, but not be limited to: (1) the greenhouse gas emissions of construction vehicles and machinery; (2) the greenhouse gas emissions from manufacturing and transporting the project's building materials; and (3) the greenhouse gas emissions of the project's planning and design.

Moreover, as proposed, the project appears to be designed to encourage increased energy consumption rather than conservation and energy efficiency. Alternatives must be developed that will encourage conservation, energy efficiency and reduction in greenhouse gas emissions due to the direct, indirect and cumulative impacts of the project.

B6-43

IV. Conclusion.

In sum, this project is both unnecessary and backward looking. It proposes to use old technology as a stop-gap measure for the problems of the future rather than examining alternative solutions for the energy needs of the 21st Century in California and Arizona. Before the CPUC and BLM consider approving this ill conceived project and they should look at alternatives that will achieve the same or better results in terms of energy reliability with far fewer impacts to the environment. The Center asks the agencies to look forward for new solutions to the real energy problems our society faces in the future and not to approve this

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project which will resolve nothing regarding our future energy needs at great expense to the natural environment.

B6-44 cont.

Thank you for your consideration of these comments. **Please send all future notices and correspondence to my attention at Center for Biological Diversity, 1095 Market Street, Suite 511, San Francisco, CA 94103.**

Sincerely,



Lisa Belenky
Staff Attorney

Responses to Comment Set B6 Center for Biological Diversity

B6-1 The commenter's objection to the Proposed Project has been noted. All 13 environmental issue areas (see Sections D.2 through D.14) discuss the impacts of the proposed DPV2 transmission line. Specifically, Section D.2 (Biological Resources), D.3 (Visual Resources), D.4 (Land Use), and D.5 (Wilderness and Recreation) address the biological, visual, and recreation/wilderness issues. Sections D.11 (Air Quality), D.12 (Hydrology and Water Resources), and F (Cumulative Scenario and Impacts) address air quality, water quality, and cumulative impacts. Appendix 1 (Alternatives Screening Report) and Section C (Alternatives) in the EIR/EIS discuss 35 potential alternatives or combinations of alternatives. Project need is addressed in Section A.2 and is not determined within this EIR/EIS.

Please refer to Response B6-5 below regarding the adequacy of the alternatives analysis in the EIR/EIS. During the alternatives screening process, the EIR/EIS team studied the entire region west of Devers Substation for a feasible alternative route that would avoid the Morongo Indian Reservation and would also have the potential to reduce or avoid impacts of the Proposed Project. The San Gorgonio Pass area is an area of severe topographic and regulatory constraints. There are San Bernardino National Forest Wilderness Areas to the north and south. The valley itself contains the San Andreas Fault Zone, and is bounded by Mount San Gorgonio on the northern side, which is the tallest mountain in southern California at 11,480 feet, and Mount San Jacinto on the southern side of I-10 at 10,804 feet. In addition, tribal land of the Morongo Indian Reservation is located throughout the area.

The southern end of the Morongo Indian Reservation borders, and in some cases overlaps, the northern boundaries of the Santa Rosa and San Jacinto Mountains National Monument, the San Bernardino National Forest, the San Jacinto Wilderness and State Park. The Morongo Reservation is in a checkerboard pattern south of I-10, so there is no way for a transmission line to be located south of I-10 without crossing at least some of the corners of reservation lands, or passing further south into the San Bernardino National Forest. On the south side of the I-10, within the San Bernardino National Forest, there are a number of protected areas adjacent to each other, including the Forest, the Santa Rosa Wilderness, and the Santa Rosa Mountains National Scenic Area. At the southeastern side of these protected areas, the Santa Rosa Mountains National Scenic Area extends from the Santa Rosa Wilderness (which abuts the San Bernardino National Forest) to the San Diego County border. The Santa Rosa Indian Reservation and the Cahuilla Indian Reservation are located immediately west of the Santa Rosa Mountain National Scenic Area. In order to avoid any protected areas or reservation lands south of the I-10, the Project would need to cross into San Diego County and would be substantially longer creating much greater impacts.

As is discussed in EIR/EIS Section 4.3.2 in Appendix 1 for the North of Morongo Corridor Alternative, locating the transmission line north of the west of Devers corridor and away from I-10 would benefit visual resources and land use impacts removing it from sensitive receptors, but the habitat farther from I-10 and closer to the San Bernardino Mountains and near (or in) the San Bernardino National Forest is expected to be of higher quality due to its more undisturbed nature, and there would most likely be a greater chance of encountering cultural resources due to the topographic relief and number of stream crossings. The new lines would also cut across entrance to canyons, which may hold a special importance to the tribe. The northern boundary of the Morongo Reservation borders the San Bernardino National Forest,

which borders the Whitewater Canyon ACEC to the east. Therefore, a route to the north would create a new transmission corridor that would cross through protected and conservation areas, rugged terrain, would be much longer, and would thus create much greater impacts than the Proposed Project or the Devers-Valley No. 2 Alternative. Therefore, after thorough consideration, the EIR/EIS team concluded that the Devers-Valley No. 2 Alternative was the only viable alternative to the West of Devers Upgrades that achieves most of the objectives of the Proposed Project, is feasible, and had some potential to reduce impacts of the Proposed Project. A reasonable range of alternatives has been considered as required under CEQA and NEPA and no further analysis is necessary.

B6-2 The CEQA and NEPA requirements and legal precedents have been noted.

Potential impacts and the extent of impacts are presented in each issue area section (Sections D.2 to D.14) and in Executive Summary Section ES.6 (Impact Summary Tables). The extent of an impact is based on the significance criteria, also presented in each issue area section. The environmental assessment methodology is explained in Section D.1.2 of the Draft EIR/EIS and the classification of impacts was uniformly applied in accordance with the following definitions: Class I (Significant; cannot be mitigated to a level that is less than significant); Class II (Significant; can be mitigated to a level that is less than significant); Class III (Adverse, less than significant); and Class IV (Beneficial impact).

Therefore, Class III impacts do not require mitigation to be considered less than significant and so some impacts may indeed not include mitigation. All Class II impacts would include mitigation to be considered less than significant. Class I impacts are considered significant regardless of whether mitigation is implemented so at times mitigation may not be feasible and an impact may remain significant. The tables at the end of each issue area sections (Sections D.2 to D.14) list all proposed mitigation measures and Section H (Mitigation Monitoring and Reporting) describes the procedure, authority, roles and responsibilities. In the tables, the location, the monitoring and reporting action, the effectiveness criteria, the responsible agency, and the timing are all included thereby ensuring that all of the measures are both specific and enforceable.

B6-3 As stated in Section D.2.1 (page D.2-1), the analysis of the biological baseline for the Proposed Project was partially based on an extensive literature review that included the Proponent's Environmental Assessment (Mackness and Miller 2005) as well as field survey documents prepared for surveys conducted between 1987 and 2005. Most of the areas along the route of the Proposed Project have been extensively surveyed and a number of focused protocol surveys have been conducted for listed species potentially occurring along the route.

An extensive literature review was also completed, including an examination of numerous other resource documents (MSHCP documents, BLM plan documents, Forest Service documents, etc.) that contained information on expected or reported locations of sensitive vegetation communities and sensitive and/or listed species. In addition, the CNDDDB and CNPSEI were also reviewed prior to conducting the field reconnaissance. Following the compilation of data from the literature review, the field reconnaissance survey was conducted (page D.2-2). The survey focused on determining whether the plant communities that were previously described along the route were consistent with what was found during the Fall 2005 survey. In addition, the locations of sensitive/listed species were previously reported were surveyed to determine if conditions had changed that would cause the elimination of the species. The results of the field reconnaissance indicated that the conditions described in the previous docu-

ments were similar for the entire route with some minor modifications. The modifications were documented and incorporated into the maps and the text of the Draft EIR/EIS (Section D.2.1.1. The vegetation along the Proposed Project and alternative routes is shown on Figures D.2-1 through D.2-3.

The timing of the 2005 field surveys, in the Fall, was not the optimal time to survey for listed/sensitive plants or migratory birds. Some species would not be detectable at that time of year. But based on the extensive survey work that was previously conducted and the lack of significantly changed environmental conditions, the baseline biological information was determined to be adequate to determine potential impacts to listed and sensitive species of plants and wildlife. With the incorporation of numerous APM's and Mitigation Measures that require specific surveys prior to construction, monitoring during construction, and reporting results of pre-construction surveys, the presence or absence of listed and/or sensitive species of plants and wildlife will be identified prior to the initiation of construction. In addition, APM's and Mitigation Measures have also been incorporated that will avoid impacts to species that may be found during pre-construction surveys.

The environmental baseline for the Devers-Valley No. 2 Alternative was based on the literature review of the CNDDDB and CNPSEI as well as information in resource documents, such as the Western Riverside MSHCP. In addition, the experience of the biology team conducting surveys in areas adjacent to the Devers-Valley No. 2 Alternative ROW also contributed to the environmental baseline for this alternative. The Devers-Valley No. 2 Alternative field surveys were conducted in February 2006, which was not the optimal time to survey for listed/sensitive plants or migratory birds. In addition, some areas, primarily the Forest Service lands, were inaccessible and were not revisited due to access problems. But, because data was provided by the Forest Service regarding past burns in the area where the ROW is located, it was determined that the habitats were likely similar to the previously burned areas that were accessible. As stated above, numerous APM's and Mitigation Measures (B-5a, B-7b, B-7e, B-7f, B-8a, B-9a, B-9d, B-9e, B-9g, and B-9h) requiring pre-construction surveys prior to construction and reporting of results of pre-construction surveys have been incorporated to fully characterize the areas that will be affected by the construction of the project. In addition, APM's and Mitigation Measures have also been incorporated that will avoid impacts to species that may be found during pre-construction surveys.

B6-4 Please see Response B1-6 for a discussion of renewable resource technologies and energy efficiency and Response B3-4 for a discussion of economic methodologies related to the benefits of the DPV2 project.

B6-5 Both CEQA and NEPA provide guidance on selecting a reasonable range of alternatives for evaluation in an EIR and EIS, and the requirements are similar. The California CEQA Guidelines (Section 15126.6(a)) state that "an EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." Likewise, according to the Council on Environmental Quality's (CEQ) NEPA Regulations (40 C.F.R. 1502.14), an EIS must present the environmental impacts of the proposed action and alternatives in comparative form, defining the issues and providing a clear basis for choice by decision makers and the public.

Therefore, there is no “matter of law” requirement that an EIR/EIS identify more than one feasible alternative for each or every segment of a major transmission line project. Rather the EIR/EIS must contain an overall reasonable analysis of alternatives. In this case, the EIR/EIS made an adequate effort to evaluate alternatives. Both Appendix 1 and Section C in the Draft EIR/EIS discuss more than 35 potential alternatives or combinations of alternatives, ranging from minor routing adjustments to SCE’s proposed 500 kV project route, to entirely different transmission line routes, to alternate system voltages, and system designs.

A total of three alternate West of Devers routes were considered, and two (the original project route and the Devers-Valley No. 2 Alternative) were analyzed in depth in each issue area in the EIR/EIS. In addition to the Proposed Project, seven segment and project alternatives for the Devers-Harquahala segment, plus the No Project/Action Alternative, were given in-depth evaluation by every issue area in the Draft EIR/EIS.

Section C.6 of the Draft EIR/EIS and each issue area in Sections D.2 through D.14 evaluated the No Project/No Action scenario, which examines reasonably foreseeable events that would occur in the absence of the Proposed Project (i.e., no impacts of the Proposed Project would occur). Several alternatives that could avoid all such conservation areas and preserves were examined in the Alternatives Screening Report (Section 4 of Appendix 1 of the Draft EIR/EIS) and were eliminated from consideration, including: EOR 9000+ Project; Path 49 Upgrade Project; Modify DPV1 Compensation; Composite Conductor Alternative; Convert DPV1 from AC to HVDC Transmission Line; New Conventional Generation; Renewable Generation Resources; Conservation and Demand-Side Management; Distributed Generation; plus several transmission line with alternate endpoints.

B6-6 Please refer to Responses B6-1 and B6-5.

B6-7 The comment is correct in stating that there are several significant impacts identified for the Devers-Valley No. 2 Alternative. However, it is not correct that these impacts are “barely identified” and “not fully analyzed.” Examples of the thorough analysis of this alternative include the following:

- The **Visual Resources** analysis of the Devers-Valley No. 2 Alternative includes eight separate viewpoints described in Section D.3.9.1. Each one of these eight viewpoints is found to be a significant and unmitigable impact. This 40-page section addressing this alternative is very comprehensive and cannot be considered inadequate.
- The **Wilderness and Recreation** discussion of the Devers-Valley No. 2 Alternative (Section D.5.9.1) devotes 8 pages to the discussion, and identifies a significant impact (Impact WR-2, Operation would change the character of a recreation or wilderness area, diminishing its recreational value).
- The **Noise** analysis (Section D.8.9.1) identifies significant impacts of corona noise to residences along this alternative (Impact N-2).
- The **Air Quality** analysis (Section D.11.6.1) includes emissions calculations for differences in construction techniques (including helicopter usage) and identifies a significant impact from dust and exhaust emissions within the South Coast Air Quality Management District jurisdiction.

In addition to these significant (Class I) impacts, many other impacts are identified that would have been significant without implementation of a wide range of mitigation measures. For example, the discussion of biological resources (Section D.2.8.1) is 25 pages long and includes requirements for implementation of many detailed mitigation measures.

The route of the Devers-Valley No. 2 Alternative, which includes existing transmission towers and conductors, and associated access roads (off National Forest lands) crosses the National Forest, National Monument, and Pacific Crest National Scenic Trail. This existing line is in operation and is routinely maintained. The Devers-Valley No. 2 Alternative will be placed in the existing ROW and the existing roads will be utilized, where they exist. The noise generated by helicopters would be short-term in that it would only occur during the actual construction of the towers and installation of conductors. Helicopter construction techniques would be utilized to reduce potential impacts to both plants and wildlife and reduce the requirement to construct new access or spur roads. The duration of the general construction noise will also be short-term in that it would only occur during placement of tower components.

The Draft EIR/EIS includes APM's and Mitigation Measures designed to identify sensitive biological receptors prior to construction (pre-construction surveys) and to avoid sensitive timeframes, such as the lambing period for bighorn sheep (Mitigation Measure B-9f).

B6-8 The Draft EIR/EIS addresses the potential impacts to biological resources, including listed, candidate, and sensitive species, in detail in Sections D.2-6 through D.2-9. In order to provide assurances that species potentially occurring in or adjacent to construction areas are fully protected, the Draft EIR/EIS includes APM's (Section D.2.5.2, Table D.2-6, pages D.2-100 through D.2-103) and Mitigation Measures (B-5a, B-7b, B-7e, B-7f, B-8a, B-9a, B-9d, B-9e, B-9g, and B-9h) that require both general and focused pre-construction surveys for listed and sensitive species that could potentially occur in the project area.

The transmission line access roads that currently exist along most of the length of the rights-of-way where the Proposed Project and alternatives would be placed are currently utilized by off-highway vehicles and are open to public use. There is an existing level of disturbance and traffic on these roads that currently causes disturbance to wildlife and damage to vegetation and soils. The vehicle activities associated with project construction would be limited to existing access roads except for those areas where new spur roads would be constructed or where activities will occur at substation and pulling sites. The duration of project construction is short-term so any additional noise or disturbance caused by construction vehicles will be eliminated when project construction is completed. Implementation of a habitat restoration program (Mitigation Measure B-1a) will return the temporarily impacted areas back to native habitat that can be utilized by wildlife.

Existing transmission lines and access roads currently traverse the Kofa National Wildlife Refuge, the Badlands, and the Potrero ACEC. The Proposed Project's Devers-Harquahala portion and the Devers-Valley No. 2 Alternative would be placed in the rights of way along with existing 500 kV lines. Because transmission lines already exist, it is unlikely that the placement of a second transmission line will seriously degrade these areas or result in increased usage by recreational vehicles.

Habitat for the Stephens' kangaroo rat will remain in the Potrero ACEC and Badlands and, with implementation of the habitat restoration program (Mitigation Measure B-1a), temporarily disturbed areas will be returned to habitat for this species.

In the area of Alligator Rock, the EIR/EIS identifies the North of Desert Center Alternative as environmentally superior/preferred to the proposed route that follows the DPV1 corridor. However, should BLM and CPUC decisionmakers select the Proposed Project route, the placement of the project through the Alligator Rock ACEC would follow routes of the existing DPV1 transmission line, so is not expected to further fragment the area. Further surveys, pre-construction and focused, and monitoring during construction will avoid and minimize impacts to desert tortoise and other listed and sensitive species.

Implementation of the Devers-Valley No. 2 Alternative includes Mitigation Measures (B-13a and B-13b) that require compliance with the Western Riverside MSHCP and require implementation of the Best Management Practices required by the MSHCP. Full compliance with the MSHCP will address impacts to listed and sensitive species and habitat fragmentation as required by that process.

B6-9 The transmission towers that would be constructed for the Proposed Project or Alternatives will be located in existing ROWs where transmission towers and transmission lines already exist. The Draft EIR/EIS recognizes that transmission towers do present a risk to birds; however, impacts resulting from the DPV2 project are the incremental new risks resulting from the addition of the new line. The potential impacts associated with electrocution and collisions are identified in Impacts B-14 and B-15, respectively, in Sections D.2.6.2 for the Proposed Project and in Sections D.2.7 and D.2.8 for the alternatives. The EIR/EIS utilizes bird strike information and cites several information sources (APLIC, 1994, APLIC 1996, and Avery et al., 1978) on the potential for bird strikes. These reports provide information related to the potential for bird strikes and electrocution for a variety of birds in both the United States and Europe. The APLIC reports also provide guidance to reduce potential bird strikes through the placement of transmission lines in clusters, utilizing aerial markers, swinging plates, or other bird flight diverters. Information provided in the APLIC reports cited for this EIR/EIS has indicated that the implementation of aerial markers or line placement has been demonstrated to reduce aerial collisions to migrating birds. The EIR/EIS recognizes that extensive data regarding bird patterns is not available for the project area. While avian strikes do occur mitigation identified in the EIR/EIS has been demonstrated to reduce impacts from collision in other areas (APLIC 1994). Therefore, implementation of Mitigation Measure B-15a is designed to minimize the impacts of transmission lines and towers on birds to less than significant levels.

B6-10 The potential impact of avian predators on wildlife is discussed in the Draft EIR/EIS under Impact B-16 (Sections D.2.6.2 for the Proposed Project and in Sections D.2.7 and D.2.8 for the alternatives). The Draft EIR/EIS recognizes that ravens are a potential threat to wildlife near transmission towers and that construction of additional towers may provide additional roosting and nesting sites for ravens. However, based on the site visits it does not appear that roost sites are a limiting factor along the proposed route or alternative as most of the towers do not support nest sites. APM B-20 (Table D.2-6 on page D.2-101) and Mitigation Measure B-16a both address minimizing the impacts of ravens on wildlife.

- B6-11 The Raven Control Plan that is required as Mitigation Measure B-16a will address frequency and monitoring of raven nest removal. In addition, the mitigation measure requires that the Plan must document the Plan activities on an annual basis. Because tower roosting sites are not a limiting factor for raven populations in this region, no specific schedule other than annual activities was specified. This Plan will be approved by the responsible agencies prior to project implementation. The EIR/EIS also recognizes that much of the terrain located along the proposed route is characterized as low relief topography. The proposed transmission line will be placed adjacent to the existing transmission line where possible and would be largely located in areas where existing infrastructure (thus existing perching and nesting opportunities) presently occur.
- B6-12 Section D.2.6.1.2 of the EIR/EIS identifies and acknowledges that the introduction of invasive or noxious weeds poses a threat to native ecosystems. In addition, populations of exotic species are known to be present in most of the project area at this time. Mitigation identified in this EIR/EIS requires preconstruction surveys and avoidance of identified populations and provides a mechanism (Mitigation Measure B-2a) to identify and eradicate specific populations identified before construction. Mitigation measures also require a plan that would implement the existing best management practices currently utilized by the BLM. The mitigation provided in this EIR/EIS addressing invasive weeds provides a reasonable range of measures intended to reduce the potential for the spread of exotic plants.
- B6-13 The Draft EIR/EIS acknowledges that areas traversed by the Devers-Valley No. 2 Alternative crosses through areas that are rich in plant and wildlife diversity and that support populations of the Stephens' kangaroo rat. In addition, the Draft EIR/EIS also describes the route of the alternative as passing through the Potrero Creek Subunit of the San Jacinto Wildlife Area. The Draft EIR/EIS also acknowledges that the route of the Proposed Project will cross San Timoteo Creek, which supports a population of the least Bell's vireo. Impacts to the sensitive areas along the routes of the Proposed Project and the Devers-Valley No. 2 Alternative will be minimized by utilizing existing utility access roads and avoiding areas where sensitive resources occur, as required in APMs and mitigation measures. It should be noted that these areas presently contain existing utilities and impacts for each of the proposed transmission line towers is relatively small compared to the amount of habitat present in this area.
- B6-14 Please see Response B6-13.
- B6-15 Please see Response B6-9.
- B6-16 Please see Response B6-8.
- B6-17 The Proposed Project is located in or adjacent to existing utility rights of way which contain existing access and spur roads. Except where new transmission lines would be placed on mountain sections of the SBNF (where helicopter construction would be used), construction vehicles would limit their travel to existing roadways to the extent possible.

Fire Risk Associated with Transmission Line Operation. As described in Sections D.10.12.2 in the Final EIR/EIS (the same discussion was included in both Sections D.10.11.2 and D.10.12.2 of the Draft EIR/EIS, but was consolidated in the Final EIR/EIS), fire hazard related to transmission lines (Impact PS-4) is addressed in project design and in operations and maintenance procedures. Electrical arcing from power lines can create a fire hazard and can be caused by high-voltage surges and spikes. This phenomenon is more prevalent for lower

voltage distribution lines since these lines are typically on shorter structures and in much greater proximity to trees and vegetation. Fire hazards from high voltage transmission lines are greatly reduced through the use of taller structures and wider ROWs. Further, transmission line ROWs are cleared of trees to control this hazard. Fire hazards due to a fallen conductor from an overhead line are minimal due to system protection features. Overhead high voltage transmission lines include system protection designed to safeguard the public and line equipment. These protection systems consist of transmission line relays and circuit breakers that are designed to rapidly detect faults and cut-off power to avoid shock and fire hazards. This equipment is typically set to operate in 2 to 3 cycles, representing a time interval range from 2/60 of a second to 3/60 of a second. SCE is required to design the transmission line in accordance with safety requirements of the CPUC's G.O. 95 and other applicable requirements, so safety impacts from fire hazard are considered to be less than significant (Class III).

The commenter's concern regarding a potential increase in fire risk during construction is noted and the following text has been added to Impact PS-4 (Wind, Earthquake, and Fire Hazards) in Section D.10.12.2 of the EIR/EIS:

Fire Risk Associated with Transmission Line Construction. Table B-6 in Section B.7.3.1 (Labor and Equipment) shows that SCE will have two fire suppression trucks available during construction of the 500 kV line and SCE's standard construction practices would be designed to prevent fires during construction activities, as is stated in SCE's Draft Transmission Line Project Fire Plan (an individual Specification Plan would be developed for the Proposed Project, which would be the final version of the Plan). The SCE Constructor would ensure that reasonable safeguards and Best Management Practices have been implemented and would furnish all supervision, labor, tools, equipment and material as necessary to prevent starting any fire, control spread of fires if started, and provide assistance for extinguishing fires started as a result of transmission line construction activities. In addition, land management agencies have strict requirements for construction during the season of high fire risk; SCE would have to comply with those requirements.

Construction crews would have fire extinguishers and shovels as part of their standard equipment on trucks. As stated in SCE's Transmission Line Project Fire Plan (Specification E-2005-104; February 21, 2006), the Constructor for the Proposed Project (either SCE crew or a contractor contracted and authorized by SCE) would be required to use every reasonable precaution against starting fires where the work is performed, in whole or in part, in an area covered with flammable dry grass, brush, and trees.

The Constructor would provide temporary safeguards, walks, rails, guards, construction fences, and suchlike, as required by any ordinances, as directed by the Construction Representative (assigned by SCE), or as necessary to protect workers, SCE employees, and the public. Such precautions may also include, but are not be limited to, prohibiting smoking on the jobsite, using of spark arresters on equipment exhaust, and if necessary assigning a Fire Patrolperson whose responsibility would be solely to monitor the Constructor's fire-prevention activities. The Fire Guard would be equipped with radio or cell phone communication capability. Constructor would also provide required portable fire fighting equipment, shovels, axes, and other necessary fire fighting equipment at all sites where work is in progress, and with all crews in transit.

As is mentioned above, the Constructor would observe all other precautionary measures that may be ordered by land management agencies, such as the United States Forest Service (USFS), the California Department of Forestry and Fire Protection (CDF), the Arizona State Land Department Forestry Division, county fire departments, and their authorized representative. During periods of extreme fire hazard due to critical weather conditions, the aforementioned departments may order work to be suspended at any time in designated areas.

In the event of any uncontrolled fire near the project, and as requested by the Construction Representative, the Constructor would furnish any and all of its forces and equipment to extinguish such fire as directed by USFS, CDF, Arizona Forestry Division, and county fire departments. Under these conditions, Constructor's forces would operate under the sole jurisdiction of the USFS, CDF, Arizona Forestry Division, and county fire departments.

Finally, the Constructor would also be solely responsible to owners or occupants of land for damage of every kind and nature resulting from project work and activities of Constructor and its crews. In the event of unforeseen damage to any improvement, Constructor must promptly notify the Construction Representative and the owner of such improvements. Any damaged improvements shall immediately be repaired by Constructor as approved by the owner of such damaged facility. Other damaged property shall be repaired within a reasonable time. With implementation of SCE's Fire Plan and other project measures, this impact would be less than significant (Class III).

B6-18 Please see Response B6-6.

B6-19 The EIR/EIS identifies the potential impacts to wildlife movement corridors from construction of the Proposed Project. As previously identified, the Proposed Project is located in or adjacent to existing utility rights of way which contain existing access and spur roads. Section D.2.6.1.10 (Wildlife Corridors and Nursery Sites) addresses and recognizes potential adverse impacts to wildlife movement corridors in the project area.

B6-20 Section D.2.6.1.6 (Threatened or Endangered Species) of this EIR/EIS identifies potential impacts and provides mitigation for desert tortoise. Desert tortoise is known to be present in the project area and mitigation measures identified in this document provide a reasonable and prudent series of actions to reduce or avoid impacts to this species. Mitigation Measures B-7b (Conduct pre-construction tortoise surveys) and B-7c (Purchase mitigation lands for impacts to tortoise habitat) define specific actions that would reduce impacts to tortoise. These measures will be implemented in addition to any additional requirements identified by the USFWS in its Biological Opinion.

B6-21 The Draft EIR/EIS acknowledges that much of the route through Arizona and California is currently occupied desert tortoise habitat. The extensive surveys conducted along the route have shown that tortoises are present. Thus, the Draft EIR/EIS includes a combination of APMs and mitigation measures that address impacts to desert tortoises. In addition to the mitigation measures focused on desert tortoise protection (Mitigation Measures B-7b and B-7c), APMs B-27 through B-32 and B-35 in Table D.2-6 will also be implemented to avoid and minimize impacts of the project on desert tortoises. These measures include the standard measures required by the USFWS and CDFG for projects in desert tortoise habitat. A qual-

ified biologist, as required by these agencies, will be responsible for conducting the surveys and implementing these measures. The details of the Habitat Restoration Plan will be approved by the responsible agencies prior to implementation of the project. Areas of temporary disturbance will be restored to habitat that can be utilized by the desert tortoise. Habitat compensation (Mitigation Measure B-7c) is required by the BLM to compensate for impacts to Category II and III management areas in Arizona and California (as described on Draft EIR/EIS page D.2-131).

- B6-22 The Draft EIR/EIS specifically does not suggest that consultation under the ESA would act as the only mitigation proposed for Coachella Valley fringe-toed lizard. Implementation of the APM identified in Table D.2-6 and Mitigation Measure B-7d provide a mechanism to reduce impacts to this species. The EIR/EIS also identifies that there would be permanent impacts to critical habitat for this species at tower location sites and that mitigation lands would need to be purchased unless otherwise directed by the USFWS.
- B6-23 Section D.2.8.1 (Devers-Valley No. 2 Alternative), on page D.2-258 identifies and provides mitigation addressing potential impacts to peninsular bighorn sheep, if found to be present in the project area. Temporary impacts to habitat for this and other species is also identified in Mitigation Measure B-1a (Prepare and implement a Habitat Restoration/Compensation Plan).
- B6-24 Section D.2.8.1 (Devers-Valley No. 2 Alternative), on page D.2-258 identifies and provides mitigation addressing potential impacts to Stephens’s kangaroo rat. Mitigation Measure B-7f not only calls for focused surveys but provides several mechanisms including monitoring, trapping, the placement of exclusion fencing, and relocation to reduce impacts to this species. This action would include any additional measures required by the USFWS.
- B6-25 Section D.2.6.1.6 (Threatened and Endangered Species), on pages D.2-126 through D.2-127 identifies and provides mitigation to avoid impacts to the razorback sucker. As the transmission line will span the river and no project activities would take place in the water, no impacts would occur to critical habitat for this species.
- B6-26 The EIR/EIS has been prepared to address the impacts of the Proposed Project across a wide geographic area that supports a variety of plant communities and a broad assemblage of both sensitive and common wildlife. Construction related impacts have been fully characterized in Section D.2.6.1 (Impacts of Transmission Line Construction) and Section D.2.6.2 (Impacts of Transmission Line Operation) of this EIR/EIS. The nature and expected magnitude of the impacts are first described in Section D.2.5.3 (Impacts Identified) which characterizes the type and scale of each construction process and Section D.2.6.1.1 which identifies each type of impact that may occur from implementation of the Proposed Project. Individual impacts to specific species have in some cases been grouped as the type of impact would be similar for guilds or groups that have similar life history traits or whose impact and mitigation could be addressed without the need to discuss in detail each of the many species known to occur in the project area. Therefore, the EIR/EIS does not fail to address the effects of the Proposed Project on those species and avoids redundancy.

Table D.2-4 (Sensitive Plant Species with High/Moderate Potential to Occur) and D.2-10 (Sensitive Plants with High Potential to Occur) identifies the plant species with a high potential to occur in the project area. These tables include Munz’s onion, San Diego ambrosia, Coa-

chella Valley milk-vetch, San Jacinto crownscale, Nevin's barberry, slender horned spine flower, Gambrel's watercress, and Santa Ana River wooly star. The discussion of impacts to these species is also identified in Section D.2.6.1.6 (Threatened or Endangered Species) and Section D.2.8.1 of the Devers-Valley No. 2 Alternative (Special Status Plant and Wildlife Species). Impacts to each of the wildlife species identified by the commenter have been identified in Table D.2-11 (Sensitive Wildlife with High Potential to Occur) and have been fully addressed under Impact B-7 (Construction activities would result in indirect or direct loss of listed wildlife) commencing on page D.2-124 of the EIR/EIS.

B6-27 Burrowing owls were identified at several locations along the Proposed Project alignment and are known to occur region wide. Implementation of Mitigation Measure B-9e (Conduct pre-construction surveys and owl relocation) provides mechanisms to reduce potential impacts to this species on a projectwide basis. Cumulative impacts of the Proposed Project on biological resources have been discussed in Section F.3 (Cumulative Impact Analysis of Proposed Project) in this EIR/EIS.

B6-28 Please see Response B6-26.

B6-29 Please refer to Responses B6-1, B6-2, and B6-5. Section D.2 (Biological Resources) discusses the biological setting and impacts along the project and alternative routes, including refuges, ACECs, habitat preserves, National Forest lands, and National Monuments. Other issue areas, such as visual resources (Section D.3), land use (Section D.4), and cultural resources (Section D.7), taken into consideration the special status of these conservation and preserve lands. Specifically Section D.5.2 (Wilderness and Recreation) details every Wilderness Area along the project route. Wilderness Areas are specifically designated by Congress, and are managed as a part of the National Wilderness Preservation System. The section also designates recreation areas, which includes any national, State, county, or city park; refuge or preserve; open space; cultural center or museum; campground; significant ecological area; area of critical environmental concern (ACEC); or a private recreational site such as a golf course. Sections D.5.6 and D.5.7 describe the potential wilderness and recreation impacts for the Devers-Harquahala and West of Devers Upgrades, respectively. Mitigation Measures have been proposed in those sections to reduce potentially significant (Class II) impacts to less than significant levels. However, significant Class I impacts would continue to occur within the following recreation areas: Harquahala Peak, Kofa NWR, the Chuckwalla Valley Dune Thicket ACEC, the Alligator Rock ACEC, and the Coachella Valley Preserve and Coachella Valley Fringe-Toed Lizard ACEC. Therefore, public lands of special environmental significance have adequately been addressed in the EIR/EIS and no further discussion is necessary.

B6-30 The value of the Kofa NWR is recognized by the CPUC and BLM, and acknowledged in several sections of the EIR/EIS. Unfortunately, the DPV1 transmission line was installed through Kofa many years ago, as were major gas pipelines. The construction of these utilities created a disturbed corridor and existing access roads. Please refer to Response B1-2 and General Response GR-1.

B6-31 Please see General Response GR-1 concerning impacts to bighorn sheep in the Kofa National Wildlife Refuge. In addition, The EIR/EIS does not indicate that impacts to bighorn sheep in the Kofa would remain significant without mitigation. The document clearly indicates on page D.2-150 (Kofa National Wildlife Refuge) that impacts would remain potentially sig-

- nificant *without* the proposed mitigation measure. As identified in the EIR/EIS “These APMs would reduce the potential for collisions with bighorn sheep, but impacts would remain potentially significant. Implementation of Mitigation Measure B-9f (Perform construction outside of breeding and lambing period) would reduce impacts to less than significant levels.”
- B6-32 The commenter’s opposition to the Proposed Project has been noted. Please refer to General Response GR-1 for a discussion of why the proposed route was found to be environmentally preferable to alternatives north of Kofa.
- B6-33 Existing transmission lines currently traverse the Alligator Rock ACEC, Chuckwalla DWMA, and the Chuckwalla Valley Dune Thicket ACEC. The Proposed Project would be placed in the same ROWs as the existing lines. Because transmission lines and their access roads already exist, it is unlikely that the placement of a second transmission line would seriously degrade or fragment habitat in these areas or result in increased usage by recreational vehicles.
- B6-34 Impacts to visual resources are discussed in Sections D.3.6 and D.3.7 of the EIR/EIS. Key Viewpoint 12 was established on southbound Cottonwood Springs Road, just south of the entrance to Joshua Tree National Park (see Figure D.3-13A). Viewing to the south-southeast across Shavers Valley to the Orocopia Mountains and the existing DPV1 line (and the proposed route), this location was selected to characterize the existing landscape visible to visitors leaving Joshua Tree National Park. The results of the visual analysis are summarized in Appendix VR-1. A discussion of the existing visual setting for each KVP is presented in Section D.3.2.5. Impact V-18 [Increased structure contrast and view blockage when viewing the Orocopia Mountains from Key Viewpoint 12 on Cottonwood Springs Road when exiting Joshua Tree National Park (VRM)] was considered to be a Class III, less than significant impact. Figure D.3-13B presents a visual simulation of the DPV2 transmission line adjacent and slightly to the north of the existing DPV1 transmission line. From this viewpoint, the closest pair of structures would be approximately two miles distant. At this viewing distance, the structures would be barely discernible and would not attract the attention of viewers leaving Joshua Tree National Park. Regardless, Mitigation Measure V-3a (Reduce visual contrast of towers and conductors) has been proposed to further reduce potential visual impacts in the Joshua Tree National Park area.
- B6-35 The Potrero ACEC is described in the biological resources Environmental Setting, Special Habitat Management Areas Overview, Special Status Wildlife Species, and under Impact B-7: (Construction activities would result in indirect or direct loss of listed wildlife or habitat, Class II) and Impact B-9 (Construction activities would result in indirect or direct loss of individuals, or a direct loss of habitat for sensitive wildlife, Class II) for the Devers-Valley No. 2 Alternative in Section D.2.8.1 of the Draft EIR/EIS. Likewise, the Badlands are described in the biological resources Environmental Setting, Special Habitat Management Areas Overview, and under Impact B-7: (Construction activities would result in indirect or direct loss of listed wildlife or habitat, Class II) for the Devers-Valley No. 2 Alternative in Section D.2.8.1 of the Draft EIR/EIS. The Western Riverside MSHCP is described in Section D.2.8.1 and the Stephen’s Kangaroo Rat is addressed in APM B-39, which states that Stephens’ kangaroo rat habitat would be avoided, where possible. Even with the implementation of these APMs, the impacts to these species would be considered significant (Class II) and implementation of Mitigation Measures B-1a (Prepare and implement a Habitat Restoration/Compensation Plan) and B-7f (Conduct focused surveys for Stephens’ kangaroo rat and San Bernardino kangaroo rat) would reduce impacts to a less than significant level.

Regarding air quality, Section D.11.6.1 describes the Devers-Valley No. 2 Alternative Environmental Setting and states that this alternative route is located within the SCAB and SSAB (SCAQMD jurisdiction). As shown in Table D.11-3 of the Draft EIR/EIS, the area (including the Badlands and Potrero ACEC) is in nonattainment of the all NAAQS, except NO₂ and SO₂, and is in nonattainment of the PM₁₀, PM_{2.5} and ozone CAAQS. As a result, Impact AQ-1 (Construction would generate dust and exhaust emissions) is considered to be a Class I, significant impact that cannot be mitigated.

Regarding impacts to water resources, Table D.12-15 in the Draft EIR/EIS lists all surface water crossings along the Devers-Valley No. 2 Alternative, including Potrero Creek. Section D.12.9.1 describes the setting and impacts for the entire Devers-Valley No. 2 Alternative route. Mitigation presented Section D.12 would reduce impacts to less than significant levels.

B6-36 Figures D.2-1, D.2-2, and D.2-3 identify vegetation communities and critical habitat that occurs in the Proposed Project area. Section D.2.1.1.1 (Vegetation Overview) identifies and describes that plant communities in the project area. In addition, plant communities are also described for each of the project segments. Critical habitat is described and mitigation proposed where project impacts would result in loss or degradation of habitat (See Section D.2.6.1.6 (Threatened or Endangered Species, pages D.2-127 to D.2-132).

B6-37 Please refer to General Response GR-3 for a discussion of project need. Section D.13 (Geology, Mineral Resources, and Soils), Section D.12 (Hydrology and Water Resources), Section D.11 (Air Quality), and Section D.3 (Visual Resources) identify impacts to soils, water quality, air quality, and visual resources. APM B-11 states that the Authorized Officer may require vegetation in certain areas to be cleared by hand tools. Scalping of top soil and removal of low growing vegetation will not be allowed unless authorized by the Authorized Officer (BLM B-5.6 Vegetation). Section D.2.6.1.1 (Vegetation) discusses the delicate nature and slow recovery of desert soils and mitigation measures presented in Section D.2, such as Mitigation Measure B-1a (Prepare and implement a Habitat Restoration/Compensation Plan), would ensure that impacts would be less than significant. Mitigation Measure B-1a would monitor the restoration for five years after mitigation site construction, or until established success criteria are met, to assess progress and identify potential problems with the restoration site. Remedial activities (e.g., additional planting, weeding, or erosion control) would be taken during the monitoring period if necessary to ensure the success of the restoration effort. In addition, if the mitigation fails to meet the established performance criteria after the five-year maintenance and monitoring period, monitoring shall extend beyond the five-year period until the criteria are met. These long-term monitoring requirements would allow time to ensure that successful revegetation and soil restoration would occur.

Because DPV2 would be constructed adjacent to an existing 500 kV corridor (DPV1), existing access roads would be utilized to the maximum extent feasible. Please refer to Response C12-2 regarding the potential for illegal ORV use.

B6-38 Please refer to Responses A6-3 and A6-4 regarding water quality and spill prevention.

B6-39 The significance criteria and approach to impact assessment for air quality are discussed in Section D.11.3. Impacts to air quality in southern California are discussed in Section D.11.4.3 (Mojave Desert Air Quality Management District) and Section D.11.4.4 (South Coast Air Quality Management District). In fact, Impact AQ-1 (Construction would generate dust and exhaust

emissions) would be considered to be significant and unavoidable (Class I) impact in the SCAQMD because even with mitigation, emissions would remain above the SCAQMD daily significance threshold values.

B6-40 Growth inducing effects are addressed in Section G.2, including growth caused by direct and indirect employment and growth related to the provision of additional electric power. Section G.5 discusses the relationship between short-term uses and long-term productivity of the environment. In addition, Section F (Cumulative Scenario and Impacts) presents applicable cumulative projects and projections, which incorporates projects related to independent sprawl development in the project area, such as residential, commercial, transportation, recreation, and industrial projects. The cumulative impact analysis for the Proposed Project for each issue area is included in Section F.3 and the cumulative impact analysis of the alternatives is included in Section F.4 of the Draft EIR/EIS.

B6-41 Please refer to Response B6-40. The cumulative analysis within each issue area includes a specific geographic scope of analysis, individual significance criteria, and a cumulative analysis of projects (presented in Table F-1), plans and projections (listed in Table F-2), construction impacts, and operational impacts. Significant (Class I) cumulative visual resources impacts were found due to the combination of energy infrastructure projects in the I-10 corridor that would create substantially greater impacts than those that would occur with the Proposed Project or an alternative alone. Thus, the cumulative analysis was comprehensive and adequately analyzed the cumulative impacts likely to result from past, present, and future projects within the geographic scope of the project.

B6-42 The project's greenhouse gas emissions during construction will be negligible; however, as a fuel consumption estimate is available, the following greenhouse gas estimate has been determined for construction:

Equivalent CO₂ Emissions – 0.0176 million metric tons CO₂^e

The greenhouse gas emissions were determined using the [ClimateRegistry.org](http://www.climateregistry.org) General Reporting Protocol for the amounts of diesel, gasoline and Jet A fuels estimated to be directly consumed by the onroad and offroad project equipment as well as the personal vehicles of the construction workers during construction. These greenhouse emissions, emitted over a two-year period, would constitute approximately 1/30000th of the equivalent CO₂ emissions estimated to be generated within California alone in 2002 (493 million metric tons³).

To offset the construction emissions, the Cal-ISO estimates that the project will result in an overall increase in generating efficiency that will reduce greenhouse gas emissions during the operation of the project. The reduction in natural gas use was estimated by Cal-ISO to be 6 million Btu/yr. Using the [ClimateRegistry.org](http://www.climateregistry.org) Power/Utility Reporting Protocol default emission factors for natural gas electricity generation, this would equate to an approximate reduction of 0.32 million metric tons of CO₂^e per year. Therefore, the annual greenhouse gas reduction from project operation is estimated to be 18 times more than the total greenhouse gas increase from the project's construction.

³ 493 Million Metric Ton CO₂^e value is from the CEC's Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2002 Update.

- In general, having a more robust transmission system, which would result from the construction of the project, will allow better interconnection with all power generating sources including renewables and newer lower greenhouse gas emitting generating technologies that are likely to be built in the future.
- B6-43 Please refer to Response B1-6 regarding energy efficiency and non-development alternatives, and Response B6-42 regarding the potential for the project to reduce greenhouse gas emissions.
- B6-44 The commenter’s opposition to the Proposed Project is noted. Alternatives are discussed in Responses B6-1 and B6-5.