PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

Notice of Preparation

for a Focused Supplemental Environmental Impact Report for the
Devers–Palo Verde No. 2 Transmission Line Project - Colorado River Substation Expansion
Proposed by Southern California Edison
SCH No. 2005101104

A. Introduction

Southern California Edison (SCE) filed an application for a Certificate of Public Convenience and Necessity (CPCN) with the California Public Utilities Commission (CPUC) for the proposed Devers–Palo Verde 500 kilovolt (kV) No. 2 Transmission Line project (DPV2) in April 2005. The application was determined to be complete and in compliance with CPUC requirements on September 30, 2005. The CPUC and Bureau of Land Management (BLM) prepared a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in 2006, and the CPUC approved the DPV2 Project on January 25, 2007 in Decision D.07-01-040 and certified the EIR as being in compliance with the requirements of CEQA.

On May 14, 2008, SCE filed a Petition for Modification (PFM) of the existing CPCN approved in Decision D.07-01-040. SCE requested that the CPUC authorize SCE to construct DPV2 facilities in only the California portion of DPV2 starting from the Desert Southwest–Midpoint Substation near Blythe, California. This California-only portion of DPV2 is called the Devers-Colorado River (DCR) transmission line. The CPUC approved SCE's PFM on November 20, 2009 in Decision D.09-11-007.

After the CPUC's 2009 Decision, several large solar power projects were proposed in the Blythe area. Two of these projects, the Blythe Solar Power Project and the Genesis Solar Energy Project, have requested interconnection to the electricity grid at the Desert Southwest-Midpoint Substation. As a result, the solar developers and SCE developed a plan to expand the Midpoint Substation to allow the required space for generation tie lines to be interconnected with the SCE 500 kV transmission system.

During the 2009 to 2010, the Blythe Solar Power Project (BSPP) and the Genesis Solar Energy Project (GSEP) have been evaluated under CEQA and NEPA by the BLM and the California Energy Commission. A joint Staff Assessment/Draft EIS was released for each of these projects in March 2010. A Revised Staff Assessment for the BSPP was published in June 2010, and for the GSEP in June and July 2010. BLM published its Final EISs on the BSPP and the GSEP in August 2010. These environmental documents addressed the substation expansion, but they did not adequately cover all issues that the CPUC requires to be addressed in accordance with CEQA. Therefore, the CPUC has concluded that it will prepare a focused Supplemental EIR to address only the specific issues not yet covered for its purposes.

SCE has proposed a number of refinements to the DPV2 project as approved, including the locations of the construction yards and telecommunication system components, and modifying transmission line structures. The review of these project refinements will likely occur as a part of the CPUC's mitigation monitoring process.

As required by CEQA, this Notice of Preparation (NOP) is being sent to interested agencies and members of the public. The purpose of the NOP is to inform recipients that the CPUC is beginning preparation of the DPV2 Supplemental EIR and to solicit information that will be helpful in the environmental review process. **This notice includes a description of the substation expansion that SCE proposes to construct, a summary**

of potential project impacts, and information on how to provide comments to the CPUC. This NOP can be viewed on the project web site at the following link:

http://www.cpuc.ca.gov/Environment/info/aspen/dpv2/dpv2.htm

B. Project Description

The expanded Colorado River Substation (CRS) would serve to interconnect solar generation proposed for development in the Blythe area of the Mojave Desert to the DPV2 transmission line. In the DPV2 Final EIR/EIS, the CPUC identified the DPV2 Midpoint Substation and the Desert Southwest-Midpoint Substation as environmentally equivalent. In Decision D. 09-11-007, the CPUC approved both substation locations, and determined that construction at either location did not trigger the need for additional CEQA review. The DPV2 Desert Southwest–Midpoint Substation site (now re-named as the Colorado River Substation) was ultimately selected by SCE as the location for the CRS. The CRS site is a 44-acre site (1,000 feet by 1,900 feet) located in the southeast corner of parcel APN No. 879-080-025.

The expansion of the CRS would require the following new components, each described in more detail below:

- Expanding the proposed and already permitted Colorado River Substation from 44 acres to 90 acres;
- Looping the two 500 kV circuits and terminating the new Devers-Colorado River (DCR) transmission line into the CRS;
- Modifying existing 220 kV structures to allow the DCR to cross the Buck-Julian Hinds 220 kV transmission line;
- Constructing a distribution line to serve the CRS (substation lighting and system power).

Colorado River Substation Expansion. The expanded CRS would be located at the same site as the Desert Southwest–Midpoint Substation site evaluated in the EIR/EIS and selected by SCE. However, it would be expanded to approximately 90 acres. It would be located 1.5 miles south of Interstate 10 and 4.75 miles east of Wiley Well Road, in the County of Riverside, California. The proposed CRS site is on public lands managed by the BLM. The proposed CRS Expansion would expand the 500 kV switchyard approved as part of the DPV2 CPCN into a full 500/220 kV substation. The expanded CRS substation would be 1,500 feet by 2,400 feet surrounded by a wall with two gates.

Transmission Lines. SCE would loop the existing DPV1 500 kV transmission line and terminate the new Devers–Colorado River (originally called DPV2) transmission line into the CRS by adding a total of approximately 2,000 feet of new transmission lines (two lines of approximately 1,000 feet each located side-by-side within a corridor approximately 1,000 feet wide).

Modify Existing 220 kV Structures. The proposed SCE 500 kV loop-in lines would have to cross the recently-installed NextEra Resources Buck-Julian Hinds 220 kV transmission lines, so these structures may require modification to allow the 500 kV crossing. New tubular steel poles at the crossing location may be needed to replace the existing 220 kV concrete poles; design details would be determined during the detailed engineering phase.

Distribution Line for Substation Power. SCE would construct approximately 2,500 feet of 12 kV overhead distribution line and approximately 1,000 feet of underground distribution line to connect a nearby existing distribution system to the CRS to provide substation light and power.

C. Project Location and Affected Jurisdictions

The Proposed Project would be located on approximately 90 acres of land located 1.5 miles south of Interstate 10 and 4.75 miles east of Wiley Well Road, in the County of Riverside, California. In 1989, the BLM granted in perpetuity a 130-foot-wide right-of-way on public land for the DPV2 route. The Proposed Project would be partially within this right-of-way. The proposed CRS site is entirely on property managed by the BLM and within utility corridors as designated in the BLM Resource Management Plans. The project would be located in unincorporated Riverside County.

D. Potential Environmental Effects

In accordance with CEQA Guidelines, the CPUC intends to prepare a Supplemental EIR to evaluate potential environmental effects of the Colorado River Substation Expansion and the minor transmission line modifications and required distribution line, and to propose mitigation measures to reduce any significant effects identified.

The supplement to the EIR will contain only the information necessary to document all project impacts for the substation expansion (CEQA Guidelines 15163(b)). The CPUC finds that for many disciplines, additional impacts are not likely to occur beyond those analyzed in the DPV2 EIR/EIS and the BLM and CEC documents. For the environmental disciplines listed below, the substation expansion would not require additional analysis:

- Visual Resources
- Wilderness and Recreation
- Noise
- Public Health and Safety
- Geology, Minerals, and Soils
- Land Use
- Agriculture
- Transportation and Traffic
- Socioeconomics

The environmental review in the Supplemental EIR will focus on the disciplines listed below, addressing impacts that could occur due to the Colorado River Substation Expansion that were not covered in the original DPV2 EIR/EIS or the subsequent documents, including the BLM GSEP and BSPP EISs and the CEC GSEP and BSPP Staff Assessments. In addition, the Supplemental EIR may address some minor refinements to the DPV2 project as approved, including facility changes and water use.

- **Biological Resources**: Recent surveys provide information on special-status species at the substation site.
- **Cultural Resources**: Recent surveys of the expanded substation area have been provided and will be addressed in the Supplemental EIR.
- **Air Quality / Greenhouse Gas**: An updated analysis will be presented consistent with current CEQA requirements.
- **Water Resources**: Project water use will be addressed if it will differ substantially from SCE's initial project description.

Attachment 1 to this NOP presents a preliminary list of potential impacts of the Proposed Project. Based on the analysis completed in the Final EIR/EIS, there are several environmental disciplines for which it is not expected that the Colorado River Substation expansion and ancillary facilities would result in substantially more severe impacts.

Mitigation Measures. The Final EIR/EIS for the DPV2 project presented numerous proposed measures that were designed to reduce or eliminate potential impacts of the Colorado River Substation as analyzed in the

document. These measures were adopted by the CPUC in its approval of the project. The effectiveness of these measures to reduce impacts to specific resources affected by the expanded substation will be evaluated in the Supplemental EIR, and additional mitigation measures may be developed to further reduce impacts, if required. When the CPUC makes its final decision on the Proposed Project, it will define the mitigation measures to be adopted as a condition of project approval, and the CPUC will require implementation of a mitigation monitoring program.

E. Scoping Comments

At this time, the CPUC is soliciting information regarding the topics that should be included in the Supplemental EIR. **All comments for the CPUC's CEQA scoping period must be received by November 1, 2010**. You may submit comments by U.S. mail, by electronic mail, or by fax.

By Mail: If you send comments by U.S. mail, please use first-class mail and be sure to include your name and a return address. Please send written comments on the scope and content of the Supplemental EIR to:

Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104-3002
Fax and Voicemail: (800) 886-1888

By Electronic Mail: E-mail communications are welcome; however, please remember to include your name and return address in the e-mail message. E-mail messages should be sent to dpv2@aspeneg.com.

By Fax: You may fax your comment letter to our information line at (800) 886-1888. Please remember to include your name and return address in the fax, to write legibly, and use black or blue ink. The Supplemental EIR will review and consider all comments received.

F. Project Information

Information about this application and the environmental review process will be posted on the Internet at: http://www.cpuc.ca.gov/environment/info/aspen/dpv2/dpv2.htm. This site will be used to post all public documents during the supplemental environmental review process. In addition, a copy of the Final EIR/EIS for the DPV2 project may be found at this site.

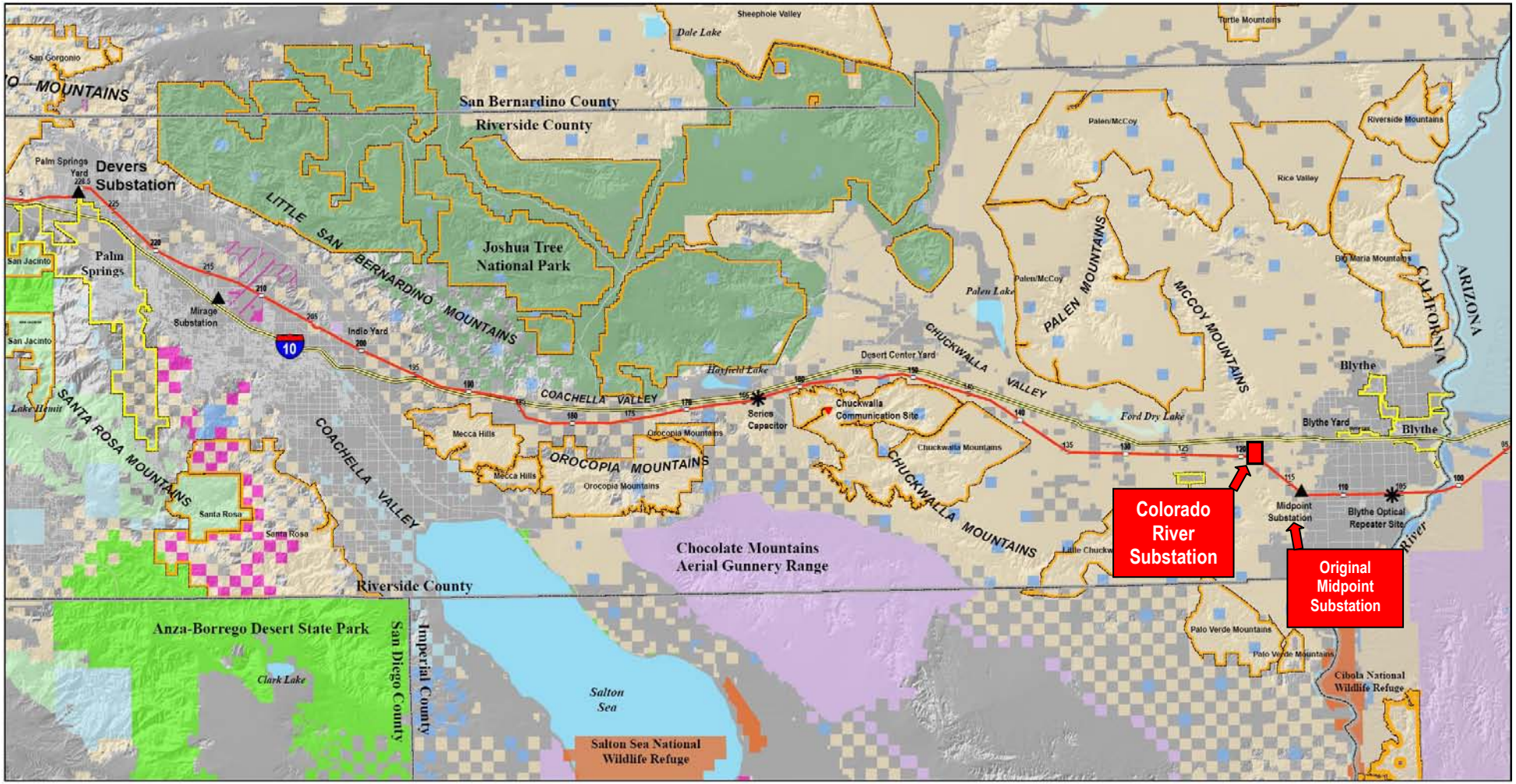
G. Issuance of NOP

The California Public Utilities Commission hereby issues this Notice of Preparation of an Environmental Impact Report.

Billie Blanchard for Date: 09/29/10
Ken Lewis Deputy Director
Energy Division
California Public Utilities Commission

Attachment 1. Summary of Potential Issues or Impacts: Colorado River Substation Expansion

Environmental Issue Area	Potential Issues or Impacts
Air Quality/Greenhouse Gas	• Project would create greenhouse gas emissions.
Biological Resources	***Vegetation***
	• Direct and temporary impacts from construction would affect stabilized and partially stabilized sand dune communities and special-status plant species therein.
	Wildlife
	• Potential direct, permanent impacts to wildlife, which may be accidentally run over by vehicles during construction, operations, and maintenance procedures.
	• Potential direct and indirect impacts to special-status reptile species including: Mojave fringe-toed lizard.
	Mammals
	• Potential direct, permanent impacts to fossorial species, which may be inadvertently killed when burrows are collapsed by heavy machinery.
	• Potential direct and indirect impacts to special-status mammalian including desert kit fox.
Cultural Resources	***Cultural Sites***
	• Potential impacts to archaeological sites.
	• Potential impacts to Traditional Culture Properties (TCPs) or potential TCPs from the construction, operations, and maintenance of the proposed substation expansion.
	• Potential impacts to historical sites.
	Paleontological Sites
	• Potential impacts to paleontological resources during excavation and grading of the expanded substation site.
Hydrology and Water Quality	• Potential for expanded use of groundwater to affect the groundwater basin or water supply for other users.
Other Issues	• Cumulative Impacts (including other proposed transmission lines in or near the expanded substation site)
	• Growth-Inducing Effects



PREPARED BY Aspen Environmental Group

Proposed Project
Mileposts

0 10 20 Miles

OWNERSHIP/JURISDICTIONS (unincorporated areas)

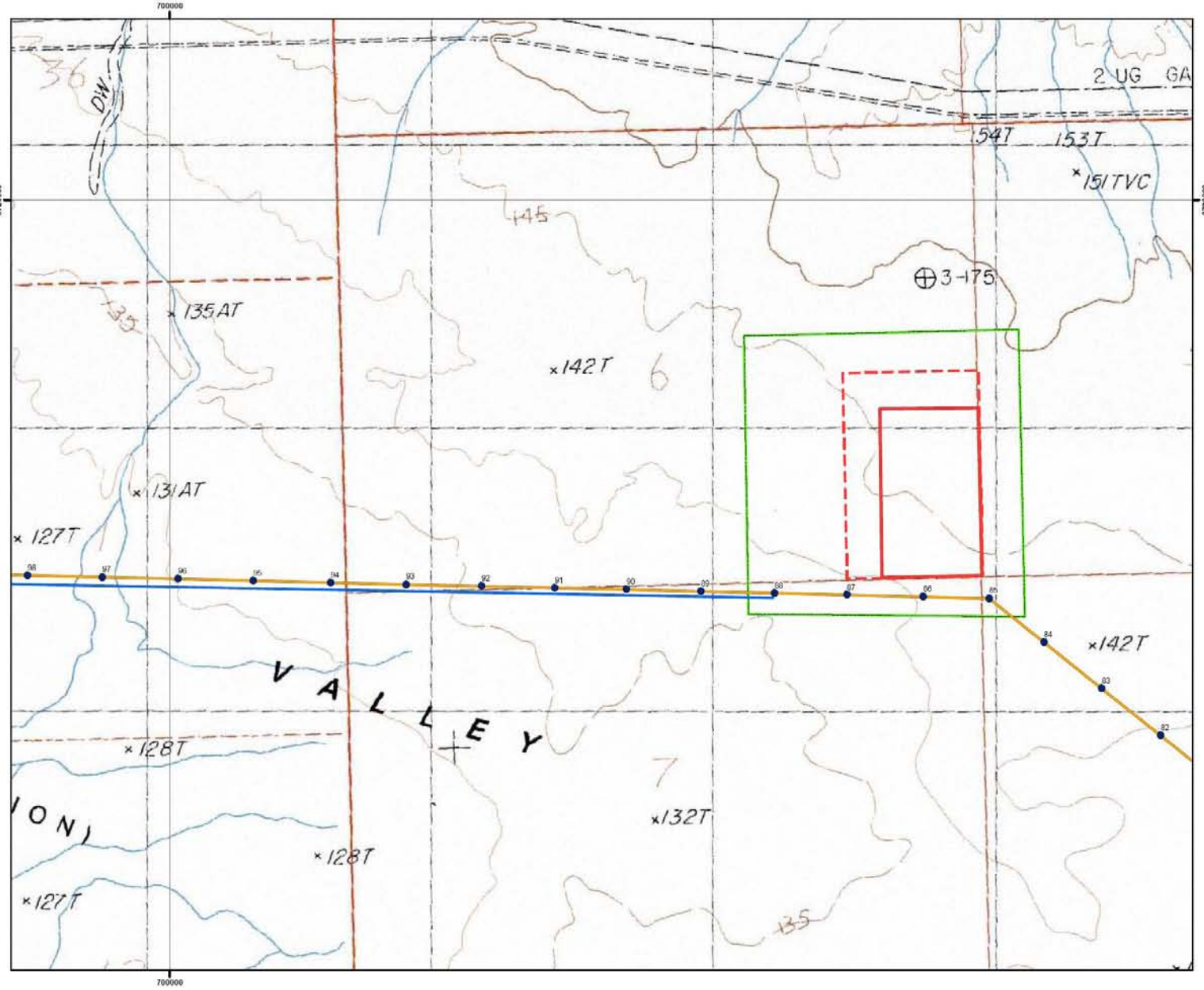
- BLM
- Fish and Wildlife Service
- Indian Lands
- Military
- State Parks & Recreation
- National Park Service
- Nature Conservancy
- Forest Service
- State Fish and Game
- State
- Private
- Wilderness Areas

- Substations
- Series Capacitor
- Construction Yard
- Communications Site
- Incorporated Areas

Devers-Palo Verde No. 2 Transmission Line Project

Figure B-2

Devers-Harquahala Portion: Colorado River to Devers Substation



GENESIS SOLAR, LLC

GENESIS SOLAR ENERGY PROJECT
RIVERSIDE COUNTY,
CALIFORNIA

Legend

- Existing Blythe T-line
- Remainder Of Genesis Generation Tie Line
- Spring 2010 Biological Resources Survey Area

SCE CO River Substation (CRS)

- 500kv Footprint Permitetd By CPUC In 2009
- Proposed 230kv Expansion Area

N

0 500 1,000 1,500 2,000
Feet

Notes:
(a) UTM Zone 11, NAD 1983 Projection.
(b) Source data: ESRI,TTEC, AECOM

Colorado River Substation Expansion Area

TETRA TECH EC, INC.

Public Scoping Report

Southern California Edison's
Colorado River Substation Expansion for
Devers–Palo Verde No. 2
Transmission Line Project

PTC Application A.10-11-005

SCH No. 2005101104

CEQA Lead Agency:
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
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Tel: (415) 703-5289

Prepared by:

Aspen Environmental Group

December 2010

Contents

Tables

1. Introduction

The lead agency for the environmental review of the proposed DPV2 CRS expansion is the California Public Utilities Commission (CPUC). This review is regulated by the California Environmental Quality Act (CEQA) The CEQA process includes public scoping for the Supplemental Environmental Impact Report (EIR) for the proposed CRS expansion in order to provide information about the Proposed Project, and solicit information that will be helpful in the environmental review process.

This Scoping Report for the CRS expansion documents the issues and concerns expressed by members of the public, government agencies, and organizations during the 2010 public scoping period. After the release of the Notice of Preparation, the CPUC held a 30-day public scoping period under CEQA. The comment period allowed the public and regulatory agencies an opportunity to comment on the scope of the environmental document, comment on the alternatives considered, and to identify issues that should be addressed in the Supplemental EIR. Comment letters were also accepted after the official end of the comment period. The Supplemental EIR for the Proposed Project will evaluate the potential environmental impacts associated with the CRS expansion and will identify mitigation measures to reduce these impacts, where possible.

1.1 Purpose of Scoping

The process of determining the focus and content of the Supplemental EIR is known as scoping. Scoping helps to identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth, and eliminates from detailed study those issues that are not pertinent to the final decision on the Proposed Project. The scoping process is not intended to resolve differences of opinion regarding the Proposed Project or evaluate its merits. Instead, the process allows all interested parties to express their concerns regarding the Proposed Project and thereby ensures that all opinions and comments are considered in the environmental analysis. Scoping is an effective way to bring together and address the concerns of the public, affected agencies, and other interested parties. Members of the public, relevant federal, State, regional and local agencies, interests groups, community organizations, and other interested parties may participate in the scoping process by providing comments or recommendations regarding issues to be investigated in the Supplemental EIR.

Comments received during the scoping process are part of the public record as documented in this scoping report. The comments and questions received during the public scoping process have been reviewed and considered by the CPUC in determining the appropriate scope of issues to be addressed in the EIR.

The purpose of the scoping for the CRS expansion was to:

- Inform the public and relevant public agencies about the CRS project, CEQA requirements, and the environmental impact analysis process;
- Identify potentially significant environmental impacts for consideration in the Supplemental EIR;
- Identify possible mitigation measures for consideration in the Supplemental EIR;
- Identify alternatives to the CRS project for evaluation in the Supplemental EIR; and
- Compile a mailing list of public agencies and individuals interested in future Project meetings and notices.

1.2 Summary of CRS Expansion Project

This section describes the Devers–Palo Verde 500 kV No. 2 (DPV2) Transmission Project Colorado River Substation Expansion (Proposed Project).

Southern California Edison (SCE) filed an application for a Certificate of Public Convenience and Necessity (CPCN) with the California Public Utilities Commission (CPUC) for the proposed Devers–Palo Verde 500 kilovolt (kV) No. 2 Transmission Line project (DPV2) in April 2005. The application was determined to be complete and in compliance with CPUC requirements on September 30, 2005. The CPUC and Bureau of Land Management (BLM) prepared a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in 2006, and the CPUC approved the DPV2 Project on January 25, 2007 in Decision D.07-01-040 and certified the EIR as being in compliance with the requirements of CEQA.

The Colorado River Substation (CRS) was identified as the Midpoint-DSW Substation as part of the Desert Southwest Transmission Project Alternative in the Final EIR/EIS for the DPV2 project. The substation site was approved by the CPUC in November 2009 as part of the Decision (D.)09-11-007 adopting a Petition for Modification of D.07-01-040) to construct the DPV2 California-only portion. The Midpoint-DSW Substation was described in Section C.4.4.1 (Desert Southwest Transmission Project Alternative) and addressed in Section E.2.1.3 (Proposed Project vs. Desert Southwest Transmission Project Alternative) of the Final EIR/EIS (October 2006).

Since the DPV2 project was approved, several large solar power projects have been proposed in the Blythe area. Two of these projects, the Blythe Solar Power Project and the Genesis Solar Energy Project, have requested interconnection to the electricity grid at the CRS. As a result, the solar developers and SCE developed a plan to expand the CRS to accommodate increased equipment and allow generation tie lines to be interconnected with the SCE 500 kV transmission system. The CRS would be located on an approximately 160-acre parcel of land located approximately 1.5 miles south of Interstate 10 and 4.75 miles east of Wileys Well Road, in the County of Riverside, California. The substation that was approved as part of the DPV2 CPCN would have covered approximately 45 acres of land. The expanded substation would be a full 2240 MVA 500/220 kV substation and would cover approximately 90 acres of land.

The Proposed Project footprint includes approximately 77 acres of permanent disturbance within the substation perimeter wall and approximately 13 acres of enhancements (e.g., flood protection berm and stormwater detention basin) outside of the perimeter wall. The expanded substation perimeter would be approximately 1,530 feet by 2,200 feet surrounded by a wall with two gates. The terminating transmission towers would be the tallest structures at the substation, ranging between 190 and 220 feet tall. In addition, several new components would be included in the CRS design that were not evaluated in the original DPV2 EIR/EIS: restrooms for visitors and maintenance workers, a water well, and temporary water storage.

SCE would construct approximately 3,000 feet of 33 kV overhead distribution line and approximately 1,000 feet of underground distribution line to connect a nearby existing distribution system to the CRS to provide substation light and power. Three access driveways will be constructed in order to provide a path from the main access road to the substation site. Two of the access driveways would be permanent, connecting to gates at the southwest and southeast corners of the substation.

1.3 Scoping Report Organization

This scoping report includes four main sections and appendices, as described below:

- Section 1: Provides an introduction to the report and describes the purpose of scoping and a brief overview of the CRS expansion project.
- Section 2: Provides information on notification materials, including the Notice of Preparation and Notice of Intent.
- Section 3: Summarizes the comments received and issues raised during the scoping comment period.
- Section 4: Provides the next steps in the Supplemental EIR process.
- Appendices: Appendix A includes the Notice of Preparation. Appendix B includes copies of the comment letters received.

2. Project Scoping

This section describes the methods used to notify the public and agencies about the scoping process conducted for the CRS expansion. It outlines how information was made available for public and agency review and identifies the different avenues available for providing comments on the project (fax, email, mail, and phone).

2.1 Notice of Preparation

As required by CEQA Guidelines §15082, the CPUC issued a Notice of Preparation (NOP) on September 29, 2010 that summarized the CRS Project, stated its intention to prepare Supplemental EIR, and requested comments from interested parties (See Appendix A). The NOP was filed with the State Clearinghouse on September 29, 2010 (SCH# 2005101104), which began the 30-day public scoping period. The review period for the NOP ended on November 1, 2010.

Over 56 copies of the NOP were distributed. Forty-four copies went to local, State, and federal agency representatives, 11 went to library repository sites, and the final NOP was filed with the State Clearinghouse.

2.2 Outreach

A public email address and website were established and available during the public comment period. Information on these additional outreach efforts are described below.

Email Address

An email address (dpv2@aspeneg.com) was established for the CRS project to provide another means of submitting comments on the scope of the Supplemental EIR. Comments received by email have been considered and incorporated in this report.

Website

Information about the CRS project was made available through a website hosted by the CPUC. During the scoping period, the website included electronic versions of the NOP for the CRS and the NOP, NOI, scoping report, and the Final EIR/EIS for the DPV2 Project. The website will remain a public resource for information about the project. The website address is:

http://www.cpuc.ca.gov/environment/info/aspen/dpv2/dpv2.htm.

3. Scoping Comments

This section summarizes the comments raised by the public and agencies during the scoping process for the CRS Supplemental EIR. This summary is based upon written comments that were received during the NOP review period, which officially extended from September 29, 2010 to November 1, 2010. All written received during the public comment period on the NOP through mail and email were reviewed for this report and for the Supplemental EIR. Comment letters were also accepted and reviewed after the official end of the comment period.

Seven comment letters were submitted during the scoping process, five from public agencies and two from private organizations. The letters are summarized in Table 3-1.

- Mojave Desert Air Quality Management District
- California Native American Heritage Commission
- Colorado River Board of California
- California Department of Toxic Substances Control
- Riverside County Airport Land Use Commission
- Basin and Range Watch
- Center for Biological Diversity, Western Watershed Project, and Sierra Club

3.1 Key Issues Raised during the Public Comment Period

As discussed above, written comments were provided by public agencies, private organizations, and by the Applicant, SCE. The discussion below presents the key issues identified from comments received on the project. The specific issues raised during the public scoping process are summarized according to the following topics and issue areas:

- Native American Cultural Resources
- Water Resources
- Potential Hazards
- Sand Transport and Habitat Impacts

3.1.1 Native American Cultural Resources

The Native American Heritage Commission (NAHC) commented that based on their Sacred Lands File search, there are Native American cultural resources located in the area that could be affected by the Proposed Project. NAHC provided a list of culturally affiliated tribes and interested Native American individual with whom they recommend consulting in order to avoid impacts to Native American cultural resources and ensure compliance with State and federal regulations.

3.1.2 Water Resources

The Colorado River Board of California recommended that the Supplemental EIR fully analyze groundwater use and its potential impacts on water supply for other users of Colorado River water.

3.1.3 Potential Hazards

The California Department of Toxic Substances Control (DTSC) commented that the EIR should evaluate conditions in the project area that may pose a threat to human health or the environment. DTSC listed regulatory agency databases and outlined regulatory requirements for investigating, identifying, and remediating hazardous materials that may be encountered in the project area.

The Riverside County Airport Land Use Commission noted that if any associated transmission lines for the Proposed Project pass through the Airport Influence Area of any airport in Riverside County, the transmission lines would need to be reviewed by the Airport Land Use Commission.

3.1.4 Sand Transport and Habitat Impacts

Basin and Range Watch, Center for Biological Diversity, Western Watersheds Project, and the Sierra Club expressed concern about the potential impacts of the Proposed Project on sand transport and habitat for Mojave fringe-toed lizard. These groups argued that the CPUC should consider alternative locations for the substation.

3.2 Summary of All Comments

Table 3-1. Summary of Written Comments Received from Private Organizations and Companies

Date Received	From	Comments
October 1, 2010	Mojave Desert Air Quality Management District Alan J. De Salvio, Supervising Air Quality Engineer	• The Mojave Desert Air Quality Management District (District) has reviewed the NOP and has no objection to the proposed air quality analysis • The District supports improving the State's power transmission infrastructure, particularly in support of renewable energy projects
October 19, 2010	Native American Heritage Commission Dave Singleton, Program Analyst	• NAHC is the state trustee agency under CEQA for preservation of Native American Cultural Resources • NAHC performed a Sacred Lands File (SLF) search in the NAHC SLF Inventory and Native American Cultural Resources were identified in the Area of Potential Effect (APE) for the Proposed Project. Results of the SLF search are confidential. • Important to do early consultation with Native American tribes in the area to avoid unanticipated discoveries of cultural resources; a Native American Tribe or Tribal Elder may be the only sources of information about a cultural resource. • CEQA guidelines require the lead agency to work with the Native American identified by NAHC to ensure appropriate and dignified treatment of Native American human remains. • CEQA and State Health and Safety Code and Public Resources Code all require stopping excavation in the event of accidental discovery of human remains. • Although tribal consultation under CEQA is "advisory," California Public Resources Code, Chapter 4.3, and Section 25330 to Division 15 mandates tribal consultation for "electric transmission corridors." Attachments: Names of culturally affiliated tribes and interested Native American individuals that the NAHC recommends as "consulting parties" in compliance with State and federal regulations

Table 3-1. Summary of Written Comments Received from Private Organizations and Companies

Date Received	From	Comments
October 25, 2010	Colorado River Board of California Gerald R. Zimmerman, Acting Executive Director	• The Colorado River Board recommends that the Supplemental EIR fully analyze groundwater use and its potential impacts on water supply for other users of Colorado River water
November 1, 2010	California Department of Toxic Substances Control (DTSC), Brownfields & Environmental Restoration Program Greg Holmes, Unit Chief	• EIR should evaluate whether conditions in the project area may pose a threat to human health or to the environment. The following are regulatory agency databases: National Priorities List (US Environmental Protection Agency [EPA]); Envirostor (DTSC); Resource Conservation and Recovery Information System (US EPA); Comprehensive Environmental Response, Compensation, and Liability Information System (US EPA); Solid Waste Information System (California Integrated Waste Management Board); GeoTracker (California Regional Water Quality Control Boards); County and City lists for hazardous substances cleanup and underground storage tanks; Formerly Used Defense Sites (US Army Corps of Engineers) • EIR should identify the mechanism for initiating any required investigation and/or remediation for any contaminated sites in the project area • Investigations, sampling, and/or remediation should be conducted under a workplan approved by regulatory agency with jurisdiction to oversee hazardous substance clean up. Findings of any investigations should be summarized in the EIR. • If buildings, other structures, or paved surfaces will be demolished, an investigation should be conducted to identify hazardous chemicals and materials. If hazardous chemicals or materials are identified, proper precautions should be taken and remediation should occur in compliance with applicable regulations. • Soil sampling may be required if project may encounter contaminated soil. • Human health and the environment of sensitive receptors should be protected. • If site has been used for agriculture, soils and groundwater may need to be tested for presence of pesticides or other hazardous agricultural residue. • Any hazardous wastes that would be generated by the Proposed Project must be managed in accordance with the California Hazardous Waste Control Law and Hazardous Waste Control Regulations. • DTSC can provide cleanup oversight.
November 2, 2010	Riverside County Airport Land Use Commission Edward C. Cooper, Director	• If any associated transmission lines for the Proposed Project pass through the Airport Influence Area of any airport in Riverside County, the transmission lines would need to be reviewed by the Airport Land Use Commission. • Airport Influence Areas in Riverside County are delineated on maps that are available at www.rcaluc.org. • Project would be subject to Federal Aviation Administrative review through Form 7460-1 if it is within 20,000 feet of any airport runway.

Table 3-1. Summary of Written Comments Received from Private Organizations and Companies

Date Received	From	Comments
December 10, 2010	Basin and Range Watch Laura Cunningham and Kevin Emmerich	• CPUC should consider alternative locations for the substation because the proposed site is in a sand movement corridor and is sensitive habitat for Mojave fringe-toed lizard; impacts to sand movement could affect additional down-wind habitat for fringe-toed lizards • EIR should address potential cumulative impacts to Mojave fringe-toed lizard and impacts to habitat connectivity • The Proposed Project site may house a genetically distinct population segment of fringe-toed lizards, but sufficient genetic analysis has not yet been completed
December 10, 2010	Center for Biological Diversity, Western Watersheds Project, and Sierra Club Lisa T. Belensky, Senior Attorney, on behalf of Michael J. Connor, California Director, Western Watersheds Project and Barbara Boyle, Senior Representative, Clean Energy Solutions, Sierra Club	• As proposed, substation would have significant, unavoidable impacts on sand dunes and sand transport, including impacts to habitat for Mojave fringe-toed lizard • EIR should address: impacts to Mojave fringe-toed lizard and sand habitats, rare plants and communities, rare insects and other biological resources; cumulative impacts; and a reasonable range of alternatives • The Proposed Project should not be characterized as an "expansion" because the original substation project right of way has not been approved by BLM • CPUC should re-open the issue of the substation location because it is not clear based on the record that SCE officially selected the current location from the two "equally environmentally superior" alternatives in the Final EIR/EIS • The original Midpoint Substation site is actually environmentally superior. • Blocking sand movement at the proposed site would impact habitat and could also impact substation equipment. • EIR should review alternative locations with reduced impacts on Mojave fringe-toed lizard • Cumulative impacts may be very different than those assessed in 2006 because many more projects have been proposed. As a result of these projects, fringe-toed lizards may need additional legal protections. • Fringe-toed lizards are sensitive to edge effects. Attachments: Barrows et al., 2006. Boundary processes between a desert sand dune community and an encroaching suburban landscape. Biological Conservation 131: 486-494. PWA, 2010. Soil & Water Report for Palen Solar Project site.

4. Next Steps

4.1 Supplemental Events and Documents

While scoping is the initial step in the environmental review process, additional opportunities to comment on the Supplemental EIR for the Proposed Project will be provided. The CPUC will provide for additional public input when the Draft Supplemental EIR is released and during the public meetings for the Draft Supplemental EIR. Table 4-1 presents the proposed schedule for the Supplemental EIR and identifies where in the process the public and agencies can provide additional input in the environmental review process.

Table 4-1. Supplemental EIR Events and Documents

Event/Document		Purpose	Approximate Date
		COMPLETED EVENTS / DOCUMENTS	
Notice of Preparation (NOP) for CEQA	Release of NOP[1]	Notified interested parties and agencies of the CPUC's intent to prepare a Supplemental EIR	September 29, 2010
	Public Review Period	Held 30-day public scoping period on the Project to provide for public comments on the scope of Supplemental EIR	September 29 to November 1, 2010
Scoping Report for CEQA NOP Process		Reported comments on the Proposed Project and environmental issues of concern to the public and agencies. This report includes comments made during the scoping process for the CEQA Notice of Preparation.	December 2010
		UPCOMING EVENTS / DOCUMENTS	
Draft SEIR	Release of Draft Supplemental EIR	Presents impacts and mitigation for the Proposed CRS Expansion Project and its alternatives	January 2011
	Public Review Period	CEQA: 45-day minimum review period for State agencies.	January 2011 to March 2011
Final SEIR	Release of Final Supplemental EIR	Final Supplemental EIR, with response to comments, issued by CPUC	April 2011
	Decision on the CRS Project	CPUC certifies Supplemental EIR and issues a Proposed Decision	Second Quarter 2011

Refer to the website for specific document dates: http://www.cpuc.ca.gov/environment/info/aspen/dpv2/dpv2.htm

Mojave Desert Air Quality Management District
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • fax 760.245.2699
Visit our web site: http://www.mdaqmd.ca.gov
Eldon Heaston, Executive Director

September 30, 2010

Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104-3002

Project: Devers-Palo Verde No. 2 Transmission Line Project – Colorado River Subsection Expansion

Dear Billie Blanchard:

The Mojave Desert Air Quality Management District (District) has received the Notice of Preparation for a Focused Supplemental Environmental Impact Report for the Devers-Palo Verde No. 2 (DPV2) Transmission Line Project – Colorado River Substation Expansion. The expanded Colorado River Substation (CRS) would serve to interconnect solar generation proposed for development in the Blythe area to the DPV2 transmission line. The expansion of the CRS would require the following new components: Expanding the proposed and already permitted CRS from 44 to 90 acres; Looping the two 500 kV circuits and terminating the new Devers-Colorado River (DCR) transmission line into the CRS; Modifying existing 220 kV structures to allow the DCR to cross the Buck-Julian Hinds 220 kV transmission line; Constructing a distribution line to serve the CRS (substation lighting and system power).

The District has reviewed the Notice of Preparation for the project and has no objection to the proposed air quality analysis. The District supports projects improving the State's power transmission infrastructure, particularly when in support of renewable energy projects.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

Alan J. De Salvio
Supervising Air Quality Engineer

AJD/tw DPV2 Transmission Line Project.doc

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

October 18, 2010

Ms. Billie Blanchard, Environmental Planner
CALIFORNIA PUBLIC UTILITES COMMISSION
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94102-3002

Re: SCH#2005101104 CEQA Notice of Preparation (NOP): draft Environmental Impact Report (DEIR) for the **Devers-Palo Verde No. 2 Transmission Line Project – Colorado River Substation Expansion**; located in located on 90-acres about 15 miles west of the City of Blythe and 1.5 miles south of U.S. Interstate Highway 10, 4.75 miles east of Wiley Well Road; Riverside County, California.

Dear Ms. Blanchard:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. (Also see *Environmental Protection Information Center v. Johnson (1985) 170 Cal App. 3rd 604).* The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amendment effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance. The lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources **were identified** in the Area of Potential Effect (APE). Therefore it is important to do early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas. Enclosed are the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the Eastern Information Center at UC Riverside (951) 827-5745.

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the NAHC list ,should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f)]*et se),* 36 CFR Part 800.3, the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq.*) and NAGPRA (25 U.S.C. 3001-3013), as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including *cultural landscapes.* Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance' may also be protected the under Section 304 of the NHPA or at the Secretary of the Interior' discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C, 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibly threatened by proposed project activity.

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 – 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Native American Contacts
Riverside County
October 18, 2010

Twenty-Nine Palms Band of Mission Indians
Darrell Mike, Chairperson
46-200 Harrison Place Chemehuevi
Coachella , CA 92236
tribal-epa@worldnet.att.net
(760) 775-5566
(760) 775-4639 Fax

Colorado River Reservation
Ginger Scott, Acting Cultural Contact
26600 Mojave Road Mojave
Parker , AZ 85344 Chemehuevi
symi@rraz.net
(928) 669-9211
(928) 669-5675 Fax

Joseph R. Benitez (Mike)
P.O. Box 1829 Chemehuevi
Indio , CA 92201
(760) 347-0488
(760) 408-4089 - cell

Fort Yuma Quechan Indian Nation
Mike Jackson, Sr., President
PO Box 1899 Quechan
Yuma , AZ 85366
qitpres@quechantribe.com
(760) 572-0213
(760) 572-2102 FAX

Chemehuevi Reservation
Charles Wood, Chairperson
P.O. Box 1976 Chemehuevi
Chemehuevi Valley CA 92363
chair1cit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

AhaMaKav Cultural Society, Fort Mojave Indian
Linda Otero, Director
P.O. Box 5990 Mojave
Mohave Valley AZ 86440
lindaotero@fortmojave,
(928) 768-4475
(928) 768-7996 Fax

Fort Mojave Indian Tribe
Tim Williams, Chairperson
500 Merriman Ave Mojave
Needles , CA 92363
(760) 629-4591
(760) 629-5767 Fax

Fort Mojave Indian Tribe
Nora McDowell, Cultural Resources Coordinator
500 Merriman Ave Mojave
Needles , CA 92363
g.goforth@fortmojave.com
(760) 629-4591
(760) 629-5767 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and fed eral NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2005101104; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Dever-Palo Verde No. 2 Transmission Line Project - Colorado River Sustation Expansion; located , Expanded Colorado River Substation (CRS); located on 90-acres approximately 15

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

COLORADO RIVER BOARD OF CALIFORNIA
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1068
(818) 500-1625
(818) 543-4685 FAX

October 21, 2010

Mr. Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94102-3002

Regarding SCH# 2005 101 104: Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Devers-Palo Verde No. 2 Transmission Line Project – Colorado River Substation Expansion, Blythe, California

Dear Mr. Blanchard:

The Colorado River Board of California (CRB) has received and reviewed a copy of Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Devers-Palo Verde No. 2 Transmission Line Project – Colorado River Substation Expansion, Blythe, California. This expansion project was proposed by the Southern California Edison to serve to interconnect solar generation proposed for development in the Blythe area of the Mojave Desert to the DPV2 transmission line in April 2005.

There is a statement of "Potential for expanded use of groundwater to affect the groundwater basin or water supply for other users" concerning Hydrology and Water Quality as shown in Attachment 1 on Page 5 in the Notice. The CRB suggests that the project proponent fully cover the groundwater use and its potential impact to water supply for other users of the Colorado River water in preparing its DEIR.

If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,

for Gerald R. Zimmerman
Acting Executive Director

cc: Mr. Scott Morgan, Director, State Clearinghouse

Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

October 26, 2010

Ms. Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, California 94102-3002

NOTICE OF PREPARATION (NOP) FOR A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DEVERS-PALO VERDE NO. 2 (DPV2) TRANSMISSION LINE PROJECT - COLORADO RIVER SUBSTATION EXPANSION (SCH# 2005101104), RIVERSIDE COUNTY

Dear Ms. Blanchard:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation for a draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "Expansion of the Colorado River Substation (CSR) would serve to interconnect solar generation proposed for development in the Blythe area of the Mojave Desert to the DPV2 transmission line. The expansion of the CRS would require the following new components: expanding the proposed and already permitted CRS from 44 acres to 90 acres; looping the two 500 Kilovolt (kV) circuits and terminating the new Devers-Colorado River (DCR) transmission line into the CRS; modifying existing 220 kV structures to allow the DCR to cross the Buck-Julian Hinds 220 KV transmission line, and constructing a distribution line to serve the CSR (substation lighting and system power). The Proposed project would be located on approximately 90 acres of land located 1.5 miles south of interstate 10 and 4.75 miles east of Wiley Well Road, in the County of Riverside, California. The proposed Project would be partially within the right-of-way on public land managed by Bureau of Land Management (BLM)".

Based on the review of the submitted document DTSC has the following comments:

1. The EIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.

4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken

during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

7) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Notice of Preparation

for a Focused Supplemental Environmental Impact Report for the
Devers–Palo Verde No. 2 Transmission Line Project - Colorado River Substation Expansion
Proposed by Southern California Edison
SCH No. 2005101104

A. Introduction

Southern California Edison (SCE) filed an application for a Certificate of Public Convenience and Necessity (CPCN) with the California Public Utilities Commission (CPUC) for the proposed Devers–Palo Verde 500 kilovolt (kV) No. 2 Transmission Line project (DPV2) in April 2005. The application was determined to be complete and in compliance with CPUC requirements on September 30, 2005. The CPUC and Bureau of Land Management (BLM) prepared a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in 2006, and the CPUC approved the DPV2 Project on January 25, 2007 in Decision D.07-01-040 and certified the EIR as being in compliance with the requirements of CEQA and NEPA.

On May 14, 2008, SCE filed a Petition for Modification (PFM) of the existing CPCN approved in Decision D.07-01-040. SCE requested that the CPUC authorize SCE to construct DPV2 facilities in only the California portion of DPV2 starting from the Desert Southwest–Midpoint Substation near Blythe, California. This California-only portion of DPV2 includes what is now called the Devers-Colorado River (DCR) transmission line as well as Devers-Valley No. 2 Transmission Line. The CPUC approved SCE's PFM on November 20, 2009 in Decision D.09-11-007.

After the CPUC's 2009 Decision, independent power developers proposed several large solar power projects ~~were proposed~~ in the Blythe area. Two of these projects, the Blythe Solar Power Project and the Genesis Solar Energy Project, have requested inter- connection to the electricity grid at the Desert Southwest-Midpoint Substation. As a result, the solar developers and SCE developed a plan to expand the Midpoint Substation to allow the required space for genera- tion tie lines to be interconnected with the SCE 500 kV transmission system.

During ~~the~~ 2009 and~~to~~ 2010, the Blythe Solar Power Project (BSPP) and the Genesis Solar Energy Project (GSEP) have been evaluated under CEQA and NEPA by the ~~BLM and the~~ California Energy Commission and BLM. A joint Staff Assessment/Draft EIS was released for each of these projects in March 2010. For ~~A~~BSPP the CEC issued a revised staff assessment ~~for the BSPP was published~~ in June 2010 followed by a ~~and a~~ supplemental staff ~~Revised Staff A~~assessment in July 2010.
~~for the BSPP was published in June 2010, and~~ ~~f~~For ~~the~~ GSEP the CEC issued a revised staff assessment in June 2010 followed by a revised staff assessment supplement in ~~and~~ July 2010. BLM published its Final EISs on the BSPP and the GSEP in August 2010. These environmental documents ~~addressed the substation expansion, but they~~ did not adequately cover all issues that the CPUC requires to be addressed in accordance with CEQA. Therefore, the CPUC has concluded that it will prepare a focused Supplemental EIR to address only the specific issues not yet covered for its purposes.

SCE has proposed a number of refinements to the DPV2 project as approved, including the locations of the construction yards and telecommunication system components, and modifying transmission line structures. The review of these project refinements will likely occur as a part of the CPUC's mitigation monitoring process.

As required by CEQA, this Notice of Preparation (NOP) is being sent to interested agencies and members of the public. The purpose of the NOP is to inform recipients that the CPUC is beginning preparation of the DPV2 Supplemental EIR and to solicit information that will be helpful in the environmental review process.

This notice includes a description of the substation expansion that SCE proposes to construct, a summary

of potential project impacts, and information on how to provide comments to the CPUC. This NOP can be viewed on the project web site at the following link:

http://www.cpuc.ca.gov/Environment/info/aspen/dpv2/dpv2.htm

B. Project Description

The expanded Colorado River Substation (CRS) would serve to interconnect solar generation proposed for development in the Blythe area of the Mojave Desert to the ~~DPV2~~ DCR transmission line. In the DPV2 Final EIR/EIS, the CPUC identified the DPV2 Midpoint Substation and the Desert Southwest-Midpoint Substation as environmentally equivalent. In Decision D. 09-11-007, the CPUC approved both substation locations, and determined that construction at either location did not trigger the need for additional CEQA review. The DPV2 Desert Southwest–Midpoint Substation site (now re-named as the Colorado River Substation) was ultimately selected by SCE as the location for the CRS. The CRS site is a 44-acre site (1,000 feet by 1,900 feet) located in the southeast corner of parcel APN No. 879-080-025.

The expansion of the CRS would require environmental of the following ~~new~~ components, each described in more detail below:

☐ Expanding the proposed and already permitted Colorado River Substation site from 44 acres to approximately 90 acres;

☐ Looping the two 500 kV circuits and terminating the new Devers-Colorado River (DCR) transmission line into the CRS;

☐ Modifying existing 220 kV structures to allow the DCR to cross the Buck-Julian Hinds 220 kV transmission line;

☐ Constructing a distribution line to serve the CRS (substation lighting and system power).

Colorado River Substation Expansion. The expanded CRS would be located at the same site as the Desert Southwest–Midpoint Substation site evaluated in the Final DPV2 EIR/EIS and selected by SCE. However, it would be expanded to approximately 90 acres. It would be located 1.5 miles south of Interstate 10 and 4.75 miles east of Wiley Well Road, in the County of Riverside, California. The proposed CRS site is on public lands managed by the BLM. The proposed CRS Expansion would expand the 500/220 kV substation~~switchyard~~ approved as part of the DPV2 CPCN into the larger footprint~~a full 500/220 kV substation~~. The expanded CRS substation site would be approximately 1,600 feet by 2,400 feet. The expanded substation perimeter would be approximately 1,530 feet by 2,200 feet surrounded by a wall with two gates. ~~The expanded CRS substation would be 1,500 feet by 2,400 feet surrounded by a wall with two gates.~~

Transmission Lines. SCE would loop the existing DPV1 500 kV transmission line and terminate the new Devers–Colorado River (originally called DPV2) transmission line into the CRS by adding a total of approximately ~~2~~3,000 feet of new transmission lines (three~~wo~~ lines of approximately 1,000 feet each located side-by-side within a corridor approximately 1,000 feet wide).

Modify Existing 220 kV Structures. The proposed SCE 500 kV loop-in lines would have to cross the recently-Installed NextEra Resources Buck-Julian Hinds 220 kV transmission lines, so these structures may require modification to allow the 500 kV crossing. New tubular steel poles at the crossing location may be needed to replace the existing 220 kV concrete poles; design details would be determined during the detailed engineering phase.

Distribution Line for Substation Power. SCE would construct approximately 3,0~~2,5~~00 feet of 33~~12~~ kV overhead distribution line and approximately 1,000 feet of underground distribution line to connect a nearby existing

distribution system to the CRS to provide substation light and power.

C. Project Location and Affected Jurisdictions

The Proposed Project would be located on approximately 90 acres of land located 1.5 miles south of Interstate 10 and 4.75 miles east of Wiley Well Road, in the County of Riverside, California. In 1989, the BLM granted in perpetuity a 130-foot-wide right-of-way on public land for the DPV2 route. The Proposed Project would be partially within this right-of-way. The proposed CRS site is entirely on property managed by the BLM and within utility corridors as designated in the BLM Resource Management Plans. The project would be located in unincorporated Riverside County.

D. Potential Environmental Effects

In accordance with CEQA Guidelines, the CPUC intends to prepare a Supplemental EIR to evaluate potential environmental effects of the Colorado River Substation Expansion and the minor transmission line modifications and required distribution line, and to propose mitigation measures to reduce any significant effects identified.

The supplement to the EIR will contain only the information necessary to document all project impacts for the substation expansion (CEQA Guidelines 15163(b)). The CPUC finds that for many disciplines, additional impacts are not likely to occur beyond those analyzed in the DPV2 EIR/EIS and the BLM and CEC documents. For the environmental disciplines listed below, the substation expansion would not require additional analysis:

- ☐ Visual Resources
- ☐ Wilderness and Recreation
- ☐ Noise
- ☐ Public Health and Safety
- ☐ Geology, Minerals, and Soils
- ☐ Land Use
- ☐ Agriculture
- ☐ Transportation and Traffic
- ☐ Socioeconomics

The environmental review in the Supplemental EIR will focus on the disciplines listed below, addressing impacts that could occur due to the Colorado River Substation Expansion that were not covered in the original DPV2 EIR/EIS or the subsequent documents, including the BLM GSEP and BSPP EISs and the CEC GSEP and BSPP Staff Assessments. In addition, the Supplemental EIR may address some minor refinements to the DPV2 project as approved, including facility changes and water use.

☐ **Biological Resources**: Recent surveys provide information on special-status species at the substation site.
☐ **Cultural Resources**: Recent surveys of the expanded substation area have been provided and will be addressed in the Supplemental EIR.
☐ **Air Quality / Greenhouse Gas**: An updated analysis will be presented consistent with current CEQA requirements.
☐ **Water Resources**: Project water use will be addressed if it will differ substantially from SCE's initial project description.

Attachment 1 to this NOP presents a preliminary list of potential impacts of the Proposed Project. Based on the analysis completed in the Final EIR/EIS, there are several environmental disciplines for which it is not expected that the Colorado River Substation expansion and ancillary facilities would result in substantially more severe impacts.

Mitigation Measures. The Final EIR/EIS for the DPV2 project presented numerous proposed measures that were designed to reduce or eliminate potential impacts of the Colorado River Substation as analyzed in the

document. These measures were adopted by the CPUC in its approval of the project. The effectiveness of these measures to reduce impacts to specific resources affected by the expanded substation will be evaluated in the Supplemental EIR, and additional mitigation measures may be developed to further reduce impacts, if required. When the CPUC makes its final decision on the Proposed Project, it will define the mitigation measures to be adopted as a condition of project approval, and the CPUC will require implementation of a mitigation monitoring program.

E. Scoping Comments

At this time, the CPUC is soliciting information regarding the topics that should be included in the Supplemental EIR. **All comments for the CPUC's CEQA scoping period must be received by November 1, 2010**. You may submit comments by U.S. mail, by electronic mail, or by fax.

By Mail: If you send comments by U.S. mail, please use first-class mail and be sure to include your name and a return address. Please send written comments on the scope and content of the Supplemental EIR to:

Billie Blanchard
California Public Utilities Commission
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104-3002
Fax and Voicemail: (800) 886-1888

By Electronic Mail: E-mail communications are welcome; however, please remember to include your name and return address in the e-mail message. E-mail messages should be sent to dpv2@aspeneg.com.

By Fax: You may fax your comment letter to our information line at (800) 886-1888. Please remember to include your name and return address in the fax, to write legibly, and use black or blue ink. The Supplemental EIR will review and consider all comments received.

F. Project Information

Information about this application and the environmental review process will be posted on the Internet at: http://www.cpuc.ca.gov/environment/info/aspen/dpv2/dpv2.htm. This site will be used to post all public documents during the supplemental environmental review process. In addition, a copy of the Final EIR/EIS for the DPV2 project may be found at this site.

G. Issuance of NOP

The California Public Utilities Commission hereby issues this Notice of Preparation of an Environmental Impact Report.

Billie Blanchard for
Ken Lewis Deputy Director
Energy Division
California Public Utilities Commission

Date: 09/29/10

AIRPORT LAND USE COMMISSION
RIVERSIDE COUNTY

RCALUC

County Administrative Center
4080 Lemon St.,14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

November 2, 2010

Billie Blanchard
California Public Utilities Commission
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San Francisco CA 94104-3002

RE: Notice of Preparation for a Focused Supplemental Environmental Impact Report for the Devers-Palo Verde No. 2 Transmission Line Project – Colorado River Substation Expansion (Assessor's Parcel Number 879-080-025)

Dear Ms. Blanchard:

Thank you for providing the Riverside County Airport Land Use Commission with an opportunity to review the above-referenced Notice of Preparation. Based on the statement in the Project Description that the site is located on Assessor's Parcel Number 879-080-025, the above-referenced project is not located within the Blythe Airport Influence Area. Therefore, unless the project will involve structures or towers with an overall height exceeding 200 feet above ground level, Airport Land Use Commission review of the substation site will not be required.

However, we would like to take this opportunity to note that any associated transmission lines passing through the Airport Influence Area of any airport in Riverside County should be referred to the Airport Land Use Commission for review. (The Commission has already reviewed some lines in conjunction with nearby solar energy projects in the vicinity of Blythe Airport.) The boundaries of Airport Influence Areas along the transmission line corridor (potentially including Palm Springs, Bermuda Dunes, and Chiriaco Summit Airports, as well as Blythe Airport) are delineated in the Riverside County Land Information System and on maps available at www.rcaluc.org (click Plan, then click the individual airport of interest).

Additionally, please be aware that projects may not be in an Airport Influence Area, but could still potentially be subject to Federal Aviation Administration review through the Form 7460-1 process if within 20,000 feet of an airport runway, especially if located at a higher elevation than the runway.

Thank you for the opportunity to provide comments. If you have any questions, please contact John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Edward C. Cooper, Director

Cc: Ken Lewis, Deputy Director, Energy Division, California Public Utilities Commission

December 10, 2010

Billie Blanchard
California Public Utilities Commission
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Re: Comments on the Notice of Preparation for a Focused Supplemental Environmental Impact Report for the Devers–Palo Verde No. 2 Transmission Line Project, Colorado River Substation Expansion Proposed by Southern California Edison (SCH No. 2005101104)

Dear Ms. Blanchard:

Please accept these comments on behalf of Basin and Range Watch regarding the Notice of Preparation ("NOP") for a Focused Supplemental Environmental Impact Report for the Devers–Palo Verde No. 2 Transmission Line Project, Colorado River Substation Expansion Proposed by Southern California Edison (SCH No. 2005101104).

The Commission should re-open the issue of the location of the substation as part of the focused supplemental EIR regarding an expanded substation from 44 acres to 90 acres. The substation is in very sensitive habitat for local populations of Mojave fringe-toed lizard (*Uma scoparia*), and in a sand movement corridor. Alternative locations for the substation need to be analyzed. Placing this large substation in a sand transport corridor cannot be mitigated, as was shown in the California Energy Commission case on Palen Solar Power Project.

The cumulative impacts to Fringe-toed lizards should be also considered, as many new projects are planned for Chuckwalla Valley that would directly or indirectly impact sand habitats, including: Blythe Solar Power Project, Genesis Solar Energy Project, Palen Solar Power Project, Desert Sunlight Solar Farm, and a photovoltaic project called Desert Quartzite south of Highway 10 near Blythe. More applications have been submitted for largescale renewable energy projects in the vicinity according to Bureau of Land Management.

The proposed substation would directly impact 90 acres of sand habitat and indirectly impact many more acres because it would disrupt sand transport processes, potentially starving down-wind habitat for Fringe-toed lizards of sand and eliminating habitat. These impacts cannot be mitigated and should be avoided.

We have worked closely with herpetologists studying Fringe-toed lizards, and much genetic work has yet to be done. With research, various Distinct Population Segments

(DPU) of *Uma scoparia* have been identified, including the Amargosa River Population DPU, which has been petitioned for listing under the Endangered Species Act due to habitat loss and disturbance of sand habitats. Sampling in Chuckwalla Valley and the Blythe area has not been adequate yet to resolve such lineages, but with finer-scale mapping a DPU could be found to exist in the region, the southernmost range of Mojave fringe-toed lizard.

Some populations of the Mojave River Lineage of *Uma scoparia* have been documented as becoming extirpated recently: the El Mirage, Harper Lake, and a Los Angeles County dunes population are gone. Habitat loss, sand depletion, surface stabilization or compaction, loss of vegetation for cover and food contribute to the elimination of local populations of this species.

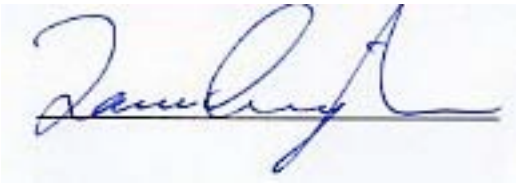
Sand originates from hydrologic processes, riverine and paleolake systems, and sand transport corridors. Sand flow carried by prevalent wind currents provides habitat regeneration for Fringe-toed lizards, and is crucial for genetic connectivity between breeding populations on the best habitat patches.

Personal communications with Fringe-toed lizard expert Dr. Mark Fisher (University of California, Boyd Deep Canyon Desert Research Center) revealed the following:

If the population size is small on a local sand habitat, then it is more prone to extinction. This is especially evident given climate change scenarios. There are papers documenting the extinction of a small, isolated population. So it is of vital importance to provide connectivity with other populations.

Connectivity is vital, and blocking sand transport corridors with fenced substations would negatively impact local populations of Fringe-toed lizards. If the sand flow is cut off, a few lizards hang on after the sand moves away, but the population density drops precipitously. Specific types of sand habitat are needed to provide connectivity with other populations of Fringe-toed lizards.

Sincerely,



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CENTER *for* BIOLOGICAL DIVERSITY

VIA EMAIL AND U.S. MAIL

December 10, 2010

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Re: **Comments on the Notice of Preparation for a Focused Supplemental Environmental Impact Report for the Devers–Palo Verde No. 2 Transmission Line Project, Colorado River Substation Expansion Proposed by Southern California Edison (SCH No. 2005101104)**

Dear Ms. Blanchard:

These comments are submitted on behalf of the Center for Biological Diversity ("Center"), Western Watersheds Project, and the Sierra Club (collectively "conservation groups") regarding the Notice of Preparation ("NOP") for a Focused Supplemental Environmental Impact Report for the Devers–Palo Verde No. 2 Transmission Line Project, Colorado River Substation Expansion Proposed by Southern California Edison (SCH No. 2005101104) ("Colorado River substation" or "proposed project").[1]

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions set by AB 32 and Executive Orders S-03-05 and S-21-09. The conservation groups strongly support the development of renewable energy production, and the generation of electricity and, where necessary, additional transmission capacity to support those projects. However, like any project, proposed transmission projects to support renewable energy projects should be thoughtfully planned to minimize impacts to the

[1] These comments are timely filed because the Commission failed to provide adequate notice of the NOP to the public including the Center (and many other members of the public). Although the Center participated in the CEQA process for the Devers-Palo Verde No. 2 Transmission Line Project, the Center was not provided any notice when the NOP was issued. After contacting Commission staff, the Center was provided with additional time to submit comments on the NOP – until December 10, 2010. By submitting these comments at this time, the conservation groups do not waive any right to challenge the sufficiency of the notice provided on the NOP.

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environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitats, and should preferably be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

As proposed, the Colorado River substation would have significant, avoidable impacts to sand dunes and sand transport including habitat for the rare Mojave fringe-toed lizard. The "focused supplemental" EIR must: provide adequate identification and analysis of all of the significant impacts of the proposed project on environmental resources including the Mojave fringe-toed lizard and sand habitats, rare plants and communities, rare insects and other biological resources; adequately address the significant cumulative impacts on these same resources in the area from other permitted and proposed projects; and consider a reasonable range of alternatives including alternative sites outside of these rare habitat types.

A. The Project Description in the NOP Is Inaccurate and the Earlier Approval Is Unclear Regarding The Location of the Substation

The NOP fails to accurately describe the proposed project for the "focused supplemental" EIR. The NOP describes the project as an "expansion" of the Colorado River substation and states: "Expanding the proposed and already permitted Colorado River Substation from 44 acres to 90 acres." This is both misleading and inaccurate. First, there is no clear evidence that the substation at this location was ever properly approved by the Commission. Second, no substation right of way has yet been approved by the BLM nor has the right of way for the associated transmission line.

The NOP includes a map showing the "Original Midpoint Station" which was analyzed in both the DEIR/EIS[2] and FEIR/EIS.[3] At the time the Commission approved the reconfigured

[2] The DEIR/EIS clearly analyzed a "Midpoint Substation" that was at that location—
"The Midpoint Substation is being considered as a possible project component by SCE. It would be located approximately 10 miles southwest of Blythe, California, adjacent to SCE's DPV1 ROW." DEIR/DEIS at B-49. Its location is shown in Figure ES-4b (the environmentally superior alternative) and in Figure B-2 (project description). Figure B-2 in the DEIR/EIS shows a substation location directly adjacent to private lands in Blythe southeast of the location that the NOP describes. The DEIR/DEIS also included a map of "alternatives eliminated", Figure C-2b, which showed proposed alternative substations including one named "Mesa Valley substation" closer to the site now claimed to be the "Colorado Substation." There is one map from the Appendices to the DEIR/EIS that shows an alternative line route and a substation at the site now claimed to be the Colorado River substation site -- Figure Ap.1-11 Desert Southwest Transmission Project Alternative which uses the same name "Midpoint substation/switching station" for a different location near Mesa Verde. However, in 2006 when the DEIR/EIS was prepared this was considered a *route alternative* not a substation alternative. Figure Ap.1-11 ("The proposed DSWTP *route* (in gold) is the *route* evaluated as an alternative to DPV2." Emphasis added)

line in 2009, it referred to both a **"Midpoint Substation"** and a **"Midpoint-Desert Southwest Substation"** and the Commission clearly understood that these were two different substation locations. The Midpoint Substation was in the same location as had been analyzed in the DEIR/EIS and FEIR/EIS. The "Midpoint-Desert Southwest Substation" was located on maps several miles to the northwest in the location that the NOP now assumes the "Colorado River Substation" was previously approved.

The 2009 decision states:

> "The environmental impacts of two alternative substation locations – the Midpoint Substation and the Midpoint-Desert Southwest Substation - were fully evaluated in the Final EIR/EIS. The Final EIR/EIS concluded that either location was "equally environmentally superior/preferable." [FN 46: Final EIR/EIS, Vol. 2, Section E.2.1.3, at E-12] Hence, SCE may chose to pursue either of the studied locations for purposes of CEQA/NEPA, and our approval of construction of the Midpoint Substation does not trigger the need for additional environmental review."

A.05-04-015, Decision Modifying Decision 07-01-040, at 18-19. The Commission appeared to leave the choice of the location of the substation to the applicant,[4] however, there is no evidence in the record that the applicant ever made such a choice or, if it did, that the public was notified of that choice. Moreover, detailed redline modifications to the earlier project approval attached to the 2009 Decision state: "The route for the California-only Project should start **at the Midpoint Substation** and generally follow the DPV1 right of way to SCE's Devers Substation." Attachment 1, Redline of Modifications to D.07-01-040 at 4 (emphasis added). Thus, although the Commission stated either substation could be chosen by SCE, the red-line shows that the Decision actually approved the original "Midpoint Substation." To the extent that it could be argued that the record is ambiguous on this point, the solution is for the Commission to re-open the issue of the location of the substation as part of the "focused supplemental" EIR regarding an expanded substation more than doubling the size of the footprint.

While the applicant may argue that it cannot move the project at this time, such arguments have no foundation. First, the substation has not yet been approved by the BLM and no work has commenced on site. To the extent that any decision regarding the location of the substation could be made absent prior approval of a ROW by the BLM, it certainly can still be changed by the Commission absent such approval by BLM. Second, most importantly, the

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[3] The FEIR/EIS included a figure showing alternatives considered-- figure ES-2—which also shows only the Midpoint substation at the location southeast of the current location as does the figure showing the "environmentally superior alternative" Figure ES-4b.

[4] The Commission was not free to leave such a choice to the applicant because to do so would be to unlawfully cede its authority and discretion to approve the project to the applicant. The *Commission* was required to make the choice and commit to a definite course of action in approving a specific project. CEQA Guidelines §15352(a) ("'Approval' means the decision by a public agency which *commits the agency to a definite course of action* in regard to *a project*." Emphasis added).

Commission was clearly wrong in stating that the environmental impacts of the two substation locations were the same. The proposed substation location is in very sensitive habitat in a sand movement corridor—not only is the location bad because of its impacts to species but it is a bad location for industrial electrical equipment that would be subject to blowing sands on an ongoing basis. Third, the Original Midpoint substation site is clearly environmentally superior to the site now called the Colorado River substation and would avoid many of the impacts to sand dependent species and also thereby avoid the need to mitigate for those impacts. Fourth, alternate sites for the substation could *improve* the overall layout of the proposed transmission line as related to the site-specific projects it is now intended to serve. For example, the substation could be moved to shorten the distance to the currently approved projects by moving the substation onto disturbed lands north of the I-10 freeway closer to the Blythe Solar Power Project. For these reasons and more, the Commission should consider alternate sites in the focused supplemental EIR.

B. Alternative Locations Must Be Considered in the Focused Supplemental EIR That Would Avoid Significant Impacts to the Mojave Fringe-toed Lizard

Assuming for the sake of argument alone, that the Colorado River substation was previously properly approved by the Commission at the location that is mapped in the NOP (which we do not concede as discussed above), the CEQA review at this time must nonetheless include an analysis of alternative sites for the proposed expanded substation project. As the NOP notes, the substation in the proposed location will have "Potential direct and indirect impacts to special-status reptile species including: Mojave fringe-toed Lizard". Recent mapping of the sand habitat in this area shows that the presumptive location would be in the middle of significant sand transport. *See* Collison, Andrew, *Geomorphic assessment of Palen Solar project site*, Appendix A (Soil and Water Report), PWA Ltd, dated February 18, 2010, map at page 10. As a result, it will likely have the kind and extent of impacts that will be impossible to mitigate. In addition, in the intervening years since the DEIR/DEIS was prepared in 2006, many additional projects have been proposed and approved in this area that will cumulatively affect this species and its habitat as well as other environmental resources that may be affected by the expanded substation. An expanded footprint for the as yet un-built substation must take into account this new information in framing alternatives as well as in a revised cumulative impacts analysis.

Because a substation at the proposed location would have significant impacts (which would be even more severe with an expanded footprint) the Commission must address whether alternative sites are available for the substation so that the significant impacts could be avoided. It is important to understand that the conservation groups are not raising these issues for the first time in these comments. The Center raised issues regarding the presumed location of the Colorado River substation several times in the past year. As the Center stated in comments on the Blythe Solar Power Project DEIS to the BLM (copied to the CEC) dated June 16, 2010 at page 2:

> "Of particular concern is the BLM's failure to include adequate information regarding the impacts to resources from the construction and operation of the proposed Colorado River substation and the gen-tie line in the DEIS. The

substation is proposed to be constructed in occupied Mojave fringe-toed lizard habitat and no alternative sites for the substation are evaluated. [2]

[Footnote 2:]
"The DEIS/SA provides some information on the impacts of the substation scattered throughout the document. *See, e.g.*, DEIS at C.2-63 fn. 7 ("Construction impacts are presented here but Southern California Edison would construct the 33-acre substation and would undertake mitigation for the biological resource impacts.") This information is clearly insufficient as noted in the Revised Staff Assessment ("Revised SA") for the Blythe Project CEC-700-2010-004 REV1, DOCKET NUMBER 09-AFC-6 dated June 4, 2010, which includes the following statement:

> Transmission System Engineering – The California Public Utilities Commission staff have asked the Energy Commission to include a permitting-level analysis of the proposed Colorado River substation expansion that is under their permitting authority. Consultants are currently preparing this report and it will be included as part of the Supplemental Staff Assessment.

pp. 12-13 (Executive Summary; emphasis added); *see also* pp. A-14 ("Transmission System Engineering – The California Public Utilities Commission staff have asked the energy commission staff to include a permitting-level analysis of the proposed Colorado River substation that is under their permitting authority. Consultants are currently preparing this report, and it will be included as part of the Supplemental Staff Assessment.")."

See also, CBD comments on Genesis DEIS to BLM dated July 8, 2010 (asking BLM to analyze alternative sites for the Colorado River substation to avoid impacts to Mojave fringe-toed lizard; also copied to CEC). At this juncture, the Commission has apparently realized that it must now address the "permitting-level analysis" that was not previously provided in any other environmental review document in a "Focused Supplemental" EIR.

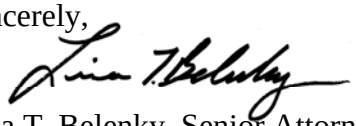
The proposed substation would directly impact 90 acres of sand dune habitat and indirectly impact many more acres because it would create a very large obstruction to the sand transport processes and thereby destroy the sand habitat of the Mojave fringe-toed lizard and other species. These impacts must be fully identified and analyzed. These impacts should be avoided by alternative siting and cannot be mitigated. Moreover, it is vital that the supplemental EIR fully consider impacts to the Mojave fringe-toed lizard and other sand dependent species in the context of the many cumulative impacts that exist in this area and throughout its habitat in the California desert at this time and in the foreseeable future.

The Mojave fringe-toed lizard is a BLM Sensitive species and a California Species of Special Concern. The species has naturally disjunct habitat areas and reaches its southern-most range in the general vicinity of the proposed substation site. Mojave fringe-toed lizards require Aeolian sands and sandy substrate on which to live. As Barrows et al. (2006) found, edge effects

are significant for fringe-toed lizards and, in addition, the increase in predators associated with developed edges may also have a significant adverse effect on lizards and other species. One distinct population segment of the Mojave fringe-toed lizard in the Amargosa River area is already being considered for listing under the Federal Endangered Species Act ("ESA").[5] The conservation groups are concerned that additional impacts to the species from recently approved projects and pending projects including the expanded substation proposal, particularly large-scale impacts in the southern-most part of the species' range, could trigger the need to obtain additional legal protections and result in a need to list this species as a whole under the ESA to ensure its survival. The Commission and the BLM[6] in reviewing the substation proposal must look at ways to avoid and limit impacts to this already imperiled species and its habitat and to *promote conservation* for the Mojave fringe-toed lizard in the California desert.

Thank you in advance for your consideration of these comments. The conservation groups look forward to reviewing a focused supplemental EIR that identifies and analyzes the significant impacts of the proposed substation and a range of alternatives that will avoid the significant impacts to biological resources in particular. Please do not hesitate to contact me if you have any questions regarding these comments.

Sincerely,



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[5] 90-Day Finding on Petition To List the Amargosa River Population of the Mojave Fringe-Toed Lizard (*Uma scoparia)* as Threatened or Endangered With Critical Habitat, 73 Fed. Reg. 1855 (January 10, 2008).

[6] BLM's Special Status Species Manual requires the BLM to "implement measures to conserve these species and their habitats . . . to promote their conservation and reduce the likelihood and need for such species to be listed pursuant to the ESA." Manual 6840 at 35.

cc: (via email)

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Alan Solomon, Project Manager (Blythe)
Siting, Transmission and Environmental Protection Division
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Brian Croft, USFWS, brian_croft@fws.gov
Kevin Hunting, CDFG, khunting@dfg.ca.gov

References (attached):

Barrows, C.W., M.F. Allen and J.T. Rotenberry 2006. Boundary processes between a desert sand dune community and an encroaching suburban landscape. Biological Conservation 131: 486-494.

Collison, Andrew, *Geomorphic assessment of Palen Solar project site*, Appendix A (Soil and Water Report), PWA Ltd, dated February 18, 2010, map at page 10.