

Comment Set D01 Southern California Edison



April 8, 2011

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

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

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

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

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

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

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

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

D01-1 cont.

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

D01-2

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

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

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

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

D01-3

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

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

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As noted in the Draft SEIR, the California Environmental Quality Act (Pub. Resources Code § 21000 *et seq.*, CEQA) requires that an EIR describe “a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...” (14 CCR § 15126.6(a); Draft SEIR, at p. A-3.)

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

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

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

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

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

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

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

D01-3 cont.

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

D01-4 cont.

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

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

D01-5

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

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

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

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

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

D01-5 cont.

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

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

D01-6

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

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

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

D01-7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D01-8 cont.

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

D01-9

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

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

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

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

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

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

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

VI. Conclusion

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

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

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

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

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

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

Sincerely,

/s/Jackson P. Horne

Jackson P. Horne

cc: Susan Lee, Aspen Environmental Group

Enclosures:

Exhibit 1: SCE Comments & Suggested Revisions

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

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EXHIBIT 1

DPV2 – CRS DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR)
SCE COMMENTS & SUGGESTED REVISIONS

No	Section/ Appendix	Page	SEIR Text Revision or SCE Comment	Justification
1.	ES.1	ES-1	“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 (BSPP) and the Genesis Solar Energy Project (GSEP), have requested interconnection to the electricity grid at the Midpoint - DSW Substation. As a result, the solar developers and SCE developed a plan to expand the Midpoint <u>DSW</u> Substation (now called Colorado River Substation) to allow the required space for generation tie (gen - tie) lines to be interconnected with the SCE 500 kV transmission system.”	The expansion of CRS is proposed now at the site of what was Midpoint – DSW.
2.	ES.2.4; A.4	ES-7, A-9	“The interconnection of these and other generators in the region to the Colorado River Substation would require the size of the substation to increase by approximately <u>45.48</u> acres.”	The proposed project would expand the CRS from an approved 45-acre substation to a 90-acre substation, an expansion of approximately 45 acres. (See pp. ES-8, ES-13, B-3, D-2.)
3.	A.2.2	A-6	“ Land Use. The CRS would be placed on BLM land or undeveloped private land, within <u>or near</u> a BLM-designated utility corridor.”	The substation itself would likely not be located within the corridor.
4.	B.3.3.2	B-9 (Table B-2)	“Total Acres Disturbed 34.3- 34.72 54.7”	Mathematical correction due to typographical error.
5.	C.4.2, C.4.3, C.4.4.	C-6, C-9, C-10	“ <u>In light of the information provided by SCE regarding contact with the owners of the private lands on which it would be located, it is unlikely that construction of uncertain whether the Partial Avoidance Alternative could meet the third objective related to meeting SCE’s online date.</u> ” “ <u>In light of the information provided by SCE regarding contact with the owners of the private lands on which it would be located, it is unlikely that construction of uncertain whether Avoidance Alternative #1 could meet the third objective related to meeting SCE’s online date.</u> ” “ <u>In light of the information provided by SCE regarding contact with the owners of the private lands on which it would be located, it is unlikely that construction of uncertain whether Avoidance Alternative #2 could meet the third objective related to meeting SCE’s online date.</u> ”	SCE has provided updated information suggesting that the owners of the private properties where these alternatives would be sited have not been reached or have indicated a willingness to sell their property at an unreasonable value. Accordingly, it appears unlikely, not just uncertain, that the sites could be acquired other than through a condemnation process. In addition, at least one parcel still has a legal encumbrance which may take additional time to clear.

D01-11

D01-12

D01-13

D01-14

D01-15

Comment Set D01, cont.
Southern California Edison

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

D01-16

D01-17

D01-18

D01-19

D01-20

Comment Set D01, cont.
Southern California Edison

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

D01-21

D01-22

Comment Set D01, cont.
 Southern California Edison

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

D01-23

D01-24

Comment Set D01, cont.
Southern California Edison

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

D01-25

D01-26

Comment Set D01, cont.
Southern California Edison

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

D01-27

D01-28

D01-29

D01-30

**Comment Set D01, cont.
 Southern California Edison**

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

D01-30 cont.

D01-31

D01-32

**Comment Set D01, cont.
Southern California Edison**

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

D01-33

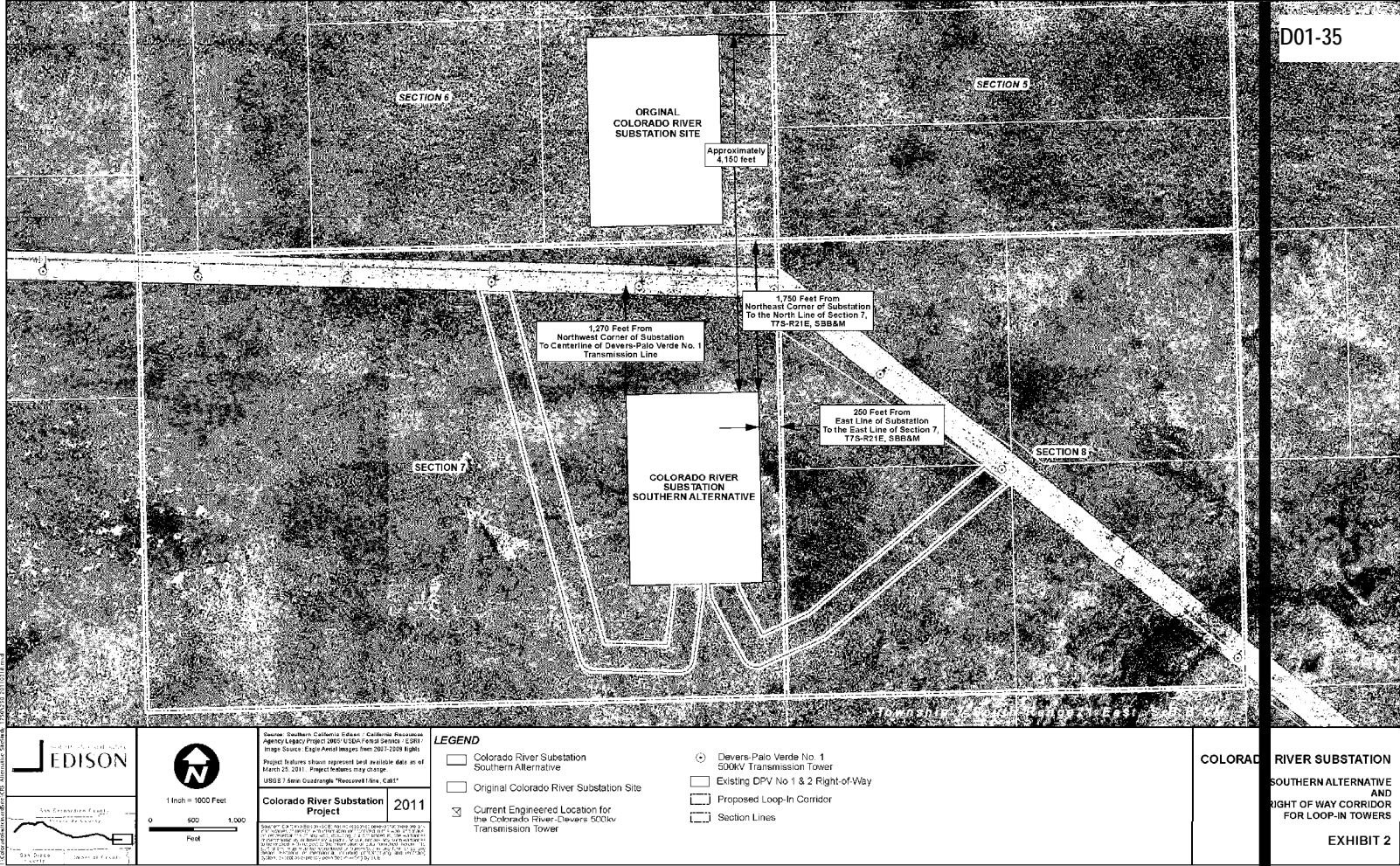
**Comment Set D01, cont.
 Southern California Edison**

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

D01-33 cont.

D01-34

Comment Set D01, cont.
 Southern California Edison



Responses to Comment Set D01 Southern California Edison

- D01-1 The commenter states that the enclosed letter provides additional evidence as to why Avoidance Alternative #1 would be subject to delays that would render it unable to accomplish the project objective of timely interconnection with certain solar generation facilities and thus render it infeasible. Section 4.3.3 in Appendix 1 of the Supplemental EIR concludes that it is uncertain whether Avoidance Alternative #1 could meet the third objective related to meeting SCE's online date. Please see Response to Comment B05-4 for a discussion of the Southern Alternative as compared to Avoidance Alternative #1. Please also see Response to Comment B05-5 regarding the manner in which the ultimate feasibility of an alternative is determined under CEQA as well as the ability of Avoidance Alternative #1 to meet the project objectives.
- D01-2 SCE states that the Southern Alternative is the only alternative to the proposed CRS that would be feasible, reduce environmental impacts, and achieve project objectives. Appendix 1 of the SEIR discusses the screening of each alternative site with respect to CEQA requirements of these three factors. See Responses to Comments B05-4 and B05-5. Exhibit 2 is addressed in Response to Comment D01-35.
- D01-3 The commenter describes the legal standards governing a Lead Agency's analysis of alternatives and feasibility under CEQA. Please refer to Response to Comment B06-18 regarding the range of alternatives considered in the FSEIR. Please refer to Response to Comment B05-5 regarding the CEQA's standards for determining feasibility of alternatives with respect to the selection of alternatives for analysis in the EIR and the ultimate determination of feasibility during the decision-making process.
- D01-4 The commenter states that all of the alternatives except for the Southern Alternative are infeasible due to time delays. Section 4 of SEIR Appendix 1 (Alternatives Screening Report) discusses the ability of each alternative to meet the project objectives and be potentially feasible. The discussion in Appendix 1 addresses timing of substation construction related to private landowners, eminent domain proceedings, geotechnical testing, and engineering. Please see Response to Comment B05-5 regarding the ability of alternatives to meet the project objectives and for a discussion of legal standards governing the determination of feasibility.
- D01-5 The commenter states that property title issues at the privately-owned sites, including Avoidance Alternative #1, would cause unreasonable delays that would render development infeasible. Timing and delay issues associated with alternatives and associated gen-tie lines located on private land are discussed under each alternative in Section 4 of Appendix 1 of the Final Supplemental EIR. Section 4.2.2 in Appendix 1 of the Supplemental EIR describes the eminent domain process. As explained in Section 1.1 of SEIR Appendix 1, the CEQA Guidelines state that the discussion of alternatives shall focus on alternatives capable of eliminating or reducing significant adverse environmental effects of a Proposed Project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. See Response to Comment B05-5 for a discussion of feasibility of the alternatives, including Avoidance Alternative #1.

D01-6 SCE states that it has discovered a deed restriction on a parcel common to the Avoidance Alternatives #1 and #2 sites that could take several additional months to resolve. Sections 4.3.2 and 4.4.2 in Appendix 1 of the Final SEIR state that one parcel affected by the alternative sites is subject to a reservation of rights by the Palo Verde Land and Water Company affecting the entire parcel. Furthermore, the SEIR concludes for both alternatives that deed restriction could affect the legal feasibility of the sites. Additionally, the conclusion regarding the comparison of alternatives in SEIR Section F.4.1 states that approval would be required by the Palo Verde Land and Water Company due to reservation rights on the property, and decision-makers will evaluate the potential for project delays, which could affect SCE's operational timeline objective.

Regardless, Section 4.3.2 of the Final SEIR has been revised as follows to include information that the resolution of rights could take several months to resolve:

Construction on the parcel would require approval by the Palo Verde Land and Water Company, which could take several months for resolution.

D01-7 The commenter states that delays would result from additional work required to engineer the project at the Partial Avoidance Alternative or Avoidance Alternatives #1 #2 or #3 sites. Section 4.2.2 of Appendix 1 of the Final SEIR states that if an alternative location is selected, the substation would require re-engineering by SCE, because the engineering for the proposed site is based on specific topography and geology at that site. In addition to changes to orientation and configuration, moving to an alternative site would require additional geotechnical evaluations. Designs for site preparation and grading would have to be redone as well. Furthermore, Section 4.2.2 in SEIR Appendix 1 lays out the steps and timeframes likely required for substation re-design in order to understand how it could potentially delay the project schedule and affect SCE's operational timeline objective.

The commenter states that the Southern Alternative's layout would be almost identical to the layout already engineered for the proposed CRS if DPV1 and DPV2 could exit south of the site. Therefore, the description of the Southern Alternative in Section 4.6.1 in Appendix 1 of the Final SEIR has been revised as follows:

Figure Ap.1-7 illustrates the location of the Southern Alternative, which was designed to remain entirely on public (BLM) land and be outside of the active sand transport corridor. The layout of the Southern Alternative would be almost identical to the layout already engineered for the proposed CRS, if DPV1 and DPV2 exit to the south of the site. The Southern Alternative would shift the site approximately 4,000 feet (0.75 miles) south of the proposed CRS and in order to avoid direct effects on the sand transport corridor, the substation would be separated from the DPV1 transmission line by about 1,300 feet. Due to this separation, the connecting transmission and gen-tie lines would cross through BLM land within the sand corridor between the alternative substation site and the transmission corridor. However, as shown on Figure Ap.1-7, to minimize sand corridor and ground disturbance, SCE has preliminarily designed the routes for DPV1 and DPV2 to be as perpendicular to the sand corridor boundary as possible. This routing would also leave room for the gen-tie lines to connect into the substation from the north. ~~Because the substation would be south of the DPV2 corridor, the orientation of the components within the substation site would flip approximately 180 degrees in order to minimize transmis-~~

~~sion line cross-overs of the gen-tie and 500 kV lines. Thus, the 220 kV switchrack would be north of the 500 kV switchrack within the substation, as is shown on Figures Ap.1-3A8A and Ap.1-3B8B.~~

The alternative site analyzed herein would be large enough to accommodate a substation orientation either parallel or perpendicular to the transmission corridor depending on final engineering; however, it an east-west orientation may require 2 to 4 additional 500 kV towers. As described above, SCE has stated in its comment letter on the Draft SEIR (Comment Letter D01) that its engineers have determined that practically the exact same substation layout already completed for the proposed CRS location could also be used at the Southern Alternative location.

Similar text changes were also made to the description of the Southern Alternative in Section C.4.6 of the Final SEIR. See Response to Comment D01-35, which addresses Exhibit 2.

D01-8 SCE states that it has already completed substantial preliminary design work for the Southern Alternative site, as it is described in the Draft SEIR, including associated transmission interconnections, access roads and electric distribution lines. For instance, to minimize ground disturbance and impacts to the active sand transport corridor, SCE has designed the DPV1 and DPV2 line routes to be as perpendicular to the sand corridor boundary as possible. This routing would also leave room for the gen-tie lines to connect from the north. Furthermore, SCE's conclusion that the Southern Alternative is a workable alternative location for CRS is noted and is consistent with the conclusion in Section 4.6.3 of SEIR Appendix 1.

See Response to Comment D01-7 for text revisions to the description of the Southern Alternative and Response to Comment D01-35, which addresses Exhibit 2.

D01-9 SCE states that development of any alternative site would be consistent with the analyses in the Draft SEIR, including the analysis of ancillary components and implementation of mitigation measures. The commenter's statement that all impacts associated with any of the alternatives have been adequately analyzed and mitigation is noted.

D01-10 The commenter's conclusion that the Southern Alternative is the least environmentally impactful alternative that could feasibly be developed in time to meet the LGIA in-service date reflected in Project Objective #3 is noted. See Response to Comment B05-5 regarding the ability of alternatives to meet the project objectives and Response to Comment B05-4 regarding the Environmentally Superior Alternative.

D01-11 SCE requests that the Supplemental EIR Executive Summary clarify that the expansion of CRS is proposed at the site of what was the Midpoint-DSW Substation. The text of the Executive Summary has been clarified accordingly in the Final SEIR, as follows:

As a result, the solar developers and SCE developed a plan to expand the Midpoint-DSW Substation (now called Colorado River Substation) . . .

D01-12 SCE requests that the reference in the Supplemental EIR Executive Summary and Section A to the number of acres of expansion of the CRS be changed from 48 to 45 acres. The text of the Executive Summary Section 2.4, as well as of Section A.4, has been modified accordingly in the Final SEIR as follows:

The interconnection of these and other generators in the region to the Colorado River Substation would require the size of the substation to increase by approximately ~~48~~ 45 acres.

D01-13 SCE requests that the reference to the proposed location of the CRS in Section A of the Supplemental EIR be clarified to state that the substation would be within or *near* a BLM utility corridor, as the CRS would likely not be sited within the corridor. The text of Section A.2.2 has been modified accordingly in the Final SEIR as follows:

Land Use. The CRS would be placed on BLM land or undeveloped private land, within or near a BLM-designated utility corridor.

D01-14 SCE requests that a typographical error be corrected in Section B.3.3.2 (Project Description) of the SEIR. The typographical error has been corrected accordingly in the Final Supplemental EIR as follows:

Table B-2. Project Construction – Estimated Land Disturbance Summary¹

Construction Activity	Acres Temporarily Disturbed	Acres Permanently Disturbed
Total Acres Disturbed	34.3– <u>34.72</u>	54.7

D01-15 SCE states that it has provided updated information suggesting that the owners of the private properties where the Partial Avoidance Alternative, Avoidance Alternative #1, and Avoidance Alternative #2 would be sited have not been reached or have indicated a willingness to sell their property at an unreasonable value, and that it appears unlikely (not just uncertain as stated in Section C of the SEIR) that these alternatives could meet the timing objective. In response, the requested change has been made in Section C.4 of the Final Supplemental EIR for the Partial Avoidance Alternative, Avoidance Alternative #1, and Avoidance Alternative #2, as follows:

In light of information provided by SCE regarding contact with the owners of the private lands on which it would be located, it is unlikely that construction of it is uncertain whether the Partial Avoidance Alternative could meet the third objective related to meeting SCE’s online date.

D01-16 SCE requests that a typo in Section E.3.3 of the SEIR be corrected. The section refers incorrectly to water usage for the expanded CRS in the hundreds of millions of acre feet, rather than in hundreds of acre feet. The typographical error has been corrected for the Final Supplemental EIR, as follows:

Groundwater Supply and Recharge. The revised water usage for the expanded CRS estimates that 309.3 to 364.6 ~~million~~ af would be used over approximately 22 to 24 months from groundwater wells.

D01-17 SCE notes a typo in Section E.3.4 of the Supplemental EIR, where an incorrect section number is referenced. The discussion refers to the cumulative impact discussion for water resources, which is Section E.3.3 in the Final SEIR. The typographical error has been corrected for the Final SEIR as follows:

As discussed under Section ~~E.3.4~~ E.3.3 (Hydrology and Water ~~Quality~~ Resources), the geographic scope for socioeconomics and utilities includes related projects that would draw from local wells in the same groundwater basin in conjunction with the Proposed Project construction . . .

However, Section ~~E.3.4~~ E.3.3 concludes that construction of the Proposed Project . . .

D01-18 SCE notes that Section D.3 of the Draft SEIR does not refer to surveys done by Applied Earthworks for the project area. SCE also states that the Final SEIR should state that additional surveys were done and reference the technical report. The commenter is correct that a 1,264.3-acre BLM Class III survey was conducted on BLM and private land to inventory cultural resources in the area of the CRS alternative sites.

The archaeological survey of the CRS Alternative locations resulted in the new discovery of 87 new archaeological sites, with 33 prehistoric, 39 historical and 15 multi-component resources (prehistoric and historical). In addition, 25 new isolated artifacts were discovered and two previously recorded sites were revisited; the record for one of these was updated. A single previously recorded isolated artifact was not found again during this field project.

The Environmental Setting for each alternative site in Section D.3 of the Final Supplemental EIR has been revised as follows to incorporate the additional surveys and the technical report prepared by Applied Earthworks:

Based on the complete intensive pedestrian surveys performed by Applied Earthworks in December 2010 through January 2011,⁵ the Partial Avoidance Alternative would have a significant direct impact on three known archaeological resources within the site itself. . .

⁵A cultural report entitled “Class III Cultural Resources Survey for the Colorado River Substation Alternatives Analysis” has been prepared by Applied Earthworks (March 2011). The survey report is in draft form and will be finalized as soon as site numbers are obtained from the Eastern Information Center.

D01-19 SCE notes that the specific site numbers of each of the cultural sites found in each surveyed alternative should be reported in the Final SEIR to maintain consistency with the original EIR/EIS. In response, the “Class III Cultural Resources Survey for the Colorado River Substation Alternatives Analysis” prepared by Applied Earthworks (March 2011) is in draft form and will be finalized as soon as site numbers are obtained from the Eastern Information Center. Scheduled receipt of site numbers is unknown and is based on the workload of the information center. See Response to Comment B01-18 for text revisions made to the Final SEIR to address the survey report.

D01-20 SCE states that it has performed preliminary engineering on the Southern Alternative and has determined that for a number of reasons, including facilitating gen-tie line access routing into the substation, the substation layout should not be “flipped” 180 degrees, but rather the substation in its proposed layout should simply slide to the Southern Alternative location. In response, references to flipping the Southern Alternative have been modified accordingly in Section 4.6.1 in Appendix 1 of the Final SEIR.

Additionally, SCE also notes that the figures are misnamed in the text of Appendix 1, Section 4.6.1 of the SEIR. In response, the figure names have been corrected in Appendix 1 of the Final SEIR, as follows:

~~Because the substation would be south of the DPV2 corridor, the orientation of the components within the substation site would flip approximately 180 degrees in order to minimize transmission line crossovers of the gen-tie and 500 kV lines. Thus, the 220 kV switchrack would be north of the 500 kV switchrack within the substation, as is shown on Figures Ap.1-38A and Ap.1-38B.~~

It should be noted that SCE's Exhibit 2 has been incorporated as Figure Ap.1-7 (Southern Alternative) in Appendix 1 of the Final SEIR as well (see Response to Comment D01-35).

D01-21 SCE conducted a formal jurisdictional delineation of aquatic resources at the Southern Alternative and Avoidance Alternative #1 locations plus a 200-foot buffer surrounding each site. The results of SCE's delineation indicate that no jurisdictional waters of the U.S. or waters of the State occur within these alternative sites or their survey buffers. However, this determination is subject to verification by the U.S. Army Corps of Engineers and CDFG. Language in the SEIR regarding waters of the U.S. and State has been revised to reflect the pending status of the jurisdictional determination by these regulatory agencies. Mitigation Measure B-1a (Prepare and implement Habitat Restoration/Compensation Plan) from the DPV2 EIR/EIS and referenced under Impact B-10 of the SEIR would only apply if the desert washes in the project area are determined by USACE and/or CDFG to be waters of the U.S. and/or State, respectively. In response, the following text change has been made to Section 4.6.1 in Appendix 1 (Alternatives Screening Report) of the Final Supplemental EIR:

Numerous potentially jurisdictional washes transect the alternative site, with the majority oriented roughly north to south.

D01-22 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. In response, the following text change has been made to the Final Supplemental EIR in Section 4.6.2 of Appendix 1 (Alternatives Screening Report):

There would be new impacts to ~~State~~ potentially jurisdictional washes because many ephemeral desert washes transect the alternative site. If these waters are determined by USACE and/or CDFG to be jurisdictional, with incorporation of mitigation required in the DPV2 Final EIR/EIS would reduce, impacts ~~would be to a less than significant level.~~

D01-23 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. The text in Section D.2.10 of the Final Supplemental EIR has been revised as follows:

Numerous potentially jurisdictional washes transect the alternative site. An active kit fox complex and other mammalian burrows are also present on the site.

D01-24 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. The text in Section D.2.10 of the Final Supplemental EIR under Impact B-10 (Construction activities would result in adverse effects to jurisdictional waters and wetlands) has been revised, as follows:

Therefore, the Southern Alternative would create impacts to potentially State-jurisdictional desert washes that would not occur with construction and operation of the Proposed Project.

Desert washes provide important habitat for wildlife and plants. Direct impacts include fill of the wash and loss of downstream functions and value. These impacts to potentially jurisdictional washes were analyzed in the DPV2 EIR/EIS and the impacts of the Southern Alternative would not be substantially more severe in comparison. Therefore, mitigation for jurisdictional washes included in the DPV2 EIR/EIS would also mitigate any impacts to jurisdictional washes from construction and operation of the Southern Alternative. If the desert washes in the project area are determined by USACE and/or CDFG to be waters of the U.S. and/or State, respectively; impacts would be less than significant (Class II) with the implementation of Mitigation Measures B-1a (Prepare and implement Habitat Restoration/Compensation Plan) from the DPV2 EIR/EIS.

D01-25 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. In response, the following text change has been made to the Final Supplemental EIR in Section ES.5.1.2 (Alternatives) of the Executive Summary:

Avoidance Alternative #3 and the Southern Alternative would affect potentially a State-jurisdictional desert washes, which would not occur with construction and operation of the Proposed Project; however, if determined by United States Army Corps of Engineers (USACE) and/or California Department of Fish and Game (CDFG) to be jurisdictional, this impact would be less than significant with implementation of approved mitigation measures from the Final EIR/EIS.

D01-26 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. In response, the following text change has been made to the Final Supplemental EIR in Section ES.6 of the Executive Summary:

~~There would be new impacts to State-jurisdictional washes because s~~Several small highly divided sandy channels drain to the west across the site and approximately three have the potential to be jurisdictional. Therefore, the Southern Alternative would create new impacts to State-potentially-jurisdictional desert washes, which provide important habitat for wildlife and plants. In addition, an active desert kit fox den and other mammalian burrows occur onsite. With incorporation of mitigation required in the DPV2 Final EIR/EIS, these impacts would be less than significant.

D01-27 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. In response, the following text change has been made to Section F.4.1 of the Final Supplemental EIR:

~~There would be new impacts to State-jurisdictional washes because s~~Several small highly divided sandy channels drain to the west across the site and approximately three have the potential to be jurisdictional. Therefore, the Southern Alternative would create new impacts to State-potentially-jurisdictional desert washes, which provide important habitat for wildlife and plants.

D01-28 Refer to Response to Comment D01-21 regarding waters of the U.S. and waters of the State. In response, the following text change has been made to Table F-1 in Section F.4.1 of the Final Supplemental EIR:

- Numerous potentially jurisdictional desert washes onsite

D01-29 SCE requests that a reference to the Arizona Game and Fish Department (AGFD) be removed from Mitigation Measure B-1a (Prepare and implement a Habitat Restoration/Compensation Plan), as approval from Arizona is not necessary. Reference to AGFD was included based on the text of the original measure from the DPV2 Final EIR/EIS (2006). In response, it has been removed from Mitigation Measure B-1a in Section D.2.6 of the Final Supplemental EIR, as shown.

Hydroseeding, drill seeding, or an otherwise proved restoration technique shall be utilized on all disturbed surfaces using a locally endemic native seed mix approved by the CPUC//~~AGFD~~/FWS and BLM.

D01-30 Mitigation Measure B-7c from the DPV2 Final EIR/EIS was revised as requested by SCE to include NFWF or other third party mitigation options. This is consistent with the terms and conditions of the Biological Opinion for the DPV2 Transmission Line Project, which encompasses the CRS expansion. The revised text of Mitigation Measure B-7c in Section D.2.4 of the Final Supplemental EIR is as follows:

B-7c Purchase mitigation lands for impacts to tortoise habitat. Following construction, SCE shall acquire lands to compensate for the loss of tortoise habitat within the Category II and III management areas in California. The amount of land to be acquired will depend on the acreage of disturbance within these management areas. Acquired lands will be in a nearby area of good tortoise density and within tortoise habitat. BLM and SCE shall conduct a field inspection of the disturbed areas after completion of construction of the transmission line to determine the exact acreage required for compensation. The lands purchased will be transferred to the United States and be administered by the BLM. Land may be transferred to the BLM and/or incorporated into an existing management area.

SCE may elect to fund the acquisition and initial improvement of compensation lands through the National Fish and Wildlife Foundation (NFWF) by depositing funds for that purpose into NFWF's Renewable Agency Action Team (REAT) Account. Initial deposits for this purpose must be made in the same amounts as the Security (refer to Table D.2-1) and may be provided in lieu of Security. If this option is used for the acquisition and initial improvement and the actual land cost is higher than the estimated Security amount, SCE shall make an additional deposit into the REAT Account if necessary to cover the actual acquisition costs and administrative costs and fees of the compensation land purchase once land is identified and the actual costs are known. If the actual costs for acquisition and administrative costs and fees are less than that estimated by CDFG, the excess money deposited in the REAT Account shall be returned to SCE. Money deposited for the initial protection and improvement of the compensation lands shall not be returned to SCE. The responsibility for acquisition of compensation lands may be delegated to a third party other than NFWF, such as a nongovernmental organization supportive of desert habitat conservation, by written agreement of CPUC, BLM, and CDFG. Such delegation shall be subject to

approval by CPUC, in consultation with BLM and CDFG, prior to land acquisition, initial protection or maintenance and management activities.

D01-31 SCE requests that a typo be corrected in Section C.5.1 and Section 4.7.2 of Appendix 1 in the SEIR. The typographical error has been corrected for the Final Supplemental EIR as follows:

The Original Midpoint Substation ~~Southern~~ Alternative would meet two of three project objectives.

D01-32 The commenter suggests that Mitigation Measure H-7a (Groundwater Well Contingency Plan) should be revised to allow the installation of two groundwater wells prior to project construction rather than installing a secondary well that is contingent upon the first well becoming inadequate, in order to avoid construction delays. The intent of Mitigation Measure H-7a was not to prohibit the pre-construction implementation of the Groundwater Well Contingency Plan, but to ensure that such a plan would be effectively implemented. This mitigation measure has been modified to clarify that the Plan may be implemented prior to the onset of construction.

Mitigation Measure H-7a in Section D.4.4 of the Final SEIR has been revised as follows:

H-7a Groundwater Well Contingency Plan. Prior to issuance of construction permits, the Applicant shall prepare a Groundwater Well Contingency Plan (Plan) to drill and construct a secondary supply well that would supplement groundwater production rates from the primary supply well, should the pumping capacity (daily yields) of the primary well become inadequate to meet the project requirements. The Plan shall identify the following features of the secondary supply well, should it be needed:

- location within the Colorado River Substation (CRS) site;
- proximity to existing wells (private and/or municipal);
- estimated total depth, well screen depth, diameter, and estimated yield; and
- time required to have the well drilled, constructed, developed and fully operational.

The secondary supply well may be installed at any time prior to or during construction, as long as it is consistent with features identified in the Plan, as described above. In addition to the above, the Plan shall also specify what conditions would trigger use of the second supply well, as well as the person responsible for determining when to utilize the second supply well. The County of Riverside shall be notified prior to installation of the secondary supply well, should it be necessary. The Applicant shall submit the Groundwater Well Contingency Plan to the CPUC and the County of Riverside for review and approval thirty (30) days before the start of extraction of groundwater for construction or operation.

D01-33 The commenter makes several statements regarding the discussion of potential impacts to groundwater supply presented on pages D-111 through D-113 of the Draft Supplemental EIR; each of these statements are summarized and addressed below.

The commenter states that the Devers–Palo Verde 2 (DPV2) Final EIR/EIS described that pumping groundwater from SCE wells at the CRS site would replace water drawn from nearby wells. Water supply was addressed in Section D.14 (Socioeconomics) of the DPV2 Final EIR/EIS, which assessed the Colorado River Substation as the Midpoint Substation. The DPV2 Final EIR/EIS assesses water requirements of Midpoint Substation under Impact S-2 (Project construction would place demands on local water or solid waste utilities) and determines that impacts to water supply would be less than significant. However, the DPV2 Final EIR/EIS does not state that “drawing water from an SCE well(s) at the CRS would replace water drawn from nearby wells,” as stated by the commenter.

The commenter summarizes the discussion of potential impacts associated with drawdown in other local wells that was presented on pages D-109 through D-111 of the Draft Supplemental EIR, and states that based on “. . . the fact that the SCE well(s) would have less of an effect on other nearby well[s] compared to using those wells to supply the water for construction, the SCE well would not result in a significant impact to groundwater wells . . .” In response to this statement, comparison between potential use of the SCE well and other wells in the area is not the CEQA significance criterion used to characterize this impact; as presented in SEIR Section D.4.3, the relevant significance criterion is:

“Substantially depletes groundwater supplies or interferes substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.”

The Draft Supplemental EIR confirms the commenter’s statement that the project would not result in significant drawdown effects; however, as described on page D-110 of the Draft SEIR, the production capacity described in Table D.4-5 (Estimated Drawdown at Existing Groundwater Wells) is an estimation based on assumptions, which therefore requires implementation of Mitigation Measure H-7b (Groundwater Monitoring and Reporting) to ensure that adverse drawdown effects would not occur.

The impact statement under which drawdown effects are assessed, as relevant to the significance criterion listed above, is Impact H-7 (Construction activity would deplete groundwater supplies or interfere with groundwater recharge). The commenter suggests the Mitigation Measure H-7b (Groundwater Monitoring and Reporting) should be deleted because “. . . the SCE well would not result in a significant impact to groundwater wells . . .” However, as discussed on pages D-111 and D-112 of the Draft SEIR, Impact H-7 addresses the potential use of appropriated water from the Colorado River, in addition to potential drawdown effects and interference with groundwater recharge. In accordance with CEQA, a significance determination must be made for the overall impact discussion, which for Impact H-7, includes effects associated with appropriated Colorado River water in addition to potential drawdown effects. Furthermore, Mitigation Measure H-7b is applicable to other issues addressed under Impact H-7, in addition to the drawdown effects noted by the commenter. Mitigation Measure H-7b would ensure that the Proposed Project would not result in significant impacts associated with groundwater supplies and recharge (Impact H-7); therefore this mitigation measure has not been removed.

Also regarding Mitigation Measure H-7b, the commenter states that pump testing of the SCE supply well will be conducted to determine specific capacity, which can then be used to determine a pumping rate that will avoid pumping water from below the 234-foot accounting surface of Colorado River water; the commenter suggests that this avoids the need for groundwater monitoring activities specified in Mitigation Measure H-7b. The requirements specified in Mitigation Measure H-7b ensure that the pump testing activities noted by the commenter occur in coordination with the CPUC and the State Water Resources Control Board (SWRCB). The measure also ensures that monitoring reports are prepared and submitted to ensure that appropriated Colorado River water is not used during project construction or, if monitoring data indicates pumping below the accounting surface of Colorado River water, that Mitigation Measure H-7c (Water Supply Plan for Use of Colorado River Water) is implemented to mitigate impacts to flows in the Colorado River. Mitigation Measure H-7b is therefore required to ensure that Impact H-7 would be less than significant; this mitigation measure has not been removed, as suggested by the commenter.

The commenter states that water quality monitoring can be conducted by periodically sampling the supply well, and that the amount of water used from the well can be provided on a regular basis. The groundwater monitoring and reporting actions specified in Mitigation Measure H-7b ensure that the noted sampling and reporting actions would occur, thereby ensuring that Impact H-7 would be less than significant.

The commenter requests that Mitigation Measure H-7b should apply to the SCE wells only; it is assumed that the commenter is referring to the monitoring wells required per Mitigation Measure H-7b. As stated on page D-114 of the Draft Supplemental EIR, within the text of this mitigation measure, “[t]he monitoring wells shall include locations up-gradient, lateral, and down-gradient of the project supply wells, and a minimum of three offsite down-gradient wells. . . . Water quality samples shall be drawn from project supply wells, one up-gradient well, and a minimum of two down-gradient off-site wells.” The purpose of requiring sampling and reporting activities at these various well locations is to establish pre- and post-construction groundwater level trends that can be quantitatively compared against observed and calculated trends near the project pumping wells. Due to the undeveloped nature of land uses surrounding the Colorado River Substation site, Mitigation Measure H-7b has been revised, as shown below. Per these revisions, sampling and monitoring activities would be required for the primary and secondary project supply wells, State Well Number 7S/21E-5F1 (located approximately 4,800 feet northeast of the new project well), and at least one off-site down-gradient well. Groundwater monitoring and reporting at these four well locations is considered sufficient to achieve the purpose of this mitigation measure, as described above.

The commenter states that due to the “minimal” groundwater pumping requirements after the construction period, annual monitoring and reporting is not necessary or warranted “by any impact discussed in the SEIR.” As stated on page D-108 of the Draft Supplemental EIR, during substation operations approximately 0.03 acre-feet per year (afy) would be required for non-potable uses. The commenter is correct in noting that this is not a large quantity of water, in comparison to construction requirements. However, no groundwater pumping is currently present on the site and operation of the Proposed Project would introduce a new, long-term pumping requirement in an area where the groundwater basin is hydrologically connected to the Colorado River; without

annual monitoring and reporting, it cannot be determined that impacts to Colorado River water would not occur. As stated in SEIR Section D.4.4 within the text of Mitigation Measure H-7b, “[a]fter the first five years of the project, the Applicant and CPUC shall jointly evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and determine if monitoring frequencies, laboratory testing program, or procedures should be revised or eliminated.” As such, monitoring and reporting activities are not required to be continued for the lifetime of the project and may be discontinued after five years. This period of time is considered sufficient to ensure that significant adverse effects under Impact H-7 would not occur. These revisions to Mitigation Measure H-7b suggested by the commenter have not been incorporated.

Based on the aforementioned comments, Mitigation Measure H-7b in Section D.4.4 of the Final Supplemental EIR has been revised as follows:

H-7b Groundwater Monitoring and Reporting. Prior to issuance of construction permits and prior to any groundwater pumping activities, a Groundwater Monitoring and Reporting Plan (Plan) shall be prepared by a Certified Hydrogeologist (CHG) and submitted by the Applicant (SCE) to the California Public Utilities Commission (CPUC) for review and approval. The Plan shall provide detailed methodology for monitoring background and site groundwater levels, water quality, and flow.

Monitoring shall be performed during pre-construction, construction, and project operation with the intent to establish pre-construction and project-related groundwater level and water quality trends that can be quantitatively compared against observed and simulated trends near the project pumping well(s). During pre-construction monitoring, it shall be determined whether groundwater can be pumped from above the Colorado River accounting surface of 234 feet above mean sea level (amsl). If it is not possible to verify that groundwater for the proposed project would be exclusively pumped from above the Colorado River accounting surface, then Mitigation Measure H-7c (Water Supply Plan for Use of Colorado River Water) would be required.

The monitoring wells shall include the following: SCE’s primary supply well (proposed), SCE’s secondary supply well (per Mitigation Measure H-7a), State Well Number 7S/21E-5F1 (approximately 4,800 feet northeast of the new project well), and at least one off-site down-gradient well. ~~locations up-gradient, lateral, and down-gradient of all project supply wells and a minimum of three offsite down-gradient wells.~~ Water quality monitoring shall include annual sampling and testing for Total Dissolved Solids (TDS), which include minerals, salts, and metals dissolved in water. Water quality samples shall be drawn from each of the aforementioned monitoring well locations. ~~project supply wells, one up-gradient well, and a minimum of two down-gradient offsite wells.~~

The Plan shall include a schedule for submittal of both quarterly ~~(construction only)~~ monitoring data reports during construction (one report every three months, from the onset of construction activities), and annual ~~(operations)~~ monitoring data reports during construction, operation, and maintenance (one report every twelve months, from the onset of construction, for

a duration of at least five years, described below). Monitoring data reports shall be submitted by the Applicant to the CPUC for review and approval, as specified in the Plan.

~~Quarterly and annual reports shall include~~ During the project construction period, ~~quarterly water level monitoring data and water quality monitoring data. reports shall be submitted to CPUC for review and approval. In addition, for at least the first 5 years of the project from the initiation of project construction, annual summary reports shall also be submitted to CPUC for review and approval. At a minimum, these a Annual~~ summary reports shall include but are not limited to the following:

- Daily usage, monthly range, and monthly average of daily water usage in gallons per day;
- Total water used on a monthly and annual basis in acre-feet;
- Summary of all water level and water quality data; and
- Identification of trends that indicate potential for offsite wells to experience deterioration of water level or water quality.

Based on the results of the quarterly and annual trend analyses during the first 5 years of the project from the initiation of project construction, the Applicant shall determine if the project pumping has resulted in water level decline of 5 feet or more below the baseline trend at nearby private wells. If drawdown of 5 feet or more occurs at off-site wells, the Applicant shall immediately reduce groundwater pumping until water levels stabilize or recover, sustaining drawdown of less than 5 feet. Alternatively, the Applicant shall provide compensation to the well owner, including reimbursement of increased energy costs, or deepening the well or pump setting.

After the first 5 years of project, the Applicant and CPUC shall jointly evaluate the effectiveness of the Groundwater Monitoring and Reporting Plan and determine if monitoring frequencies, laboratory testing program, or procedures should be revised or eliminated.

The Applicant shall file an annual “Notice of Extraction and Diversion of Water” with the State Water Resources Control Board in accordance with Water Code Sections 4999 et seq. The Applicant shall include a copy of the filing in the annual compliance report. The report will allow the CPUC to review submitted data monitoring reports for compliance. Following review and approval of the fifth annual summary report, the CPUC will determine whether groundwater wells surrounding the project site are affected by project activities in a way that requires additional mitigation and, if so, shall determine what measures are needed.

Additionally, Section D.4.4 (page D-108 of the Draft SEIR) has been revised as follows:

The estimated water demand during construction ~~and operation~~ of CRS is summarized below in Table D.4-3. A description of operational water requirements is provided following Table D.4-3.

D01-34 The commenter suggests that Mitigation Measure H-7c (Water Supply Plan for Use of Colorado River Water) should be revised per the suggested revisions to Mitigation Measure H-7a (Groundwater Well Contingency Plan). As described in Response to Comment D01-32, Mitigation Measure H-7a requires a Groundwater Well Contingency Plan to be implemented to avoid potential impacts associated with the primary well being or becoming insufficient to meet project water requirements; this mitigation measure does not address compensatory actions associated with the pumping of appropriated Colorado River water, as required per Mitigation Measure H-7c.

The commenter also states that pumping rates at the SCE supply well(s) would be reduced and/or compensation made to the “Colorado River Basin authorities” if monitoring of the project supply well(s) indicates that pumping occurs below the accounting level surface of Colorado River water. In response to this comment, Mitigation Measure H-7c is required to ensure that such actions occur, and that potential impacts to Colorado River flow would be less than significant. Mitigation Measure H-7c provides the Applicant (SCE) with several options in responding to project impacts on flows in the Colorado River, if it is determined through implementation of Mitigation Measure H-7b that such impacts could occur. This mitigation measure also allows the Applicant to use U.S. Bureau of Reclamation allocations of water from the Colorado River as offsets, if needed.

In accordance with Mitigation Measure H-7c, if implementation of one or more of the following actions would not fully offset the quantity of Colorado River water that would be used by the project, then a Water Supply Plan would be required: (1) payment for irrigation improvements; (2) purchasing of water allotments; (3) use of tertiary treated water; (4) implementation of water conservation programs; (5) participation in a Tamarisk Removal Program; and/or (6) use of USBR Colorado River water allocations (if available). Mitigation Measure H-7c specifies the information required for inclusion in the Water Supply Plan, if it is determined that implementation of one or more of the aforementioned actions would not fully offset the Proposed Project’s use of Colorado River water.

The commenter notes that operational water use would be “minimal” and that once construction is complete, there would be no potential for the Proposed Project to result in consumption of Colorado River water via pumping groundwater from below the accounting surface of the river. In response to this comment, it is not possible to determine whether the project could result in pumping Colorado River water without conducting the groundwater monitoring and reporting activities described in Mitigation Measure H-7b. If it is determined through implementation of Mitigation Measure H-7b that the project would not affect the flow of Colorado River water, then Mitigation Measure H-7c would not be required. As described in Response to Comment D01-33, Mitigation Measure H-7b would be implemented for at least the first five years of the Proposed Project, starting at the onset of the construction period. During this time, if the groundwater monitoring and reporting actions required per Mitigation Measure H-7b determine that flow of the Colorado River could be affected by the Proposed Project, then Mitigation Measure H-7c would be implemented. Mitigation Measure H-7c has not been “simplified” or restricted to the construction period, as suggested by the commenter. As worded in the Draft Supplemental EIR, Mitigation Measure H-7c is both warranted and reasonable.

D01-35 Exhibit 2, which depicts the Southern Alternative and the right-of-way corridor for the transmission loop-in towers, has been incorporated into Appendix 1 of the Final Supplemental EIR to update and replace the original Figure Ap.1-7.