



April 8, 2011

Ms. Billie Blanchard, Project Manager
Energy Division, CEQA Unit
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104
E-mail: dpv2@aspeneg.com

Re: SCE's Comments on the Draft Supplemental Environmental Impact Report (SEIR) for the Devers-Palo Verde No. 2 Transmission Line Project – Colorado River Substation Expansion

Thank you for the opportunity to comment on the above-referenced Draft SEIR. On behalf of Southern California Edison (SCE), the proponent of the Colorado River Substation (CRS) expansion project that is the subject of the Draft SEIR, this comment letter and the enclosed exhibits address issues that apply to the entire Draft SEIR, with a particular focus on the analysis of alternative site locations discussed for the expanded CRS. In particular, this letter provides additional evidence as to why development of the proposed CRS at the Avoidance Alternative #1 (AA1) location, designated as the "environmentally superior alternative" in the Draft SEIR, would be subject to delays that render it unable to accomplish the critical project objective of timely interconnection with certain solar energy generation facilities and infeasible.

The Draft SEIR acknowledges the concerns associated with these timing issues. (*See, e.g.*, Draft SEIR, p. ES-29.) Hence, even though AA1 is identified as the environmentally superior alternative overall, the Draft SEIR acknowledges that the location designated as the "Southern Alternative" would also be environmentally superior should AA1 create significant delays:

"Overall, Avoidance Alternative #1 is the environmentally superior alternative... While it is found to be potentially feasible and to meet most project objectives, a portion of the substation is on private property. Therefore, decision makers will evaluate the potential for project delay based on the potential requirement for negotiations with private landowners and possible condemnation proceedings, which could affect SCE's operational timeline objective. Also, approval would be required by the Palo Verde Land and Water Company due to reservation rights on the property.

"Otherwise, the Southern Alternative would also be environmentally superior should Avoidance Alternative #1 create significant delays that would affect its ability to meet project objectives and be feasible."

(Draft SEIR, at p. F-5, underlining in original.)

As discussed below, based on the information known to SCE to date: 1) AA1 would almost certainly fail to achieve the key timing objectives for the proposed CRS expansion project, which in turn could jeopardize the renewable energy projects CRS is intended to serve; 2) the Southern Alternative is feasible from both technical and timing perspectives and is less environmentally impactful than the

other alternatives, with the possible exception of AA1; and 3) the Draft SEIR acknowledges that all of the ancillary components for development at any of the alternative sites (such as re-routed transmission lines, gen-tie lines and distribution lines and an expanded access road) have been incorporated into the environmental analysis. Additional detailed comments on the specific content in the Draft SEIR's resource sections are provided in the table enclosed as Exhibit 1.

I. Overview Of SCE's Comments On The Draft SEIR

Because of its location and configuration, the Southern Alternative is the only alternative to the proposed CRS site that would be feasible, reduce environmental impacts and achieve the project objectives. In contrast, AA1 and Avoidance Alternative #2 (AA2), while potentially feasible from an engineering perspective, would nevertheless be infeasible for a different reason: they likely would not achieve the project objective of timely interconnection to generation tie (gen-tie) lines from the Blythe Solar Power Project (BSPP) and Genesis Solar Energy Project (GSEP) – the very purpose for the proposed expansion of CRS – by the date set forth in the Large Generator Interconnection Agreements (LGIAs) between SCE and the developers of BSPP and GSEP.¹ These sites are located at least partially on private land, meaning potentially lengthy negotiations and condemnation court proceedings may be necessary in order for SCE to gain access for due diligence analyses and CRS construction. Other alternative sites described in the Draft SEIR [listed as Partial Avoidance Alternative (PAA), and Avoidance Alternative #3 (AA3)] should also be rejected, because gen-tie lines connecting to these sites would also have to cross privately-owned land, thus raising similar property access concerns.² Compounding the potential delays associated with private property, each of PAA, AA1, AA2 and AA3 also pose substantial engineering challenges associated with transmission line routing and substation design. Such challenges could necessitate lengthy additional engineering efforts that would only further delay CRS. For these reasons, development of CRS at these alternative locations would fail to meet the project objectives and would be infeasible, particularly from a timing perspective.

In contrast, because it is located on land administered by the Bureau of Land Management (BLM), the Southern Alternative location provides the most accessible and ready location for which all of the various components related to CRS could be designed. Indeed, for the Southern Alternative, SCE has been able to utilize much of the preliminary engineering efforts already completed for the current proposed site, whereas similar preliminary engineering tasks would have to be completely redone at AA1 in the future.

As shown in SCE's preliminary engineering concepts for the Southern Alternative (*see* Exhibit 2), the Southern Alternative site would accommodate CRS and all of its ancillary components, each of which would fall within the area already analyzed in the Draft SEIR. In fact, the Draft SEIR acknowledges that all of the ancillary components for development at any of the alternative sites have been incorporated into the environmental analysis. Given that all of the mitigation measures in the Draft SEIR would similarly apply to these components, the analysis correctly concludes that no additional significant impacts other than those described in the Draft SEIR would result at any of the alternative sites.

II. Legal Standards Governing A Lead Agency's Analysis Of Alternatives

¹ The BSPP LGIA has already been executed, and the GSEP LGIA is expected to be executed in the near future.

² The Draft SEIR also concludes that PAA and AA3 would cause more environmental impacts than the Southern Alternative.

As noted in the Draft SEIR, the California Environmental Quality Act (Pub. Resources Code § 21000 *et seq.*, CEQA) requires that an EIR 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...” (14 CCR § 15126.6(a); Draft SEIR, at p. A-3.)

CEQA and its implementing Guidelines (14 CCR § 15000 *et seq.*) do not establish a stringent limitation on the factors which a lead agency may consider when determining whether an alternative is feasible. CEQA provides that such a decision may rest on “economic, legal, social, technological, or other considerations.” (Pub. Resources Code § 21081(a)(3).) Similarly, the CEQA Guidelines define “feasible” as: “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (Pub. Resources Code § Pub. Resources Code, § 21061.1; 14 CCR § 15364.) In this context, where the time for developing a project is addressed within a contractual agreement implicating broader issues such as the availability of funding for a development, a substantial delay could, by itself, render an alternative incapable of being “successfully accomplished within a reasonable period of time,” and hence infeasible. In the context of alternative locations for a project, the CEQA Guidelines recognize that another factor in the determination of feasibility is whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (14 CCR § 15126.6(f)(1).)

III. Time Delays Associated With Property Access And Acquisition And Site Engineering Work Would Render Development At PAA, AA1, AA2 And AA3 Incapable Of Achieving The Fundamental Project Objectives and Infeasible.

As confirmed in the LGIAs, the timing of CRS is fundamentally critical to the implementation of BSPP and GSEP. For that reason, the Draft SEIR recognizes that the timing of CRS completion is a vital objective underlying the project itself. The Draft SEIR identifies the following three project objectives, including Objective 3 which highlights this timing issue:

- Objective 1: Provide transmission access to potential future renewable resources in the Blythe area;
- Objective 2: Help enable California to meet its renewable energy goals; and
- Objective 3: Complete substation construction in a timely fashion to interconnect with generation tie lines from the two approved solar projects (BSPP and GSEP) by LGIA target dates.

(Draft SEIR, at p. A-4.)

The LGIAs designate November 1, 2013 as the In-Service date for operation of CRS referenced in Objective 3.³ Yet as SCE explained in its January 14, 2011 response to a data request from the California Public Utilities Commission (CPUC) Energy Division, development of CRS would likely be delayed by many months beyond the LGIA In-Service date if any of the privately-owned sites (including AA1) were selected as the project location. This is primarily due to the fact that development at any of those sites would require SCE to acquire privately-owned parcel(s), and in the case of an uncooperative seller, SCE

³ Although the LGIAs designate November 1, 2013 as the In-Service Date, the solar generator developers have expressed a need for an even earlier commencement of CRS operations in order to provide backfeed power to BSPP and GSEP. SCE understands that the generators need this backfeed power approximately six (6) months prior to the LGIA In-Service Date. Because that power will come to BSPP and GSEP from CRS, CRS will need to be in service by that time in order to meet that need.

would be forced to resort to a judicial eminent domain proceeding. In such a case, SCE anticipates that it might not obtain judicial approval to commence construction preparation activities at such a site until August 2012 at the earliest (a delay of approximately 10 months compared to the current proposed location and the publicly-owned Southern Alternative site). As a result, SCE anticipates that CRS would not be operational at any site that is currently privately-owned until at least May 2014, well beyond the LGIA In-Service date.

Considering this schedule, locating the expanded CRS at any site other than the Southern Alternative would not achieve Objective 3, and would render the project infeasible because it would be incapable of successful completion within a reasonable time – the time identified in the LGIAs. (Pub. Resources Code § 21061.1; 14 CCR §§ 15126.6(f)(1), 15364.) Moreover, at any of these sites, given their different locations and orientations, a substantial amount of engineering would have to be redone before construction work could begin. Some engineering work relies on geotechnical testing and analysis, which require access to the site. Yet SCE anticipates a delay of several months at minimum before it could obtain access to privately-owned sites. Therefore, by the time SCE could even undertake that engineering, the delays associated with these alternative sites would likely render SCE incapable of completing CRS by the LGIA commencement date.

A. Property Title Issues At The Privately-Owned Sites, Including AA1, Would Cause Unreasonable Delays That Would Render Development Infeasible.

As SCE has previously commented, delays associated with simply acquiring title and/or rights-of-way on privately-owned parcels at AA1 and AA2 would likely prevent satisfaction of the CRS in-service date. In addition, at all sites (even the PAA and AA3 sites administered by BLM), SCE's transmission lines and/or gen-tie lines from BSPP and GSEP would likely have to be routed to those sites across private lands, thus triggering additional timing concerns.⁴

1. Despite SCE's Efforts to Contact The Owners Of Property At Sites AA1 and AA2, The Only Response Received To Date References Compensation Significantly Higher Than Previously Established Market Values.

Based on the depictions in the Draft SEIR, portions of the sites designated as AA1 and AA2 are located on three privately-owned parcels. (See Draft SEIR, at Figure Ap.-1.) SCE has reached out to the owners of these parcels to determine their willingness to sell their properties. However, as described in SCE's responses to the CPUC Energy Division's data requests for information regarding SCE's efforts, two of these owners have not responded. On the other hand, the owner of a majority of the AA1 site has responded to SCE's inquiries. That owner's attorney sent SCE a letter stating the owner was willing to sell the property, but that willingness was based on land values established by a recent transaction with

⁴ As the Draft SEIR acknowledges, the developers of BSPP and GSEP likely would have to re-route their gen-tie lines and seek re-approval from the California Energy Commission (CEC) to reach any alternative CRS location. (Draft SEIR, p. A-8.) While that CEC process itself raises timing concerns, an additional problem could arise if AA1, AA2 or AA3 were selected as the CRS site. Unlike potential gen-tie routes to the current site or even the Southern Alternative location that would cross only BLM land, a gen-tie line route to these sites likely would have to cross privately-held parcels, meaning the BSPP and GSEP developer(s) would have to acquire easements or fee title in order to traverse the same privately-held parcels discussed above. Yet unlike SCE, these developers do not enjoy eminent domain condemnation rights. As a result, the gen-tie routes would remain susceptible to the unresponsiveness and/or potentially unreasonable demands of those parcels' property owners, which could lead to protracted negotiations at best, or an inability to obtain access at worst.

Blythe Energy, values which are inordinately higher than land values otherwise established outside of that transaction.

As SCE is responsible for managing costs to its ratepayers, any negotiation for land acquired for the proposed substation must begin at appraised value with reasonable consideration given for an administrative settlement. This standard business practice, in accordance with state law, would likely establish a wide gap in opinions of value given the owner's recent letter. That gap would likely lead to delays associated with protracted negotiations or the need to use SCE's eminent domain authority to acquire the parcels. Yet even then, as SCE previously noted in footnote 11 of its January 14, 2011 data request response, if forced to proceed with an eminent domain action at a privately-owned site, SCE would still likely not be able to commence construction for another 12-16 months. (*See also*, Draft SEIR, pp. Ap. 1-12 – 1-13.) Such a delay would likely defeat achievement of Project Object 3 and render development there infeasible. (Pub. Resources Code § 21061.1; 14 CCR §§ 15126.6(f)(1), 15364.)

2. SCE Has Discovered A Deed Restriction That Could Require Several Additional Months Of Work To Investigate And Clear Through A Title Company.

Compounding the potential land acquisition delays discussed above, one parcel common to the AA1 and AA2 sites is currently owned by Blythe Energy but is encumbered to benefit a third-party. The Preliminary Title Report obtained by SCE for this parcel reflects a decades-old deed restriction reserving rights for miscellaneous utility purposes benefiting a water company that may not still be in existence. The reserved rights appear to be blanket in nature. Accordingly, to clear this title issue, SCE would either have to: a) obtain a quitclaim deed from the current owner of those reserved rights; or b) work with a title company to provide insurance against future claims from such party. In the latter case, the title company would have to assess the nature and extent of the reserved rights, the existence of the parties currently holding those rights, the potential risk of damages from contested title, the resulting land valuation and insurance costs to counteract potential risks. The insurance company would then have to make a determination as to whether it would agree to insure the property based on a policy taken out with that company.

Pursuing either option could take several months, and both options may have to be exhausted before a title company would insure against any such claims. At a minimum, resolution of the rights issue could further postpone SCE's ability to perform geotechnical evaluations, which could translate into additional delays to the substation engineering schedule, which in turn could further impede completion of CRS in a manner contemplated in the LGIAs.

B. Delays Associated With The Additional Work Required to Engineer CRS At PAA Or Any Avoidance Alternative Would Further Frustrate SCE's Achievement of the LGIA In-Service Date.

In addition to issues associated with access and property rights, development of CRS at PAA, AA1, AA2 or AA3 could be further delayed because SCE would have to perform a substantial amount of additional engineering and substation design work. In fact, even in the absence of property rights issues, SCE's engineers estimate that designing CRS at any of these sites would cause an additional delay of approximately four months compared to the schedule if CRS were to be developed at the Southern Alternative location.

The marked difference in timing results from the need to re-orient various substation components and re-design transmission line routes and associated towers leading into and out of the substation. For the Southern Alternative, SCE's engineers have determined that practically the exact

same substation layout already completed for the proposed CRS location could also be used at the Southern Alternative location, so long as the DPV1 and DPV2 transmission lines could enter and exit south of the site. (See section IV below and Exhibit 2.)⁵ In contrast, the other avoidance alternatives (including AA1) are depicted as parallel to the existing DPV1/DPV2 corridor, meaning that within the substation footprint itself, transmission line and bus positions would likely have to be re-sited in a manner different from the existing CRS design. In addition, the avoidance alternative sites are located immediately adjacent to the corridor housing the existing DPV1 lines and the Buck-Julian Hinds 220kV line owned and operated by Florida Light & Power (FPL). In order to comply with established electrical clearance requirements, additional engineering work would likely be needed to orient the multiple new transmission line connections into CRS in a manner which would not create interference among the existing and new lines. (See *generally*, CPUC General Order 95, § III, Table 2: Basic Minimum Allowable Clearance of Wires from Other Wires at Crossings, in Midspans and at Supports.) In particular, if the Buck-Julian Hinds 220kV line could not be lowered (or if FPL were to refuse to move it) in order to make room for the new 500 kV lines to be strung above the 220 kV line, SCE could be forced to install taller transmission line towers or poles to raise the 500 kV lines when crossing the 220 kV line into the substation. Depending on their ultimate height, such higher towers or poles could also trigger Federal Aviation Administration issues which could further delay implementation of CRS.

In addition, even though the Draft SEIR purports to provide flexibility to orient AA1 in different ways, any orientation would still frustrate the timely development of this alternative. For example, the Draft SEIR states that the AA1 site is large enough to house a substation that is perpendicular to the existing transmission corridor, and includes figures purportedly showing ways to engineer lines in and out in different configurations. (See Figures Ap. 1-3A, Ap. 1-3B.) However, while the design diagrams on Figure Ap. 1-3B show line routings into and out of a CRS that is perpendicular to the transmission line, the same electrical line proximity concerns discussed above would still apply, necessitating substantial additional engineering work. Although the AA1 footprint could be moved farther away from the transmission corridor to create additional clearance for these lines, an additional problem may result -- it may intrude back into the higher quality sand transport corridor area, thus defeating AA1's purpose of avoiding the prime sand transport corridor.

In sum, regardless of the ultimate orientation or specific substation footprint, the time required to design the transmission lines into and out of the avoidance alternatives, including AA1, would add several months of delays to the CRS implementation schedule. Such delays would compound the already problematic delays that would arise if the relevant private owners are uncooperative, which appears likely at this point in time. For all of these reasons, each of the privately-owned sites should be deemed infeasible.

IV. SCE Already Has Completed Substantial Preliminary Design Work for the Southern Alternative Commensurate With The Description And Location Identified In The Draft SEIR.

In contrast, development of CRS at the Southern Alternative is not likely to experience the delays described above because BLM controls the property at that location, appears willing to grant a right-of-way on the property to SCE at a reasonable price. In addition, SCE is working with the BLM to obtain temporary access to the Southern Alternative location for the purpose of exploratory work in

⁵ For this reason, SCE also notes that the Draft SEIR should be revised to delete the reference to the 180-degree "flip" of the substation components, because no such flip would be necessary. (See *also*, Exhibit 1, at comment 10.)

support of engineering, similar to what was performed at the current location. SCE expects to have access for this work within the next several weeks. In contrast, it is expected to take many months to obtain the necessary access to the private parcels to perform the same exploratory work. In fact, SCE already has made substantial progress in engineering the Southern Alternative in accordance with the Draft SEIR's depictions.⁶ For example, consistent with the Draft SEIR's statement that the substation should be shifted approximately 4,000 feet south of the proposed CRS site and approximately 1,300 feet from the existing DPV1 line, SCE has sited the Southern Alternative's northern footprint approximately 4,150 feet south of the proposed CRS site's northern boundary and approximately 1,270 feet south of DPV1. (See Draft SEIR, at p. Ap. 1-26; Exhibit 2.) As shown on Exhibit 2, the CRS facility fits well at that location.

Similarly, the Draft SEIR acknowledges that the DPV1/DPV2 transmission lines and BSPP/GSEP gen-tie lines would cross through BLM land within the sand transport corridor between the Southern Alternative site and the existing DPV1/DPV2 transmission corridor. (Draft SEIR, at p. C-11.) In order to provide the easiest means of gen-tie access from north (BSPP and GESP will be developed northeast and northwest, respectively, of the proposed CRS site), SCE already has designed the DPV1 and DPV2 transmission lines to enter into the substation from the south instead of the north. (See Exhibit 2.) This orientation was easiest to accomplish because it replicates the transmission line entry and internal substation layout that were previously designed for the proposed CRS site. As discussed further below, although this routing may result in slightly longer transmission lines with a few additional towers, the additional ground disturbance would be minor. In fact, to minimize ground disturbance impacts associated with tower foundations, SCE has designed the line route to be as perpendicular to the sand transport corridor as reasonably feasible. (See Exhibit 2.) This routing also alleviates electrical line interference issues by leaving a broad avenue for the gen-tie lines to directly connect into the Southern Alternative straight in from the north.

In addition, as discussed in the Draft SEIR, additional work to widen and extend the access road leading from Wiley Well Road to any CRS site would be required. (Draft SEIR, pp. D-51 – D-54.) To reduce the northwest-southeast distance of this additional access road (and thereby reduce impacts to the modeled sand corridor) as much as possible, SCE is already evaluating a number of different access road routes leading to the Southern Alternative, including routes parallel to the DPV1 and CRS-Devers transmission line routes depicted in Exhibit 2.

Similarly, SCE already has begun designing the routes for the electric distribution lines for substation light and power and SCE system telecommunication lines into and out of the Southern Alternative location. Because the Southern Alternative would be south of the proposed CRS site, the distribution lines for this alternative likely will be routed in generally the same north-south route already anticipated for the proposed CRS site, with a simple extension farther south.⁷

Unlike SCE's inability to commence engineering at the AA1 site, SCE already has been able to commence engineering work at the Southern Alternative. Based on that work, it is already apparent

⁶ SCE has been unable to make such engineering progress at the AA1 site because SCE does not have access to the AA1 property and therefore has not been able to perform even initial geotechnical feasibility and site diligence analyses.

⁷ As described in the Draft SEIR, one telecommunication line route will utilize the same poles as this distribution line running north of the substation, while the other route will be strung using the DPV1 transmission towers to the east of the substation. (See Draft SEIR, at p. B-5; see *also*, Exhibit 2.)

that the Southern Alternative would provide a workable alternative location for CRS, and that the Draft SEIR's assumptions regarding that location have proven correct.

V. Development Of Any Alternative Site Would Be Consistent With The Analyses In The Draft SEIR.

SCE's engineering work to date also demonstrates that the environmental analyses in the Draft SEIR are correct and comprehensive. SCE commends the CPUC for publishing a Draft SEIR that correctly identifies and analyzes the potential environmental impacts associated with every CRS component at each of the alternative locations. Consistent with the Certificate of Public Convenience and Necessity previously issued for DPV2, such components include, at minimum, re-routed DPV1 and DPV2 transmission lines, a wider substation access road and distribution/telecommunication infrastructure.⁸

Although the site-specific particulars of these components may vary due to their exact design, the Draft SEIR correctly recognizes that the number of impact categories with significant impacts at all of the various sites would be the same (except for impacts to the sand transport corridor which would be significant only at the proposed location and PAA). Among other things, the mitigation measures identified in the Draft SEIR and DPV2 Final EIR/EIS would be implemented at any of the analyzed locations, thus ensuring that any minor differences do not result in new significant impacts. Examples of the Draft SEIR's analyses already covering these features include:

- For biological resources, potential impacts stemming from these components would be mitigated at any site to less than significant levels through implementation of mitigation measures identified in the original DPV2 Final EIR/EIS, either as previously drafted or as revised in the Draft SEIR. (See Mitigation Measures B-1a, B-7b, B-7c, B-8a, B-9d, B-9g and B-15.) In addition, entirely new measures have been established in the Draft SEIR to mitigate newly identified impacts to biological resources associated with any version of the expanded CRS. (See Mitigation Measures B-8b and B-9j.) Although additional towers may be needed to extend the transmission lines and distribution/telecommunication lines into any of the alternative sites compared to the proposed CRS location (and access road widening may be slightly longer at one alternative than another), these minor modifications would only add minimal changes to the ground disturbance described in the Draft SEIR. Accordingly, the Draft SEIR correctly anticipates that all mitigation measures would still be applicable to these components and would render their impacts less than significant. This is particularly true for the Southern Alternative and AA1, both of which fall within the one-mile biological resources survey buffer around the proposed CRS site.⁹

⁸ The DPV2 Final EIR/EIS was certified by the CPUC on January 25, 2007 and the CPUC granted the CPCN via D.07-01-040. Following the CPUC's approval of DPV2 on June 6, 2007, the Arizona Corporation Commission denied SCE's request to construct the Arizona portion of the Project. Subsequently, on November 20, 2009, via D.09-11-007, the CPUC granted modification of D.07-01-040 and authorized construction of the California-only portion of the project, including the Midpoint-Desert Southwest Substation (which was renamed the Colorado River Substation).

⁹ Although the Draft SEIR concludes that impacts to biological resources at the Southern Alternative would be less than significant, recent information discloses that the Draft SEIR likely still overstates such impacts. The Draft SEIR notes that one of the reasons the Southern Alternative was less preferred than AA1 from an environmental perspective is that, "Numerous jurisdictional washes transect the alternative site." However, during the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the

- For cultural resources, the Draft SEIR specifically notes that each of the alternative locations and their surrounding areas already were evaluated for cultural resources: “The overall area surveyed for alternatives includes the site as well as the area of potential access road expansion and gen-tie/transmission line interconnection. Because the specific locations of these features have not yet been defined for alternatives, survey results include resources within a buffer around the substation site.” (Draft SEIR, at p. D-91, fn. 9.) Accordingly, cultural resources impacts stemming from the ancillary improvements would also be mitigated through implementation of the measures identified in the DPV2 Final EIR/EIS. (See, e.g., Mitigation Measures C-1a through 1f, C-2a, C-3a, and C-5a (which has been revised in the SEIR).)
- For Hydrology and Water Quality, the Draft SEIR notes that impacts from temporary earth-disturbing activities, new permanent infrastructure, and water supply requirements would be the same across all alternatives and the proposed CRS location, and that the APMs and MMs identified in the DPV2 Final EIR/EIS would apply, as applicable. (Draft SEIR, p. D-128 – D-129.)
- As stated in the Draft SEIR, most cumulative impacts would be the same for the proposed CRS location and the alternatives due to proximity and similarities in their respective settings, as well as the fact that the duration and type of construction activities would be similar at each location. (See Draft SEIR, at p. E-3.)

In sum, while the selection of any alternative location would necessarily lead to final designs of ancillary substation components, the Draft SEIR accurately anticipates such ancillary components. Similarly, the analyses already performed (and mitigation measures already imposed in either the DPV2 Final EIR/EIS or the Draft SEIR) would likewise apply to these additional components, ensuring that all impacts associated with any of the alternatives have been adequately analyzed and mitigated.

VI. Conclusion

The development of CRS in a manner that would achieve timely interconnection with BSPP and GSEP is an important venture that would provide a number of benefits, not just to SCE, but to the entire State of California and beyond. By providing the solar energy developers a means of interconnecting to the existing grid, CRS will provide transmission access to potential future renewable resources in the Blythe area. Such benefits are reflected in Project Objective 1. (Draft SEIR, at p. A-4.) Similarly, CRS would assist the State in meeting broader renewable energy goals, while at the same time progressing towards SCE’s own renewable energy obligations. These benefits are captured by the Draft SEIR as Project Objective No. 2. (*Id.*)

Yet as described above, a significant delay resulting from protracted negotiations with private landowners, condemnation proceedings and/or postponed engineering would likely prevent SCE from achieving the paramount operational timeline for CRS established in the LGIAs and incorporated as Project Objective No. 3. In particular, the AA1 site, which is identified in the Draft SEIR as the

Southern Alternative and AA1 sites, plus an additional 200-foot buffer around each site. The results of the determination revealed no jurisdictional waters of the United States or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, California State Water Resources Control Board and the California Department of Fish and Game) within these locations and their respective buffers. (See Exhibit 1, at comments 11-18.) Although this determination should be corrected in the Final SEIR, it does not raise any issue requiring recirculation of the Draft SEIR, such as identification of a new mitigation measure or an undisclosed significant impact. (See, e.g., 14 CCR §15088.5.)

“environmentally superior alternative,” is likely to be hindered by delays beyond the LGIA in-service date, thus frustrating achievement of Project Objective 3. In turn, the failure to achieve Project Objective No. 3 would likely also jeopardize achievement of Project Objectives 1 and 2.

On the other hand, based on SCE’s information to date, the Southern Alternative is the least environmentally impactful alternative that could feasibly be developed in time to meet the LGIA in-service date reflected in Project Objective 3. Indeed, SCE has already accomplished a substantial amount of engineering at the Southern Alternative site. The details already available from that engineering confirm that the Southern Alternative is the next environmentally superior alternative. Accordingly, the CPUC should proceed to consider the Southern Alternative for development of CRS. In all other respects, SCE believes that the Draft SEIR provides a thorough analysis of each of the analyzed alternatives.

SCE appreciates the CPUC’s work in analyzing the proposed expansion of CRS and alternative locations for the project, and the opportunity to provide these comments on the Draft SEIR. We look forward to the CPUC’s preparation of a Final SEIR and consideration of approval of the CRS expansion project.

Sincerely,

/s/Jackson P. Horne

Jackson P. Horne

cc: Susan Lee, Aspen Environmental Group

Enclosures:

Exhibit 1: SCE Comments & Suggested Revisions

Exhibit 2: CRS; Southern Alternative and Right-of-Way Loop-In Towers

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
6.	E.3.3.	E-9	“ Groundwater Supply and Recharge. The revised water usage for the expanded CRS estimates that 309.3 to 364.6 million af would be used over approximately 22 to 24 months from groundwater wells.”	(See Table D.4-3, at p. D-108.)
7.	E.3.4.	E-10	“As discussed under Section <u>D.4 (Hydrology and Water Resources)</u> ... E.3.4 (Hydrology and Water Quality) ... However, Section <u>D.4. E.3.4.</u> concludes...”	Assuming the text is referring to the Hydrology and Water Resources analysis, that section is D.4. in the SEIR.
8.	D.3	D-55	Previous surveys of the project area are referenced, but there is no reference to the surveys done by Applied Earthworks (AE). The Final EIS <u>needs</u> to state that additional surveys were done and provide the reference of the technical report.	Requirement per CEQA/Section 106.
9.	D.3	Various	In the reporting of the survey results of each alternative surveyed, the number of sites within the substation footprint and general area are reported. Please add the specific site numbers of each of these sites found.	Consistency with original EIR/EIS
10.	Appendix 1, Section 4.6.1.	Ap.1-27	Because the substation would be south of the DPV2 corridor, the orientation of the components within the substation site would flip approximately 180 degrees in order to minimize transmission line crossovers of the gen – tie and 500 kV lines. The 220 kV switchrack would be north of the 500 kV switchrack within the substation, as is shown on Figures Ap.1 - 83 A and Ap.1 - 83 B.	SCE has performed preliminary engineering on the Southern Alternative and has determined that for a number of reasons, including facilitating gen-tie line access routing into the substation, the substation layout should not be “flipped” 180 degrees. Rather, the substation in its proposed layout should simply slide to the Southern Alternative location. However, please note that contrary to the language currently in the SEIR, leaving the substation in that configuration would keep the 220 kV switchrack north of the 500 kV switchrack within the substation. Also, the figures are mis-named in the text. The graphics depicting line routes into and out of the Southern Alternative are Figures Ap. 1-8A and Ap. 1-8B, not Ap.1 - 3A and Ap.1 - 3B.

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
11.	Appendix 1, Section 4.6.1	Ap.1-27	This Southern Alternative site is covered with Sonoran creosote bush scrub with relatively compacted, gravelly soils. Numerous jurisdictional washes transect the alternative site, with the majority oriented roughly north to south. An active kit fox complex and other mammalian burrows were also observed on site.	During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.
12.	Appendix 1, Section 4.6.1	Ap.1-29	There would be new impacts to State -- jurisdictional washes because many washes transect the alternative site. With incorporation of mitigation required in the DPV2 Final EIR/EIS, impacts would be less than significant.	During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
13.	D.2.10	D-51	The Southern Alternative site comprises Sonoran creosote bush scrub habitat with relatively compacted, gravelly soils. Numerous jurisdictional washes transect the alternative site. An active kit fox complex and other mammalian burrows are also present on the site.	During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.
14.	D.2.10	D-53	<p>Impact B – 10: Construction activities would result in adverse effects to jurisdictional waters and wetlands (Class II)</p> <p>Several small highly divided sandy channels drain to the west across the site and approximately three have the potential to be jurisdictional. Therefore, the Southern Alternative would create impacts to State jurisdictional desert washes that would not occur with construction and operation of the Proposed Project.</p> <p>Desert washes provide important habitat for wildlife and plants. Direct impacts include fill of the wash and loss of downstream functions and value. These impacts to jurisdictional washes were analyzed in the DPV2 EIR/EIS and the impacts of the Southern Alternative would not be substantially more severe in comparison. Therefore, mitigation for jurisdictional washes included in the DPV2 EIR/EIS would also mitigate any impacts to jurisdictional washes from construction and operation of the Southern Alternative; impacts would be less than significant (Class II) with the implementation of Mitigation Measures B – 1a (Prepare and implement Habitat Restoration/Compensation Plan) from the DPV2 EIR/EIS.</p>	During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.

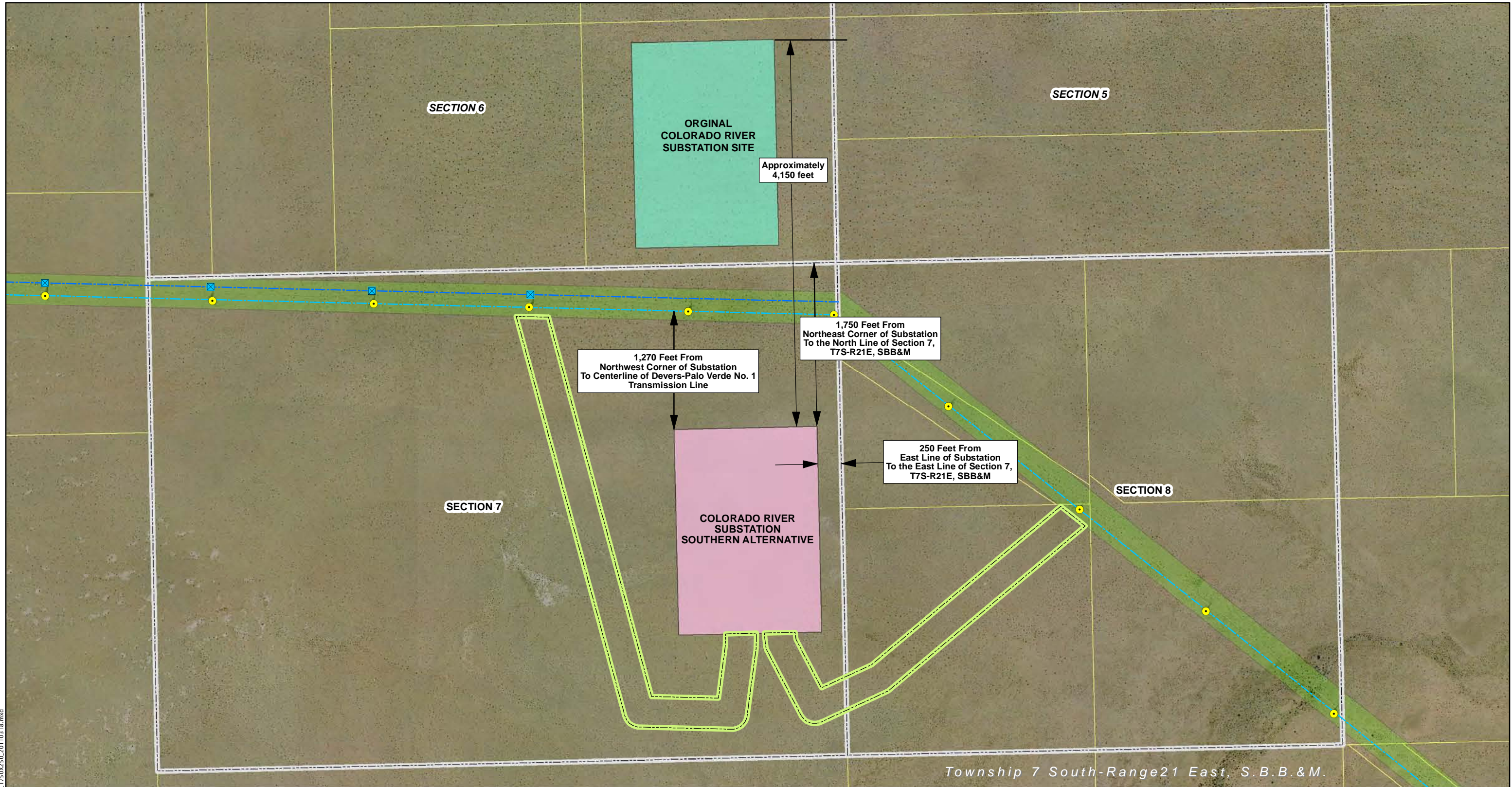
No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
15.	ES.5.1.2	ES-20	Avoidance Alternative #3 and the Southern Alternative would affect a State-jurisdictional desert wash, which would not occur with construction and operation of the Proposed Project; however, this impact would be less than significant with implementation of approved mitigation measures from the Final EIR/EIS.	During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.
16.	ES.6	ES-29	There would be new impacts to State-jurisdictional washes because several small highly divided sandy channels drain to the west across the site and approximately three have the potential to be jurisdictional. Therefore, the Southern Alternative would create new impacts to State-jurisdictional desert washes, which provide important habitat for wildlife and plants. In addition, an active desert kit fox den and other mammalian burrows occur onsite. With incorporation of mitigation required in the DPV2 Final EIR/EIS, these impacts would be less than significant.	During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
17.	F.4	F-5	<p>There would be new impacts to State jurisdictional washes because several small highly divided sandy channels drain to the west across the site and approximately three have the potential to be jurisdictional. Therefore, the Southern Alternative would create new impacts to State jurisdictional desert washes, which provide important habitat for wildlife and plants. In addition, an active desert kit fox den and other mammalian burrows occur onsite. With incorporation of mitigation required in the DPV2 Final EIR/EIS, these impacts would be less than significant.</p>	<p>During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed no jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.</p>
18.	F.4	F-7, far right hand column under “Southern Alternative” heading	<ul style="list-style-type: none"> • Numerous desert washes onsite • Impacts less than significant with mitigation • <u>No State jurisdictional desert washes onsite</u> 	<p>During the week of March 21, 2011, SCE biologists conducted a formal jurisdictional determination of aquatic resources at the Southern Alternative and AA1 locations, plus a 200-foot buffer. The results of the jurisdictional determination revealed <u>no</u> jurisdictional waters of the U.S. or waters of the State (as defined and regulated by the U.S. Army Corps of Engineers, State Water Resources Control Board and the California Department of Fish and Game) within these locations and their survey buffers.</p>
19.		D-37-D38	<p>B-1a Prepare and implement a Habitat Restoration/Compensation Plan... Hydroseeding, drill seeding, or an otherwise proved restoration technique shall be utilized on all disturbed surfaces using a locally endemic native seed mix approved by the CPUC/ CDFG /AGFD/FWS and BLM....</p>	<p>Reference to Arizona Game and Fish Department (AGFD) should be removed as approval from Arizona is not necessary.</p>
20.		D-39	<p>B-7c Purchase mitigation lands for impacts to tortoise habitat. Following construction, SCE shall acquire lands to compensate for the loss of tortoise habitat within the Category II and III management areas in Arizona and California. The amount of land to be acquired will depend on the acreage of disturbance within these management areas. Acquired lands will be in a nearby area of good tortoise density and within tortoise habitat. BLM and SCE shall conduct a field inspection of the disturbed areas after completion of construction of the transmission</p>	<p>Request removal of Arizona and addition of NFWF or other third party mitigation options.</p>

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
			<p>line to determine the exact acreage required for compensation. The lands purchased will be transferred to the United States and be administered by the BLM. Land may be transferred to the BLM and/or incorporated into an existing management area.</p> <p>The addition of the following mitigation options are requested for desert tortoise, consistent with that of the Mojave fringe-toed lizard:</p> <p><u>SCE may elect to fund the acquisition and initial improvement of compensation lands through the National Fish and Wildlife Foundation (NFWF) by depositing funds for that purpose into NFWF's Renewable Agency Action Team (REAT) Account. Initial deposits for this purpose must be made in the same amounts as the Security (refer to Table D.2-1) and may be provided in lieu of Security. If this option is used for the acquisition and initial improvement and the actual land cost is higher than the estimated Security amount, SCE shall make an additional deposit into the REAT Account if necessary to cover the actual acquisition costs and administrative costs and fees of the compensation land purchase once land is identified and the actual costs are known. If the actual costs for acquisition and administrative costs and fees are less than that estimated by CDFG, the excess money deposited in the REAT Account shall be returned to SCE. Money deposited for the initial protection and improvement of the compensation lands shall not be returned to SCE. The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a nongovernmental organization supportive of desert habitat conservation, by written agreement of CPUC, BLM, and CDFG. Such delegation shall be subject to approval by CPUC, in consultation with BLM and CDFG, prior to land acquisition, initial protection or maintenance and management activities.</u></p>	
21.		C-13 & Ap.1-33	The Southern Original Midpoint Substation Alternative would meet two of three project objectives.	Minor corrections
22.		D-113	<p>Mitigation Measure H-7a requires a Groundwater Well Contingency Plan (to document parameters for when a second well would be installed) to ensure adequate flow rates to support construction.</p> <p>SCE is requesting that this measure be modified to allow the option of installing two groundwater wells prior to starting grading rather than installing a second well that is contingent upon the first well becoming inadequate to provide required flow.</p>	If the first well becomes unable to adequately provide sufficient quantities of water while grading is underway, stopping construction to install an additional well at that time could cause undue delays. It may be more efficient to install and commission two wells at the beginning.

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
23.		D-111 & D-113	<p>The SEIR (page D-107/8) states that existing water service providers have sufficient supply capacity to meet the needs of the approved DPV2, with no need for new or expanded water facilities. This is especially true since SCE plans to install a well at the CRS, which would reduce or eliminate the need to draw from the existing wells.</p> <p>Based on information provided in the SEIR, there are no documented wells near the site. The nearest documented well is approximately 4,800 feet northwest of the proposed project well location. As indicated in the SEIR (table D.4-5), drawdown of the nearest well to the project, based on an estimate of the construction needs and aquifer transmissivities, would be about 2.59 feet. Therefore, pumping of the proposed groundwater supply well would not result in a decline of more than 5 feet to the nearest documented well to the site. In addition, the SEIR threshold for significance (page D-101) states that a significant impact would occur if the project “Substantially depletes groundwater supplies or interferes substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.”</p> <p>Based the information in the SEIR and the fact that the SCE well(s) would have less of an effect on other nearby well compared to using those wells to supply water for construction, the SCE well would not result in a significant impact to groundwater wells, and therefore long term groundwater monitoring should not be required. SCE is requesting that mitigation measure H-7b be removed because there is no significant impact.</p> <p>In addition, regarding the production and groundwater information submittals in Mitigation Measure H-7b, groundwater information can be obtained from the SCE production well at the site. Pump testing of the supply well will be conducted to determine specific capacity which can be used to determine the rate the well can be pumped to maintain a level above the 234 foot Colorado River accounting surface. Well level monitoring during well production can be conducted to verify that the well level does not go below the Colorado River accounting surface.</p> <p>Water quality monitoring can be conducted by sampling the supply well for Total Dissolved Solids (TDS) on a periodic basis. During</p>	<p>Drawing water from an SCE well(s) at the CRS would replace water drawn from nearby wells, as discussed in the DPV2 Final EIR. This, in conjunction with the minimal effects on nearby wells (the closest of which is 4,800 feet) listed in Table D.4-5 demonstrates that no significant impacts to other water wells occur and long term monitoring is not warranted as described in Mitigation Measure H-7b.</p>

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
			<p>construction, the amount of water used from the well can be provided on a regular basis.</p> <p>Therefore, SCE is requesting that the information requirements of MM H-7b apply to the SCE well(s) only. Furthermore, once construction is completed, the well use will be minimal; therefore, the need for annual reporting is not necessary and is not warranted by any impact discussed in the SEIR.</p>	
24.		D-114	<p>Mitigation measure H-7c should be simplified in light of recommended changes to H-7a. If pump testing and monitoring of the SCE supply well(s) indicates that groundwater in the well will be below the Colorado River accounting surface of 234 feet above mean sea level (amsl), then the pumping rate of the well(s) should be reduced or arrangements shall be made to compensate the Colorado River Basin authorities.</p>	<p>It should be noted that operational water use would be minimal and once construction is completed, potential draws on groundwater below the Colorado River accounting surface would not occur. Therefore, Mitigation Measure H-7 should only apply to the construction period.</p>



I:\Colorado\switchyard\Site\Alternative_SiteStudy_1750X250_20110318.mxd

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

1 Inch = 1000 Feet

Source: Southern California Edison / California Resources Agency Legacy Project 2005/ USDA Forest Service / ESRI / Image Source: Eagle Aerial Images from 2007-2009 flights
Project features shown represent best available data as of March 25, 2011. Project features may change.
USGS 7.5min Quadrangle "Roosevelt Mine, Calif."

Colorado River Substation Project 2011

Southern California Edison (SCE) has no reason to believe that there are any inaccuracies or omissions with information incorporated in this work and make no representations of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied, with respect to the information or data, furnished herein. No part of this map may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording system, except as expressly permitted in writing by SCE.

LEGEND

- Colorado River Substation Southern Alternative
- Original Colorado River Substation Site
- Proposed Loop-In Corridor
- Section Lines
- Devers-Palo Verde No. 1 500kV Transmission Tower
- Existing DPV No 1 & 2 Right-of-Way
- Current Engineered Location for the Colorado River-Devers 500kv Transmission Tower

COLORADO RIVER SUBSTATION SOUTHERN ALTERNATIVE AND RIGHT OF WAY CORRIDOR FOR LOOP-IN TOWERS

EXHIBIT 2

Township 7 South-Range 21 East, S.B.B. & M.