

**Comment Set A0014
Elsinore Valley Municipal Water District**

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of San Diego
Gas and Electric Company (U 902 E) for a
Certificate of Public Convenience and
Necessity for the Sunrise Powerlink
Transmission Project

Application 06-08-010
(Filed August 4, 2006)

In the Matter of the Application of San Diego
Gas and Electric Company (U 902 E) for a
Certificate of Public Convenience and
Necessity for the Sunrise Powerlink
Transmission Project

Application 05-12-014
(Filed December 14, 2005)

**RESPONSE OF
THE ELSINORE VALLEY MUNICIPAL WATER DISTRICT
TO THE DRAFT ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED LAND USE PLAN
AMENDMENT FOR THE PROPOSED SUNRISE POWERLINK PROJECT**

Ronald E. Young, General Manager of
Elsinore Valley Municipal Water District
P.O. Box 3000
31315 Chaney Street
Lake Elsinore, CA 92531-3000
Phone: (951) 674-3146
Fax : (951) 674-9872
Email: ryoung@evmwd.net

Dated: April 2, 2008

RV PUB\746633.1

**Comment Set A0014, cont.
Elsinore Valley Municipal Water District**

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of San Diego Gas and Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project

Application 06-08-010
(Filed August 4, 2006)

In the Matter of the Application of San Diego Gas and Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project

Application 05-12-014
(Filed December 14, 2005)

**RESPONSE OF
THE ELSINORE VALLEY MUNICIPAL WATER DISTRICT
TO THE DRAFT ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED LAND USE PLAN
AMENDMENT FOR THE PROPOSED SUNRISE POWERLINK PROJECT**

The Elsinore Valley Municipal Water District (District) appreciates the opportunity to comment on the Draft Environmental Impact Report/ Environmental Impact Statement (Sunrise DEIR/DEIS) and Proposed Land Use Plan Amendment for the Proposed Sunrise Powerlink Project (Sunrise Project) issued on January 3, 2008.

I. SUMMARY COMMENTS

The Sunrise DEIR/DEIS analyzes and evaluates the Lake Elsinore Advanced Pumped Storage (LEAPS) Project and ancillary Talega-Escondido/Valley-Serrano 500-KV Interconnect (TE/VS) (collectively, the LEAPS Project) as an alternative to the Sunrise Project. As a proponent of the LEAPS Project and a future operator of the Project's water-related facilities, the District's primary concerns are that: (1) the Sunrise DEIR/DEIS improperly segments and piecemeals the LEAPS Project and appurtenant transmission lines into smaller portions in violation of the California Environmental Quality Act (CEQA); (2) the Sunrise DEIR/DEIS

A0014-1

**Comment Set A0014, cont.
Elsinore Valley Municipal Water District**

cannot serve to approve or build any portion of the LEAPS Project; and (3) as a LEAPS Project proponent and the most appropriate CEQA lead agency for the LEAPS Project, the District should have been consulted in the Sunrise DEIR/DEIS' analysis of the LEAPS Project alternative. Accordingly, the District requests that the California Public Utilities Commission ("PUC") modify the Sunrise DEIR/DEIS to specifically state that (i) further environmental review of the LEAPS project as a whole under CEQA would be required to approve the LEAPS project and (ii) the scope of the environmental review of the LEAPS project included in the Sunrise DEIR/DEIS is insufficient to permit certification or approval of LEAPS as an alternative to the Sunrise project. The District also requests that it be consulted and provided with notice of any future meetings or discussions that involve the LEAPS project.

A0014-1 cont.

II. SEGMENTATION OF THE LEAPS PROJECT

The Sunrise DEIR/DEIS analyzes the environmental impacts of alternatives to the Sunrise Project that were developed as a result of public and agency input. The DIER/DEIS identifies and analyzes a "LEAPS Transmission-Only Alternative" in addition to the LEAPS Project. According to the DEIR/DEIS, the LEAPS Transmission-Only Alternative contemplates building only the transmission component of the LEAPS project and excludes the pumped storage component.

A0014-2

The LEAPS Transmission-Only Alternative does not exist. In the Alternatives section of the Sunrise DEIR/DEIS, Table C-4 incorrectly states that the LEAPS Transmission-Only Alternative is under PUC, California Independent System Operator (CAISO), and Federal Energy Regulatory Commission (FERC) review. Section E.7.1.1 states that the LEAPS Transmission-Only Alternative would hypothetically be carried out by the District and The Nevada Hydro Company (TNHC), but could also be carried out by San Diego Gas & Electric

Comment Set A0014, cont. Elsinore Valley Municipal Water District

(SDG&E) or another entity. This Section also states that the LEAPS Transmission-Only Alternative would fully implement the “staff alternative” identified in the Final Environmental Impact Statement prepared by FERC for the LEAPS Project (FERC FEIS). However, the LEAPS Project has always contained both hydroelectric generation and transmission elements, and FERC and the United States Forest Service (USFS) released the FEIS in support of the permit application that examined the pumped storage facility and its ancillary transmission lines together.

A0014-2 cont.

The Sunrise DEIR/DEIS cites and incorporates by reference FERC’s FEIS for the LEAPS Project. For instance, in parts of section E.7.1, the Sunrise DEIR/DEIS evaluates the biological impacts of the LEAPS Transmission-Only Alternative by referring the reader to the biological impact section of the FERC FEIS. However, the FERC FEIS was prepared for the LEAPS Project as a whole. The LEAPS Transmission-Only Alternative—lacking the pumped storage component—has not undergone environmental review. FERC’s environmental review of the LEAPS Project was predicated on a dual-faceted pumped storage and transmission project; the impacts of a standalone transmission facility could differ significantly from a dual-faceted generation and transmission project with respect to water quality impacts, transmission routing land use impacts, and other issues. Without independent environmental review, these impacts cannot be meaningfully evaluated. As such, the Sunrise DEIR/DEIS cannot rely on the FERC FEIS in its analysis of the LEAPS Transmission-Only Alternative.

A0014-3

Section E.7.1.1 states that the District and TNHC have filed an application with the USFS for the LEAPS Transmission-Only Alternative project. This statement is misleading, and fails to mention that the LEAPS Project has always contained both generation and transmission components. The District’s application with the USFS includes only the transmission portion of

A0014-4

Comment Set A0014, cont. Elsinore Valley Municipal Water District

the LEAPS Project because it is the transmission portion of the LEAP Project that is primarily located on federal lands. The LEAPS Project itself has always included the pumped storage component, but the pumped storage portion would be located primarily on state lands. The Bureau of Land Management (BLM) has no jurisdiction over state lands and could not issue a permit covering the pumped storage component, so the District limited its USFS application to the transmission facilities only. The District has always maintained, and the permitting history of the LEAPS Project confirms, that pumped storage is the heart of the LEAPS Project.

A0014-4 cont.

Section E.7.1.1 states that “SDG&E has raised concerns about the ability of the LEAPS Transmission-Only Alternative to provide economical access to renewable generation.” If the Sunrise DEIR/DEIS had evaluated the LEAPS Project as a whole, instead of segmenting it into pieces, this concern would be moot because the LEAPS transmission lines are an ancillary conduit for the pumped storage renewable generation. Similarly, section E.7.1.11 states that operation of the LEAPS transmission line in the absence of the LEAPS generation component could result in indirect air quality impacts. The Sunrise DEIR/DEIS should have evaluated the LEAPS Project as a whole instead of segmenting the transmission component, in order to avoid this and other impacts stemming from a piecemealed project.

A0014-5

Section E.7.1 cites and incorporates the Protection, Mitigation, and Enhancement Measures (PMEs) required by FERC as part of the project description for the LEAPS Transmission-Only Alternative. FERC’s review of the LEAPS Project, including the recommended PMEs, assumes that the LEAPS Project contains both generation and transmission components. Since the PMEs are tailored and required for the dual-faceted LEAPS Project, the Sunrise DEIR/DEIS cannot simply subsume them into the project description for the LEAPS Transmission-Only Alternative.

A0014-6

**Comment Set A0014, cont.
Elsinore Valley Municipal Water District**

Section E.7.1.12 evaluates the water impacts of the LEAPS Transmission-Only Alternative. This section does not discuss the water impacts of the pumped storage component, but purports to rely on the FERC FEIS, which analyzed water impacts based on a dual-faceted LEAPS Project. This section should either analyze the LEAPS Project as a whole or it should not rely on the FERC FEIS at all, since the water impacts of a standalone transmission facility would be vastly different from the water impacts of a pumped storage and ancillary transmission facility as identified in the FERC FEIS.

A0014-7

**III. THE SUNRISE DOCUMENTS ARE INSUFFICIENT TO APPROVE OR BUILD
THE LEAPS PROJECT**

The PUC cannot rely on the Sunrise DEIR/DEIS in lieu of preparing an environmental impact report (EIR) for the LEAPS Project. The LEAPS and Sunrise Projects are both large projects with significant environmental impacts, but they are geographically remote and environmentally distinct, and the agencies and public participants involved in the LEAPS and Sunrise Projects are not the same. For example, the USFS would be a responsible or lead agency for the LEAPS Project since much of the ancillary TE/VS lines would be built on USFS land, but the Sunrise DEIR/DEIS fails to identify the USFS as a responsible agency.

A0014-8

The PUC cannot rely on the cursory environmental review of the LEAPS Project that is contained in the Sunrise DEIR/DEIS for purposes of approving or building the LEAPS Project. A reliable environmental impact analysis is dependent upon an accurate project description, since the project description provides a baseline for evaluating alternatives. For instance, a project-specific EIR for the LEAPS Project would consider a set of alternatives specific to the LEAPS project objectives, and which would likely differ from the alternatives considered in the Sunrise DEIR/DEIS. These could include different project configurations, different routing

A0014-9

Comment Set A0014, cont. Elsinore Valley Municipal Water District

alternatives in the proposed area, different generation sources, and a study of the “no project” alternative at the Lake Elsinore and TE/VS sites.

A0014-9 cont.

A project-specific EIR is also necessary to facilitate public notice and comment, since the project description frames the scope of the project’s disclosure requirements. “Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.) The public and decisionmakers must have an opportunity to review and comment on the LEAPS Project *as the project under review*. Because the Notice of Preparation for the Sunrise Project did not specify that the LEAPS Project could be chosen as an outcome of the Sunrise Project proposal, the public and decisionmakers were not put on notice that the Sunrise DEIR/DEIS comment period would constitute their opportunity to comment on the LEAPS Project. The CEQA analysis for the LEAPS Project cannot take place in the Sunrise proceeding.

A0014-10

Moreover, the Sunrise DEIR/DEIS is not intended to serve to build the LEAPS Project. For instance, section D.16 of the DEIR/DEIS states that full documentation of grading plans, environmental assessments, engineering and geotechnical reports for slope and erosion hazards would be available for the LEAPS Project. This statement assumes that LEAPS will undergo a full project-specific environmental review.

A0014-11

CEQA allows a lead agency to choose and implement project alternatives in lieu of the proposed project, but LEAPS is a fundamentally different project requiring separate project-specific review. A LEAPS EIR should be separate, construction-level detailed, and should include lines, generation, reservoirs and system improvements to Southern California Edison

A0014-12

Comment Set A0014, cont. Elsinore Valley Municipal Water District

(SCE) and SDG&E. The LEAPS Transmission-Only Alternative is studied as a *hypothetical* project alternative in Sunrise DEIR/DEIS; it is not an existing standalone project. Analysis of the LEAPS Transmission-Only Alternative as a standalone project would differ greatly from Sunrise DEIR/DEIS' analysis, which studied the alternative only to the extent that it was compared against the Sunrise Project.

A0014-12 cont.

Sections E.7.1 and E.7.2 state that no agency or other entity has proposed measures to address the LEAPS Project's potential impacts on air quality during the LEAPS public comment and consultation periods. However, the comment periods for the LEAPS Project are not complete. No EIR has been prepared for the LEAPS Project, and the public comment period for the Draft Proponent's Environmental Assessment (PEA) is still open. As such, the public's opportunity to comment on the LEAPS Project has not yet been completed, and those future comments may uncover additional issues that the Sunrise DEIR/DEIS has not addressed. Accordingly, the District requests that the PUC modify the Sunrise DEIR/DEIS to specifically state that (i) further environmental review of the LEAPS project as a whole under CEQA would be required to approve the LEAPS project and (ii) the scope of the environmental review of the LEAPS project included in the Sunrise DEIR/DEIS is insufficient to permit certification or approval of LEAPS as an alternative to the Sunrise project.

A0014-13

IV. CONSULTATION WITH THE DISTRICT AS PROPONENT AND POTENTIAL LEAD AGENCY

The District is the named permit holder for the LEAPS Project with FERC and the USFS, yet its role with respect to the LEAPS Project is not described in the Sunrise DEIR/DEIS. In addition to obtaining the required regulatory approvals, the District's role in the LEAPS Project will require it to provide water for the hydroelectric facility, maintain water quality to levels

A0014-14

Comment Set A0014, cont. Elsinore Valley Municipal Water District

necessary for the project's continued operation, and maintain surface water elevation in Lake Elsinore as outlined in section E.7.2 of the Sunrise DEIR/DEIS. In order to accomplish these tasks, the District will be required to take further discretionary actions related to the Project, including, but not limited to, actions related to the LEAPS Project's water supply and water-related operations. Because of its role as a proponent and future operator of the LEAPS Project's water-related components, the District is best situated, both practically and legally, to determine the LEAPS Project's environmental impacts – particularly at a local level. Accordingly, the Sunrise DEIR/DEIS should recognize the District's role and should have included consultation with the District. Instead, Appendix 4 of the Sunrise DEIR/DEIS makes clear that only TNHC – and not the District – was consulted for the preparation of the LEAPS Alternatives sections.

A0014-14 cont.

The Sunrise DEIR/DEIS cites and incorporates by reference the Screen Check Draft Environmental Impact Report (Screen Check DEIR) for the LEAPS Project. Section E.7.4 states that the Screen Check DEIR document was prepared by the District in 2007. In fact, this document was prepared unilaterally by TNHC and submitted to the PUC without the District's consent or review. The District was not given the opportunity to comment on the Screen Check DEIR even though the District is a proponent and permit-holder for the LEAPS Project. No EIR has been prepared or certified for the LEAPS Project. Accordingly, the District requests that it be consulted and provided with notice of any future meetings or discussions that involve the LEAPS project.

A0014-15

VII. CONCLUSION

In summary, the Sunrise DEIR/DEIS has improperly segmented the LEAPS Project and ancillary transmission lines, has failed to consult the District in evaluating the LEAPS Project alternative, and has mischaracterized the District's role as LEAPS Project proponent and

**Comment Set A0014, cont.
Elsinore Valley Municipal Water District**

potential lead agency. Additionally, the Sunrise DEIR/DEIS is both procedurally and substantively insufficient to build any portion of the LEAPS Project.

Thank you for the opportunity to respond to the Sunrise DEIR/DEIS. The District respectfully requests that the Commission consider the foregoing response in its evaluation of the Application for the Proposed Sunrise Powerlink Project.

Respectfully submitted,

A handwritten signature in blue ink that reads "RE Young". The letters are cursive and fluid, with the first name "RE" being more compact and the last name "Young" being more extended.

Ronald E. Young, General Manager for
Elsinore Valley Municipal Water District
P.O. Box 3000
31315 Chaney Street
Lake Elsinore, CA 92531-3000
Phone: (951) 674-3146
Fax : (951) 674-9872
Email: ryoung@evmwd.net

April 2, 2008

Responses to Comment Set A0014 Elsinore Valley Municipal Water District

A0014-1 LEAPS Transmission-Only Alternative and the LEAPS Generation and Transmission Alternative are potentially feasible alternatives to the Sunrise Powerlink Project, and the Transmission-Only Alternative could be chosen by CPUC and BLM and the transmission component of each authorized by CPUC as an outcome of the Sunrise Powerlink Project EIR/EIS. The CPUC does not have the authority to license the hydropower project, and issuance of a hydropower license by the Federal Energy Regulatory Commission would be required for the project applicant to build the hydropower component of the LEAPS Generation and Transmission Alternative. Either of the LEAPS Project Alternatives would require additional approvals from the United States Fish and Wildlife Service, the State Water Resources Control Board, and other entities.

As the district has no identifiable discretionary authority over the LEAPS Project, and no consultation with EVMWD was sought by CPUC in preparation of LEAPS Project Alternatives analysis as a part of the Sunrise Powerlink Project EIR/EIS. In addition, please see General Response GR-4.

A0014-2 To clarify, the Draft EIR/EIS evaluated the LEAPS Transmission-Only Alternative because it is a potentially feasible alternative that would meet most of the Sunrise Powerlink Project's basic project objectives without the associated hydropower project. Because it would provide a regional interconnection between the SDG&E and the SCE transmission systems and provide access to low-cost energy and reliability benefits, the LEAPS Transmission-Only Alternative has independent utility from the joint hydropower-transmission interconnection project (the LEAPS and Talega-Escondido/Valley-Serrano 500 kV Interconnect ["TE/VS"] Projects and the LEAPS Generation and Transmission Alternatives) and is considered to be a potentially feasible alternative to the Proposed Project that could be constructed by SDG&E or any entity absent the generation component. As explained in the Proponent's Environmental Assessment for the TE/VS Project, submitted to the CPUC on October 9, 2007, the transmission project would be completed three years prior to the generation component of the joint projects and would facilitate wholesale bulk power transfers between the SDG&E and SCE systems. It is clear that the transmission component has independent utility from the generation component.

The EIR/EIS also evaluated the LEAPS Generation and Transmission Alternative (see Draft EIR/EIS Section E.7.2.) All potential environmental impacts that could occur as a result of the transmission component and the pumped storage component were analyzed in the Draft EIR/EIS. Therefore, the Draft EIR/EIS did not piecemeal the analysis of these alternatives, as the comment suggests. No changes to the text of the document have been made.

The district is correct that the LEAPS Transmission-Only Alternative is not technically under CPUC, CAISO, and FERC review. Rather, the Talega-Escondido/Valley-Serrano 500 kV Transmission Interconnect Project is under agency review. The two projects are substantially identical, as the transmission and generation components of the LEAPS Transmission-Only Alternative and the LEAPS Generation and Transmission Alternative are identical to the Staff Alternative transmission alignment and hydropower project as identified in the 2007 FERC EIS. The text of the Table C-4 in Section C of Volume 1 of the Draft EIR/EIS has been changed accordingly.

As suggested by the district, the text of the second paragraph of Section E.7.1.1 of Volume 5 of the Draft EIR/EIS has been clarified to identify the LEAPS Transmission-Only Alternative as equivalent to the “staff alternative” transmission line, rather than the “staff alternative” hydropower facility plus transmission facility. The text has been modified as follows:

Figure E.7.1-1 illustrates the LEAPS Transmission-Only Alternative. This alternative would fully implement the “staff alternative” transmission alignment identified in the January 2007 LEAPS Project Final EIS.

- A0014-3 The EIR/EIS provides an in-depth analysis of all the potential environmental impacts of the Transmission-Only Alternative, including impacts to Biology. In collaboration with Michael Brandman Associates (MBA), biological resources consultants with TNHC, the EIR/EIS evaluated biological impacts related to the transmission-only component of the LEAPS and TE/VS projects using field data gathered by MBA. Impacts of the Generation-only component of the LEAPS Generation and Transmission Alternative were evaluated in the same manner. Likewise, impacts in every resource area were evaluated separately for transmission and generation components.
- A0014-4 The statement made in Section E.7.1.1 of Volume 5 of the Draft EIR/EIS that a Special Use Permit application has been filed for a transmission-only project is factually accurate and not misleading according to the Forest Service. The fact that the district believes LEAPS to be the “heart” of the project has no bearing on the accuracy of this statement. No changes to the text have been made.
- A0014-5 Pumped storage is not renewable power generation *per se*. Pumped storage is a means of storing power that has been generated elsewhere and “dispatching” or “re-generating” it at a future time. If the electrical power feedstock of a pumped storage unit were renewable power, then the pumped storage unit would dispatch renewable power. If the electrical power feedstock of a pumped storage unit were derived from a fossil fuel-fired generator, the power dispatched would be non-renewable power. Further, with regard to the district’s claim that the Draft EIR/EIS should have evaluated the “LEAPS Project as a whole,” the Draft EIR/EIS did analyze a LEAPS Generation and Transmission Alternative (identical to what the comments suggests should be considered the “LEAPS Project as a whole”) in Section E.7.2 of Volume 5. As discussed in Section ES and Section H, this alternative was found to have a greater number of significant, unavoidable impacts than the other alternatives considered.
- A0014-6 Protection Mitigation and Enhancement measures (PME) are proposed by the coapplicants for the hydropower certificate, not issued by FERC as required mitigation measures. Certain of the PMEs are relevant only to the transmission facilities and certain of the PMEs are relevant to only the generation facilities while the remainder are dually relevant. The Draft EIR/EIS carefully identified which measures are relevant to which components, and identified only those PMEs relevant to the transmission components in Table E.7.1-2 and only those PMEs relevant to the generation components in Table E.7.2-1.
- A0014-7 Section E.7.1.12 does not evaluate the water impacts of the pumped storage facility because the LEAPS Transmission-Only Alternative does not contain a pumped storage element per the alternative description in Section E.7.1.1. The water impacts of the pumped storage facility are evaluated in Section E.7.2.12 as a component of the LEAPS Generation and Transmission Alternative.

A0014-8 Section E.7 acknowledges the Forest Service's jurisdiction over approval of the Transmission line. The Forest Service is a cooperating agency under NEPA on the Sunrise Powerlink EIR/EIS and it is also a cooperating agency with the Federal Energy Regulatory Commission (FERC) in the preparation of an environmental impact statement (EIS) for the LEAPS Project. The LEAPS Final EIS was issued in March of 2007. In addition, because NEPA requires alternatives to be evaluated at the same level of detail as the Proposed Project, the Forest Service could use the Sunrise Powerlink Project EIR/EIS as its NEPA document in issuing a Special Use Permit for the LEAPS Transmission-Only Alternative if it meets with its standards of adequacy.

A0014-9 The environmental impacts analysis that was carried out in the Draft EIR/EIS for the LEAPS Transmission-Only and the LEAPS Generation and Transmission Alternatives was thorough, and was evaluated at the same level of detail as the Proposed Project. CPUC and BLM carried out cultural resources surveys, biological resources surveys, and visual simulations and analysis commensurate with the level of survey and analysis performed on the Proposed Project and other alternatives. In addition, the EIR/EIS relied in part on environmental analysis prepared by FERC and the Forest Service (for the LEAPS FEIS), MBA (for the CPCN application to the CPUC), and Dudek and Associates (for the Valley Rainbow Administrative Draft EIR/EIS). The CPUC can use the analysis of the LEAPS Project Alternatives carried out for the Sunrise EIR/EIS in selecting and authorizing the transmission component of these alternatives.

The LEAPS Project Alternatives are potentially feasible alternatives to the Sunrise Powerlink Project because they meet most of the Sunrise Project's basic project objectives. The LEAPS Alternatives, and the other alternatives analyzed in the EIR/EIS constitute a reasonable range of alternatives to the Proposed Project. Each of these alternatives satisfies most of the basic objectives of the Proposed Project. In this sense, all of the alternatives considered in the Draft EIR/EIS are a reasonable range of alternatives to the LEAPS Project Alternatives. Additional alternatives analysis is not required as part of the Sunrise Powerlink proceeding in order for the CPUC and BLM to select either of these alternatives.

A0014-10 The CPUC's General Order 131-D guides utilities in the application process. Item 1.b in Section XI, details the 300-foot notification requirement, which applies to SDG&E when it files its application. These notification guidelines apply only to the proposed route, and the EIR/EIS preparers also used these guidelines to develop the mailing list for notification of landowners along alternative routes, including the LEAPS Project Alternatives. The mailing lists were developed by using County Assessor's parcel data. In addition, TNHC's mailing list was shared with CPUC and BLM, and everyone on this list (more than 800) was adequately noticed about the EIR/EIS and received the Notice of Availability on the Draft EIR/EIS.

In addition, the CPUC and BLM hosted a public workshop in Temecula, Riverside County, on January 29, 2008 after publication of the Draft EIR/EIS for the express purpose of serving the community in the vicinity of the LEAPS Project Alternatives. The Sunrise Powerlink Notice of Preparation of an EIR and Notice of Intent to Prepare an EIS specifically listed the LEAPS Project as a potential alternative to the Proposed Project, as it was considered by SDG&E in its PEA. The Notice Regarding Conclusions on EIR/EIS Alternatives specifically addressed the LEAPS Project as being retained by the CPUC and BLM for full analysis. The public workshop in Temecula allowed the public to ask questions about the LEAPS Project Alternatives as presented in the Draft EIR/EIS to experts in every resource area. In addition, the public was noticed about the LEAPS Project as a process of the 2007 LEAPS EIS.

- A0014-11 Section D.16 states that the LEAPS Project Alternatives would be consistent with the Riverside County General Plan's Safety Element — which requires grading plans, environmental assessments, engineering and geologic technical reports, irrigation and landscaping plans, including ecological restoration and revegetation plans, as appropriate, in order to assure the adequate demonstration of a project's ability to mitigate the potential impacts of slope and erosion hazards and loss of native vegetation — because full documentation would be available for these alternatives. As an alternative to the Sunrise Powerlink Project, the LEAPS Project Alternatives have undergone full environmental assessment, and mitigation measures imposed on these alternatives would require grading plans, geotechnical studies, and restoration and revegetation plans (e.g., Mitigation Measures B-1a[LE], V-7b, V-S-1a, V-S-14a, G-4b, G-6a). Please see Responses A0014-9 and A0014-10 for discussion on the topic of using the Sunrise EIR/EIS for approval of LEAPS.
- A0014-12 See Response A0014-1 and General Response GR-4 relating to the LEAPS Transmission-Only and the LEAPS Generation and Transmission Alternatives.
- A0014-13 Sections E.7.1 and E.7.2 state that no agency or other entity proposed mitigation measures for the project's potential air quality impacts in the LEAPS Final EIS process. Because of this, no FERC or USFS mitigation measures are listed in the Air Quality section. However, mitigation measures are imposed in the Sunrise Draft EIR/EIS by the Lead Agencies on the LEAPS Project Alternatives as a part of the Sunrise CEQA/NEPA process. See Responses A0014-9 and A0014-10 for discussion on using the Sunrise EIR/EIS for approval of LEAPS.
- A0014-14 The EIR/EIS discusses the District's role in the LEAPS approval and development process. (See, e.g., pages E.7-1, E.7-163) The district notes that it will be required to take discretionary actions related to the LEAPS project, however it identifies no specific discretionary action. It is CPUC's understanding that a contractual agreement ("Development Agreement") between TNHC and EVMWD clearly identifies each entity's role with respect to permit applications and permit holding (see Section 3.1.2.1 of TNHC's July 22, 2008 PEA submittal, available at <http://www.cpuc.ca.gov/Environment/info/aspen/nevadahydro/toc-pea2.htm>). Evaluation of the contractual relationship between TNHC and EVMWD is beyond the scope of the Sunrise Powerlink EIR/EIS.
- A0014-15 The District's contention that it was not given the opportunity to comment on the LEAPS Draft EIR, which was prepared unilaterally by TNHC, is acknowledged. The text of Section E.7.4 has been changed as follows:
- ~~Elsinore Valley Municipal Water District~~ The Nevada Hydro Company. 2007. Screen Check Draft Environmental Impact Report, SCH No. 2004091057, Lake Elsinore Advanced Pumped Storage Generation Project, Talega-Escondido/Valley-Serrano 500 kV Interconnect Transmission Project. March.

With regard to the District's request that it be consulted and provided with notice of any future meetings or discussion that involve the LEAPS Project, the District will receive notice of any future public meetings regarding the Sunrise Powerlink EIR/EIS and the TE/VS EIR. The CPUC is not required to consult with the District, because the District does not fall within any of the categories in Guidelines § 15086(a). In addition, neither the CPUC nor the BLM are responsible agencies on the "Screen Check DEIR"; they are only interested parties.