

I. Public Participation and Consultation

I.1 Introduction

This section describes the public participation program implemented for the WOD Upgrade Project. This program was designed to collect agency and public input for the Proposed Project and to inform the environmental review process. Sections I.2 through I.7 describe aspects of the CEQA and NEPA processes related to preparation of the EIR/EIS and the public involvement in various steps. Section I.8 describes the BLM consultation process related to the Endangered Species Act, the National Historic Preservation Act Section 106 process, and the government-to-government consultation process with Native American tribes.

I.2 EIR/EIS Scoping Process

The scoping process for the EIR/EIS consisted of five elements, detailed in the following sections:

1. Publication of the CEQA Notice of Preparation (NOP) and the NEPA Notice of Intent (NOI) of a joint EIR/EIS and Notice of Public Scoping Meetings soliciting comments from affected public agencies and concerned members of the public.
2. Hosting of public scoping meetings and meetings with agencies.
3. Summarizing scoping comments in a CPUC Scoping Report and a BLM Scoping Report.
4. Posting of the CPUC and BLM Scoping Reports on the project website and distribution of the reports to the EIR/EIS team members for use in work planning and impact analysis.
5. Establishment of an Internet website, an electronic mail address, a telephone hotline, and local EIR/EIS Information Repositories.

I.2.1 Notice of Preparation and Notice of Intent

The CPUC issued the NOP on May 12, 2014, distributing it to the State Clearinghouse, federal, State, regional, and local agencies, elected officials of affected areas, and the general public. The CPUC mailed approximately 13,300 copies of the NOP to federal, State, regional, and local agencies, and elected officials, community and environmental organizations, Native American groups, and property owners. The mailing list included the following distribution: approximately 140 agency representatives (from approximately 70 agencies); approximately 40 environmental groups and organizations; 5 tribal government representatives from 2 different tribal governments; approximately 30 elected officials; approximately 12,600 property owners within 600 feet of the project route alignment; and approximately 420 other interested parties. Fourteen additional copies of the NOP were delivered to and are available at 14 local document repository sites. The 30-day public scoping period extended from the issuance of the NOP to June 12, 2014.

The BLM published the NOI on July 1, 2014 in the Federal Register. A notice of Public Scoping Meeting was mailed to all parties on the EIR/EIS mailing list. The 30-day comment period began on July 1, 2014 and extended to July 31, 2014.

I.2.2 Scoping Meetings

In May 2014, the CPUC held 4 public scoping meetings in three locations to collect input for the scope and content of the EIR/EIS and for alternatives and mitigation measures to consider.

Approximately 40 members of the public and representatives from organizations and government agencies attended the following May 2014 meetings:

- May 19, 2014, at 6:00 pm in Banning City Hall, City of Banning
- May 20, 2014, at 6:00 pm in the Loma Linda Civic Center, City of Loma Linda
- May 21, 2014, at 3:00 pm and 7:00 pm in the Beaumont Civic Center, City of Beaumont

On July 16, 2014, the BLM held a scoping meeting in the City of Banning. Approximately 15 members of the public and representatives from organizations and government agencies attended the following BLM scoping meeting:

- July 16, 2014 at 2:00 pm in Banning City Hall, City of Banning

I.2.3 CPUC Scoping Report

The CPUC issued its Scoping Report in July of 2014. The report summarized issues of concern based on 36 written and oral comments from agencies, organizations, and members of the public. A summary of the key issues that were raised is presented below.

Aesthetics/Visual

Several commenters expressed concern with the height of the new towers and stated that the added bulk and higher towers would be highly visible from residences and public roadways. A number of commenters also suggested that the lines be undergrounded in certain areas to address visual impacts as well as safety impacts. Visual simulations were requested as part of the aesthetics assessment.

Conflicts with Existing Land Uses

Some of the cities noted that the WOD project could impact their existing plans for development and could impact anticipated road improvement projects. The project bisects the Colorado River Aqueduct, and thus, there was some concern that the project could impact the ongoing operation, maintenance, and repair of the aqueduct. The Metropolitan Water District requested that design plans be reviewed and approved by them and that the EIR/EIS consider potential impacts to the aqueduct.

The project's potential to impact recreational uses in the Cities of Colton and Grand Terrace were identified as key concerns that should be evaluated in the EIR/EIS. The connectivity of recreational areas between the two cities was an issue that was identified and that the cities requested be evaluated in the EIR/EIS. Several commenters raised a concern with the placement of the towers closer to existing homes and wanted to know why SCE could not place the towers further away from existing residences.

Property Values

Commenters expressed concern with the project's impact on property values because of towers being moved closer to homes and businesses and the impact of bulkier, taller towers.

Fire Risk, EMF, and Other Hazards

Several commenters expressed concern with the potential of the project to increase fire risk and suggested the requirement for mitigation measures such as an emergency response plan and undergrounding of the transmission line. Southern California Gas noted that the project crosses a number of their pipelines and suggested that SCE contact Underground Service Alert prior to excavating in the project area. Several concerns were raised regarding the use of the transmission corridor easement and whether or not it was safe for recreational or other uses.

Construction-Related (Dust, Noise, Traffic)

Commenters expressed concern with construction dust especially in high wind areas and requested that dust suppression measures be included in the EIR/EIS. Local agencies also asked about where or not SCE would be required to abide by local requirements with regard to construction hours and noise standards. Some of the cities were concerned with traffic on local roads and the potential for damaging local roads and increasing traffic. More information was requested on anticipated truck routes on the different project segments, and there was a request for requiring SCE to coordinate with local agencies on the construction schedule as well as requiring SCE to repair any damage to local roads. Several commenters requested that the EIR/EIS consider the impact of road closures and limited access to residences, residential streets, and businesses.

Geology/Slope Stability

In the City of Grand Terrace, the Cities of Colton and Grand Terrace expressed concern regarding towers that are currently on unstable soil and near an area that resulted in a deck collapsing from slope failure. Slope stability and erosion should be addressed.

Biological Resources

One of the main issues presented regarding biological resources was the need for the EIR/EIS to evaluate the project's consistency with the two Multiple-Species Habitat Conservation Plans that are in effect in the project area. Another request was to assess potential impacts to California gnatcatcher and its habitat in Segment 2 and a request to identify mitigation for habitat impacts.

Other Comments

Five written comment letters (representing nine energy companies) and one commenter at the public scoping meeting addressed concern with curtailment of existing renewable energy production. These commenters expressed concern with SCE curtailing or reducing existing electrical generation for several years while the WOD project is being constructed. They requested compensation for this anticipated curtailment period and requested that this issue be discussed in the EIR/EIS. One commenter expressed concern with "piecemealing" and stated that the WOD project alignment is one of the alternatives (Northerly Route) identified and rejected in the evaluation of the El Casco Substation EIR.

I.2.4 BLM Scoping Report

The BLM held an additional scoping period, as described above, and a Scoping Report was released in October of 2014. The report summarized issues of concern based on 18 written and oral comments from agencies, organizations, and members of the public. A summary of the key issues that were raised is presented below.

Aesthetics/Visual

One commenter requested that the applicant consider the aesthetics of the neighborhood when building towers.

Conflicts with Existing Land Uses

The project bisects the Colorado River Aqueduct, and thus, there was some concern that the project could impact the ongoing operation, maintenance, and repair of the aqueduct. The Metropolitan Water District requested that design plans be reviewed and approved by them and that the EIR/EIS consider potential impacts to the aqueduct. The California Department of Water Resources noted that permits may be required if any improvements encroach on the Colorado River Aqueduct right-of-way.

Several commenters raised a concern with the placement of the towers closer to existing homes and wanted to know why SCE could not place the towers farther away from existing residences. One commenter noted that they appreciated that the transmission towers would be placed far from the Interstate 10 freeway and not on the hillsides.

Social/Economic

Commenters expressed concern with the project's impact on property values because of towers being moved closer to homes. Commenters expressed concern with security/safety and general wellbeing when living near an electrical transmission corridor.

Fire, EMF, and Other Hazards

CAL FIRE noted that the area has a history of wildfires and requested to be notified of construction activities and suggested that a plan be put in place to coordinate a response to fires if helicopters will be used in construction. Several concerns were raised regarding the safety of the transmission lines especially if they are placed closer to homes and wanted to know if the lines would increase the potential for exposure to EMF with the new towers. One commenter requested that the EIR/EIS study the potential health risks associated with transmission towers. One commenter stated that he wanted to see measures that address survival of the transmission lines when under terrorist bombs or other disaster designed to wipe out the electrical grid.

Construction-Related (Dust, Traffic)

Commenters expressed concern with construction dust and requested that dust suppression measures be included in the EIR/EIS. Some commenters expressed concern with the potential for damaging local roads and increasing traffic.

Biological Resources

The California Department of Fish and Wildlife requested a thorough evaluation and mitigation of impacts to sensitive species in the project area and also asked for the EIR/EIS to consider the two Multiple-Species Habitat Conservation Plans that are in place in the project area. Another request was for the EIR/EIS to evaluate the project's impact on common ravens, red-tailed hawks, and golden eagles. In the evaluation of these species, the commenter asked that other issues be taken into consideration, such as global warming.

I.3 Draft EIR/EIS Public Review Period

The Draft EIR/EIS will be available for public review for at least a 45-day period. The start and end dates of the review period are included in the Notice of Availability (NOA), which is attached to this Draft EIR/EIS. The locations and dates of public workshops for the Draft EIR/EIS are also listed in the NOA.

I.4 EIR/EIS Mailing List

The initial EIR/EIS mailing list included SCE's list of property owners within 600 feet of the Proposed Project as well as groups and individuals that the EIR/EIS team identified as stakeholders or interested parties the Proposed Project. In addition, all attendees at scoping meetings were added to the mailing list. The mailing list also includes all individuals on the CPUC's proceeding service list for this application. The complete mailing list is presented in Appendix 13, Recipients of EIR/EIS.

I.5 Notice of Availability

All those on the EIR/EIS Mailing List and landowners on or adjacent to SCE's proposed route and the alternative routes will receive a Notice of Availability of the Draft EIR/EIS upon release of the Draft EIR/EIS. The Notice will include information on accessing the Draft EIR/EIS, the Environmentally Superior and Agency Preferred Alternative(s), and the dates, times, and locations for informational workshops on the Draft EIR/EIS.

I.6 EIR/EIS Information and Repository Sites

The CPUC and BLM have established a telephone hotline for project information: (888) 456-0254. This line can receive faxes and voice messages. EIR/EIS information, including Proposed Project information, the CPUC Scoping Report, the Draft EIR/EIS, and other information on the environmental review process will be available on the CPUC project website:

<http://www.cpuc.ca.gov/environment/info/aspen/westofdevers/westofdevers.htm>

This site hosts all public documents during the environmental review process and announcements of upcoming public meetings.

In addition to the CPUC project website, the BLM hosts a project website that will contain various project documents, including: the Notice of Intent; the Notice of Availability of the Draft EIS; the Draft EIS; the Notice of Availability of the Final EIS; the Final EIS; the Record of Decision; and, the Right-of-Way Grant. The BLM project website is located here:

<http://www.blm.gov/ca/st/en/fo/palmsprings/transmission/WestOfDeversProject.html>

To maximize accessibility of project information to the public, the CPUC and BLM have placed documents in repository sites listed in Table I-1. All notices and the Draft EIR/EIS have been provided to 14 repositories and documents are also available at the CPUC in San Francisco.

Table I-1. Project Document Repository Sites

West of Devers – Library Sites		
City of Riverside Library	3581 Mission Inn Avenue, Riverside, CA 92501.....	(951) 826-5201
San Bernardino County Library	777 East Rialto Avenue, San Bernardino, CA 92415	(909) 387-5723
Colton Public Library	656 N. Ninth Street, Colton, CA 92324	(909) 370-5083
Grand Terrace Library	22795 Barton Road, Grand Terrace, CA 92313	(909) 783-0147
City of Loma Linda Library	25581 Barton Road, Loma Linda, CA 92354.....	(909) 796-8621
A.K. Smiley Public Library	125 West Vine Street, Redlands, CA 92373	(909) 798-7565
Mentone County Library	1331 Opal Avenue, Mentone, CA 92359.....	(909) 794-2657
Yucaipa Branch Library	12040 5th Street, Yucaipa, CA 92399.....	(909) 790-3146
Calimesa City Library	974 Calimesa Boulevard, Calimesa, CA 92320	(909) 795-9807
Beaumont Library District	125 East 8th Street, Beaumont, CA 92223.....	(951) 845-1357
Banning Public Library	21 W Nicolet Street, Banning, CA 92220	(951) 849-3192
Morongo Band of Mission Indians Environmental Protection Department	12700 Pumarra Road, Banning, CA 92220	(951) 755-5128
West of Devers – U.S. Bureau of Land Management Office		
Palm Springs/So. Coast Field Office	1201 Bird Center Drive, Palm Springs, CA 92262.....	(760) 833-7100
California Desert District Office	22835 Calle San Juan de los Lagos, Moreno Valley, CA 92553	(951) 697-5200

I.7 Consultation Processes for ESA Section 7, NHPA Section 106, and Indian Tribes

I.7.1 Endangered Species Act Section 7 Consultation

The USFWS has jurisdiction to protect threatened and endangered species under the Federal Endangered Species Act (ESA, 16 USC §1531 et seq.). Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally listed species. This consultation has been initiated through a request by the BLM to the USFWS. The next steps involve BLM’s submittal of a Biological Assessment (BA) to the USFWS. Following review of the BA, the USFWS would be expected to issue a Biological Opinion that specifies mitigation measures that must be implemented for any protected species.

I.7.2 National Historic Preservation Act Section 106 Consultation

Federal agencies must demonstrate compliance with the National Historic Preservation Act (NHPA) [16 USC §470 et seq.]. Section 106 of the NHPA requires a federal agency with jurisdiction over a project to evaluate the effect of the proposed project on properties included on, or eligible for, the National Register of Historic Places (NRHP). Federal agencies must also provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the effects of a proposed project to those properties. Recent amendments to the regulations implementing Section 106 of the NHPA strengthened tribal involvement in the process (see Section I.8.3, Tribal Consultation).

Any adverse effects that the project may have on historic properties would be resolved through compliance with the terms of a Memorandum of Agreement (MOA) under Section 106 of the NHPA (16 USC §470). Implementation of the project also requires local and state agencies to demonstrate compliance with CEQA, for which specific guidance regarding cultural resources is presented in Appendix G of the

State CEQA Guidelines. Local agencies may use the NHPA process to demonstrate compliance with those CEQA requirements.

As described in Section D.7 (Cultural Resources), the assessment of impacts on cultural resources assumes the implementation of those measures incorporated into the project design or required by regulation which avoid or reduce potentially adverse effects. A proposed action would normally have an adverse effect on cultural resources if it would disrupt or adversely affect a historic property, including a property with traditional cultural significance (as determined by the NRHP and the NHPA's implementing regulations).

The basic steps in the Section 106 process are described below along with a corresponding summary paragraph presenting BLM's compliance with the process to date:

Step 1: Identification and Evaluation of Historic Properties (Cultural Resources). Properties within a project's area of potential effect (APE) are identified with input from the State Historic Preservation Officer (SHPO), Indian tribes and other consulting parties, and evaluated for eligibility to the NRHP in consultation with the SHPO (36 CFR §800.4). BLM applies NRHP criteria for eligibility for listing (36 CFR §60.4), in conformance with the Secretary of the Interior's Standards and Guidelines for Evaluation (48 Federal Register 44723-44726). In general, NRHP eligibility criteria include:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- *That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- *That are associated with the lives of persons significant in our past; or*
- *That embody the distinctive characteristics or a type, period, method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- *That have yielded, or may likely yield, information important in prehistory or history.*

Step 2: Assessment of Effects. BLM determines whether or not the undertaking will affect historic properties listed in or eligible for the NRHP (36 CFR § 800.4(d)). BLM must seek concurrence from the SHPO, or Tribal Historic Preservation Officer (THPO) when appropriate, if it determines that no historic properties will be affected. When BLM determines that historic properties will be affected, BLM must assess whether such effects will be adverse by applying the criteria outlined in Title 36 of the Code of Federal Regulations (36 CFR §800.5[a(1)]). "Effect" is defined in the regulations as an "alternative to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register" (36 CFR §800.16[i]). An effect is deemed to be adverse if the effect may "alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association" (36 CFR § 800.5[a(1)]).

In the case of the proposed WOD project, all efforts have been made to avoid direct effects to cultural resources.

Step 3: Resolution of Adverse Effects. Through consultation with the SHPO, Indian tribes, other consulting parties, and the ACHP, if they elect to participate in Section 106 consultation, BLM will seek to resolve potential adverse effects of the Proposed Project through a MOA or Programmatic Agreement

(PA) (36 CFR §800.6). The purpose of consultation is to develop treatment measures to avoid, resolve, or minimize potential adverse effects to historic properties, which will be implemented through the MOA or PA. The MOA often includes a treatment plan that takes into account the effects on NRHP-eligible resources, depicts the APE, discusses reporting requirements, addresses discoveries and unanticipated effects, specifies curation requirements, and provides several administrative provisions. Consulting parties, including Indian Tribes (as appropriate), would be invited to participate in this consultation and the development of the MOA, and could be invited to sign the MOA as concurring parties. BLM must notify the ACHP of its adverse effect determination and intention to resolve such adverse effects through an MOA or PA. ACHP may elect to participate in consultation for the MOA or PA. BLM, SHPO, and the ACHP, if it has elected to participate, must sign the MOA or PA.

On August 22, 2014, the BLM sent a letter to the Advisory Council on Historic Preservation (ACHP) to initiate consultation with the ACHP of the Proposed Project and invite the ACHP to participate with the BLM in the Section 106 review

I.7.3 BLM's Government-to-Government Consultation with Indian Tribes

The BLM consults with Indian Tribes on a government-to-government basis in accordance with several authorities, including NEPA, the NHPA, the American Indian Religious Freedom Act, and Executive Order 13007. Under Section 106 of the NHPA, the BLM consults with Indian Tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects on historic properties affected by BLM undertakings.

- On June 27, 2013, SCE sent contact letters requesting input on the Proposed Project to tribal representatives that were identified by the Native American Heritage Commission as having an interest in or information about the Proposed Project area.
- On May 20, 2014, the BLM sent out letters to 14 tribal government representatives to initiate government-to-government consultation for this project. The letters provided initial notification regarding the project, explained the role of the BLM, and invited the tribal governments to enter into government-to-government consultation.
- On August 22, 2014, the BLM sent out follow-up letters to tribal government representatives to provide an update on efforts to identify historic properties that may be affected by the Proposed Project, to provide notification of archaeological site testing, and to reiterate the BLM's invitation and request to engage in government-to-government consultation.
- In May 2015, the BLM sent follow-up letters to tribal government representatives to provide copies of all cultural resource documents prepared for the Proposed Project and an update on cultural resource efforts. The tribes are invited to a consultation meeting to discuss identification of historic properties and potential project effects.