

Comment Set B1
Maricopa Audubon Society



June 19, 2006

CPUC/BLM
c/o Aspen Environmental Group
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Arizona Corporation Commission,
Utilities Division,
1200 West Washington,
Phoenix, AZ 85007-2996.

Chairman Jeff Hatch-Miller and Commissioners Mayes, Mundell, Spitzer, Gleason.

Dear Commissioners

On behalf of the 2300 members of the Maricopa Audubon Society here in central Arizona, we would like to express our concern that our utility will end up charging higher rates as it will have to pay more for electricity if this Palo-Verde Devers line is built and the electricity is shipped to California.

B1-1

To the chagrin of our 2300 members, the primary route for this proposed line would cut through the KOFA National Wildlife Refuge. Currently a Devers-Palo Verde line exists. The first line was completed in 1978. This proposal for a second line has been around for a while, but has been controversial since its inception. By 1989 or 1990 the second line had progressed to the point of having an Environmental Compatibility Analysis performed and deemed acceptable for the project. The project had reached the point where permits were issued by the local agencies and were awaiting the signature of then President George H.W. Bush who did not sign before leaving office. All the permit issues died under President Clinton.

B1-2

Comment Set B1, cont. Maricopa Audubon Society

The KOFA (after King of Arizona Mine) National Wildlife Refuge was created in 1939 and contains 665,400 acres of desert habitat. The KOFA Wilderness area was created in 1990, after the first line was installed, and is approximately 516,300 acres in size. There was a clause in the Desert Wilderness Act that excluded a right-of-way for the second line to cross the KOFA Wilderness. That is the primary route proposed for this line.

B1-2 cont.

CONCERNS OF THE MARICOPA AUDUBON SOCIETY:

- 1) A second power transmission line would further fragment and reduce the quality and quantity of habitats on the KOFA National Wildlife Refuge. By that standard alone the proposed new 500 KV is incompatible with the mission of the refuge. The Right-of-Way (ROW) through KOFA is prime desert big horn sheep and desert tortoise habitat. The line will also further obstruct the natural view of the area that is pristine desert landscape and clearly negatively affect the wilderness values of the refuge.
- 2) Nearly 400 acres would be affected through the KOFA National Wildlife Refuge, by the measured right-of-way that is 130 feet wide and 24 miles long. More than likely, however, additional land will be affected as construction vehicles travel along the first line's ROW and then across to the new ROW or completely out of the limits. This wide corridor, 560 feet wide, (130 + 300 + 130) could eliminate the necessary ground cover or protection needed by some species to traverse this area, making a boundary to limit their domain or an area of prey if they try to cross the ROW.
- 3) Mitigation of negative impacts to plant resources (i.e., transplanting cacti) was not successful during construction of the first power line. Major disturbances would occur at each of the 85 tower sites during construction for the pouring of the concrete footings and the equipment necessary to erect the towers and string the electric lines. Additional impacts would include establishment of invasive plant species in the disturbed areas and the increased probability of illegal use of the ROW by off-road vehicles.
- 4) The primary route is not an environmentally friendly route to plan the ROW but the alternative routes are not good routes either. The proposed routes destroy pristine desert views, cross critical desert habitat, go through populated areas, and would destroy desert environments. That is just another reason to question the need for this project.
- 5) This project has been in a near "finalized" form for over 15 years and California seems to be getting along just fine without the new power line. Besides, Phoenix is the fifth largest city in the nation and one of the fastest growing areas in the nation. It is likely in the near future that the metro area will consume all of the power generated in the area and therefore will not have any additional electrical energy to transport out of the area. Why then, is this line needed to send power to California?
- 6) There were many factors that caused the "Rolling Blackouts" in California a few years ago. One of the main reasons was a struggle between the regulators and the power companies and the energy companies withholding electricity to drive up the price. We should not let the decision makers sway the argument based on the contrived rolling blackouts.

B1-3

B1-4

B1-5

Comment Set B1, cont.
Maricopa Audubon Society

WE NEED ANSWERS!

Have any non-development alternatives been considered? Can California institute energy conservation programs equivalent to the amount of energy this line will carry? Can environmentally-friendly, renewable, and sustainable energy sources be implemented i.e., solar, wind, or biomass, so this line is not necessary?

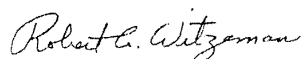
B1-6

What does Arizona get out of this deal? We generate the power, we destroy our landscape, we destroy our views, we destroy our animal habitats — California gets cheaper power.

B1-7

Our chapter opposes this power line.

Sincerely,



Robert A. Witzeman, M.D., Conservation Chair
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602 840-0052, witzeman@cox.net

Responses to Comment Set B1 Maricopa Audubon Society

B1-1 Arizona electricity rates are set by the Arizona Corporation Commission. This comment is not within the scope of the environmental review under NEPA or CEQA.

B1-2 A National Wildlife Refuge is not the preferred location for a high voltage transmission line. However, as described in EIR/EIS Section A.1.1, the DPV1 transmission line was approved and installed through the Kofa National Wildlife Refuge (NWR) in 1982. The presence of that transmission line, the adjacent high pressure natural gas pipeline, and the access roads for these utilities, establishes a utility corridor and sets a precedent for future utility use. The access road in particular offers an already disturbed path for construction and maintenance equipment, whereas a transmission line in a new corridor would require new disturbance of hundreds of acres of land for access roads and construction vehicles.

All 13 environmental issue areas (see Sections D.2 through D.14) discuss the impacts of the proposed DPV2 transmission line through the Kofa National Wildlife Refuge NWR. 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, as well as the consistency of the Proposed Project with the policies and the mission of Kofa NWR. Please refer to General Response GR-1 for a discussion of why the proposed route in an existing corridor through the NWR was found to be the environmentally preferable alternative.

Please also refer to the responses to Comment Set E5 for a discussion of visual resources methodology and sensitivities within the Kofa NWR. The EIR/EIS acknowledges the visual impacts from the proposed DPV2 transmission line. The significant (Class I) visual impact conclusion for Key Viewpoint (KVP) 4 on Crystal Hill Road within Kofa National Wildlife Reserve primarily results from three key contributing factors. First, Kofa is a popular destination for back country recreationists and therefore, is assigned a viewer concern value of high. Second, viewer exposure is moderate to high because the access roads within Kofa are situated very close to the proposed route and in fact pass beneath the existing DPV1 line in several locations. As a result, the visual change resulting from the Proposed Project will be prominently visible to travelers in the vicinity of Crystal Hill Road. Third, the Kofa Mountains and Livingston Hills with their rugged, jagged ridgelines are features of visual interest and stand out from the flat, desert plain (Figure D.3-5A/5B). As a result the EIR/EIS concludes that the impairment of views of these landforms from Crystal Hill Road and other access roads is substantial, again partly because of the close proximity of the access roads to the route.

In contrast to the viewshed within Kofa NWR, viewing opportunities further to the east (KVP 3 – Eagletail Mountains Access) and west (KVP 5 – US 95 Crossing) of Kofa are much different in several respects. Views from the Eagletail Mountains access roads (KVP 3) are more limited and at greater distance because the proposed route only briefly converges on the access roads north of the Eagletail Mountains rather than paralleling the access roads for greater distance. Also, the background landscape of the flat Harquahala Plain and angular to linear forms of more distant mountains provide somewhat less visual variety and interest compared to the landscape features within Kofa. Similarly, the US 95 viewpoint (KVP 5) provides a relatively limited viewer exposure. Views in close proximity to the proposed route

span are brief given the perpendicular orientation of the route to the highway and the high rates of vehicular travel speed. Also, the relatively flat desert plain is somewhat nondescript with few features of visual interest. While the view from KVP 6 in Copper Bottom Pass shares some similarity with the Kofa view as a result of the close proximity of the access road to the proposed route, views of the background landscape features are not nearly as impaired (see Figure D.3-7A/7B) compared to the Kofa views.

B1-3 Vegetation removal will largely be limited to the pads for new towers and a few ancillary facilities and construction work/staging areas. The Proposed Project would be located adjacent to the existing 500 kV DPV1 transmission line and would utilize existing access roads. Spur roads would be used to travel between the new lines and the existing access road. The habitat impact discussions related to tower footings take into account the temporarily disturbed area around each footing (see the “Note” at the bottom of Table B-1 in Section B.2.2 for estimates of temporary and permanent disturbance). Applicant Proposed Measures (APMs) and mitigation measures proposed in this EIR/EIS would minimize these impacts and would restrict construction activity to the access/spur roads and staging areas. Please refer to General Response GR-1 for a discussion of why the route through Kofa NWR was selected as being environmentally preferred to alternatives outside of the Refuge.

B1-4 The new transmission line would be located adjacent to an existing 500 kV transmission line and a high pressure natural gas pipeline. Existing access roads would be used as defined in APM B-3 (see Table B-10 in Section B.5 and Table D.2-6 in Section D.2.5.2) which states that vehicular traffic must be on existing roadways to the maximum extent practicable. APM B-2 discusses the use of standard noxious weed measures as part of the Proposed Project. In addition, Impact B-2 (Construction activities would result in the introduction of invasive non-native or noxious plant species) in Section D.2.6.1.2 (see also Table D.2-8 [Summary of Impacts by Segment]) was found to be potentially significant (Class II) in Kofa NWR. As a result, Mitigation Measures B-1a (Prepare and implement a Habitat Restoration/Compensation Plan), B-2a (Conduct invasive and noxious weed inventory), and B-2b (Implement control measures for invasive and noxious weeds) have been recommended for implementation in this EIR/EIS to reduce potential impacts from invasive species to less than significant levels. The control measures include standards, such as washing all equipment, tools, and vehicles both *before and after* entering all project sites. Please also refer to Response C28-2 regarding mitigation for DPV1.

Please refer to General Responses GR-1 for a discussion of why the route through Kofa NWR was found to be environmentally preferable to the alternative routes around the Refuge and also refer to General Response GR-3 for a discussion of why SCE states that the DPV2 Project is needed.

B1-5 Please refer to General Response GR-3 for a discussion of project need.

B1-6 Non-transmission alternatives are discussed in Section 4.5 in Appendix 1, Section C.5.5, and Executive Summary Section 2.3.4. Within the discussion of non-transmission alternatives conservation and demand-side management are analyzed as alternatives to the Proposed Project (see Sections 4.5.3 in Appendix 1, C.5.5.3, and Executive Summary 2.3.4). Both were eliminated from detailed analysis in the EIR/EIS due to their inability to meet project objectives, because demand-side management would represent only a small amount of the total capacity requirement needed to meet SCE’s import and supply reliability objectives and SCE’s 2004

Long Term Procurement Plan (LTPP) already includes the maximum reliability achievable amount of energy efficiency so cannot be considered as an alternative to DPV2.

In addition, the No Project/No Action Alternative is presented in Section C.6, as required under both CEQA and NEPA, and is analyzed by each issue area section. This alternative is also presented in Executive Summary Section ES.4 and is compared to the Environmentally Superior/Preferred Alternative in Section E.3 and Executive Summary Section ES.5. Because the No Project/No Action Alternative would require construction of transmission lines with impacts similar to those described for the Proposed Project, as well as impacts of generation sources, it was found not to be superior to the Proposed Project (Environmentally Superior/Preferred Alternative).

Renewable Generation Resources Alternatives (geothermal, biomass, solar, wind, and hydroelectric resources) are also evaluated in Section 4.5.2 of Appendix 1, Section C.5.5.2, and Executive Summary Section 2.3.4 and were eliminated from full consideration during the screening process. Use of renewable generation technologies would avoid the specific impacts associated with the construction and operation of the proposed DPV2 project, but new transmission would still be required from the renewable generation locations, creating impacts similar to those of the Proposed Project, which is proposed to transmit power from an already existing generation source. In addition to the reliability and feasibility issues discussed in Appendix 1 and Section C, use of renewable resources would be inconsistent with the objectives of the proposed DPV2, which are focused on creating the ability for DPV2 to increase California's transmission import capability from the Southwest and enhance and support the competitive energy market in the Southwest.

Please refer to General Response GR-3 for a discussion of project need.

B1-7 Please refer to General Response GR-2 for a discussion of Arizona's benefits from the Proposed Project.

Comment Set B2 Southern California Gas Company - Sempra Energy Utility

Devers–Palo Verde No. 2 Transmission Line Project

From: Chuang, Wan-Che [WCChuang@semprautilities.com]
Sent: Wednesday, June 28, 2006 2:50 PM
To: dpv2@Aspeneg.com
Subject: Comments to the Dever-Palo Verde No. 2 Transmission Line Project DRAFT EIR/EIS

Aspen Environmental Group,

Thank you for the opportunity to comment on you DRAFT EIR/EIS. Southern California Gas Company provides the following comments.

Since the proposed project would encroach/cross on our utility Right of Way, please contact Bob Carrillo, Right-of-Way Agent, at 909-335-7754 to apply for a ROW access. In addition please contact Bob Skultety, Transmission Technical Services, at 818-701-4538 to have his staff review the proposed alignment and structures. He would determine if there would be any potential concerns for building within our ROW.

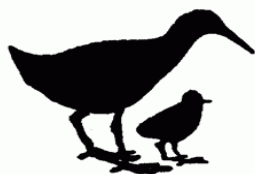
B2-1

James Chuang
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Environmental Management-North
Southern California Gas Company -Sempra Energy Utility
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Responses to Comment Set B2 Southern California Gas Company - Sempra Energy Utility

- B2-1 The requirement for SCE to develop an access agreement with Southern California Gas Company – Sempra Energy Utility to cross/encroach on its ROW is noted. This comment is referred to SCE for compliance with the Sempra’s permitting requirements. Table A-4 (Permits or Other Actions Required Prior to Construction of the DPV2 in Arizona and California) in Section A.3.5 of this EIR/EIS notes that Southern California Gas would have permitting authority for activities in the area of pipelines, which would require a pipeline encroachment/crossing permit.

Comment Set B3
Yuma Audubon Society



YUMA AUDUBON SOCIETY
P.O. BOX 6395
YUMA, ARIZONA 85366-6395

August 8, 2006

CPUC/BLM
c/o Aspen Environmental Group
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Ladies or Gentlemen:

The following are the comments submitted by the Yuma Audubon Society on the *Draft Environmental Impact Report/Environmental Impact Statement for the Proposed Devers–Palo Verde No. 2 Transmission Line Project*. In our comments below we will demonstrate that the No Project/No Action Alternative is the Environmentally Preferable Alternative for this project. We will also provide other comments to be addressed as part of the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) process.

The Project as Proposed Has an Excessive Number of Unmitigable Impacts and Violations of Plans and Policies

We will first look at impacts that the Devers-Palo Verde No. 2 environmental impact report/environmental impact statement (DPV2 EIR/EIS, also referred to as “the EIS” or “EIS”) admits cannot be mitigated. Then we will look at the numerous violations of federal, county, and municipal plans that would result from the proposed project, again, as enumerated in the DPV2 EIS/EIS. We will then weigh these significant factors against the proponent’s stated purpose and need for the project.

Unmitigable Significant Impacts Recognized by the DPV1 EIR/EIS

These significant but unmitigable impacts involve wildlife habitat, visual resources, wilderness and recreation, cultural resources, permanent conversion of farmland, noise, and air quality, as delineated below.

B3-1

Comment Set B3, cont. Yuma Audubon Society

Wildlife habitat

Construction activities in the Chuckwalla Dune Thicket Area of Critical Environmental Concern (ACEC) violate management policies of the California Desert Conservation Area (CDCA) Plan for sensitive habitat and will result in significant impacts, even after implementation of mitigation measures (EIS, p. D.2-171).

Visual Resources

Visual changes in the Kofa National Wildlife Refuge (NWR) would be significant and unmitigable (EIS, p. ES-38). At D.3-21, the EIS states that “Any addition of built industrial features to the landscape or blockage of views to higher quality landscape features (sky or Livingston Hills) would be perceived as an adverse visual change in the landscape.” This doesn’t even consider impacts to views from the immediately adjacent wilderness areas on the Kofa NWR.

Visual changes in the Alligator Rock ACEC would be a significant, unmitigable impact because they are inconsistent with the Bureau of Land Management’s (BLM) Visual Resource Management (VRM) Class II management objective (EIS, pp. ES-38, E-8). This is obvious from Figure D.3-11A/11B in the EIS. The towers dwarf the mountains in the background when a parallel line is added because of very significant skylining.

Visual changes in the Harquahala Mountains, distant from the power line, but where a telecommunications site would be constructed for the project, would be significant and unmitigable (EIS, pp. D.3-58, E-4), because the changes are inconsistent with BLM’s VRM Class II management objective outside the adjacent wilderness area and inconsistent with the VRM Class I management objective when the telecommunications site is viewed from within the wilderness. This impact has been left out of Section G.4 of the EIS, Significant Environmental Effects which Cannot Be Avoided if the Proposed Project is Implemented (p. G-33).

Even though visual impacts by the power line on Key Viewpoint 2 are not considered by the EIS to be unmitigable, the EIS (p. D.3-20) does state that where the power line crosses I-10 at Key Viewpoint 2, “any addition of industrial character to the predominantly natural appearing landscape or blockage of views to more valued landscape features (distant mountains) would be seen as an adverse visual change.”

Wilderness and Recreation

On the Kofa NWR, the EIS recognizes that impacts to recreation would be significant and unmitigable (pp. ES-42, D.5-20). This is well-stated in the EIS at p. D.5-28: “Development and operation of the project would change the character of the Kofa NWR and significantly diminish its recreational value. Impacts to the Kofa NWR

B3-1 cont.

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B3-1 cont.

would be significant and unmitigable (Class I). No mitigation measures have been identified that would reduce the industrial development of the Proposed Project across the Kofa NWR.” Erroneously, the EIS claims that there would be no impacts to the immediately adjacent wilderness areas on the Kofa NWR as a result of construction and operation of the power line (EIS, p. D.5-27). This apparently is asserted because no construction would occur within the wilderness areas. However, to be consistent with analysis of the effects on wilderness in the Harquahala Mountains (see below), effects on the Kofa NWR wilderness areas by the power line, as perceived by those within the wilderness areas on the Kofa NWR, should be analyzed. Not only would the power line be visible from parts of the Kofa NWR wilderness, but the noise of construction and the power line corona could carry into wilderness areas.

In Arizona, recreation would be affected not only the Kofa NWR, but along the Harquahala to Kofa NWR segment to the east as well (EIS, p. D.5-26): “Overall, Proposed Project operation would significantly change the character of recreational resources along the Harquahala to Kofa NWR segment or diminish their recreational value, resulting in a significant and unavoidable impact (Class I).”

The Harquahala Mountains would again face significant, unmitigable impacts, this time on recreation and wilderness (EIS D.5-20, D.5-26, E-5), although Section G.4. Significant Environmental Effects which Cannot be Avoided if the Proposed Project is Implemented (EIS, p. G-33) fails to note this. According to the EIS (p. D.5-26), “Implementation of the telecommunications facility resulting from operation of the Proposed Project would permanently diminish the character of Harquahala Peak and the Harquahala Mountains WA.” Why was no alternative considered for the telecommunications site that would avoid the Harquahala Mountains?

In California, recreation would be significantly affected at the Alligator Rock ACEC and Chuckwalla Dune Thicket ACEC under the proposed action. The character of the ACECs would be changed as a result of the power line and this would lessen the ACEC’s recreational value (EIS, pp. ES-42, D.5-98, D.5-20). Impacts would be “significant and unmitigable (Class I).” (EIS, p. D.5-32). These impacts on recreation could allegedly be avoided if the “Preferred Alternative” incorporates the Alligator Rock—North of Desert Center Alternative (EIS, p. E-8), but there would still be unmitigable significant visual impacts to these two ACECs.

The Coachella Valley Preserve/Coachella Valley Fringe-toed Lizard ACEC in California would also face significant, unmitigable impacts (EIS, p. D.5-20).

This is quite an impressive list of protected areas that would face significant, unmitigable impacts to recreation and wilderness as a result of the power line. An aggregate of at least thirty-four miles in these areas would be crossed by the power line or impacted by the telecommunications site (Kofa NWR, 24+ miles, Alligator Rock ACEC, 6.8 miles, Chuckwalla Valley Dune Thicket ACEC, 1.3 miles, Coachella Valley Preserve/Coachella Valley Fringe-toed Lizard ACEC, 2 miles, plus an

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Yuma Audubon Society

uncharacterized amount in the Harquahala Mountains; EIS, pp. D.5-5, D.5-9, D.5-10, D.5-26). This doesn't even include the Colorado River crossing, where the significant, unmitigable impacts of new towers were ignored in the EIS by rigidly defining visual effects so as to exclude the effect of seeing the new transmission towers from the river, a major recreation area.

Although at times the EIS tries to minimize the effects of a second power line by asserting that environmental quality has already been compromised by the first power line, the EIS at F-45 clearly recognizes that the effect of a second power line is a significant degradation of the environment in itself:

The DPV1 transmission line was constructed across or adjacent to recreation areas in La Paz and Maricopa Counties in Arizona, and Riverside County in California, including the Kofa NWR, Chuckwalla Valley Dune Thicket ACEC, Alligator Rock ACEC, and the Coachella Valley Preserve and Coachella Valley Fringe-Toed Lizard ACEC. Adding the Proposed Project to this existing corridor would intensify the industrial development that crosses these recreational resources. Any additional projects that may traverse these recreational areas (see Table F-1) would further increase the industrial development and further reduce the undeveloped, natural landscape of the recreational areas. As significant impacts have already occurred to the character and recreational value of the recreation areas located along the DPV1 line (BLM, 1979), operation of the Proposed Project, alone or in conjunction with other Proposed Projects, would contribute to a significant, cumulative effect to established recreation areas (Class I).

Cultural Resources

The EIS (p. D.7-40) concludes that in the Harquahala Mountains, where the telecommunications equipment site would be built, the effect on the Smithsonian Institution Observatory and associated interpretive exhibits is "significant and unavoidable (Class I)."

In California, the EIS states that the proposed project would have a significant and unmitigable (Class I) impact on cultural resources (EIS, p. E-9) unless the Alligator Rock—North of Desert Center Alternative is adopted (which the EIS proposes). However, the significant, unmitigable visual impacts would remain in the Alligator Rock ACEC even if the Alligator Rock—North of Desert Center Alternative is adopted.

Permanent Conversion of Farmland

The EIS divulges that unless the Harquahala Junction Switchyard Alternative is chosen, the proposed project would permanently remove 13.6 acres of Prime Farmland from agricultural production (EIS, p. E-5). However, the Harquahala Junction Switchyard Alternative would cause a different set of impacts, especially

B3-1 cont.

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greater destruction of native habitat including effects on sensitive bat species. Avoiding alleged greater destruction of natural habitat weighed heavily in the EIS's rejection of alternatives that would avoid the Kofa NWR (EIS, p. Ap.1-23).

B3-1 cont.

Noise

The EIS concludes that increased corona noise would be a significant, unmitigable impact in the Palo Verde Valley and Cactus City to Devers Substation segments of the power line (EIS, p. G-34). We also suspect that it will be a significant and unmitigable effect on the Kofa NWR, despite the EIS's assurances that it will not (EIS, p. D.8-28). The EIS admits that corona noise would increase two dBA on the Kofa NWR. An increase of 3 dBA is perceived as twice the loudness, and 1 dBA is a noticeable difference (Joe Wolfe, "What Is a Decibel?" <http://www.phys.unsw.edu.au/~jw/dB.html>. Accessed August 7, 2006.). The EIS also points out the noise level within the power line right-of-way already exceeds the 55 dBA Environmental Protection Agency (EPA) *maximum* protective level for outdoor activity interference by 4.3 dBA, and may rise as high as 61.3 dBA. While the cumulative increase from the addition of a new power line may be limited to 2 dBA, this will be 6.3 dBA over the EPA standard. Yet instead of recognizing this significant, unmitigated impact, the EIS claims that it is only "adverse" but not significant, in part by saying that the EPA standard hasn't been formally adopted by the Kofa NWR. The fact remains that the EPA has responsibilities for human health and safety throughout the whole of the United States and those who do not consider violating the standard significant just because it has not been adopted by a jurisdictional entity are being less than scrupulous about public health and safety. I can tell you from personal experience that the hum and crackling of a power line is a daunting experience for those who would seek to access the wilderness area on the other side of the power line. And most of the people accessing the area along the Crystal Hill and Pipeline Roads will be traveling mile after mile adjacent to the power line.

B3-2

Air Quality

Impacts to air quality would be significant and unmitigable during construction within the South Coast Air Quality Management District, because of excessive emissions of nitrogen oxides, particulates, and fugitive dust (EIS, p. G-34).

B3-3

Violations of Numerous Plans and Policies

As stated in the EIS, the proposed project would violate numerous provisions of federal, county, and municipal plans. These are enumerated below.

Federal plans

- 1) Kofa National Wildlife Refuge. Visual impacts are a violation of the *Kofa National Wildlife Refuge & Wilderness and New Water Mountains Wilderness Interagency Management Plan*, Objective 1: Preservation of Wilderness

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Values (EIS, p. D.3-39). However, the EIS neglects to include the same plan in its Table 5-3 on pp. D.5-22 to D.5-24, where consistency with wilderness and recreation plans and policies are assessed.

B3-3 cont.

The EIS correctly notes the importance of wildlife as a primary management concern and certain types of wildlife-dependent recreation as second only to wildlife on the Kofa NWR (EIS, P. AP.1-43) and that putting a second power line across the Kofa NWR would “conflict with the Refuge’s management policies and plans.” (EIS, p. D.2-170). The power line will only degrade mandated management responsibilities on the Kofa NWR. It has nothing to do with wildlife or wildlife-dependent recreation. This makes any impacts from the power line more severe than in areas that have a broader management mandate, all other things equal. It is ludicrous to say that the effects of the power line on wildlife and wildlife-dependent recreation can be mitigated given the Fish & Wildlife Service’s management mandate on the Kofa National Wildlife Refuge. We disagree with the EIS (p. D.2-170) when it states that the impact of the power line can be mitigated to Class III. In light of the Kofa NWR’s management criteria, it is a significant and unmitigable impact.

- 2) Alligator Rock ACEC, California Desert Conservation Area. The visual impacts violate the *California Desert Conservation Area Plan* Interim Visual Resource Management Class II designation (EIS, D.3-39).

County Plans

- 3) *County of Riverside General Plan* (<http://www.rcip.org/generalplan.htm>). The proposed project violates this plan numerous times in numerous elements and Area Plans. The following parts of the General Plan and Area Plans are violated by the proposed project:
 - a) Land Use Element: Hillside Development & Slope, Policy LU-11.1, because the project would cross hilltops, ridgelines, and canyon edges (EIS, p. D.3-42).
 - b) Land Use Element: Open Space—Rural Land Use Designations, Policy LU-20.2 and 20.4, because there is no way to mitigate the manufactured, industrial appearance of the project (and this is a requirement of the plan) and no mitigation can bring the project into compliance with the requirement that development not adversely impact open space and rural character (EIS, D.3-44).
 - c) Circulation Element: Major Utility Corridors, Policy C 25.2, because there is no way to mitigate the project not being located underground and no screening aboveground can minimize its visibility (EIS, D.3-44).
 - d) Multipurpose Open Space Element: Scenic Resources, Policy OS 21.1, because there is no effective mitigation for the project’s impact on conserving skylines, view corridors, and outstanding scenic vistas (EIS, D.3-45).

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B3-3 cont.

- 4) *County of Riverside, The Pass Area Plan*
(<http://www.rctlma.org/generalplan/ap2/pap.html>)
 - a) Circulation: Scenic Highways, Policy PAP 12.1, because no mitigation can bring the proposed project into conformance with the plan's policy to protect scenic highways in The Pass from a change that would diminish their scenic value (EIS, p. D.3-45).
- 5) *County of Riverside, Western Coachella Valley Area Plan*
(<http://www.rctlma.org/generalplan/ap2/wcvap.html>)
 - a) Circulation: Scenic Highways, Policy WCVAP 18.1, because no mitigation can bring the proposed project into conformance with the plan's policy to prevent harming views from state-designated scenic highway Route 62 (EIS, D.3-46).
 - b) Multipurpose Open Space, Policy WCVAP 19.1, because no mitigation is possible to prevent the proposed project from harming visual resources in the Western Coachella Valley (EIS, p. D3-46).
- 6) *County of Riverside, Eastern Coachella Valley Area Plan*
(<http://www.rctlma.org/generalplan/ap2/ecvap.html>)
 - a) Circulation: Scenic Highways, Policy ECVAP 14.1, because no mitigation is possible which would protect scenic highways from change that would diminish the aesthetic values of adjacent properties (EIS, p. D.3-47).
- 7) *County of Riverside, Desert Center Area Plan*
(<http://www.rctlma.org/generalplan/ap2/dcap.html>)
 - a) Circulation: Scenic Highways, Policy DCAP 9.1, because no mitigation is possible which would protect scenic highways from change that would diminish the aesthetic values of adjacent properties (EIS, p. D.3-47).
- 8) *County of Riverside, Palo Verde Area Plan*
(<http://www.rctlma.org/generalplan/ap2/pvap.html>)
 - a) Circulation: Scenic Highways, Policy PVVAP 10.1, because no mitigation is possible which would protect scenic highways from change that would diminish the aesthetic values of adjacent properties (EIS, p. D.3-47).
- 9) *County of San Bernardino General Plan* (<http://www.co.san-bernardino.ca.us/landuseservices/General%20Plan%20Update/Default.asp>)
The proposed project violates Policy OR-57 of this plan because no mitigation is possible that would preserve the existing landform and natural features of a hillside environment (EIS, D.3-48)

Comment Set B3, cont. Yuma Audubon Society

Municipal Plans

The proposed project also violates policies of three plans of cities in southern California. These are:

- 10) *City of Loma Linda, Draft General Plan*, Land Use Element 2.2.3.1, Guiding Policy for the South Hills, Policy j, because no mitigation is possible to prevent the project from violating appropriate setbacks from primary ridgelines (EIS, D.3-50).
- 11) *City of Redlands, 1995 General Plan*, City Design and Preservation Element: Section 3.10, City Design – Guiding Policies, Policy 3.10e, because the natural appearance of the steep hillsides and ridges in San Timoteo Canyon will not be preserved (EIS, p. D.3-51).
- 12) *City of Grand Terrace General Plan*, Aesthetic, Cultural, and Recreational Resources Element: Aesthetic Resources, because the project would violate the policy to preserve view opportunities of existing development when new development occurs (EIS, D.3-52).

In all, even the EIS admits that there would be fourteen violations of federal, county, and municipal plans, as is seen above. This is a considerable impact even if the writers of the EIS do not consider all of these to be “significant” impacts but merely “adverse,” which *Merriam-Webster’s Collegiate Dictionary* (tenth edition) defines as “hostile,” “unfavorable,” or “harmful.”

Preserves and Conservation Areas

We also note that the proposed project would cross six miles of the Coachella Valley Preserve, which is federally-designated Critical Habitat under the Endangered Species Act for the Coachella Valley Fringe-toed Lizard (EIS, D.2-69), two miles of the Upper Mission Creek/Big Morongo Canyon Conservation Area (EIS D.2-75), and one-half mile of the Whitewater Canyon Conservation Area (EIS, D.2-76). When the terms “Critical Habitat,” “conservation area” and “preserve” are used, one hardly thinks of gargantuan power line towers as a means of contributing to the conservation of the wildlife and habitat of these areas.

Purpose and Need for the Project

The EIS is quite clear that the driving purpose for the proposed project is economic benefits to Southern California Edison (which we believe its customers may or may not realize); the lights will not go out in California if the project isn’t built: “The economic context of the Proposed Project means that DPV2 is primarily driven by SCE’s desire to reduce energy costs to California customers, not by a need for improved reliability” (EIS C-61). The benefit-to-cost ratio of the project is projected to be 1.7:1 (EIS, A-15), which seems low, especially in light of findings from studies of

B3-3 cont.

B3-4

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benefit-cost ratios that costs tend to be underestimated (Bent Flyvbjerg, Mette K. Skamris Holm, and Søren L. Buhl, "Underestimating Costs in Public Works Projects: Error or Lie?" *Journal of the American Planning Association*, vol. 68, no. 3, Summer 2002, pp. 279-295; Bent Flyvbjerg, Mette K. Skamris Holm, and Søren L. Buhl, "How (In)accurate Are Demand Forecasts in Public Works Projects? The Case of Transportation." *Journal of the American Planning Association*, vol. 71, no. 2, Spring 2005, pp. 131-146.) Although the above authors studied transportation projects in greatest detail, they also state that "In addition to cost data for transportation infrastructure projects, we have reviewed cost data for several hundred other projects including power plants, dams, water distribution, oil and gas extraction, information technology systems, aerospace systems, and weapons systems The data indicate that other types of projects are at least as, if not more, prone to cost underestimation as are transportation infrastructure projects." (Flyvbjerg, Holm, and Buhl 2002:286).

B3-4 cont.

The Environmentally Preferable Alternative

The EIS (p. E-1) quotes U.S. Council on Environmental Quality guidance that a Record of Decision for an EIS must specify which alternative is "environmentally preferable." This guidance goes on to state that "Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." However, in spite of this, the EIS (p. E-15) concludes that "Therefore, because the No Project Alternative could also require construction of transmission lines with impacts similar to those described for the Proposed Project, as well as impacts of generation sources, the No Project Alternative is not found to be superior to the Environmentally Superior Alternative as defined in Section E.2.3 [of the EIS] above."

B3-5

We contend that the No Action/No Project Alternative best protects the environment and should be chosen as the Environmentally Preferable Alternative, as provided for in the CEQ guidance referenced above. Notice that the purported superiority of the EIS's Environmentally Preferable Alternative rests on speculation and general assumptions that just aren't a legitimate part of the No Action/No Project Alternative. Note the use of "could" and "similar to" in the quote above from the EIS, and speculation beyond simple lack of action for the No Action/No Project Alternative. Throughout the EIS, whenever the No Action/No Project Alternative is discussed, most consistently toward the end of each of the environmental analysis sections designated D2 to D14 (e.g., D.2-269 to D.2-270, D.3-233, D.4-57 to D.4-58, etc.), the adverse impacts of the No Action/No Project Alternative are highly speculative because they are not predictable in any significant detail. This is also apparent in the summary at C-64 in the EIS: "Because no project sponsors have been identified for a generation alternative, there is no predictable generation development scenario that can be reasonably expected to occur as part of the No Project Alternative." Similarly, at C-65 of the EIS: "Without alternative plans or sponsors for alternate facilities, it would be speculative to assume that any specific transmission or

Comment Set B3, cont. Yuma Audubon Society

generation projects are foreseeable under the No Project Alternative.” Again, we should be assessing a simple lack of action in the No Action/No Project Alternative and no more.

Moreover, while the CEQ requires alternatives “using common sense rather than simply desirable from the standpoint of the applicant” (EIS, p. C-5), the EIS rejects the Renewable Resources Alternative for further analysis because it doesn’t meet the “purpose and need” for cheap electricity (EIS, p. C-56). This is surely contrary to CEQ’s requirements and only makes the No Action/No Project Alternative all the more desirable—what could be more “common sense” than no action?

The beneficial impacts of the No Action/No Project Alternative without the speculation are clear and specific—and, as required by CEQ, the No Action/No Project Alternative would be environmentally preferable to any of the alternatives analyzed in detail in the EIS because the No Action/No Project Alternative, compared with the other alternatives under serious consideration, would damage the biological and physical environment the least and best protect, preserve, and enhance historic, cultural, and natural resources. Speculation about what might happen if the project is not built is just too uncertain to serve as a basis for rejecting the No Action/No Project Alternative as the Environmentally Preferable Alternative.

The Environmental Analysis Is Compromised by Deficiencies

At a significant number of points in the environmental analysis, there are inconsistencies, inadequacies, and errors of omission. They are grouped by subject area below.

Biological Resources

Given that bighorn sheep are a species of special concern along the more mountainous areas of the proposed route of the power line (e.g., EIS, p. D.2-17), we find it disappointing and inadequate that so little space was given to analysis of the effects of the power line construction and operation on bighorn sheep. There is a small discussion of breeding and lambing, but nothing on movement as it is affected by the power line. Inconsistently, Impact B-11 (EIS, p. D.2-157), which attempts to assess the effect of construction activities on movement of fish, wildlife movement corridors, and nursery sites, doesn’t even address bighorn sheep. We understand that as part of the mitigation for the Devers-Palo Verde No. 1 power line, studies were done of the bighorn sheep along the route, but one would never know from this EIS. What were the findings of those studies? How do they affect the analysis of bighorn sheep in this EIS? Or don’t they? Was anything of value learned?

The Bald Eagle, classified as Endangered under the Endangered Species Act, occurs in winter along the Colorado River. The only mention of the Bald Eagle in Chapter D2 of the EIS, which concerns biological resources, is on p. D.2-95, where the Bald Eagle Protection Act of 1940 is cited, but there is no analysis of effects of the project on the Bald Eagle as it relates to this act or its Endangered Species status.

B3-5 cont.

B3-6

B3-7

Comment Set B3, cont.
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Additional transmission lines across the Colorado River could result in more collisions and resulting injuries and fatalities.

B3-7 cont.

The Brown Pelican is considered in the EIS only as it occurs along the Colorado River corridor (EIS, D.2-132). However, Brown Pelicans can literally fall out of the air almost anywhere when wandering and exhausted, especially in the summer in places with water or what looks like water. This has become a regular phenomenon in southern Arizona, with multiple occurrences. As a result, Brown Pelicans could occur in or out of distressed states along the route of the proposed project. The EIS should be corrected to reflect this.

B3-8

Visual Resources

The assessment of effects on visual resources is based on a very limited number of key viewpoints. This is inadequate to show the full impact of the proposed project on visual resources, although what little is shown certainly is of a significant magnitude in itself, and only hints at the domination of the landscape by the proposed project along much of its length.

B3-9

For example, only one key viewpoint for 24 miles across the Kofa NWR (EIS, p. D.3-21) is totally inadequate to show the magnitude of the visual change that would result from the proposed project on the Kofa NWR. The visual effects of the series capacitor bank at the eastern boundary of the Kofa NWR are also inadequately assessed (EIS, Impact V-6, p. D.3-73) as they affect the Kofa NWR. This feature is visible from the Kofa NWR, yet its effect was not considered on Kofa visual resources.

Analysis at the existing key viewpoints is also inadequate. Key viewpoints should show all directions from which the power line can be seen.

B3-10

Looking at the photos of Key Viewpoint 1 in Figures D.3-3A/3B, the effects are much more noticeable than the EIS claims (p. D.3-63). The added conductor is much more noticeable, giving an undulating feeling that is out of character with the form and line of the landscape.

Key Viewpoint 2 should show a view looking southwest across the power line toward the Eagletail Mountains (EIS, Figures D.3-3A/3B).

Key Viewpoint 3 (EIS, Figures D.3-4A/4B) should show a view to the south from farther north, across the power line.

Key Viewpoint 6 (EIS, Figures D.3-7A/7B) shows part of Copper Bottom Pass, but why wasn't a viewpoint included that would show the effects of double-circuiting? What effect would the undulations of conductor on a double-circuited line have on visual quality in Copper Bottom Pass?

Comment Set B3, cont.
Yuma Audubon Society

Key Viewpoint 7, the Colorado River Span (EIS, Figures D.3-8A/8B), is one of the most problematic and underestimated of the viewpoints in the significance of its visual impacts. We definitely disagree with the statement that “Structural features appear gray in color and provide a pleasing color contrast with the muted earth tones of the surrounding desert landforms.” (EIS, p. D.3-23) We hardly find the addition of another power line across the Colorado River “pleasing” in contrast or otherwise. The EIS seriously underestimates the significance of the impact of the power line on visual resources at the Colorado River crossing by only considering the effect of the conductors on the river and not the towers. The towers are put into a different visual quality class because they are on the adjacent land and not over the water (EIS, p. D.3-87), yet are visible from the higher quality visual quality area. Use of the Colorado River as a recreation area was not even assessed (EIS, p. D.5-29). The assertion that the visual and recreation impacts on the Colorado River are not significant (EIS, p. D.3-87, D.5-30) is just not so. Look at the photos again (EIS, Figures D.3-8A/8B) and it should be apparent.

B3-11

Key Viewpoint 11 (EIS, Figures D.3-12A/12B) shows that the new power line doesn't repeat basic elements of natural features, which is one of the standards against which significance is assessed (EIS, p. D.3-99, “Although the new line would not repeat the basic elements of the existing natural features in the landscape, it would repeat the characteristics of the existing line and it would not dominate the view of the casual observer.”). Instead, it creates more intense skylining. We disagree that the power line does not “dominate the view of the casual observer,” and emphasize that the standard is not whether the new line repeats the characteristics of the existing line. It is whether the new line repeats elements of existing natural features. It does not, as is clear from the photos.

B3-12

Key Viewpoint 14, at the Coachella Valley Preserve (EIS, Fig. D.3-15A/15B) shows that there are already too many power lines for a wildlife preserve. One more would just exacerbate the problem.

B3-13

Air Quality

The EIS estimates that emissions of nitrogen oxides would increase by 200 tons per year in Arizona as a result of the proposed project. However, 80% of this would be produced by eleven power plants of which nine are located in the Palo Verde area, just west of Phoenix (EIS, C-61). Winds often come from the west in Phoenix and the EIS underestimates the significance of concentrating this air pollution just west of an area that chronically experiences poor air quality.

B3-14

Emergency Value

The EIS makes a major point of the emergency value of another power line from Arizona to California in the event that there is an outage from the Pacific Northwest to California (EIS, p. A-17). However, the EIS underestimates the vulnerability of two parallel power lines in the event that the same event affects both lines (such as a

B3-15

Comment Set B3, cont.
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power outage from Arizona to California). The emergency value of the the Devers-Palo Verde No. 2 line has been overestimated.

B3-15 cont.

For the same reason as above, the EIS overestimates the emergency value of two parallel power lines in comparison to a double-circuit line on one set of towers (EIS, p. ES-24). If an event affects one of the lines, it very likely will affect the other.

The EIS at C-6 makes reference to the California energy crisis in a quote from Southern California Edison's *Proponent's Environmental Assessment* and cites protection from "volatile commodity prices, the exercise of market power, and the risk of supply shortages" as reasons for the proposed project. However, what Edison cites as causes were actually effects not of "market power" but market manipulation. Quoting an article in *The New York Times* on October 27, 2003 by Richard J. Oppel, Jr. ("Panel Finds Manipulation By Energy Companies"), "California electricity and natural gas prices were driven higher because of widespread manipulation and misconduct by Enron and more than 30 other energy companies during the 2000-2001 energy crisis that threatened the state's solvency, federal energy regulators said today." This diminishes the significance of the California energy crisis of 2000-2001 as a justification for the project. Perhaps a better way to prevent such a crisis from occurring again would be tighter regulation and more effective punishment of unfair and unprincipled players in the energy markets, rather than more power lines.

B3-16

The North of Kofa Alternatives

The EIS's treatment of the three alternatives that would avoid the Kofa NWR is inconsistent and incomplete. First of all, in spite of the fact that impacts on the Kofa NWR are a major issue, all alternatives that would avoid the Kofa NWR were dropped from detailed analysis (EIS, C.5-30 to C.5-36). Some of the reasons for rejecting further analysis of these alternatives are superficial upon further examination. This does not necessarily mean that we support adoption of these alternatives over the proposed project. Nor do we support the proposed action that would cross the Kofa NWR. We are here concerned primarily with rejection of the North of Kofa, South of I-10 Alternative and North of Kofa, North of I-10 Alternative from further analysis. In our view, the rationale for rejecting these alternatives from further analysis is faulty. Five factors for rejection, among a few others, are common to both alternatives (EIS, pp. C-30 to C-33); we will discuss these below.

Rejection Rationale #1: The Alternatives Are Outside a Utility Corridor

B3-17

The remedy for this would have been to design an alternative (and carry it forward for detailed analysis) that would follow an existing utility corridor that would avoid the Kofa NWR. This could be done by following designated Utility Corridor 10 in the BLM Lower Gila South Resource Management Plan (see p. 5 of the plan) and designated Utility Corridor 7 in the BLM Yuma District Resource Management Plan (see Map 8 in the plan). It is also important to note that the proposed route through the Kofa NWR is also outside a designated utility corridor—the proposed route through the Kofa NWR

Comment Set B3, cont.
Yuma Audubon Society

has never been designated a utility corridor. BLM may designate utility corridors on lands they administer for planning purposes; the Fish & Wildlife Service, which administers the Kofa NWR, doesn't designate utility corridors. By avoiding the Kofa NWR and staying on BLM-administered land, the proponents could have chosen to follow a designated utility corridor all the way across Arizona. But this alternative was not even considered. It is true that BLM banned overhead lines on the north side of I-10 in the designated UC-10 utility corridor for the length of three townships (18 miles), but the utility corridor is a mile wide and this leaves the south side without such a restriction.

B3-17 cont.

Rejection Rationale #2: Desert Tortoise Habitat

The impacts to desert tortoises are claimed to be greater along the alternative routes than the proposed project because BLM has designated the desert tortoise habitat the alternative routes would cross as Class II, but the Kofa Refuge hasn't formally designated the proposed route as desert tortoise habitat. Yet the EIS admits that the Kofa NWR route also is "valuable desert tortoise habitat" (EIS, p. C-31). Misleadingly, the EIS analysis devalues the desert tortoise habitat in the Kofa NWR just because it isn't formally designated in order to falsely minimize the impacts of the proposed project in relation to the alternatives that would avoid the Kofa NWR.

B3-18

Rejection Rationale #3: Impacts on Bighorn Sheep

The EIS is inconsistent in how it treats impacts of the proposed project and alternatives on bighorn sheep. On the one hand, the North of Kofa alternatives both north and south of I-10 are rejected from further analysis because the EIS states that impacts on bighorn sheep would be unacceptable. On the other hand, the EIS underplays any impacts that might occur to bighorn sheep on the Kofa NWR, essentially finding impacts insignificant by if construction is avoided during the breeding and lambing seasons. Nothing is said of the effects of the project on the movements of bighorn sheep across the transmission line right-of-way. And whatever may have been learned from the five-year study of bighorn sheep that was part of the mitigation for the first power line is not divulged. It appears that effects of the proposed project on bighorn sheep are being skewed for the convenience of the proponent—an insurmountable factor when the alternative routes are considered, but not that significant when the proposed route through the Kofa NWR is considered; nothing that a little mitigation can't cure. The EIS should be consistent in evaluating the effects of power line construction and operation on bighorn sheep. At present it is not consistent. Whether that means that impacts on bighorn sheep would be considered significant or not, either way the alternatives become more attractive for detailed analysis.

B3-19

Rejection Rationale #4: The Recreational Value of the La Posa Area

The EIS asserts that the recreational value of the La Posa area would be diminished by the alternatives north of the Kofa NWR compared with the proposed project (EIS, p.p. C-31, C-33). However, the kind of recreation that occurs in the La Posa Recreation

B3-20

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Area/Long-term Visitor Area/Camping Area is less focused on the natural environment than in the Kofa NWR. The majority of users of the La Posa area are using the area as a trailer/RV park during the winter. Swap meets tend not to focus on the natural environment. Off-highway vehicular activity is focused as much, if not more, on the ride experience as it is on the natural environment. Fluctuations in landscape (hills, dips, curves, varying types of substrate) are what is of primary importance for the ride, not scenic vistas or the kinds of plants and animals that live in the area, although different riders may or may not value these as secondary experiences. Thus, while there are a large number of people in the La Posa area, the recreational experience impact from a power line may not be proportionately decreased over the Kofa NWR in direct dependence on the numbers involved, but instead may also be related to the type of recreation. We thus contend that the EIS may well exaggerate the difference in effect on recreation because it is based on sheer numbers in dismissing the north of Kofa NWR alternatives from further analysis. Finer tuning is needed.

B3-20 cont.

Rejection Rationale #5: Visual Resources

The EIS contends that a valid reason for rejecting the North of Kofa NWR alternatives from further analysis is that the impacts of the power line would affect scenic views from the La Posa Recreation Area/Long-term Visitor Area/Camping Area and Interstate 10 (EIS, pp. C-31, C-33). The view at La Posa already is greatly compromised five months of the year by the thousands of RVs and trailers that inhabit the area during the cooler months when most visits are likely to occur. Along I-10, people are zipping along at 75 miles per hour and often above and are much more interested in getting to Los Angeles, Phoenix, or points east than having a scenic experience. In addition, the power line was built along a significant part of I-10 in California. All of this supports carrying the alternatives forward for more detailed analysis. Don't get us wrong—based on personal experience, we can vouch for the effects that power lines have on visual resources and feel they are significant. But we also feel that rejecting the non-Kofa NWR alternatives from further analysis was premature.

B3-21

Comment Set B3, cont.
Yuma Audubon Society

Lack of Public Hearings

After the EIS was issued, no public hearings were scheduled in Arizona, only workshops at which no formal oral public comments were taken. Apparently formal public comments were taken in California, but only because it is a California Public Utilities Commission requirement. The hearing before the Arizona Power Plant and Transmission Line Siting Committee (AZPPTLSC) is not a substitute for BLM holding public hearings on the EIS in Arizona. BLM is not a part of the AZPPTLSC hearing. While we recognize that BLM can choose not to hold public hearings on an EIS, nevertheless it has been highly unusual not to hold formal public hearings when an EIS is issued. BLM should schedule public hearings on the EIS and consider formal comments at those hearings as occurring during the official comment period.

B3-22

Mitigation Is Inadequate and Unproven

In certain instances in the EIS, mitigation is proposed to lessen impacts on resources. However, much of the proposed mitigation is unproven, or there is no evidence that its effectiveness has been proven on the ground, so to speak, especially in light of undivulged mitigation experience from the Devers-Palo Verde No. 1 transmission line. What evidence is there that the mitigation methods proposed in the EIS will work? (In the discussion below, we will refer to the *Final Environmental Statement, Palo Verde-Devers 500KV Transmission Line* of 1979, for the existing transmission line, abbreviated as FEIS-PVD1.)

The DPV1 EIS provides for biological mitigation (FEIS-PVD1, p. 1-28). What kind of mitigation was carried out? Was it successful? What were the criteria for success?

B3-23

Plants

Transplanting plants is listed as a mitigation measure in the DPV2 EIS (pp. B-69, D.2-102). It was also listed as a mitigation measures for DPV1 (FEIS-PVD1, p. 1-34). During construction of the first power line, were any plants transplanted? What was their survival rate, by species? Were any threatened or endangered species taken or collected and transplanted? Was transplantation successful? What happened to state-protected plant species that were affected (this mitigation measure was listed in the FEIS-PVD1, p. 1-35)?

B3-24

Restoration of construction areas was listed as a mitigation measure in the FEIS-PVD1, p. 1-30. What is the current condition of construction areas that were restored? Have they regained their original condition?

B3-25

What are the "standard mitigation measures" for noxious weeds referred to in the DPV2 EIS on p. D.2-100? Do they work? Is there any proof of this?

B3-26

Comment Set B3, cont.
Yuma Audubon Society

Animals

The DPV2 EIS (p. D.2-130) proposes to mitigate by relocating animals whose habitat will either be impacted by construction or lost to power line facilities. What is to prevent these animals from being relocated into habitat that is already at carrying capacity for the species? Will this be assessed before moving these animals? Moving these animals into habitat at carrying capacity would not achieve the aim of mitigation for disturbance or destruction of their existing habitats.

B3-27

How many animals of which species perished as a result of construction of the first power line?

B3-28

The DPV2 EIS (pp. B-70, D.2-102) proposes to move desert tortoises whose habitat is impacted by construction or lost to the power line. Moving tortoises exposes them to stress and may cause them to void liquids. What proof is there that relocating desert tortoises is successful, given stress factors?

B3-29

The DPV1 EIS provided for establishing new bighorn sheep watering facilities, if needed (FEIS-PVD1, p. 4-7). Were such facilities constructed? How successful were they in attracting and providing for the needs of bighorn sheep?

B3-30

What were the findings of the five-year bighorn sheep study performed as part of mitigation for the first power line? Were they incorporated into analysis in the DPV2 EIS? How?

B3-31

The EIS (p. D.2-174) proposes to check the power line for raven nests and remove them. How often will this occur, and what continuing impact will this have on resources?

B3-32

Bird collisions with transmission towers and lines are mentioned on pp. D.2-107 and D.2-140 of the DPV2 EIS. Are there any data to assess the magnitude of this problem, and which species are affected? Do the collision-reducing techniques of mitigation measure APM-15a work? How effective are they? The EIS gives an impression that not much is known about the effectiveness of these measures in reducing avian collisions with transmission lines and towers.

B3-33

Mitigation measure APM B-33 precluding activity in blow sand areas is compromised by the addition of "if possible" (EIS, p. B-70). How much activity will occur in blow sand areas? Our concern is that it will be found not to be possible to avoid disturbing these areas and that the mitigation measure will become meaningless.

B3-34

Cultural Resources

What mitigation for cultural resources was carried out as a result of mitigation provisions (FEIS PVD1, p. 4-2) of the DPV1 project?

3-35

Comment Set B3, cont.
Yuma Audubon Society

Worker Activity

Were there instances of employees violating or failing to perform mitigation provisions for the DPV1 project (e.g., FEIS PVD1, p. 4-7)? How much of a problem was this?

B3-36

During and subsequent to the construction of the DPV1 transmission line, did workers observe the speed limit during construction, maintenance, and monitoring activities (EIS, p. D.2-102)? Please note that the speed limit on all parts of the Kofa NWR is 25 miles per hour, not just in desert tortoise areas, as is proposed in the mitigation measures (EIS, p. D.2-174). Will this speed limit be observed in all areas of the Kofa NWR impacted by transmission line activities?

Workers should be required to undergo the Worker Environmental Awareness Program before commencing work on the project, not within five days of beginning work, as is proposed in the EIS on pp. D.2-141 to D.2-142.

B3-37

Recreation

What success or failure has there been in preventing access or spur routes built as part of the DPV1 project from becoming off-highway vehicle routes (EIS, p. D.5-21)?

B3-38

Visual Resources

Proposed mitigation will attempt to match horizontal alignment and height of towers for the two lines (EIS, p. B-10), but this will only work in reducing impacts when the towers are viewed from locations where they are seen in line from the side. In most locations, the towers will not cancel each other out. This reduces the effectiveness of this mitigation measure considerably and raises the level of impact of the towers on visual resources. Driving along Route 85 from Gila Bend to Buckeye will show the effect of parallel power lines by looking to the east of the road.

B3-39

Air Pollution

Why was no mitigation proposed for the increased air pollution in Arizona that would result from construction of the second power line (EIS, p. D.11-38)?

B3-40

Mitigation Monitoring

The EIS at Section H.1.2 on p. H-1 addresses authority for mitigation monitoring, compliance, and reporting on "Bureau of Land Management and other federal lands," but only BLM is mentioned, as "responsible for ensuring that mitigation measure [sic] are implemented on its land." Who, then, is responsible for ensuring that mitigation measures are implemented on federal lands that are not administered by the BLM, such as National Wildlife Refuges? The U.S. Fish & Wildlife Service should be recognized as the arbiter of mitigation on National Wildlife Refuge lands, as well as when federally-listed endangered or threatened species are involved anywhere. The National Wildlife Refuge system is one of five "systems" of lands managed by federal

B3-41

Comment Set B3, cont.
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agencies (see Robert L. Glicksman and George Cameron Scoggins, *Modern Public Land Law in a Nutshell*, 2nd ed. St. Paul, MN: West Group, 2001, pp. 31-34) and operates under some different laws and regulations than BLM.

B3-41 cont.

Similarly, in the Mitigation Monitoring Program in the EIS (p. D.2-272), Mitigation Measures B2a and B2b indicate that only BLM-administered land would be surveyed by the noxious weed inventory (B2a) and implement control measures for invasive and noxious weeds (B2b). What about Fish & Wildlife Service-administered lands like the Kofa National Wildlife Refuge?

B3-42

As mitigation for the DPV2 power line. The EIS proposes funding for monitoring the Western Riverside County Multi-Species Habitat Conservation Plan (MSCHP) (EIS, p. D.2-103). This should be done anyway as part of the MSHCP. Mitigation for the power line should be more direct and outside ordinary monitoring.

B3-43

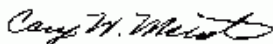
Conclusion

In closing, we reiterate that the No Action/No Project Alternative is the Environmentally Preferable Alternative. The costs to the environment of the Proposed Project or Preferred Alternative are just too great in comparison with the alleged benefits to be derived, primarily cheaper electric power for Southern California Edison, not increased reliability or meeting a deficit in electric power in California. Thank you for the opportunity to comment.

B3-44

Sincerely,

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Cary W. Meister
Conservation Chair

Responses to Comment Set B3 Yuma Audubon Society

B3-1 The wildlife habitat impacts in the Chuckwalla Valley Dune Thicket ACEC (see page D.2-171 of the Draft EIR/EIS) are considered to be Class II, potentially significant, but mitigable to a less than significant level with the implementation of Mitigation Measures B-7d (Purchase mitigation lands for impacts to fringe-toed lizard habitat) and B-9i (Schedule construction when the Coachella Valley round-tailed squirrel is dormant). Visual resources, wilderness and recreation, cultural resources, agricultural resources, noise, and air quality impacts are described by the commenter as they are stated in the Draft EIR/EIS.

Please see Response B3-9 and C29-16 for a discussion of key viewpoints for visual resources analysis.

Section G.4 (Significant Environmental Effects which Cannot be Avoided if the Proposed Project is Implemented) under Visual Resources in the EIR/EIS has been modified to include the following paragraph:

In addition, there would be an inconsistency of the Harquahala Mountain Telecommunication Facility with BLM VRM Class II management objective due to increased structure contrast, industrial character, view blockage, and skylining when viewed from Harquahala Mountains Wilderness (VRM Class I) and surrounding area (VRM Class II) (Impact V-48). While it is not expected that that the Harquahala Mountain visual impact can be mitigated to a level that would be less than significant as presently proposed, Mitigation Measure C-1g (see Section D.7.6.1, Cultural Resources) is proposed to provide an opportunity to revise the project design to reduce the level of impact. However, at this point, even with mitigation, the impact would still be significant (Class I).

The New Water Mountains Wilderness Area is adjacent to the DPV2 ROW, but as proposed, no construction activities would occur within the Wilderness Area. Please refer to Response A18-45 for a discussion of the New Water Mountains Wilderness Area.

Impacts to the Colorado River are discussed in each issue area section, as necessary, in the Kofa National Wildlife Refuge to Colorado River and the Colorado River to Midpoint Substation segments. Please see Responses B3-7, B3-8, B3-11, A6-5, A18-5, A18-20, and C29-23 for a discussion of impacts related to the Colorado River.

B3-2 The significant, unavoidable impact of corona noise (Impact N-2) in the Palo Verde Valley and other populated areas along the 500 kV portions of the Proposed Project is a result of residential land uses adjacent to the line. Where no residential land uses occur, the surroundings are typically less sensitive to noise. The Draft EIR/EIS (Section D.8.6.2) indicates that existing corona noise levels in the Kofa NWR are not within the U.S. EPA target of 55 Ldn, and that the Proposed Project would aggravate this condition. Changes in outdoor noise levels of less than three decibels (dB) are generally not noticeable, and because an increase of more than 3 dB would not occur, the project's corona noise would not significantly change noise levels within Kofa NWR. New information provided by SCE in its comments on the Draft EIR/EIS (see Comment Set E3) shows that the area of impact would be somewhat smaller than was shown in the Draft EIR/EIS.

B3-3 As described by the commenter, consistency with plans and policies is discussed in EIR/EIS Appendix 2, which includes a comprehensive Policy Screening Report. Consistency is also addressed in each individual issue area section (Sections D.2 through D.14) under Applicable Regulations, Plans, and Standards.

The Kofa NWR and New Water Mountains Wilderness Interagency Management Plan does not include any specific policies related to utility corridors or other projects across Kofa NWR. The only applicable measure applies to visual resources as it relates to wilderness values, as described in Section 2.4.5 of Appendix 2 and in Section D.3 (page D.3-39) of the EIR/EIS. Please also see Response B8-12.

B3-4 SCE's economic analysis is discussed in Section A.2.3 of the EIR/EIS and includes a discussion of non-quantified benefits, which would tend to undervalue the benefits of a transmission line. As discussed in Section A.1.4, a separate proceeding was opened by the CPUC (I.05-06-041) to consider appropriate principles and methodologies for assessment of the economic benefits of transmission projects, including DPV2, that are submitted for CPUC approval. Section A.2.1 also states that the California Independent System Operator (CAISO) conducted an independent review of the project and found DPV2 to be a necessary and cost-effective addition to the CAISO-controlled grid. Regardless, the benefit-to-cost ratio and the economic methodologies and analysis are beyond the scope of the CEQA and NEPA analysis required in this EIR/EIS.

B3-5 The commenter's preference for the No Project/Action Alternative has been noted.

It is difficult to identify an exact scenario of what is most likely to happen under the No Project/No Action Alternative because it is speculative: numerous entities would be involved and no proposal exists. However, as is discussed in Section C.6.1, there are economic and power supply issues that would affect the No Project/No Action Alternative. As a result, Section C.6.2 states that no specific development scenario is envisioned, but certain consequences can be identified without undue speculation. Section C.6.2 presents No Project Alternative scenarios describing events and/or actions that are reasonable expected to occur in the foreseeable future without DPV2. These actions are what have been analyzed by each individual issue area author (Sections D.2 through D.14) and compared to the Proposed Project in Section E.3 of the EIR/EIS.

As stated in Section E.3, the environmental impacts of the No Project Alternative would primarily result from operation of gas-fired turbine generators and new transmission lines. These long-term operational impacts include substantial air emissions and ongoing noise near the generators, as well as visual impacts of the new transmission lines and generators depending on their locations. Therefore, because the No Project Alternative could also require construction of transmission lines with impacts similar to those described for the Proposed Project, as well as impacts of generation sources, the No Project Alternative has not been found to be superior to the Environmentally Superior Alternative (defined in Section E.2.3 of the EIR/EIS).

Please refer to response B1-6 for a discussion of renewable resources alternative and the rationale for their elimination due to equal or greater environmental impacts, *in addition to* the fact that they would not meet project objectives.

- B3-6 Preliminary studies conducted by SCE of the effects of construction to populations of Bighorn sheep indicated that the construction and placement of the DPV1 project did adversely affect populations of bighorn sheep in the Kofa NWR. Please see General Response GR-1 for further information related to this issue as to why the route through Kofa NWR was found to be environmentally preferable to potential alternatives outside of Kofa NWR as it relates to the minimization of impacts to bighorn sheep and their habitat. See also Response B3-23.
- B3-7 Bald eagles have been documented along some sections the Colorado River; however, there are limited perch sites near the proposed route to suggest that this species would be affected by the Proposed Project. Appendix 7, Section 7-5 of the Draft EIR/EIS provides information regarding species with a low potential to occur in the project area. This includes the bald eagle. Section D.2.6.2 (Impacts of the Transmission Line Operation) provides information addressing the potential for line collisions for listed bird species. Although this section does not specifically identify bald eagles in the text, as this species was determined to have a low potential to occur in the project area, it does indicate that listed birds could be impacted by the proposed transmission line and provides mitigation to reduce potential impacts to these species.
- B3-8 While it is possible that brown pelicans may land anywhere if distressed or blown off course during storm events, the likelihood that this would occur at the location of the DPV2 crossing of the Colorado River is considered to be too speculative to address within the context of this EIR/EIS.
- B3-9 It is acknowledged that additional key viewpoints would provide even greater differentiation of impacts along a given route segment. However, the EIR/EIS has attempted to provide a reasonable number of key viewpoints, which was a challenge given the nearly 300-mile length of the DPV2 project. For that reason, viewpoints have been selected to be representative of broader viewing opportunities along each route segment. The selection of a Key Viewpoint (KVP) depends on viewpoint location, proximity to the proposed route, and viewing angle.
- Within the Kofa NWR, KVP 4 was considered to be a representative viewpoint. While it is acknowledged that there are other viewing opportunities within the Refuge and the area around where the degree of project induced visual change will appear greater, there are also locations where the visual change will be less apparent than shown in KVP 4.
- B3-10 The undulating or scalloping lines of the conductors are more or less visible during different times of the day under varying lighting conditions. The photograph and simulation presented in Figures D.3-2A/2B are at a time period when the conductors reflect more light and thus, are more visible. But during much of the day, the conductors are less visible or not visible at all from distant viewpoints. Therefore, given the forms and lines established by the existing DPV1 line and the relatively limited amount of time that the conductors are more reflective, the incremental visual change from adding a second line was determined to be low when viewed from this representative location.
- KVP 2 was established to capture the representative visual impact on travelers on I-10. While it is true that another viewpoint or view direction toward the Eagletail Mountains would provide more differentiation of the visual impact visible from I-10, the primary impact will

be from structures that are within the primary cone of vision (45° either side of the primary direction of travel — east or west in this case) of travelers on the freeway. Within these limits, structures will be visible for the longest period of time. The further the project is from the primary cone of vision, the shorter the view duration will be. Therefore, the view direction selected for KVP 2 was considered the most representative of the reasonable worst case visual impact along this portion of I-10.

KVP 3 and its northwest viewing angle were selected because most of the BLM access roads to the Eagletail Mountains branch off of Pipeline Road, south of the proposed route. Therefore, most views of the project in the vicinity of the north and east side of the Eagletail Mountains would be to the north.

KVP 6 was selected because it captures the portion of the pass area where new towers would be constructed. Just to the north of this viewpoint, the Proposed Project conductors would shift to existing structures. A second pair of conductors would not cause as great a visual change as an entire second line (towers and conductors).

- B3-11 This comment points out a text error on page D.3-23 in the discussion of Key Viewpoint 7 (12th line in the discussion). The discussion has been corrected as follows:

Towers B801 and B802 on the east side of the river and Towers 4756 and 4757 on the west side of the river. Structural features appear gray in color and ~~provide a pleasing color contrast with the muted earth tones of the surrounding desert landforms smooth in texture.~~

The crossing of the Colorado River is somewhat complicated because the conductors over the river are subject to VRM Class II management objectives, which allow for a low degree of visual change while the towers outside of the riparian zone are subject to VRM Class III management objectives, which allow for a moderate degree of visual change. As a result, the incremental visual impact of the two components of the project (conductors and structures) was found to be consistent with their respective management objectives.

- B3-12 It is true that the two transmission lines combined do appear more prominent in the landscape than a single line alone. However, the focus of the EIR/EIS is on the incremental visual impact of the new line. The DPV1 line is considered to be part of the environmental baseline — a component of the existing setting. In that context, it was determined that the resulting visual contrast (from DPV1 alone to DPV1+DPV2) would be moderate for structural form but weak for line, color, and texture. The EIR/EIS conclusion that the Proposed Project along this route segment would result in a low to moderate level of change and would be consistent with the applicable VRM Class III management objectives is considered accurate for the addition of a second line.

- B3-13 The EIR/EIS acknowledges that the addition of another transmission line in the existing corridor would contribute additional view blockage and industrial character to the landscape visible from KVP 14.

- B3-14 The Draft EIS/EIR (in Section D.11.4.4) quotes emission estimates from the California Independent System Operator (CAISO). The emission estimate is speculative but represents CAISO's best estimate for the potential secondary impact on electrical generation. The estimated "increase" in nitrogen oxides emissions (NOx) from the Arizona power plants is based on the incre-

mental increase in electricity that would be provided from these plants to California. However, these plants could otherwise generate that power and send it elsewhere through other existing or proposed transmission lines or serve local demand requiring less import from surrounding states such as Utah or New Mexico. In either case, the actual amount of electricity and resulting air pollutant emissions that will be produced by these plants would not increase above permitted levels, and would be included in the future 8-hour ozone air quality attainment plan.

Additionally, 200 tons/year of NO_x is negligible in comparison with the overall nonattainment area NO_x emissions. These NO_x emissions are emitted from tall stacks at elevated temperatures and so would not result in ground level NO₂ concentrations that could impact NO₂ attainment. The ozone formation potential for these potential incremental power plant NO_x emissions is minor compared to existing and future NO_x emissions in the Phoenix-Mesa 8-hour ozone nonattainment area. The Maricopa County estimated the 2002 NO_x emissions for the county to be 103,584 tons/year¹ and the State of Arizona's has forecasted the 2015 NO_x emissions for Maricopa county to be 97,060 tons/year². Therefore, while an adverse impact is noted due to the potential for an emission increase from Arizona power plants, no significant negative impact to the Phoenix-Mesa 8-hour ozone nonattainment area would result from the DPV2 Project.

- B3-15 As discussed in Section B.3.3 of the Draft EIR and shown in Figure B-16 (Typical Devers-Harquahala 500 kV Transmission Line ROW) a minimum of 130 feet would separate the centerline of the proposed 500 kV transmission line structures from the centerline of the existing 500 kV transmission line structures. This distance is considered by transmission planners to be an adequate separation of towers as not to affect system reliability and to provide emergency value benefits. As such, the short distance that a single set of double-circuit towers are used in Copper Bottom Pass to minimize impacts to an environmentally sensitive area, would not significantly affect reliability. Regardless, it is stated in Section A.2.3 that emergency value is an example of a potential benefit *not* quantified in DPV2's benefit-cost ratio, and therefore, the benefit has not been overestimated because it was not incorporated into cost-benefit economic analysis.
- B3-16 The commenter's statement cites a direct quotation from SCE's PEA that has been quoted in the Draft EIR/EIS regarding purpose and need, as required by NEPA. A decision on Purpose and Need is beyond the scope of this EIR/EIS, and will be considered by the CPUC (in proceeding I.05-06-041) and by BLM decisionmakers in a separate process from the environmental analysis.
- B3-17 Alternatives in the area north of Kofa NWR and south of Interstate 10 were evaluated in detail during preparation of the EIR/EIS. They were eliminated from consideration in this EIR/EIS, as well as in several of the past documents in the area:

¹ The Maricopa County Air Quality Department 2002 nitrogen oxides emission inventory is from <http://www.maricopa.gov/aq/ei/docs/02OzoneChap1-Intro.pdf>.

² The State of Arizona's Technical Analysis in Support of Arizona's 8-hour Ozone Area Redesignation Recommendations that include the 2015 Maricopa County NO_x emission estimate is from <http://www.azdeq.gov/envirom/air/plan/download/app9.pdf>

- DPV2 2005 PEA (as Subalternate 1: North of Kofa NWR, South of I-10 Alternative)
- DPV1 1978 EIS (as Brenda Route Alternative)
- DPV2 1985 PEA and 1988 Amended PEA (as Subalternate 1)
- DPV2 Supplemental EIS (as Northern Alternative 2 Alternative).

Please refer to General Response GR-1 for a discussion of alternatives around Kofa NWR and the rationale for why the proposed route was determined to be environmentally superior.

B3-18 The Draft EIR/EIS acknowledges that all of the proposed and alternative routes (both within and north of Kofa NWR) would be located on valuable desert tortoise habitat; however, the alternative routes north of Kofa NWR would have greater impacts than the proposed route through Kofa NWR, because the alternatives would traverse an area that has not already been disturbed by an existing transmission line corridor, the alternatives would be longer, and new access and spur roads would have to be constructed, resulting in much greater ground disturbance and permanent habitat loss.

While an alternative north of Kofa NWR would avoid crossing the Refuge itself, it would have greater adverse impacts than the Proposed Project because the route would create a *new* disturbed corridor through *undisturbed* desert tortoise habitat. This would likely increase impacts and required mitigation for tortoises, in comparison to the proposed route which would result in the new transmission line being constructed adjacent to an existing line where access roads are already present. This fact is also discussed in General Response GR-1 and in Appendix 1, Sections 4.2.4 (SCE North of Kofa NWR–South of I-10 Alternative), 4.2.5 (SCE North of Kofa NWR–North of I-10 Alternative), and 4.2.6 (North of Kofa NWR Alternative).

The North of Kofa alternative routes would also be longer than the proposed route, which would affect the length and intensity of short-term construction impacts and ground disturbance, increasing impacts to vegetation and wildlife. Increased disturbance and removal of vegetation could increase the chance of noxious weed introduction as well as the removal of more native desert vegetation.

In addition, the Proposed Project would consolidate transmission lines within common utility corridor and would utilize existing access roads for access to new transmission towers (though new spur roads would be required) unlike the alternative which would require additional *new* access and spur roads which would result in permanent ground disturbance and corresponding loss of desert tortoise and bighorn sheep habitat.

B3-19 Please refer to General Response GR-1 and Response C8-2.

As discussed in Response B3-18, the Draft EIR/EIS in Appendix 1 acknowledges that all of the proposed and alternative routes (both within and north of Kofa NWR) would cross valuable bighorn sheep habitat. However, as stated by the Arizona Game and Fish Department (see Comment Set A7), the alternative routes north of Kofa NWR would have greater impacts on bighorn sheep than the proposed route through Kofa NWR, because the alternatives would traverse an area that has not already been disturbed by an existing transmission line corridor, the alternatives would be longer, and new access and spur roads would have to be constructed, resulting in much greater ground disturbance, permanent habitat loss, and impacts to bighorn sheep.

A study conducted by Smith et al. (1986) documented that bighorn sheep have been observed crossing the existing DPV1 transmission line in the Kofa NWR. In addition, the Arizona Game and Fish Department, indicated that bighorn sheep have been routinely observed crossing under transmission lines and dirt access roads (Henry, 2006). Section D.2.6.1.10 (Wildlife Corridors and Nursery Sites) identifies that construction of the new line would not result in permanent impacts to wildlife corridors. The project may result in temporary adverse impacts to wildlife movement during construction however these impacts would be considered less than significant. Implementation of Mitigation Measure B-9f (Perform construction outside of breeding and lambing period) would reduce potential impacts to bighorn sheep.

B3-20 As stated in the Draft EIR/EIS, both the proposed *and* alternative routes would create significant and unmitigable impacts to visual and recreational resources in the area in and around Kofa NWR. Section D.3.6.2 states that Impact V-7 [Increased visual contrast, view blockage, and skylining when viewed from Key Viewpoint 4 on Crystal Hill Road in Kofa NWR (VS-VC)] would be significant and unmitigable (Class I), and Section D.5.6.2 states that Impact WR-2 (Operation would change the character of a recreation or wilderness area, diminishing its recreational value) in Kofa NWR would be significant and unmitigable (Class I) for the Proposed Project.

It is difficult to speculate what individual recreationists value; however, the much larger number of recreationists in the La Posa area results in many more sensitive viewers and thus could still result in a greater absolute number of visitors that value the natural environment as part of the riding experience. Although the specific values of individual recreationists cannot be determined, as discussed in Section D.3.1.2 (Visual Resources Methodology), viewer concern is incorporated into the visual resources analysis as one of the components of overall viewer sensitivity. Therefore, the level of interest or concern of viewers regarding an area's visual resources has already been incorporated into the visual resources analysis regarding the Proposed Project as it compares to alternative routes, such as those in the La Posa area.

A significant impact on recreational resources is determined by whether the Proposed Project would directly or indirectly disrupt activities in established federal, State, or local recreational areas or would substantially reduce important factors that contribute to the value of the recreational facilities or wilderness areas (see Section D.5.5.1). Construction of a 500 kV transmission line in the area of La Posa Designated Camping Area, Recreation Site and Long-Term Visitor Area would significantly impact a greater number of recreationists and facilities independent of their actual activities. No revision of this discussion is needed.

B3-21 Please refer to General Response GR-1 and Response B3-20. A north of Kofa route would result in the creation of another electric transmission line corridor. Instead of one corridor through Kofa with significant and unmitigable visual impacts, there would be two corridors through scenic and valuable habitat, both causing significant and unmitigable visual impacts — the Kofa corridor and a second corridor north of Kofa. For this reason, there would be no visual advantage for carrying forward a north of Kofa alternative.

B3-22 Please see Section I of the Final EIS/EIR for a discussion of the public involvement process that was carried out during the entire CEQA/NEPA process. Comments on the Draft EIR/EIS submitted via US mail, email, or fax were received and given equal weight to any oral comments received at Public Participation Hearings. The Arizona Corporation Commission (ACC) process, which is independent of the CPUC and BLM proceedings (Certificate of Public

Convenience and Necessity/Right of Way Grant, respectively), is also in the process of evaluating the DPV2 Project and has held a series of formal meetings in Arizona.

B3-23 The analysis of the DPV2 Project is based on the environmental setting that existed at the time of the issuance of the Notice of Preparation (October 25, 2005) and the Notice of Intent (December 7, 2005). Because the DPV2 Project was proposed, and this EIR/EIS is being prepared over 25 years after the installation of DPV1, the environmental regulations, construction technologies, mitigation measures, and baseline conditions have changed or advanced. The EIR/EIS preparers have no data on mitigation effectiveness from DPV1. As a result, it is difficult to say whether a measure from DPV1 was then or is still effective.

Many of the proposed DPV2 measures go beyond the APMs identified in the DPV1 project and are more stringent or specific and/or less broad. The APMs for the DPV2 project are listed in Section B.5 and the proposed mitigation measures are listed in a table at the end of each issue area section in Sections D.2 through D.14 of the Draft EIR/EIS.

B3-24 Please see Response B3-23 above.

B3-25 Please see Response B3-23 above.

B3-26 Please see Response B3-23 above. The standard measures identified by SCE in its APMs were not fully defined in the PEA. Therefore, to ensure that impacts from invasive or noxious plants are reduced to less than significant levels, the existing APMs have been supplemented with the proposed mitigation measures identified in the EIR/EIS.

B3-27 Please refer to Response C28-3.

B3-28 Please see Response B3-23 above.

B3-29 The monitoring and relocation of desert tortoises is routinely implemented to avoid loss of this species. These measures include the standard protocols required by the USFWS and CDFG for projects in desert tortoise habitat. To avoid stressing the animal only a qualified biologist, as required by these agencies, will be responsible for conducting surveys or handling these species. In addition, specific measures are in place in this EIR/EIS to ensure any relocated animal is properly cared for.

B3-30 Please see Response B3-23 above.

B3-31 Please see Responses B3-6 and B3-23 above.

B3-32 APM B-20 and Mitigation Measure B-16 a (Prepare and implement a raven control plan) have been identified to reduce long term impacts to sensitive wildlife from ravens. Although a schedule has not been identified in the mitigation measure, the plan will address the timing and frequency of the nest removals. In addition, based on field reconnaissance, nest sites do not appear to be the limiting factor for ravens along the DPV2 alignment.

B3-33 Studies documenting the movement patterns of avian species utilizing the project area were not conducted as part of this EIR/EIS. 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. The documents also identifies that transmission lines, which have a larger diameter cable, may pose less of a collision threat to birds than small distribution lines. 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. Mitigation measures identified in this EIR/EIS including B-15a (Utilize collision-reducing techniques in installation of transmission lines) and APMs would be utilized to reduce potential impacts to birds from transmission line collisions.

B3-34 The measure referenced in this comment is an Applicant Proposed Measure (APM B-33). These measures are presented in the EIR/EIS as written by SCE in its PEA; the text of an APM is not modified by EIR/EIS preparers. Rather, the EIR/EIS presents mitigation measures, where necessary to modify the text of an APM. Section D.2.6.1.6 (Threatened or Endangered Species, Reptiles) also identifies additional Applicant Proposed Measures (APM B-26, B-34, and B-36 which specifically address impacts to the Coachella Valley fringe-toed lizard). Further, Mitigation Measure B-7d requires SCE to purchase or enhance habitat impacted by the proposed Project.

B3-35 Please see Response B3-23.

B3-36 Mitigation monitoring and enforcement during the DPV1 project is independent of the proposed DPV2 project, as is discussed in Response B3-23. Section H of the EIR/EIS describes the roles and responsibilities of government agencies in implementing and enforcing adopted mitigation. The purpose of the Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) is to ensure compliance with the mitigation measures in the EIR/EIS for the DPV2 project, such as speed limits on access roads that are adopted by the CPUC and BLM.

Applicant Proposed Measure (APM) A-5 in Table D.11-13 (Applicant Proposed Measures – Air Quality) of the EIR/EIS states that vehicle speeds on unpaved roadways would be restricted to 15 miles per hour. The APM would apply to all of the project area, including within all of Kofa NWR. In addition, SCE has indicated that vehicle speeds would be limited to a maximum of 25 mph in desert tortoise habitat (APM B-29) on *all* roadways (both paved and unpaved) both within and outside of Kofa NWR. In all other instances, posted speed limits would be followed.

B3-37 Managers and crew members working on the Proposed Project will routinely be trained before the commencement of construction. The five day grace period provides time to schedule training as new construction staff enters the job site.

B3-38 Please see Response B3-23 for a discussion of DPV1.

Because DPV2 would be constructed adjacent to an existing 500 kV transmission line (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.

B3-39 The intent of Mitigation Measure V-3a (Reduce visual contrast of towers and conductors) is not to attempt to cancel out one transmission line or the other. Rather, this measure is intended to, as much as possible, reduce the visible structural complexity and discordant structural forms and lines resulting from unsynchronized towers and conductor spans.

B3-40 It is unclear if this comment refers to the construction emissions or is another comment on the increased Arizona power plant emissions that are described on the noted page (page D.11-38) and commented on earlier (see Response B3-14). It is likely that the comment should have asked about the increased air pollution in Arizona that would result from the operation of the second power line. However, not being sure of the commenter's intent, both potential issues are addressed.

Construction. The significance criteria for this project have been separated by jurisdiction and air basin. For the bulk of the project route through Arizona, mitigation has been recommended to reduce fugitive dust emissions. Within Maricopa County the fugitive dust emissions are limited both by the small segment of the project route within Maricopa County, which does not extend into the Phoenix PM10 nonattainment area, and the less isolated location which reduces the unpaved road travel within the county. Additionally, the fugitive dust control requirements within Maricopa County are better defined than ADEQ requirements, including the requirement for fugitive dust control plans that apply to the rest of the route through La Paz County.

The other criteria pollutant emissions from construction (NO_x, CO, VOC, and SO_x from off-road and onroad vehicle exhaust) were not determined to have the potential to exceed the significance thresholds within the Arizona jurisdictions. The significance thresholds determined for the Arizona jurisdictions were based on the fact that the Project's route through Arizona is located wholly within attainment areas for all criteria pollutants. While the State of Arizona has not recommended any emission based NEPA significance thresholds, for attainment or nonattainment areas, one other recently approved EIS (partially located within Arizona) used the same significance threshold of 250 tons/year that is used in the Draft EIS/EIR.

Operations. In terms of the operating emissions, the project has minimal direct operating emissions. The potential increase in emissions from Arizona power plants noted in the Draft EIR/EIS does not constitute a direct project impact. These emission increases are speculative estimates, and they do not require mitigation through this project. The power plants at issue have already been required to mitigate their permitted emissions as required by the applicable air quality regulatory agencies. Please also see Response B3-14.

B3-41 The EIR/EIS discussion of mitigation monitoring addresses primarily the responsibilities of the Lead Agencies (CPUC and BLM). On U.S. Fish & Wildlife Service (USFWS) lands, the primary responsibility will be with USFWS. However, the CPUC will manage a contract for mitigation monitoring and will make that staff available to report to the USFWS if such monitoring is considered desirable by Refuge management. EIR/EIS Section H.1.2 has been modified as follows to clarify this.

H.1.2 Bureau of Land Management and Other Federal Lands

BLM is the federal Lead Agency for the preparation of this EIR/EIS in compliance with NEPA, the Council on Environmental Quality (CEQ) regulation for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and the BLM NEPA guidance handbook (H-1790-1). As the Lead Agency, BLM is also responsible for ensuring that mitigation measures are implemented on its land. BLM intends to work with the CPUC in implementation of mitigation monitoring during construction of the DPV2 project, and will likely continue to use the CPUC's environmental contractor for monitoring on its lands.

For portions of the project on federal lands owned or managed by other federal agencies (e.g., Kofa National Wildlife Refuge or Yuma Proving Grounds), BLM will consult with these agencies to determine whether they would like the same contractors who are monitoring for BLM to monitor construction on these lands.

- B3-42 Noxious weed inventories are a specific requirement of the BLM. Mitigation Measures B-2a and B-2b have been developed to ensure this requirement is enacted on BLM lands. However, APM Bio-2 (Avoid the introduction of noxious weeds) includes standard noxious weed measures that would be implemented on a projectwide basis.
- B3-43 SCE is required to coordinate and conduct a supplemental environmental process with the acting authority identified under the Western Riverside County MSHCP. In addition to the mitigation requirements identified by that authority, SCE will have to implement the mitigation measures identified in this EIR/EIS, if adopted by the CPUC and BLM as conditions of approval.
- B3-44 The commenter's preference for the No Project/Action Alternative has been noted. Please refer to Response B3-5.

Comment Set B4
Five Star, Inc.

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August 10, 2006

Billie C. Blanchard, CPUC and John Kalish, BLM
EIR/EIS Project Managers
C/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Re Southern California Edison Proposed DPV2 Transmission Line
Draft EIR/EIS – Harquahala-West Alternate

Dear Billie Blanchard and John Kalish:

My company Five Star, Inc. provides consulting services for the vast majority of the 33,000 acres of irrigable lands in Harquahala and my family has farmed in Harquahala for over 50 years. I have attended a session of every public Aspen/SCE DPV2 Meeting, Workshop, and Open House held in Arizona. I along with the other landowners and residences of Harquahala Valley have already been through a very long and expensive battle due to this same attempt by SCE in the late 1970's to force DVP1 through Harquahala. I am very knowledgeable regarding the horrific impact that the Harquahala-West Alternative would have upon the Harquahala Valley.

Accordingly, I would like to hereby submit the following comments regarding the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for consideration of Southern California Edison Company's (SCE) application to build and operate the Devers-Palo Verde No. 2 Transmission Line Project (DPV2).

In the late 1970s into the early 1980s; SCE tried to force the DPV1 project route which would have cut completely across the Harquahala Valley farming community just as their current proposed Harquahala-West Alternate would and cause the same destruction and detrimental environmental impact. The U.S. Department of Interior, the Bureau of Land Management and the Nuclear Regulatory Commission found the DPV1 route that cut through Harquahala, environmentally incompatible then and nothing has changed today to warrant any different opinion. It is deplorable that SCE is once again proposing a route that has the same unmitigable environmental impacts as already determined.

In SCE's letter of June 19, 2006 to Arizona Corporation Commission Chairman Jeff Hatch-Miller and Commissioner Kristin K. Mayes; from Alan Fohrer, Chief Executive Officer and John Fielder, President of SCE, the letter states in part that SCE's application provides extensive documentation to support a finding that this (DPV2) project is environmentally compatible, SCE goes on to say that the Draft EIR/EIS by the BLM and CPUC supports this also.

B4-1

Comment Set B4, cont.
Five Star, Inc.

I would like to review the major environmental impact issues regarding the Harquahala-West Alternate as identified in the CPUC/BLM Draft EIR/EIS - which SCE states supports SCE's findings as well, as follows:

B4-1 cont.

ES.4 Summary of Impacts and Mitigation Measures
Reference the Harquahala West Alternative

B4-2

4.2.2 Visual Resources: Project installation would result in the long-term visibility of prominent transmission structures and linear conductors with substantial industrial character, and view blockage of higher valued landscape features such as mountain ranges, the desert plain and sky. The transmission line would result in significant visual impacts that could not be mitigated to levels that would be less than significant.

4.3.2 Land Use: This alternative would create a permanent preclusion of exiting land uses in the Harquahala Valley area, resulting in significant impacts to residences. And no mitigation measures have been identified that would reduce impacts to a less than significant lever.

B4-3

4.5.1 Agriculture: Operation of the Devers-segment in Harquahala Valley would also contribute to a permanent conversion of Farmland to a non-agricultural use. This impact would be significant and unmitigable.

B4-4

In Summary, what the BLM, the CPUC, and SCE have already agreed to with regard to the Harquahala West-Alternate route is that environmentally the beauty of Harquahala Valley with its open deserts and pristine sky would forever be destroyed. This alternate would permanently destroy land use, have significant impact to residences, and prime agricultural land would forever be gone.

In addition, I would like the opportunity to address 4.8 Transportation & Traffic, of the Draft EIR/EIS reference the Harquahala West-Alternate, it states, "There would be no aviation safety concerns for this alternative". My husband and I owned an agricultural aviation business for many years in Harquahala. My husband is a certified commercial pilot and crop dusting pilot. The aerial application needed to protect the crops would be impeded significantly with tremendous chance of partial or substantial loss due to insect infestation or disease. But, much more important is that the lives of the pilots who must fly this area around the 500 kv transmission lines and 140' steel towers to protect these crops will be in jeopardy. This would require flying underneath these high voltage transmission lines and maneuvering around the towers. Adding to the danger is that a significant amount of the aerial application in Harquahala must be done at night. SCE would not only be putting the crops at risk but they will be putting human lives at risk.

B4-5

I would respectfully ask that a decision be rendered upholding the Draft EIR/EIS findings of the CPUC, the BLM, and SCE, and accordingly deny the Harquahala-West alternate; as the precious resources and beauty of Harquahala would forever be so terribly impacted that the Harquahala Valley would never be the same. Neither the preferred route nor any of the other alternate routes under consideration at this time would cause the direct environmental destruction, as would the Harquahala-West alternate.

Respectfully,
Valorie Melton

Responses to Comment Set B4 Five Star, Inc.

- B4-1 The commenter’s opposition to the Harquahala-West Alternative is noted. The EIR/EIS concludes in Section E.2.1.1 that this alternative would have greater impacts than either the Proposed Project or the Harquahala Junction Switchyard Alternative.
- B4-2 The commenter is correct that Impact V-33 [Inconsistency with BLM VRM Class III Management objective due to introduction of structure contrast, industrial character, view blockage, and skylining when viewed from Key Viewpoint 27 on a BLM access road to Courthouse Rock and the Eagletail Mountains (VRM)] is considered to be significant. Mitigation Measure V-3a (Reduce visual contrast of towers and conductors) would reduce the visual impact, but the impact is be considered to be significant (see Section D.3.8.1 of the EIR/EIS).
- B4-3 Impact L-2 (Operation would result in permanent preclusion of land uses it traverses or adjacent land uses) has been modified to be a Class II impact in the Final EIR/EIS and it would be considered to be potentially significant (see Section D.4.8.1 of the Draft EIR/EIS). The commenter is correct that the corridor would physically divide land uses north of the utility corridor from land uses south of the corridor, causing an artificial division within this agricultural community that would permanently preclude the use of the corridor land for agricultural and rural residential uses. However, SCE has stated that the alternative transmission line would be constructed along section lines in order to avoid dividing rural residential subdivisions (SCE, 2006). In addition, the implementation of Mitigation Measure AG-4a (Locate transmission towers and pulling/splicing stations to avoid agricultural operations) would require transmission poles to be placed between agricultural fields with minimal disturbance to farming operations. Permanent disruptions to existing land uses would be potentially significant, but would be reduced to a less-than-significant level through implementation of Mitigation Measure AG-4a (Locate transmission towers and pulling/splicing stations to avoid agricultural operations) (Class II).
- B4-4 The commenter is correct that Impact AG-3 (Operation would permanently convert Farmland to non-agricultural use) is considered to be significant and unmitigable for the Harquahala-West Alternative (see Section D.6.8.1 of the EIR/EIS).
- B4-5 The commenter’s opposition to the Harquahala-West Alternative has been noted. Please refer to Response A8-8, in which additional text regarding aerial application aviation safety has been added to the EIR/EIS. If selected, the Harquahala-West Alternative would require the implementation of Mitigation Measure AG-4a (Locate transmission towers and pulling/splicing stations to avoid agricultural operations), which has been modified to include the statement that SCE shall construct towers with heights and spacing to minimize safety hazards to aerial applicators flying in the Palo Verde Valley (CA) and other agricultural areas, to reduce impacts related to aviation safety to less than significant.

Comment Set B5
Neighborhood Coalition of Greater Phoenix



Neighborhood Coalition of Greater Phoenix
5518 East Mariposa Street
Phoenix, AZ 85018
602-840-1579

NEIGHBORHOODS ARE THE HEART OF THE CITY

August 11, 2006

CPUC/BLM
C/O Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CO 94104

SUBJECT: Devers - Palo Verde No. 2 Transmission Line Project (DPV2)

Dear John Kalish and Billie Blanchard:

The Neighborhood Coalition of Greater Phoenix is an eighteen year old non-profit Arizona Corporation working with neighborhoods throughout the Phoenix area on matters of neighborhood preservation. We are also vitally concerned about the protection and preservation of environmentally sensitive areas within the State wherever they be located.


After careful consideration, we respectfully request that the Bureau of Land Management select the No Action/No Project alternative identified in the Draft Environmental Impact Report/Environmental Impact Statement for the Proposed Devers - Palo Verde No. 2 Transmission Line Project (EIR/EIS). This request is based on the following conclusions, most of which have their foundation and basis in the draft EIR/EIS:

- A second power transmission line would further fragment and reduce the quality and quantity of habitats on the KOFA National Wildlife Refuge ("KOFA Refuge")
- Visual impacts as well as recreational impacts on the KOFA Refuge would be substantial and could not satisfactorily be mitigated.
- In addition to the nearly 400 acres that would be affected through the KOFA Refuge, it is likely additional land will be affected as construction vehicles travel along the first line's ROW and then across to the new ROW or completely out of the limits. The resultant wide corridor could eliminate necessary ground cover or protection needed by some species to traverse this area.
- Major disturbances would occur at each of the 85 tower sites during construction for the pouring of the concrete footings and the equipment necessary to erect the towers and string the electric lines.
- The Harquahala Mountains would face significant negative impacts as to both recreation and wilderness if the DPV2 line is constructed.
- The proposed routes destroy pristine desert views, cross critical desert habitat and would destroy desert environments.
- Phoenix is the 5th largest city in the US. As one of the fastest growing areas in the Country, it is likely the greater Phoenix metro area will consume all of the power generated therein and will not have any additional electrical energy to transport to California.

Repeating, we respectfully request that the Bureau of Land Management select the No Action/No Project Alternative for the Proposed Devers - Palo Verde No. 2 Transmission Line Project. The environmental costs of the project are too high. Its benefits are negligible.

Thank you for your kind consideration of our position.

Sincerely,


B. Paul Barnes, President
Neighborhood Coalition of Greater Phoenix

B5-1

B5-2

B5-3

B5-4

B5-5

B5-6

B5-7

B5-8

Responses to Comment Set B5 Neighborhood Coalition of Greater Phoenix

- B5-1 The commenter’s preference for the No Project/Action Alternative has been noted.
- B5-2 Please refer to Response B1-2.
- B5-3 Please refer to Response C8-2.
- B5-4 Please refer to Response B1-3.
- B5-5 Please refer to Response B1-4.
- B5-6 The Harquahala Mountains Wilderness Area (WA) setting is described in the Wilderness and Recreation segment between Harquahala to Kofa NWR (see Section D.5.2.1). Impacts in the Harquahala Mountains are addressed in Section D.5.6.1 of the Draft EIR/EIS. Mitigation Measure WR-1a (Coordinate construction schedule and activities with the authorized officer for the recreation area) includes the Harquahala Mountains Wilderness Area to reduce temporary impacts from construction activities (Impact WR-1) to a less than significant level. However, the EIR/EIS states that the Harquahala Mountain telecommunications facility would permanently diminish the character of Harquahala Peak and the Harquahala Mountains WA. Mitigation Measure C-1g (Minimize impacts at Harquahala Peak) would reduce impacts on Harquahala Peak, but this impact (Impact WR-2) would still be significant (Class I).
- No telecommunication sites were evaluated as alternatives to Harquahala Peak, because SCE stated that the elevation and unobstructed range from the peak make it the only location in the area suited for the proposed facilities. In addition, the proposed site is designated by BLM as a Telecommunications site. For additional detail, please see SCE’s Comment E4-6 regarding Harquahala Mountain. In particular, note that potential alternatives to this site are addressed on pages “5 of 6” and “6 of 6” of this filing.
- B5-7 Please refer to Responses B5-3, B1-2, and B1-4.
- B5-8 Please refer to Response B1-5. The commenter’s preference for the No Project/Action Alternative has been noted.