

Appendix E
Scoping Summary Report

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**Southern California Edison
Eldorado–Ivanpah Transmission Project
Scoping Summary Report**

October 14, 2009

Prepared for the
United States Bureau of Land Management



and the
California Public Utilities Commission



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ABBREVIATIONS AND ACRONYMS

Abbreviation/Acronym	Item
BCCE	Boulder City Conservation Easement
BLM	Bureau of Land Management
CCDOA	Clark County Department of Aviation
CCR	California Code of Regulations
CDB	Center for Biological Diversity
CDCA	California Desert Conservation Area
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CPUC	California Public Utilities Commission
DWMA	Desert Wildlife Management Area
E & E	Ecology and Environment, Inc.
EIR	Environmental Impact Report (Draft EIR) (under CEQA)
EIS	Environmental Impact Statement (Draft EIS) (under NEPA)
EITP	Eldorado-Ivanpah Transmission Project
EPA	Environmental Protection Agency
kV	kilovolt
MSHCP	Multiple Species Habitat Conservation Plan
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NOP	Notice of Preparation
ROW	rights-of way
SCE	Southern California Edison
SNSA	Southern Nevada Supplemental Airport

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1 INTRODUCTION

1.1 Purpose of Scoping Report

This Scoping Report summarizes the public scoping effort conducted for the proposed Eldorado–Ivanpah Transmission Project (EITP). On May 28, 2009 Southern California Edison (SCE), the project applicant, filed an application with the California Public Utilities Commission (CPUC) for a Certificate of Public Convenience and Necessity and an application with the U.S. Bureau of Land Management (BLM) for right-of-way (ROW) authorization and special use permits for approval to construct the proposed project. As part of the project approval process and in compliance with the requirements of the California Environment Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the CPUC and the BLM, as CEQA and NEPA lead agencies, will prepare a joint Environmental Impact Report (EIR) and Environmental Impact Statement (EIS), via their third-party consultant, Ecology and Environment, Inc. (E & E). The EIR/EIS will evaluate the potential environmental impacts associated with the proposed project and will identify mitigation measures to reduce these impacts, where possible. The public scoping period allows the public and regulatory agencies an opportunity to comment on the scope of the environmental document and to identify issues that should be addressed in the document. This report documents the issues and concerns expressed during the public scoping meetings and the written comments received from the public, community organizations, and governmental agencies during the public scoping period, which ended on August 26, 2009.

The CPUC and the BLM will use the comments received during the scoping period to:

- Present environmental impacts of the proposed project and alternatives;
- Encourage public participation;
- Determine the range of issues and alternatives to be addressed in the EIR/EIS;
- Identify ways to avoid or reduce environmental impacts; and
- Inform BLM and CPUC decision-making processes.

1.2 Project Description

The EITP is located in San Bernardino County, California, and Clark County, Nevada. SCE filed an electronic application on May 28, 2009, for a permit to upgrade a single-circuit 115 kilovolt (kV) transmission line with a double-circuit 230 kV transmission line and construct a new substation and associated telecommunications and transmission lines (CPUC application number A.09-05-027). The proposed project would run approximately 35 miles from the Eldorado Substation in Nevada to SCE's proposed Ivanpah Substation in California (Figure 1). The project would include upgrades to the Eldorado Substation and installation of approximately 35 miles of redundant overhead, underground, or microwave path telecommunication routes.

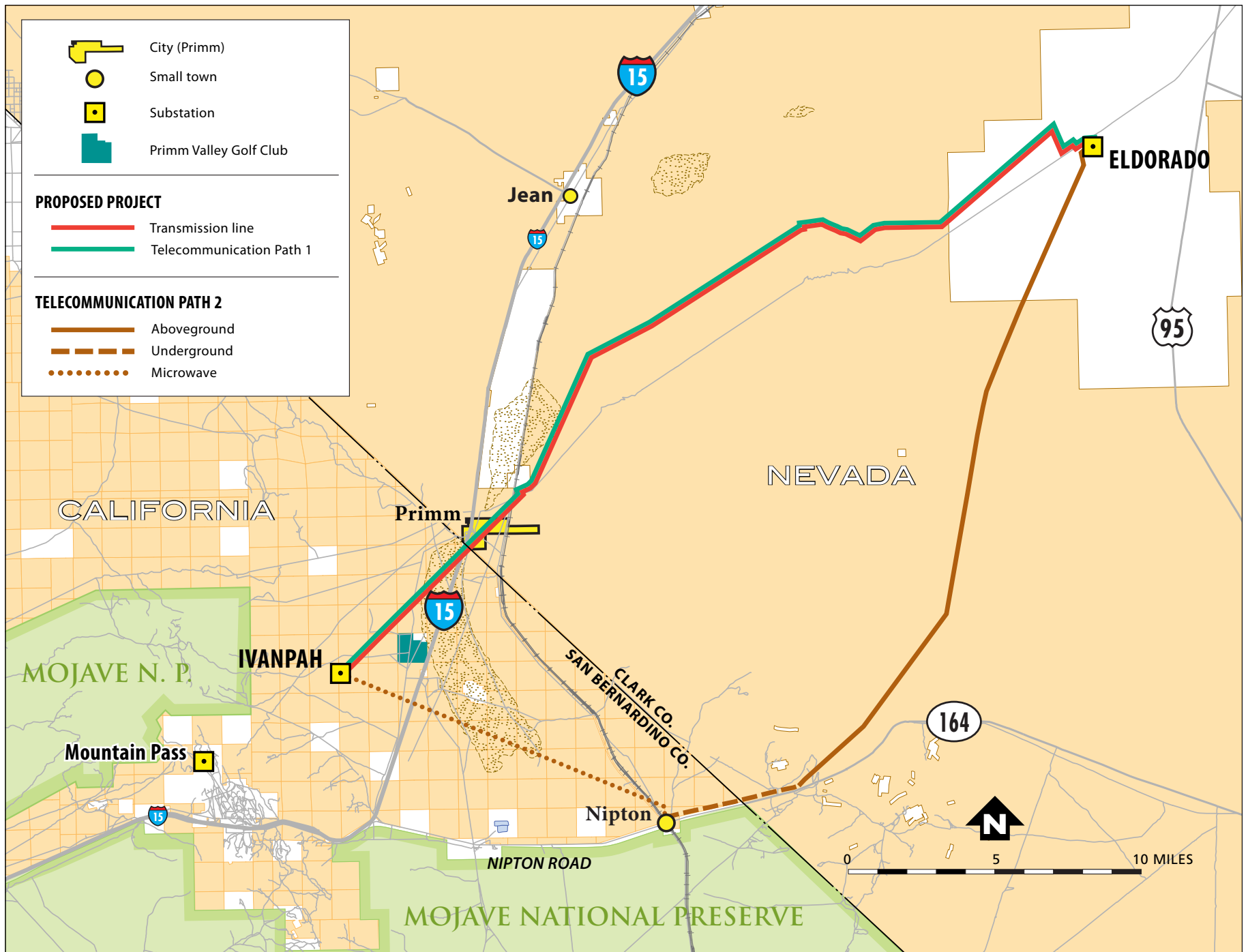


Figure 1 **PROPOSED PROJECT**

2 SCOPING PERIOD AND MEETINGS

2.1 NEPA & CEQA Requirements for Scoping

The lead agencies have agreed to cooperate in preparation of a joint EIR/EIS document that satisfies the needs of both NEPA and CEQA. Once developed, the EIR/EIS will provide full disclosure of the environmental effects of the proposed project and will be a tool used to plan actions and make decisions regarding the project. In addition, it will provide a means of informing stakeholders of reasonable alternatives that would avoid or minimize adverse impacts on the environment or enhance its quality.

Scoping is a means of gathering input for the EIR/EIS early in the EIR/EIS development process. Scoping is required by NEPA pursuant to the Council on Environmental Quality 1979 regulations (40 Code of Federal Regulations [CFR] 1501.7) and by CEQA for projects of “statewide, regional or area-wide significance” per §21083 of the California Public Resources Code. This process ensures that significant public issues, alternatives, and impacts are addressed in environmental documents, and determines the scope and degree to which these issues and impacts will be analyzed.

Notice of Intent (NOI). The scoping period for NEPA began on July 27, 2009, with publication of the NOI in the *Federal Register*.

Notice of Preparation (NOP). The NOP for CEQA was provided to the California State Clearinghouse for release on July 23, 2009. The NOP was mailed to 118 residents and nongovernmental organizations to inform the public of the proposed project and provide notice for the public scoping meetings (Appendix B).

The NOI and NOP were published to notify interested parties of the BLM and the CPUC’s intent to prepare an EIR/EIS. The scoping period for the NOI and NOP ended on August 26, 2009.

The following interested parties may participate in scoping: federal, state, regional, and city agencies; affected tribes and communities; businesses; and interested groups and individuals.

2.2 Scoping Meetings

When public scoping is conducted, NEPA requires that public meetings be conducted in accordance with statutory requirements and other criteria (e.g., consideration of the interest in or environmental controversy of the proposed project) (40 CFR 1506.6(c)). CEQA recommends that public scoping be combined to the extent possible with consultation with responsible agencies, as required under 14 California Code of Regulations (CCR) 15802. Consultation is conducted with agencies that will be involved in the environmental review process locally, as well as state and federal agencies and tribal governments, as appropriate.

The BLM and the CPUC conducted joint public scoping meetings along the proposed route in Nipton, California, on Tuesday, July 28, 2009, and Las Vegas, Nevada, on Wednesday, July 29, 2009.

An open house was held for one hour prior to each meeting so that participants could review displays, maps, and literature, as well as meet members of the EIR/EIS project team, agency staff, and project personnel. To encourage public comment, repositories were provided to receive written comments. Several informational sheets about the proposed project and extra copies of the NOI/NOP were made available to the public at each venue.

Each scoping meeting began with presentations by the BLM and the CPUC describing their roles as lead agencies under the NEPA/CEQA processes, followed by an overview of the technical aspects of the proposed project. This included a detailed presentation of the current route, accompanied by a justification for the project need. Lastly, the environmental consulting firm preparing the EIR/EIS for BLM and the CPUC described their role as third-party consultant, described opportunities for public involvement, and provided an overview of the environmental issues already identified to be addressed.

Each meeting concluded with a public comment period where the agencies invited the public to make verbal comments on the project. A court reporter was available to record comments. In addition to having the opportunity to provide oral comments on the project, participants were also given the opportunity at the meetings to provide written comments or to take a comment form to fill out and mail in at a later date. Attendees of the meetings were encouraged to take additional comment forms with them to distribute. Nine persons attended the two scoping meetings and open houses in Nipton and Las Vegas.

No verbal comments were received during these scoping meetings; however, the BLM and the CPUC received electronic letters from elected officials, agencies, organizations, and private citizens, by the August 26, 2009, deadline (Appendix G).

2.3 Other Scoping Activities

Other scoping activities included:

- An interagency pre-scoping meeting was held on July 1, 2009. Invitees included the Federal Aviation Administration, Western Pacific Region, Airports Division; Mojave National Preserve; United States Fish and Wildlife Service; California Department of Fish and Game; California Department of Transportation; Nevada Division of Environmental Protection, Bureau of Waste Management; Nevada Division of Wildlife, Southern Region; Nevada Public Utilities Commission; San Bernardino County Planning Department; Clark County Department of Aviation; Clark County Department of Planning; Clark County Desert Conservation Program; Boulder City, Nevada, Community Development; and the Town of Laughlin, Nevada, Manager's Office. The agencies were briefed on the proposed project so they could determine their roles in the environmental document, provide better feedback in their scoping comments, and identify key issues early in the scoping process. Minutes from this agency Scoping Meeting and comments from the agencies are included as an appendix to this report (Appendix G).
- Contact with Native American tribes that may have an interest in the proposed project was initiated in accordance with 40 CFR 1501.7, which requires that scoping must be conducted both internally with appropriate BLM staff and include tribes. The following tribes were given notice of the project as the first step in the consultation process: Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mohave Indian Reservation, Las Vegas Paiute Tribe, Moapa Band of Paiute Indians, Pahrump Paiute Tribe, and Timbisha Shoshone Tribe.

2.4 Repositories for Public Documents for the Project

Copies of the draft and final EIR/EIS will be placed in local repositories to accommodate public review. Documents produced during the course of the environmental review process will be available for public review at the Las Vegas BLM Field Office and at the Las Vegas Library located at 833 Las Vegas Boulevard North in Las Vegas, Nevada.

A CPUC website dedicated to the proposed project exists at <http://www.cpuc.ca.gov/Environment/info/ene/ivanpah/ivanpah.html> and will serve as an additional repository. Project information will also be posted on the BLM website at: <http://www.blm.gov/ca/st/en/fo/needles.html>.

3 SUMMARY OF PUBLIC AND AGENCY COMMENTS

This section summarizes the comments received during scoping and identifies the scoping issues to be addressed in the EIR/EIS. Elected officials, agencies, and organizations submitted comments. No comments were received from private citizens. Because the purpose of this scoping summary report is to convey public comments, the comments reflect the views of the author and may contain factual errors.

The following governmental agencies provided comments: Clark County Department of Aviation, Clark County Desert Conservation Program, Mojave Desert Air Quality Management District, Nevada Department of Wildlife, Federal Aviation Administration (FAA), California Department of Transportation (Caltrans), National Park Service, and California Department of Fish and Game (CDFG). In addition, the United States Environmental Protection Agency (EPA) and the Clark County Department of Air Quality and Environmental Management each provided a letter stating receipt of the NOI; however, the letter did not include any formal comments.

The following non-governmental organizations provided comments: Sierra Club, San Gregorio Chapter, and the Center for Biological Diversity. To date, no comments have been received from public officials, individuals, or tribes.

Four primary areas of concern were identified during the public scoping process. These issues were: (1) impacts of the project on several biological resources, most prominently, Desert Tortoise; (2) compatibility of the project with regional land uses such as the planned Southern Nevada Supplemental Airport (SNSA); (3) compatibility of the project with other existing rights-of-way (ROW) designations; and (4) cumulative impacts.

In accordance with 40 CFR 1503.4, which requires that all substantive comments must be considered to the extent feasible prior to project decisions, comments received during the scoping period were categorized by issue and included in this document. Tables 1 and 2 identify key issue comments and organize them into two categories, not resource-specific and resource-specific. Comments that were not specific to any of the environmental resource areas include procedural and general issues related to project development (Table 1). Resource-specific comments are those that address specific environmental resource areas (e.g. Air quality and Biological Resources) (Table 2). For more information, including copies of each comment received to date, please refer to Appendix G.

Table 1 Summary of General Procedural Comments Received		
Issue Category	Issue Characterization	Commenter
ALTERNATIVES		
<i>Alternatives</i>	0009-4: BLM should formulate “meaningful alternatives that could avoid many of the impacts of the [cumulative projects] and where impacts remain that cannot be avoided through alternatives, provide for comprehensive minimization and mitigation measures that will ensure that impacts to [the Northeastern Mojave Recovery Unit] are appropriately mitigated. Ultimately, BLM must ensure that the approval of these linked projects does not impair the recovery of the desert tortoise populations...”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.

Table 1 Summary of General Procedural Comments Received		
Issue Category	Issue Characterization	Commenter
	0009-5: A range of alternatives should be developed and analyzed according to CEQA guidelines, possibly including alternative sites—including those that may require changes in land use designations—as well as alternatives that may be less profitable than the proposed project.	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0009-6: A range of alternatives should be developed and analyzed according to NEPA guidelines, with an “emphasis on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0009-7: The BLM should avoid impacts to wildlife from conflicting land uses and impacts to sensitive plant species pursuant to the BLM’s California Desert Conservation Area plan (CDCA Plan 28 and 37, respectively). “Avoidance can best be accomplished through alternative project siting and/or project design.” Most important are alternative sites that may avoid impacts to desert tortoises, critical habitat, DWMA’s, and other essential desert tortoise habitat.	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0009-11: “...the EIR/EIS should explore a more robust range of alternatives providing at least one alternative that does not impact any [desert tortoise] critical habitat.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0009-16: If the project as proposed may affect riparian areas or Unusual Plant Assemblages, “alternatives must be explored that would avoid all impacts.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
CUMULATIVE IMPACTS		
<i>Cumulative</i>	0006-10: In addition to lighting that may be required by the FAA for EITP structures near the proposed SNSA, “there are several existing transmission lines near the project area that may need to be lighted when the SNSA becomes operational. To that end, BLM should consider both the direct and the potential cumulative effects of any required lighting of the new EITP lines.”	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0006-12: The Ivanpah to Eldorado Transmission Project in Relation to Other Energy Projects Map contains mistakes regarding land status in Clark County. For example: <ul style="list-style-type: none"> - “The map depicts BLM solar project leases inside the [SNSA] Site. [That site] was patented to Clark County in 2004. Clark County did not take title subject to any existing leases, and BLM has no legal authority, since the land was transferred, to accept any leases on the now private property.” - “The map also depicts several categories of land northwest of Jean as ‘BLM wind project leases (authorized).’ CCDOA is aware of at least one lease (the proposed Table Mountain Wind Co. project) that has not yet received a Record of Decision from BLM.” - “In addition, the map depicts a series of solar project leases throughout the South County, many of which overlap the Airport Environs Overlay District. BLM should amend the map to include the perimeter of the Overlay District and to clarify that none of these solar leases are yet authorized.” 	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.

Table 1 Summary of General Procedural Comments Received		
Issue Category	Issue Characterization	Commenter
	0007-3: Conduct cumulative analysis to evaluate impacts on the Northeastern Mojave Recovery Unit from other renewable energy projects in the area. “The EIR/EIS will be inadequate if it fails to consider cumulative impacts [from both the project and related energy projects] on nearly 8,000 acres of desert tortoise habitat in the eastern Ivanpah Valley.”	Sidney Silliman, Sierra Club-San Gorgonio Chapter, 8/21/09.
	0009-3: Cumulative impacts to biological resources, such as desert tortoise and its habitat should be analyzed for “the proposed solar projects and the proposed transmission line and substation.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0010-5: Suggested addressing potential impacts to the white-margin beardtongue in the cumulative section, given the amount of development in the area.	Fred Edwards, BLM, Scoping Meeting, 7/01/09.
	0010-7: While the project would not require nighttime lighting and would use non-speculative materials, impacts to natural dark would have to be addressed in the cumulative impacts analysis.	Larry Whalen, National Park Service, Scoping Meeting, 7/01/09.
	0010-8: Wants to know if cumulative impacts due to land construction had been quantified.	Becky Jones, CDFG, Scoping Meeting, 7/01/09.
	0010-11: Acquire a list of Bolder City’s Future Projects from Bolder City.	Sue Wainscott, Clark County Desert Conservation Program, Scoping Meeting, 7/01/09.
	0010-12: Some of the footprints for solar development in the area on the cumulative map were misplaced or incorrectly sized.	BLM Representatives, Scoping Meeting, 7/01/09
PURPOSE AND NEED		
<i>Need for the Project</i>	0009-1: Purpose and Need for the project is based upon need to service other projects which have not been approved. “...NEPA review cannot be ‘used to rationalize or justify decisions already made.’”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
REGULATORY GUIDELINES AND CONSISTENCY		
<i>Regulatory Guidelines</i>	0009-2: Because the purpose and need of the proposed project is dependent upon the approval of other projects, the BLM should halt the NEPA process for this project and coordinate this process with the approval process for all of the other projects (i.e., “connected actions”). The BLM should evaluate these projects together and “not treat this critical analysis as a cumulative impacts question alone.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
GENERAL COMMENTS		
<i>General</i>	0003-6: “...information gathered from raptor surveys associated with the project [should] be shared with [Nevada Department of Wildlife] biological staff.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0005-3: Requests documentation describing “the formal designation and legal descriptions” of several corridors near the BCCE that appear to be reserved for ROW issuance with US Land Patent 27-95-0022. “Until such time as those documents are provided and the corridor issue is resolved, it is the County’s position that the BCCE, and its terms and conditions, applies to any expansion of existing ROW or any additional ROW on the BCCE.”	Sue Wainscott, Clark County Desert Conservation Program, 7/24/09.

Table 1 Summary of General Procedural Comments Received

Issue Category	Issue Characterization	Commenter
	0006-1: "CCDOA formally requests to be a cooperating agency for the EITP EIS" to ensure land use compatibility between the future SNSA and the EITP.	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0006-8: "CCDOA is prepared to assist the project applicant and/or BLM in determining any necessary measures to avoid any adverse effects to air navigation or to the SNSA."	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0008-1: Requests two CDs and one hard copy of the DEIS.	Ann McPherson, Environmental Protection Agency, 8/24/09.
	0010-2: Representatives from the Clark County Department of Aviation noted that they have been attending ongoing meetings with SCE regarding the project and had another meeting scheduled for the end of the month.	Clark County Department of Aviation, Scoping Meeting, 7/01/09
	0011-4: Review Boulder City Ordinances, Nevada State Cactus and Yucca laws and other local and state regulations for compliance.	Lee Bice, Clark County Desert Conservation Program, 8/28/09.

Table 2 Summary of all Comments Received, Organized by EIR/EIS Resource Area

Issue Category	Issue Characterization	Commenter
AESTHETICS		
<i>No comments.</i>		
AGRICULTURE AND SOILS		
<i>No comments.</i>		
AIR QUALITY		
<i>Impacts on Air Quality</i>	0004-1: Air quality impacts associated with construction should be evaluated.	Alan J. De Salvio, Mojave Desert Air Quality Management District, 7/30/09.
BIOLOGICAL RESOURCES		
<i>Impacts on Migratory Birds</i>	0003-4: “Measures to discourage roosting on powerlines should be adopted into the plan of development.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09
	0003-5: “...spacing of the terminals on the towers must be adequate to ameliorate collision threats involving large raptors like the Golden eagle and Red-Tailed hawk. Standard, raptor-friendly designs are outlined in ‘Suggested Practice for Raptor Protection on Power Lines’ (Avian Power Line Interaction Committee, 2006, 1996; APLIC and U.S. Fish & Wildlife Service 2005). These should be incorporated into the project design as a standard operating procedure.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0003-9: “Pre-construction surveys will be conducted for migratory birds such as Phainopepla to minimize potential impacts during the spring and summer months.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0009-14: “Consultations should be conducted with the Nevada Department of Wildlife [regarding the Wee Thump Joshua Tree Forest Important Bird Area] and should include consideration of mitigation measures such as seasonal work stoppages to protect the breeding activity [of bird species].”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
<i>Impacts on Vegetation</i>	0005-5: According to NRS 527.100, it is unlawful to “cut, destroy, mutilate, remove, or possess any Christmas tree, cactus, yucca from any of the lands owned by or under the jurisdiction of the State of Nevada or its counties,” including “all areas within the BCCE.”	Sue Wainscott, Clark County Desert Conservation Program, 7/24/09.
	0009-8: The project route crosses White-margined penstemon (<i>Penstemon albomarginatus</i>) populations. “A pre-activity inventory should be conducted in areas of potential and known habitats, and the populations found or known clearly marked on the ground. Activities associated with tower construction or modification, line pulling and other potentially ground disturbing activities should be sited away from inventoried occupied sites whenever possible.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.

Table 2 Summary of all Comments Received, Organized by EIR/EIS Resource Area

Issue Category	Issue Characterization	Commenter
	0009-9: Route crosses through Aven Nelson phacelia (<i>Phacelia anelsonii</i>) populations in one location. “A pre-activity inventory should be conducted in areas of potential and known habitats, and the populations found or known clearly marked on the ground. Activities associated with tower construction or modification, line pulling and other potentially ground disturbing activities should be sited away from inventoried occupied sites whenever possible.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0009-15: “The EIS should identify and analyze impacts to all Unusual Plant Assemblages and riparian areas throughout the project area and these resources should be fully protected.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0010-6: Rare plant surveys must follow BLM protocol.	Fred Edwards, BLM, Scoping Meeting, 7/01/09
	0011-13: The following plant species may be found in or near the BCCE: <i>Penstemon bicolor</i> ssp <i>roseus</i> & <i>bicolor</i> , <i>Acacia greggii</i> , <i>Prosopis glandulosa</i> , and <i>Lotus argyraeus</i> var <i>multicaulis</i> (scrub lotus).	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
<i>Impacts on Wildlife</i>	0003-1: Concerned with potential for loss of bighorn sheep habitat due to installation of transmission line and upgrades or establishment of service roads.	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0003-2: Concerned with “inadvertent hazing of animals out of the area which is a bighorn movement corridor and potential lambing grounds.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0003-3: Project proponent should “time installation of the transmission lines to avoid the [bighorn sheep] lambing season, utilizing the warmer summer months when bighorn sheep will be tied to water sources north of the project area.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0003-7: “The [Banded Gila Monster] is State of Nevada Protected and a species of conservation priority to the Department as well as a BLM Sensitive Species.” Gila monster encounter protocols have been forwarded to E & E and are available online.	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0003-8: “...prior to handling any live [desert tortoise] individuals, authorization must be obtained from the [Nevada Department of Wildlife] in addition to any Federal requirements.”	D. Bradford Hardenbrook, Nevada Department of Wildlife, 8/13/09.
	0009-12: Impacts to Bighorn Sheep should be minimized. Project activities that cross the McCullough Range near critical watering guzzler should be conducted outside of periods where access is important. Also, construction should be timed so that it does not occur when sheep are crossing between ranges near the proposed telecommunications route Path 2 Section 1. The BLM and proponent should consult with the Nevada Department of Wildlife on how to best mitigate impacts on sheep, habitat, and lambing due to construction and helicopter use.	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
	0010-9: Will the project require a 2081 (California Incidental Take Permit)?	Becky Jones, CDFG, Scoping Meeting, 7/01/09.
	0011-10: The following reptile species may be found in or near the BCCE: <i>Gopherus agassizii</i> , <i>Heloderma suspectum</i> , <i>Sauromaulus obesus</i> , <i>Gambelia wislizenii</i> , <i>Crotaphytus insularis</i> , <i>Coleonyx variegatus</i> , <i>Phrynosoma platyrhinos</i> , <i>Dipsosaurus dorsalis</i> , <i>Crotalus mitchelli</i> , <i>Crotalus cerastes</i> , <i>Crotalus scutulatus</i> , <i>Rhinocheilus lecontei</i> , <i>Arizona elegans</i> ,	Lee Bice, Clark County Desert Conservation Program, 8/28/09.

Table 2 Summary of all Comments Received, Organized by EIR/EIS Resource Area

Issue Category	Issue Characterization	Commenter
	<i>Phyllorhynchus decurtatus</i> , and <i>Trimorphodon biscutatus</i>	
	0011-11: The following bee species may be found in or near the BCCE: <i>Perdita cracens</i> and <i>Perdita fallugia</i> .	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
	0011-12: The following bird species may be found in or near the BCCE: Phainopepla, LeConte’s thrasher, crissal thrasher, gray vireo, loggerhead shrike, west-ern burrowing owl, cactus wren, and Scott’s oriole.	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
	0011-14: The following mammal species may be found in or near the BCCE: kit fox, several varieties of bats, desert kangaroo rat, and desert pocket mouse.	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
<i>Mojave National Preserve Impacts</i>	0009-13: “All potential impacts to the [Mojave National Preserve] must be identified and fully considered.”	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
<i>Desert Tortoise Critical Habitat Impacts</i>	0005-1: “Much of the BCCE meets the criteria for desert tortoise critical habitat, and should be analyzed as such in the biological and environmental analyses...”	Sue Wainscott, Clark County Desert Conservation Program, Scoping Meeting, 7/01/09.
	0007-1: “EIR/EIS must include a thorough and complete analysis of the project’s effects on the Northeastern Mojave Desert Tortoise Recovery Unit and its associated eco-system, both in terms of direct and cumulative impacts.”	Sidney Silliman, Sierra Club-San Gorgonio Chapter, 8/21/09.
	0007-2: “The project will impact the Piute-Eldorado Desert Wildlife Management Area (DWMA), critical habitat where the threatened desert tortoise is to be managed to achieve recovery by reducing eliminating human-caused impacts.”	Sidney Silliman, Sierra Club-San Gorgonio Chapter, 8/21/09.
	0009-10: The Ivanpah Valley in California is the only location of a particular population of desert tortoise with a unique genotype. “All critical habitat and occupied desert tortoise habitat should be avoided...” In addition, the entire proposed route in Nevada falls within the Piute-Eldorado Desert Wildlife Management Area.	Lisa T. Belenky, Center for Biological Diversity, 8/20/09.
<i>Clark County Multiple Species Habitat Conservation Plan (MSHCP) / Boulder City Conservation Easement (BCCE)</i>	0001-1: The Eldorado substation is surrounded by the BCCE; therefore, the impacts of the project on the Clark County MSHCP mitigation areas, including the BCCE, must be included in the environmental assessment or the document will be deemed deficient.	Sue Wainscott, Clark County Desert Conservation Program, 6/12/09.
	0010-1: Advised CPUC/BLM to obtain a list of species covered under the MSHCP and their mitigation measures for with Boulder City.	Sue Wainscott, Clark County Desert Conservation Program, Scoping Meeting, 7/01/09.
	0011-3: “The application documents should indicate that the project as proposed will have an impact on our Habitat Conservation Plan via the impacts to ... the [BCCE]. ...Environmental Checklist Form (Appendix A) and the text of the document do not indicate or analyze these impacts.”	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
	0011-5: “Chapter 8, page A-8, needs to have the HCP box checked as having some impacts.”	Lee Bice, Clark County Desert Conservation Program, 8/28/09.

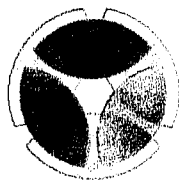
Table 2 Summary of all Comments Received, Organized by EIR/EIS Resource Area		
Issue Category	Issue Characterization	Commenter
	0011-7: “Road story maps 11-14 and 74-78 are of particular interest to the DCP. These maps are located in one of the highest biodiversity areas within the [BCCE]. This area contains greater cactus densities; impacts and restoration activities may be higher in this area.”	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
	0011-9: “Consider general project impacts and restoration activities, especially and pull and tension sites. The impacts and restoration will be greater in sandier areas and in southwestern portion of the [BCCE].”	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
CULTURAL RESOURCES		
<i>National Historic Preservation Act Compliance</i>	0006-11: BLM should ensure that its findings regarding properties eligible for listing in the National Register of Historic Properties are consistent with the SNSA EIS where the area of potential effect overlaps with the EITP EIS.	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
ENVIRONMENTAL JUSTICE		
<i>No comments.</i>		
GEOLOGIC RESOURCES		
	0010-10: Will the project require a 1600 (lakebed and stream alteration) permit?	Becky Jones, CDFG, Scoping Meeting, 7/01/09.
GREENHOUSE GASES		
<i>No comments.</i>		
HAZARDOUS MATERIALS		
	0010-3: Asked about the handling of the old poles—specifically where would they be disposed of and whether the existing roads would be able to handle the transportation of the waste materials.	Roddy Sheppard, Nevada Department of Wildlife, Scoping Meeting, 7/01/09.
LANDS AND REALTY		
<i>Boulder City Conservation Easement (BCCE)</i>	0005-2: “...if SCE seeks to go beyond the ROW within the BCCE, any proposed expansion of existing ROW or any additional ROW would be subordinate to the BCCE. [...] any extension in time or expansion of allowable uses or areas for those ROW as well as any additional ROW [are] incompatible with the BCCE.”	Sue Wainscott, Clark County Desert Conservation Program, 7/24/09.
	0005-4: Surface disturbances within the BCCE are restricted by Boulder City Ordinance #972, title 7, chapter 5 (7-5-8). “The City does reserve the right to issue permits for temporary surface disturbances, with the written concurrence of the County and the FWS.”	Sue Wainscott, Clark County Desert Conservation Program, 7/24/09.
	0011-1: “No expansion of the current [SCE ROW] in space or uses could currently be granted without amendment to the [BCCE].”	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
	0011-2: “No new [ROW] could currently be granted within the [BCCE] without amendment to the Easement.”	Lee Bice, Clark County Desert Conservation Program, 8/28/09.
	0011-6: Define boundaries of the BCCE and SCE ROW limits more explicitly and incorporate into Roger Overstreet’s road story maps. “Our staff and law enforcement personnel, who patrol the [BCCE] on a regular basis, will need to know what the limits of	Lee Bice, Clark County Desert Conservation Program, 8/28/09.

Table 2 Summary of all Comments Received, Organized by EIR/EIS Resource Area		
Issue Category	Issue Characterization	Commenter
	those ROWs are, prior to any ground disturbance within the [BCCE] area, so that we have a clear understanding of what activities are and are not allowable.”	
<i>Airport Environs Overlay District</i>	0006-2: Because SCE-proposed ROW passes through the southern part of the Airport Environs Overlay District, the “BLM must examine whether the EITP is consistent with [...] Public Law 107-282.”	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0006-3: The BLM must evaluate whether project is compliant with Clark County Comprehensive Plan, Vol.1, the Clark County Airport Environs Report (2007), and the South County Land Use Plan (2009).	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0006-4: “BLM should coordinate the terms of any relevant land use authorization with Clark County...” to prevent potential future airspace compatibility.	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
<i>Mojave National Preserve</i>	0010-14: Will the telecommunications route be within an existing ROW or require new ROW and will it be undergrounded or installed along existing poles in the Mojave National Preserve?	Larry Whalen, National Park Service, Scoping Meeting, 7/01/09.
<i>Additional Land Use Issues</i>	0010-4: A permit would be required for the I-15 crossing but crossing would be allowed in that location. Raised the issue of consulting the Nevada Department of Transportation and potential railroad crossings.	Dan Kupulsky, Caltrans, Scoping Meeting, 7/01/09.
	0011-8: “Table 3.1 needs to be updated to reflect the acres of private (City of Boulder City) lands and substation lands affected by the project and alternatives.”	Lee Bice, Clark County Desert Conservation Program, 08/28/09.
TRAFFIC AND TRANSPORTATION		
<i>No comments</i>		
NOISE AND VIBRATION		
<i>No comments</i>		
RECREATION		
<i>No comments.</i>		
SAFETY		
<i>Southern Nevada Supplemental Airport (SNSA)</i>	0006-5: “Because of the close proximity of the EITP to the proposed SNSA, [...] some of the elements of the EITP (specifically, transmission towers and lines) may constitute obstructions or hazards, or may create adverse impacts on the safe and efficient use of navigable airspace.”	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0006-6: “Part 77 of the Federal Aviation Regulations (Part 77) provides that any party proposing to construct an object or structure near a <i>proposed</i> public-use airport is required to notify the [FAA] before construction begins.”	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0006-7: “CCDOA strongly recommends that the project applicant file a FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for each discrete structure proposed to be located near the SNSA in order to obtain a formal FAA determination for each structure.” FAA determinations will include “lighting and/or other mitigation requirements.” The EITP cannot be determined compatible with the SNSA until this process is complete; therefore, the applicant must submit these forms ASAP.	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.

Table 2 Summary of all Comments Received, Organized by EIR/EIS Resource Area		
Issue Category	Issue Characterization	Commenter
	0006-9: “FAA requires that structures near aviation facilities that are <i>obstructions</i> must be marked and/or lighted in accordance with FAA standards, and it is very likely that sections of the EITP near the SNSA will need to be lighted.”	Teresa R. Motley, AICP, Clark County Department of Aviation, 8/24/09.
	0010-13: Regarding navigational aids and airplane flight paths, will the project look at electromagnetic interference and sound abatement zones?	Dave Kessler, FAA, Scoping Meeting, 7/01/09.
PUBLIC SERVICES		
<i>No comments.</i>		
UTILITIES		
<i>No comments.</i>		
SOCIAL AND ECONOMIC CONSIDERATIONS		
<i>No comments.</i>		
ENERGY USE		
<i>No comments.</i>		

Given the results of comments received, the following areas are considered the most sensitive for analysis in the EIR/EIS:

- Alternatives;
- Cumulative Impacts;
- Purpose and Need;
- Regulatory Guidelines and Consistency;
- Biological Resources;
- Cultural Resources;
- Lands and Realty; and
- Safety.



desert conservation
PROGRAM

June 12, 2009

California Public Utilities Commission
Docket Office, Rm 2001
505 Van Ness Ave
San Francisco, CA 84102-3214

California Public Utilities Commission
Director, Energy Division
505 Van Ness Ave
San Francisco, CA 84102-3214

Southern California Edison Co.
Attention: Cheryl Lawson
Law Department – Exception Mail
2244 Walnut Grove Ave
Rosemead, CA 91770-3714

Re: Eldorado - Ivanpah Transmission Project

To Whom It May Concern:

Thank you for the opportunity to comment on the application for the subject project filed with your agency by Southern California Edison on May 28, 2009. We are actively reviewing the materials available on the project website on June 10, 2009, and what follows are our initial comments.

The Clark County Desert Conservation Program (DCP) implements the Clark County Multiple Species Habitat Conservation Plan (MSHCP) on behalf of Clark County, Nevada, Department of Transportation and the Cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas, as mitigation for our federal Endangered Species Act, Section 10 Incidental Take Permit for Desert Tortoise and 78 other species of concern. The MSHCP and Section 10 Incidental Take Permit documents are available for download on our website: http://www.accessclarkcounty.com/depts/daqem/epd/dcp/Pages/dcp_guidingdocs.aspx.

As you will notice in these documents, the DCP manages an approximately 86,500 acre conservation easement southwest of the City of Boulder City (Boulder City Conservation Easement: BCCE) as a required, key mitigation measure for the MSHCP's Section 10 Incidental Take Permit. The BCCE is managed for desert tortoise habitat and natural resource values. The BCCE agreement between the County and the City of Boulder City has strict use and access restrictions and requirements that include minimization and mitigation measures recommended

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500 S. Grand Central Parkway Las Vegas, NV 89155 • Phone (702) 455-5942 • Fax (702) 382-4593

Eldorado - Ivanpah Transmission Project
June 12, 2009
Page Two

by the US Fish and Wildlife Service for any activities not specifically allowable by the BCCE agreement. The Eldorado substation described in the project documentation is surrounded by the BCCE.

0001-1

The application and environmental assessment documents currently available on the subject project website, do not address the impacts of the proposed project on MSHCP mitigation areas, and the BCCE is not identified. We will continue to review the project application and environmental assessment documents in more detail, but wanted to take this opportunity to notify you that without analysis of the impacts the proposed project will have on the Clark County MSHCP mitigation areas, including the BCCE, these materials are deficient.

Please do not hesitate to contact me at (702) 455-3859 or swainsco@co.clark.nv.us to ask any questions you may have.

Sincerely,



Sue Wainscott
Adaptive Management Coordinator and Project Manager
Desert Conservation Program

SW/ee

cc: Scott Hansen, City of Boulder City
Nancy Jackson, SCE Local Public Affairs Region Manager, SCE Victorville Service Center,
✓ Jennifer Rouda, Project Manager, Ecology & Environment, Inc.
Janet Bair, USFWS – Las Vegas



DAQEM

DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT

500 S Grand Central Parkway 1st Floor · Box 555210 · Las Vegas, NV 89155-5210
(702) 455-5942 · Fax (702) 383-9994

Lewis Wallenmeyer Director · Tina Gingras Assistant Director

August 25, 2009

Monisha Gangopadhyay, CPUC Energy Division
Tom Hurshman, BLM Project Manager
c/o Ecology & Environment, Inc.
130 Battery Street, 4th floor
San Francisco, CA 94111

Notice of Preparation for a Joint Environmental Impact Report/Environmental Impact Statement and Notice of Public Scoping Meetings

The Clark County Department of Air Quality and Environmental Management has reviewed the subject document. We appreciate the opportunity to participate, but we do not wish to submit comments at this time. However, we look forward to reviewing future documents.

Thank you again for your consideration. If you have questions, please contact me at 702-455-1600.

Sincerely,

Lewis Wallenmeyer
Director



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STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MAYER
Director

RICHARD L. HASKINS II
Deputy Director

SOUTHERN REGION
4747 WEST VEGAS DRIVE
LAS VEGAS, NEVADA 89108
(702) 486-5127; 486-5133 FAX

August 13, 2009

NDOW-SR#: 10-032

Monisha Gangopadhyay/Tom Hurshman
CPUC/BLM
c/o Ecology and Environment, Inc.
130 Battery Street, 4th Floor
San Francisco, CA 94111

RE: Notice of Public Scoping for the Eldorado-Ivanpah Transmission Project

Dear Concerned Parties:

The Nevada Department of Wildlife (Department) has been invited to participate in the planning process by the project proponent, Southern California Edison Power Company (SCEP), and their contracted biological consultant, Ecology and Environment, Inc (E&E). On Tuesday, June 30th 2009 a field tour of the project site in Nevada was attended by the Department, Mr. Roger Overstreet of SCEP, Mr. Jason Zoller of E&E, and Jason Barangan of BLM's Southern Nevada District Office. During that field tour various aspects of the project were discussed and our concerns were voiced. In short summary they were:

- Nelson's (Desert) Bighorn Sheep. Bighorn sheep inhabit McCullough Pass and the surrounding area. Our concerns are for a predicted loss of habitat due to the installation of a double circuit 220kV transmission line with ancillary facilities and upgrades to existing service roads or the possible establishment of new service roads. We are also concerned about inadvertent hazing of animals out of the area which is a bighorn movement corridor and potential lambing grounds. Our preliminary recommendation is for the project proponent to time installation of the transmission lines to avoid the lambing season, utilizing the warmer summer months when bighorn sheep will be tied to water sources north of the project area.
- Migratory Raptorial Birds. The McCullough Pass area and Highland Range are breeding areas for various migratory birds including raptors. High cliffs and crevices are suitable habitat for nesting and rearing of young. While construction activity is not expected to have a significant impact on these species, once the towers are installed potential exists to attract raptors and ravens to roost there, putting greater predatory pressure on ground dwelling species in the surrounding habitat. Measures to discourage roosting on power lines should be adopted into the plan of development. Additionally, spacing of the terminals on the towers must be adequate to ameliorate collision threats involving large raptors like the Golden eagle and Red-Tailed hawk. Standard, raptor-friendly designs are outlined in "Suggested Practice for Raptor Protection on Power Lines" (Avian Power Line Interaction Committee, 2006, 1996; APLIC and U.S. Fish & Wildlife Service 2005). These should be incorporated into the project design as a standard operating procedure. The Department requested that information gathered from raptor surveys associated with the project be shared with its biological staff.

August 13, 2009

- Banded Gila Monster. The lizard is State of Nevada Protected and a species of conservation priority to the Department as well as a BLM Sensitive Species. It utilizes rocky outcrops, underground caves and sandy gravelly washes. (While a copy of our Gila monster encounter protocols was forwarded to Mr. Zoller, the protocols are also available online at <http://www.ndow.org/wild/conservation/>).
- Desert tortoise is listed as Threatened by the U.S. Fish and Wildlife Service and by the State of Nevada. While completion of a Section 7 consultation with the U.S. Fish & Wildlife Service is anticipated, and should the project go forward, the Department would like to emphasize that prior to handling any live individuals, authorization must be obtained from the Department in addition to any Federal requirements.
- Pre-construction surveys will be conducted for migratory birds such as Phainopepla to minimize potential impacts during the spring and summer months.

Shortly thereafter on July 1st, a follow-up meeting was attended by those on the field tour and by Mr. Mark Chandler (BLM Southern Nevada District) and Mr. Tom Hurshman (BLM Needles Field Office). A progress summary was developed by E&E and shared with the principals.

Should additional assistance be sought, please contact Roddy Shepard at (702) 486-5127 x3613, or by e-mail at rshepard@ndow.org.

Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist

RS/DBH

cc: NDOW, File



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

July 30, 20099

Monisha Gangopadhyay/Tom Hurshman

CPUC/BLM

c/o Ecology and Environment, Inc

130 Battery Street, 4th Floor

San Francisco, CA 94111

Project: Notice of Preparation of a Joint Environmental Impact Report/Environmental Impact Statement, Eldorado-Ivanpah Transmission Project

Dear Ms. Gangopadhyay and Mr. Hurshman:

The Mojave Desert Air Quality Management District (District) has received the Notice of Preparation of a Joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Eldorado-Ivanpah Transmission Project. The project proposes to construct, operate, and maintain new and upgraded transmission facilities to deliver electricity from projected solar generation development in the Ivanpah Dry Lake Area. The proposed project involves several types of transmission upgrades including a new Ivanpah 220/115-kilovolt (kV) Substation, a new approximately 35-mile double-circuit 220-kV transmission line between the Ivanpah Dry Lake Area and the existing Eldorado Substation, and a new communication system. 7 miles of the project are located in California.

The District has reviewed the Notice of Preparation for the project and concurs that the air quality impact associated with construction should be evaluated in the EIR/EIS.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvio". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alan J. De Salvio

Supervising Air Quality Engineer

TW/AJD

Eldorado-Ivanpah Transmission Project



desert conservation
PROGRAM

July 24, 2009

Nancy Jackson
SCE Local Public Affairs Region Manager
SCE Victorville Service Center
12353 Hesperia Rd.
Victorville, CA 92392-4797

Re: Eldorado-Ivanpah Transmission Project

Dear Ms. Jackson:

Our staff continues to review the application materials provided by Southern California Edison (SCE) to the California Public Utilities Commission (CPUC) for the Eldorado-Ivanpah Transmission Project, as well as the June 26, 2009 draft "road story" that describes the proposed activities in greater detail, and the copy of the original grants of Rights of Way (ROW) issued to SCE for the portions of the proposed project that cross land within the boundaries of the City of Boulder City (the City) provided to us by SCE. In addition, we are examining other documents that describe SCE's current ROW grant, the rights of parties to issue new ROW in the lands owned by the City, and in particular those lands on which the County has entered into a conservation easement agreement with the City.

We have provided to Roger Overstreet of SCE, and Erica Brown of Ecology and Environment, Inc, consultant to CPUC, a copy of the conservation easement document and GIS layers containing the boundaries of the easement and the interim road designation showing open and closed roads within the area. The following is provided to inform you of the nature and purpose of the Boulder City Conservation Easement (BCCE), the environmental requirements associated with it, and some outstanding concerns regarding new ROW issuance or current ROW amendment within the BCCE area.

The BCCE has been set aside for the preservation and protection of native plants and animals as well as its scenic and cultural value. As partial mitigation for Clark County's federal incidental take permit, the County purchased the conservation easement from Boulder City in 1995. The term of the easement is at least 50 years, and the property must be retained in a natural condition with the purpose for recovery of the desert tortoise and conservation of other native flora and fauna. Much of the BCCE meets the criteria for desert tortoise critical habitat, and should be analyzed as such in the biological and environmental analyses for the CPUC application and subsequent National Environmental Policy Act analyses.

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For those unfamiliar with the BCCE, the following are part of the agreement:

- The City of Boulder City is the owner in fee simple of all of the land underlying the BCCE.
- The County holds an easement for certain uses and rights of an approximately 85,000 acre area.
- Section 4 of the BCCE lists prohibited uses that may be authorized by the City of Boulder City with the consent of the US Fish & Wildlife Services and Clark County. Section 4 may allow a ROW holder to use a particular area for a finite amount of time and appropriate mitigation, but would not allow the City of Boulder City to grant additional ROW or expand current ROW to include additional activities or uses within the BCCE.
- Section 6 lists the City of Boulder City's reserved rights even if they may conflict with the purpose and intent of the BCCE. Nothing in Section 6 would authorize the City of Boulder City to grant additional ROW or expand its current ROW in any way within the BCCE.
- No ROW expansion could occur without an amendment to the BCCE agreement.

US Land Patent 27-95-0022 transferred land to the Colorado River Commission subject to several ROW held by SCE. Subsequently, this land was transferred to the City of Boulder City, subject to these same ROW held by SCE. However, if SCE seeks to go beyond the ROW within the BCCE, any proposed expansion of existing ROW or any additional ROW would be subordinate to the BCCE. As discussed above, any extension in time or expansion of allowable uses or areas for those ROW as well as any additional ROW would be incompatible with the BCCE.

Within the vicinity of the BCCE, US Land Patent 27-95-0022 also appears to have reserved and excluded to the US several corridors for ROW issuance. A low-resolution map is provided in the Patent that appears to generally locate those corridors in the vicinity of the BCCE, but we have been unable to locate documents that describe the formal designation or legal descriptions of these corridors. Until such time as those documents are provided and the corridor issue is resolved, it is the County's position that the BCCE, and its terms and conditions, applies to any expansion of existing ROW or any additional ROW on the BCCE.


In addition, the proposed project will need to comply with other federal, state and local laws, several of which address biological resources in the area contained within the BCCE. Boulder City Ordinance #972, title 7, chapter 5 (7-5-8) pertains to the easement area, and restricts surface disturbances within the BCCE. The City does reserve the right to issue permits for temporary surface disturbances, with the written concurrence of the County and the FWS.

Also, in the State of Nevada, cacti and yucca are protected plants and it is unlawful for any person, firm, or company or corporation to cut, destroy, mutilate, remove, or possess any Christmas tree, cactus, yucca from any of the lands owned by or under the jurisdiction of the State of Nevada or its counties (NRS 527.100). This includes all areas within the BCCE.

Nancy Jackson
July 24, 2009
Page Three

I hope the information provided above assists you in planning your activities on and near the BCCE. I'm available for any questions you may have.

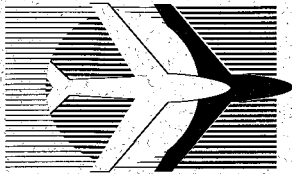
Sincerely,


Sue Wainscott *by ee*

SW/ee

cc: Vicki Mayes, City Manager of Boulder City
Brok Armantrout, Director of Community Development Department, Boulder City
Janet Bair, US Fish and Wildlife Service
✓ Conor Doyle, Ecology and Environment, Inc.

LAS VEGAS



McCARRAN INTERNATIONAL AIRPORT

Department of Aviation

RANDALL H. WALKER
DIRECTORROSEMARY A. VASSILIADIS
DEPUTY DIRECTORPOSTAL BOX 11005
LAS VEGAS, NEVADA 89111-1005
(702) 261-5211
FAX (702) 597-9553
E-MAIL: webmaster2@mccarran.com

August 24, 2009

George R. Meckfessel
 Planning and Environmental Coordinator
 Needles Field Office
 Bureau of Land Management
 1303 South U.S. Highway 95
 Needles, CA 92363-4228

**RE: Scoping Comments on SCE Eldorado Ivanpah Transmission Project; and
 Request for Cooperating Agency Status**

Dear Mr. Meckfessel:

The Clark County Department of Aviation (CCDOA) submits these comments on the proposed Southern California Edison (SCE) Eldorado-Ivanpah Transmission Project (EITP) that would involve constructing an electric transmission line and associated facilities on public lands in San Bernadino County, California and Clark County, Nevada.

CCDOA is planning to construct and operate a new commercial service airport in the Ivanpah Valley (the Southern Nevada Supplemental Airport or SNSA). As directed by Public Law 106-362, the Bureau of Land Management (BLM) patented to Clark County a 6,000-acre site in the Ivanpah Valley (Airport Site) for the purpose of developing an airport and related infrastructure. In Public Law 107-282, Congress also directed that an additional 17,000 acres surrounding the Airport Site (the Airport Environs Overlay District) be conveyed to the County upon final approval of the SNSA.

The construction of the SNSA will be eligible for federal grant funding under the Airport Improvement Program (AIP). In order for Clark County to receive such AIP grants, CCDOA must comply with several statutorily-defined obligations. In particular, the airport sponsor must take appropriate action to ensure that the terminal airspace required to protect instrument and visual operations to the airport will be cleared and protected by mitigating existing *and by preventing future airport hazards*. 49 U.S.C. 47107(a)(9). In addition, as the recipient of AIP grant monies, CCDOA must also take appropriate action to restrict the use of land next to or near the airport to users that are compatible with normal airport operations. 49 U.S.C. 47107(a)(10). As a result of these legal requirements, CCDOA is contractually and statutorily obligated to ensure that land uses in and around the Airport Site would not impair the use and operation of that facility.



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George R. Meckfessel

August 24, 2009

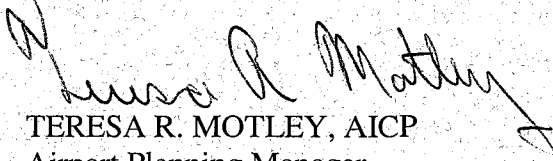
Page 2

The proposed route for the EITP would be located immediately adjacent to the Airport Site (which Clark County currently owns) and within the Airport Environs Overlay District (which Clark County will have the right to acquire once the airport project receives final environmental approval). Because of its status as a current and future owner of land that could be affected by the EITP, combined with the County's legal obligations to protect against any incompatibility between the SNSA and the EITP, **CCDOA formally requests to be a cooperating agency for the EITP EIS.** As described above, CCDOA has the necessary jurisdiction by law and/or special expertise to participate as a cooperating agency.

0006-1

Please feel free to contact Robert Tweedy on my staff at (702) 261-5175 or roberttw@mccarran.com with any questions or inquiries.

Sincerely,



TERESA R. MOTLEY, AICP
Airport Planning Manager

Enclosure

cc: Randall Walker
Rosemary Vassiliadis
Robert Tweedy
Jeffrey Steinmetz
Phil Rhinehart

Clark County Department of Aviation

Scoping Comments on the Proposal by Southern California Edison

to construct the

Eldorado-Ivanpah Transmission Project

August 24, 2009

Clark County Department of Aviation (CCDOA) owns and operates a regional system of airports that accommodates commercial service, corporate, general aviation, sport aviation and air cargo demands within southern Nevada. As part of that system, CCDOA is planning to construct and operate a new commercial service airport in the Ivanpah Valley (the Southern Nevada Supplemental Airport or SNSA) in order to ensure sufficient commercial aviation capacity in the Las Vegas metropolitan area.

The proposed route for the proposed Southern California Edison (SCE) Eldorado-Ivanpah Transmission Project (EITP) would be located immediately adjacent to the Airport Site (which Clark County currently owns) and within the Airport Environs Overlay District (which Clark County will have the right to acquire once the airport project receives final environmental approval).

While CCDOA neither supports nor opposes the EITP, CCDOA is committed to ensuring that any new infrastructure in southern Clark County is compatible with the siting, construction, and operation of the SNSA. To that end, CCDOA is providing the following comments for the Bureau of Land Management (BLM) to address as it prepares its environmental impact statement (EIS) for the EITP.

1. LAND USE

In accordance with Public Law 106-362, the BLM conveyed to Clark County approximately 6,000 acres of land in the Ivanpah Valley between the towns of Jean and Primm and immediately east of interstate highway I-15 (the Airport Site) for the purpose of developing the SNSA and related infrastructure.¹ Subsequently, in Public Law 107-282, Congress directed that an additional 17,000 acres surrounding the Airport Site be conveyed to the County as an Airport Environs Overlay District upon final approval of the SNSA.² FAA and BLM are currently conducting the necessary environmental reviews for the SNSA and expect to issue Records of Decision (RODs) for the SNSA in 2013.

a. Compliance with Federal Law

¹ The land was patented to the County in 2004. See Patent No. 27-2004-0104.

² Pub. L. 107-282 at § 501(c).

One component of the EITP is a proposed right-of-way that would pass through the southern part of the congressionally-defined Airport Environs Overlay District. *See Exhibit A.* As a result, BLM cannot approve any component of the EITP that would be inconsistent with the congressional direction regarding management of such lands. Therefore, in its EITP EIS, BLM must examine whether the EITP is consistent with congressional direction in Public Law 107-282.

0006-2

b. Consistency with Applicable Land Use Plans

Regardless of the degree to which the project application has any legal obligation to comply with local zoning, BLM has an independent obligation arising under the National Environmental Policy Act to examine in its EIS the degree to which the EITP would be consistent with applicable land use plans. With respect to airport-related issues, the relevant plans include the following:

0006-3

- *Clark County Comprehensive Plan, Vol. 1*³
- *Clark County Airport Environs Report (2007)*⁴
- *South County Land Use Plan (2009)*⁵

c. Coordination with Clark County

Finally, BLM should coordinate the terms of any relevant land use authorization with Clark County. Such coordination will enable Clark County to fulfill its federal obligation to prevent any potential future airspace incompatibility and to take all appropriate actions to restrict incompatible land uses near the SNSA site.⁶ Moreover, once the SNSA is approved pursuant to Public Law 106-362, the BLM must, upon request from the County, transfer all right, title and interest to the Airport Environs Overlay District. As the future owner, Clark County has an inchoate interest in the Overlay District and needs to ensure that the terms and limits on SCE's proposed uses within the Overlay District – including not just the presence of the transmission line, *but also the need for future access* – are consistent with CCDOA's interests and federal obligations regarding the property.

0006-4

2. AVIATION SAFETY

³ Available at:

www.accessclarkcounty.com/DEPTS/COMPREHENSIVE_PLANNING/COMPPLANELEMENTS/Pages/compplanindex.aspx

⁴ Available at:

http://www.accessclarkcounty.com/depts/comprehensive_planning/compplanelements/Documents/FinalAirportEnvironsReport0607.pdf

⁵ Available at:

http://www.accessclarkcounty.com/depts/comprehensive_planning/landuse/Documents/SouthCountyLUP2008.pdf

⁶ See 49 U.S.C. § 471087 §§ (a)(9) & (10).

Because of the close proximity of the EITP to the proposed SNSA, there is also a real possibility that the some elements of the EITP (specifically, transmission towers and lines) may constitute obstructions or hazards, or may create adverse impacts on the safe and efficient use of navigable airspace. CCDOA's chief objective is to avoid any potential for interference with the planned airport, and to ensure that the project applicant complies with relevant FAA regulations in that regard.

0006-5

Part 77 of the Federal Aviation Regulations (Part 77) provides that any party proposing to construct an object or structure near a *proposed* public-use airport is required to notify the Federal Aviation Administration (FAA) before construction begins.⁷ In turn, the FAA is obligated to examine whether the structure or structures would result in an obstruction of the navigable airspace or would interfere with air navigation facilities and equipment or the navigable airspace.⁸ After considering these factors, FAA issues a determination as to whether or not the proposed structure(s) constitute a hazard to air navigation. This determination has immediate consequences: the Clark County Development Code provides that:

0006-6

“No building or structure shall be permitted if the Federal Aviation Administration (FAA) determines that the building or structure constitutes a hazard or obstruction to the operation of aircraft, unless the hazard can be mitigated per the FAA. This requirement cannot be waived or varied.”⁹

FAA has exclusive jurisdiction to determine whether tall structures constitute obstructions or hazards to air navigation. However, based on the projected heights of the transmission towers and the proximity of the preferred alignment to the SNSA, it is very likely that several elements of the EITP not only would trigger notice obligations, but also may penetrate one or more of the defined geometric surfaces emanating from the planned SNSA (*e.g.*, Part 77 surfaces, and Terminal Instrument Procedures (TERPS)) and therefore constitute obstructions. Therefore, CCDOA strongly recommends that the project applicant file a FAA Form 7460-1 (Notice of Proposed Construction or Alteration) for each discrete structure proposed to be located near the SNSA in order to obtain a formal FAA determination for each structure. In these determinations, FAA will identify lighting and/or other mitigation requirements that may be necessary to avoid creating obstructions or hazards. Until FAA has issued its determinations, neither BLM nor the project applicant can be certain that the EITP will be compatible with the proposed SNSA. Therefore, it is critical that the project applicant file these forms *now*, during the planning process, rather than wait until the EITP is ready to be constructed to discover any potential conflicts.

0006-7

⁷ 14 C.F.R. § 77.13(a)(5)(ii) (construction or alteration requiring notice); 14 C.F.R. § 77.17 (form and time of notice); *see also Greater Orlando Aviation Authority v. FAA*, 939 F.2d 954, 960-61 (11th Cir. 1991) (FAA's requirement to carry out aeronautical studies includes, by necessity, a requirement to consider every planned airport of which it has actual notice).

⁸ 49 U.S.C. § 44718 (requiring FAA to conduct aeronautical studies to determine impacts on planned public use airports).

⁹ CLARK COUNTY CODE § 30.56.070.

CCDOA is prepared to assist the project applicant and/or BLM in determining any necessary measures to avoid any adverse effects to air navigation or to the SNSA.

0006-8

3. TECHNICAL ISSUES / QUESTIONS

CCDOA also has identified several more minor issues that should be examined and addressed in the EIS.

a. Lighting

As noted above, FAA requires that structures near aviation facilities that are *obstructions* must be marked and/or lighted in accordance with FAA standards, and it is very likely that sections of the EITP near the SNSA will need to be lighted. In addition, there are several existing transmission lines near the project area that may need to be lighted when the SNSA becomes operational. To that end, BLM should consider both the direct and the potential cumulative effects of any required lighting of the new EITP lines.

0006-9

0006-10

b. Cultural Resources

BLM will be required under Section 106 of the National Historic Preservation Act to take into consideration the effects of the EITP on historic properties.¹⁰ As a result, the agency will be required to define an Area of Potential Effects (APE), conduct an inventory in the APE for potential historic properties, evaluate such properties in terms of their eligibility for listing in the National Register of Historic Properties, consult with the State Historic Preservation Officer (SHPO), develop a mitigation plan to address any potential adverse effects, and, if there would be adverse effects, execute a Memorandum of Agreement with the SHPO (and possibly the Advisory Council on Historic Preservation).

As a joint lead agency for the pending SNSA EIS, BLM has these same obligations for the SNSA project. Therefore, in preparing the EIS for the EITP, BLM should (to the extent that the APEs for the two projects overlap) take all steps to make sure that the agency's findings regarding eligible properties are consistent.

0006-11

c. Scoping Map

Finally, CCDOA wishes to comment that the Scoping Map that is entitled "The Ivanpah to Eldorado Transmission Project in Relation to Other Energy Projects" and that was made available at the recent public meetings has misleading, *and in some cases incorrect*, information regarding land status in Clark County. For example:

0006-12

- The map depicts BLM solar project leases inside the 6,000 acre Airport Site. As noted above, that site was patented to Clark County in 2004.¹¹ Clark County

¹⁰ 16 U.S.C. § 470f; 36 C.F.R. Part 800.

¹¹ See Patent No. 27-2004-0104.

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August 24, 2009

did not take title subject to any existing leases, and BLM has no legal authority, since the land was transferred, to accept any leases on the now private property.

- The map also depicts several categories of land northwest of Jean as “BLM wind project leases (authorized).” CCDOA is aware of at least one lease (the proposed Table Mountain Wind Co. project) that has not yet received a Record of Decision from BLM.¹²
- In addition, the map depicts a series of solar project leases throughout the South County, many of which overlap the Airport Environs Overlay District. BLM should amend the map to include the perimeter of the Overlay District and to clarify that none of these solar leases are yet authorized.

A copy of the scoping map is provided for your reference.

* * *

¹² See *Clark County v. FAA*, 522 F.3d 437, 441 (D.C. Cir. 2008).



SAN GORGONIO CHAPTER

1225 Adriana Way, Upland, CA 91784
(909) 946-5027

*Regional Groups Serving Riverside and San Bernardino Counties: Big Bear,
Los Serranos, Mojave, Moreno Valley, Mountains, Santa Margarita, Tahquitz.*

August 21, 2009

Via Email and U.S. Mail

Attention George R. Meckfessel
Planning and Environmental Coordinator
Needles Field Office, Bureau of Land Management
1303 South U.S. Highway 95
Needles, California, 92363-4228

Re: **Joint Environmental Impact Statement and Final Environmental Impact Report for the Proposed SCE, Eldorado-Ivanpah Transmission Project**

To All Whom It May Concern:

The San Gorgonio Chapter of the Sierra Club welcomes the opportunity to assist the Bureau of Land Management and the California Public Utilities Commission to identify the issues and environmental effects that should be addressed in the Environment Impact Statement (EIS) and the Environmental Impact Report (EIR) for the proposed Southern California Edison (SCE) Eldorado-Ivanpah Transmission Project in California and Nevada. The most important consideration in our view is that the EIS/EIR must include a thorough and complete analysis of the project's effects on the Northeastern Mojave Desert Tortoise Recovery Unit and its associated eco-system, both in terms of direct and cumulative impacts.

The Northeastern Mojave Recovery Unit is one of the six Desert Tortoise Recovery Units designated in the 1994 *Desert Tortoise (Mojave Population) Recovery Plan*. These populations were identified based on genetics, behavior, ecology, geographic isolation, and morphology. Since the Recovery Plan was published, a number of studies have compared tortoises between different Recovery Units and confirmed biological differences among the populations. Most recently, "A Genetic Assessment of the Recovery Units for the Mojave Population of the Desert Tortoise..." (Murphy, et. al. 2007) presents additional evidence that the tortoises in the Recovery Units constitute distinct populations, confirming the validity of the Recovery Plan's six Desert Tortoise Recovery Units.

The proposed SCE project will directly affect the Northeastern Mojave Recovery Unit in both California and Nevada as the Ivanpah substation, the transmission line replacement, and the telecommunications systems are situated in or traverse the habitat of this evolutionary significant population Unit. The project will impact the Piute-Eldorado Desert Wildlife Management Area (DWMA), critical habitat where the threatened desert tortoise is to be managed to achieve recovery by reducing eliminating human-caused impacts. The project will affect the habitat of the California portion of the Northeastern Mojave Recovery Unit in the Ivanpah Valley, as well.

The site of the proposed Ivanpah substation, for instance, is on relatively undisturbed lands that currently support a resident desert tortoise population.

The joint EIS/EIR must also provide a thorough and complete analysis of the manner in which the project contributes to cumulative impacts on the Northeastern Mojave Recovery Unit of the related power projects proposed for the Ivanpah Valley. The EIS/EIR will be inadequate if it fails to consider the cumulative impacts from the Ivanpah to Eldorado transmission line, the Ivanpah Solar Electric Generating System, the Optisolar power plant, and the Nextlight Renewable Power projects on nearly 8,000 acres of desert tortoise habitat in the eastern Ivanpah Valley. The future of the Ivanpah desert tortoise is at risk from the combined impact of these industrial developments. It is reasonable and prudent, therefore, to take into account the projected impacts to the desert tortoise across the Valley.

0007-3

Sincerely,

Sidney Silliman
Conservation Committee

....To explore, enjoy and preserve the nation's forests, waters, wildlife, and wilderness.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 24 2009

George R. Meckfessel
Planning and Environmental Coordinator
Bureau of Land Management
Needles Field Office
1303 South U.S. Highway 95
Needles, California, 92363-4228

Dear Mr. Meckfessel:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an Environmental Impact Statement (EIS) for the Southern California Edison, Eldorado-Ivanpah Transmission Project, Clark County, Nevada and San Bernardino County, CA. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA has no formal comments on the Notice of Intent at this time. Please send one hard copy of the Draft EIS (DEIS) and two CD copies to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please call me at (415) 972-3545 or at mcperson.ann@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann McPherson".

Ann McPherson
Environmental Review Office (CED-2)



CENTER for BIOLOGICAL DIVERSITY

VIA U.S. MAIL AND ELECTRONIC MAIL

August 20, 2009

Monisha Gangopadhyay/Tom Hurshman
CPUC/BLM

c/o Ecology and Environment, Inc.
130 Battery Street, 4th Floor
San Francisco, CA 94111
ivanpah@ene.com

Re: Notice of Preparation of a Joint EIR/EIS and Notice of Scoping Meetings for the Eldorado-Ivanpah Transmission Project A.09-05-027

Dear Ms. Gangopadhyay and Mr. Hurshman:

The Center for Biological Diversity ("Center") is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 40,000 members throughout California and the western United States, including members that live and/or visit the vicinity of the proposed Eldorado-Ivanpah Transmission Project and the solar generating projects to which it is linked. These scoping comments are submitted on behalf of our board, staff and members.

The development of renewable energy generation and adequate transmission capacity for that renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions set by AB 32 and Executive Order S-03-05. The Center strongly supports the development of renewable energy production, and the generation of electricity from solar power, in particular and truly necessary transmission upgrades to support that power production. However, like any project, proposed solar power projects and transmission projects to support that power generation must be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitats, and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

The need for the proposed Eldorado-Ivanpah Transmission project (which also includes a new substation) is entirely based on the assumption that the proposed solar projects in the Ivanpah Valley in California and near Primm, Nevada will be approved. However, none of these proposed solar projects has yet been approved, completed environmental review, or even reached

Arizona • California • Nevada • New Mexico • Alaska • Oregon • Montana • Illinois • Minnesota • Vermont • Washington, DC

the stage of a Draft EIS. And all of these proposed projects will have major impacts to the biological resources of the area, significantly affecting many sensitive plant and wildlife species, and eliminating broad expanses of relatively undisturbed Mojave Desert habitat on both sides of the border. Of particular concern to the Center, the proposed solar projects and this proposed transmission project taken together will have significant impacts to a suite of species including to the federally and state listed threatened desert tortoise and its critical habitat that are not being considered in a comprehensive way. The following comments address those issues:

Purpose and Need:

The scoping notice assumes that new solar power generation will be approved and constructed in the Ivanpah Dry Lake Area and that therefore the transmission project is needed to service those new generation sites. However, those project approvals are not a foregone conclusion, for example, the new Ivanpah substation appears to be intended to service the proposed Ivanpah SEGS, the proposed NextLight solar projects in Nevada, as well as other potential projects, none of which have yet been approved. The BLM and the CPUC cannot base the need for this project on other proposed projects that have not yet, and may not ever, be approved. To do so would not only violate the principle that the decisions on those proposed solar facilities must only be made *after* careful environmental review but could also result in much wasted time and effort and the premature approval of a transmission project that is simply a “bridge to nowhere.”

Agencies cannot narrow the purpose and need statement to fit only the proposed project and then shape their findings to approve that project without a “hard look” at the environmental consequences. To do so would allow an agency to circumvent environmental laws by simply “going-through-the-motions.” It is well established that NEPA review cannot be “used to rationalize or justify decisions already made.” 40 C.F.R. § 1502.5; *Metcalf v. Daley*, 214 F.3d 1135, 1141-42 (9th Cir. 2000) (“the comprehensive ‘hard look’ mandated by Congress and required by the statute must be timely, and it must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.”)

Project as a Whole:

To the extent that this project states that it is necessitated by new solar energy generation development projects that have not yet been approved by the BLM, it is improper for BLM to segment the analysis of this project from those other projects. NEPA’s implementing regulations state that agencies should consider similar, reasonably foreseeable actions together in the same environmental review document when the actions “have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography,” and the “best way to assess adequately [their] combined impacts [...] or reasonable alternatives” is to consider them together. 40 C.F.R. 1508.25(a)(C). It is important for federal agencies to consider connected actions together in a single NEPA process as opposed to segmenting review. *Daly v. Volpe*, 514 F.2d 1106, 1110 (9th Cir. 1975) (where actions are interconnected in terms of fulfilling a joint purpose it may be necessary to conduct a single NEPA review). Here, the BLM should not proceed any further in the NEPA process for the proposed transmission lines and

substation without coordinating this NEPA process with the approval process for all of the connected actions. This would allow all of the projects' significant impacts to be fully considered together.

In particular, the BLM should consider together the additive impacts to biological resources, including the desert tortoise and its habitat, from the proposed solar projects and the proposed transmission line and substation to ensure that the true extent of impacts are fully disclosed and analyzed. BLM should not treat this critical analysis as a cumulative impacts question alone. Because the currently proposed projects are linked and interdependent they should be evaluated together under NEPA. Most importantly, each of these projects will have significant direct impacts on desert tortoise populations in the Northeastern Mojave Recovery Unit. BLM must look at those impacts in a comprehensive way that would allow it to formulate meaningful alternatives that could avoid many of the impacts of these linked projects and where impacts remain that cannot be avoided through alternatives, provide for comprehensive minimization and mitigation measures that will ensure that impacts to this recovery unit are appropriately mitigated. Ultimately, BLM must ensure that the approval of these linked projects does not impair the recovery of the desert tortoise populations in the Northeastern Mojave Recovery Unit.

Alternatives:

Pursuant to CEQA, the "policy of the state" is that projects with significant environmental impacts may not be approved "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects..." Pub. Res. Code § 21002; CEQA Guidelines § 15021(a)(2). A Project should not be approved if environmentally superior alternatives exist "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." CEQA Guidelines §§ 15021(a)(2), 15126.6; Pub. Res. Code § 21002. The Project must be rejected if an alternative available for consideration would accomplish "most [not all] of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects." CEQA Guidelines § 15126.6(c).

Accordingly, the EIR/EIS must consider a range of alternatives that would achieve the basic objectives of the project while avoiding or substantially lessening significant environmental effects, and it is essential that the "EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." CEQA Guidelines § 15126.6(d). Alternative sites must also be considered where relocating the project would substantially lessen the significant impacts of the project. Guidelines Section 15126.6(f)(2). *See Citizens of Goleta Valley v County of Santa Barbara* (1988) 197 Cal.App.3d 1167, 1178; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1456 (whether an alternative site may be feasible even where it requires a change in land use designation; to determine feasibility requires detailed analysis of the alternatives; and even if an alternative is less profitable than the project as proposed it may still be a feasible alternative).

NEPA similarly requires that a range of meaningful alternatives be explored in the environmental review process. 42 U.S.C. §§ 4332(C)(iii),(E). The agency must “study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” 42 U.S.C. § 4332(2)(E); *see also* CEQ Forty Questions, 46 Fed. Reg. at 18027 (“Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are *practical or feasible* from the technical and economic standpoint and using common sense, rather than simply *desirable* from the standpoint of the applicant.” (emphasis in original)).

In addition, pursuant to the BLM’s California Desert Conservation Area plan which covers much of the area the project impacts in California, impacts to wildlife from conflicting land uses should be avoided. CDCA Plan at 28. Impacts to BLM sensitive plant species should also be avoided. CDCA Plan at 37. Avoidance can best be accomplished through alternative project siting and/or project design. Most importantly in this instance, and as detailed below, the EIR/EIS must look at alternative sites that could avoid impacts to desert tortoises, critical habitat, DWMA’s and other essential desert tortoise habitat. The EIR/EIS should also fully explore other alternatives that would achieve the same level of transmission reliability and support for solar energy production that is intelligently sited—which should be the basic objective of the project—but without the significant impacts of the proposed project and the projects that are linked to it.

Impacts to Plants and Wildlife:

Many rare plants have been identified within the project area. In California these plants include but are not limited to the Rusby’s desert mallow (*Spheralcea rusbyi* var. *eremicola*), Cave evening primrose (*Oenothera cavernae*), Mojave milkweed (*Asclepias nyctaginifolia*), and Desert pincushion (*Coryphantha chlorantha*). In addition, there are several rare plants found in Nevada within the project area:

White-margined penstemon (*Penstemon albomarginatus*)

The white-margined penstemon is a rare plant known from only five general locales, two in southwest Nevada, including the Jean-Roach Lake area, two in southeast California, and one in Arizona near Kingman. The Jean-Roach Lake population is central and likely to be important for the transport of genetic material among populations and other ecological functions.¹

This plant is generally restricted to deep, loose deposits of aeolian sandy soils between 2560 and 3570 feet elevation. A 2001 field survey reported finding at least 68,164 plants on

¹ The Nature Conservancy. 2007. A conservation management strategy for nine low elevation rare plants in Clark County, Nevada. At: http://www.accessclarkcounty.com/depts/daqem/epd/dcp/Pages/dcp_reports.aspx.

6734 acres in Nevada.² While the plant is not federally listed, its unique and limited habitat makes it rare and imperiled. The Nature Conservancy report summarizes the threats to the Jean-Roach Lake population as “very high”. Because of the limited distribution, unique habitat and very high level of threats, the Natural Heritage Program ranks it globally as “G2”, imperiled, while in Nevada and Arizona it is state ranked as imperiled, and in California it is state ranked as critically imperiled and very threatened.³

The proposed route of the 220 kV passes through the Jean-Roach Lake area and poses a potential threat to populations 10 and 12 as identified by Smith.⁴ These roughly correspond to between mile markers 12-15, and 21-25 as shown on Project Overview Figure ES-1. A pre-activity inventory should be conducted in areas of potential and known habitats, and the populations found or known clearly marked on the ground. Activities associated with tower construction or modification, line pulling and other potentially ground disturbing activities should be sited away from inventoried occupied sites whenever possible.

Aven Nelson phacelia (*Phacelia anelsonii*)

Aven Nelson phacelia occurs mostly in sheltered places, as along the northern side of cliffs and ledges, in rocky or sandy or gravelly soil, at elevations of up to 1500 m. There are only two known occurrences in Nevada, including one near the alignment of highway 164 along the proposed route of the telecommunications line near where path 2, sections 1 and 2 meet.⁵ NatureServe ranks this plant as “G2” imperiled, while it is state ranked in Nevada as “critically imperiled”.⁶ A pre-activity inventory should be conducted in areas of potential and known habitats, and the populations found or known clearly marked on the ground. Activities associated with tower construction or modification, line pulling and other potentially ground disturbing activities should be sited away from inventoried occupied sites whenever possible.

Desert tortoise (*Gopherus agassizii*)

The desert tortoise lives in valleys, flat areas, and dry alluvial fans and washes. In the Mojave and Colorado deserts, tortoises are generally found below 4,000 feet in Joshua tree-Mohave yucca communities, creosote bush-saltbush scrub habitats, and some ocotillo-creosote habitats. They may live in a variety of soil types, including those of sand dunes, rocky hillsides, washes, sandy soils, and desert pavements. Tortoises living in southern California, southern Nevada, southwestern Utah, and extreme northern Arizona comprise the Mojave population of

² Smith, Frank J. 2001. Current knowledge and conservation status of *Penstemon albomarginatus* M.E. Jones (Scrophulariaceae), the white-margined penstemon. 29 pages + 3 appendices. Nevada Natural Heritage Program. Carson City, NV.

³ Ibid, The Nature Conservancy.

⁴ Ibid, Smith.

⁵ <http://heritage.nv.gov/atlas/atlasndx.htm>

⁶ http://www.natureserve.org/explorer/servlet/NatureServe?sourceTemplate=tabular_report.wmt&loadTemplate=species_RptComprehensive.wmt&selectedReport=RptComprehensive.wmt&summaryView=tabular_report.wmt&elKey=156874&paging=home&save=true&startIndex=1&nextStartIndex=1&reset=false&offPageSelectedElKey=156874&offPageSelectedElType=species&offPageYesNo=true&post_processes=&radiobutton=radiobutton&selectedIndexes=156874

desert tortoise, and were afforded protection under the Endangered Species Act as a threatened species in 1990.

Desert tortoises are found throughout the proposed project area, with the possible exception of the mountain passes. The proposed project lies within the Northeastern Mojave Recovery Unit and impacts the Ivanpah (CA) and Piute-Eldorado (NV) recovery units.⁷ Murphy et al. (2007) undertook extensive genetic analysis across the range of the desert tortoise and identified genetically unique populations within the larger listed population. The desert tortoise in the project area represent a unique genetic group – the northeastern Mojave group. The uniqueness of this population is also recognized both in the 1994 Desert Tortoise Recovery Plan (USFWS 1994) and the draft Revised Recovery Plan (USFWS 2008) as the North Eastern Mojave Recovery Unit and the Murphy et al. paper again confirms the uniqueness of this population.

In California, the Ivanpah area is the only location of this unique genotype of desert tortoise in California. Because these animals represent such a unique occurrence in California, adequate avoidance, minimization and mitigation must be applied to this project pursuant to CEQA taking into account the connected and cumulative projects including the Ivanpah SEGS project. Several of the Path 2 sections and alternatives fall within desert tortoise critical habitat in California which is part of the Ivanpah DWMA. Prior to 2002, the area to the north of the I-15 in California in the Ivanpah Valley was designated by BLM as Category 1 habitat for desert tortoise – the best desert tortoise habitat. The Northern and Eastern Mojave Plan (BLM 2002) changed that designation, not based on any site specific science, but on the establishment of Desert Wildlife Management Areas (DWMA's) elsewhere. All critical habitat and occupied desert tortoise habitat should be avoided and the EIR/EIS should explore a more robust range of alternatives providing at least one alternative that does not impact any critical habitat.

In Nevada, the entire proposed route of the 220 kV transmission line and proposed telecommunication route Path 2 falls within the Piute-Eldorado Desert Wildlife Management Area (DWMA) as outlined in the 1994 desert tortoise recovery plan. Further, the majority of Path 2, segment 1 from the Boulder City limits to highway 164 falls within designated critical habitat.⁸

The EIR/EIS must address the impacts of this project and other linked projects to the *survival and recovery* of desert tortoise in this recovery unit and take seriously the development of meaningful alternatives to this project and the linked solar generating projects that will avoid impacts to the species and its habitat. The desert tortoise is continuing to decline throughout its range (USFWS 2008) despite being under federal and state Endangered Species Acts protection as threatened. As the BLM is well aware, it is increasingly difficult to find intact, high quality desert tortoise habitat that could arguably “mitigate” for the loss of any high quality occupied desert tortoise habitat in the Northeastern Mojave Recovery Unit. Therefore, *avoiding* impacts to this essential habitat and maintaining the largest possible areas of intact, high quality habitat is absolutely critical for recovery of the species.

⁷ http://www.fws.gov/nevada/desert_tortoise/dtro_1994_recovery_plan.html

⁸ Ibid.

Desert bighorn sheep (*Ovis Canadensis nelson*)

In California, desert bighorn sheep are found both in the Clark Mountains and within the Mojave National Preserve. There is ongoing concern regarding the fragmentation of bighorn habitat and the loss of critical movement corridors across the I-15 which this project may exacerbate by further industrializing the area. The project should look at ways to minimize any impacts to bighorn movement.

In Nevada, desert bighorn sheep are found in the McCoullough and Highland Ranges, crucial bighorn sheep habitat, which both are affected by components of the proposal. The proposed route of the 220 kV transmission line crosses the McCullough Range, and while it does so through a highly disturbed and roaded pass, there is a critical watering guzzler located north of the pass. This watering source is critically important to the sheep during the hot and dry periods of the year. Construction activities could disrupt the movements of sheep north and south of the pass and result in critical stresses on the herd. Work in this area should be conducted outside of periods where access to this guzzler is important to the sheep. Another concern is the proposed telecommunications route Path 2 section 1, which is sited in a narrow valley between the two ranges. Sheep movement between these ranges is routine and construction would impact around ten miles of sheep crossing areas. Again, timing and segmenting work on the telecommunications line may be useful in mitigating impacts to the sheep. Also of concern are the impacts of construction and helicopter support on sheep lambing. The BLM and proponent should consult with the Nevada Department of Wildlife (NDOW) on how best to mitigate these and other impacts.

Impacts to Mojave National Preserve and Other Special Status Areas:

Mojave National Preserve

The Path 2 and alternatives run along the border of the Mojave National Preserve which is home to many rare and imperiled species including the desert tortoise and bighorn sheep. In this area the project is also within the critical habitat for the desert tortoise. All potential impacts to the Preserve must be identified and fully considered.

Wee Thump Joshua Tree Forest Important Bird Area

Important Bird Areas, or IBAs, are sites that provide essential habitat for one or more species of bird. IBAs include sites for breeding, wintering, and/or migrating birds. IBAs may be a few acres or thousands of acres, but usually they are discrete sites that stand out from the surrounding landscape.⁹ The Wee Thump Joshua Tree IBA was designated because of the important and unique habitat it provides for desert cavity nesting birds. The ancient Joshua trees, estimated to be over 250 years old offer cavities and habitat that are largely absent over much of the surrounding regional landscape.¹⁰ The proposed Path 2 segment 1 for the telecommunications line borders or slightly enters this IBA. Consultations should be conducted

⁹ http://www.audubon.org/bird/iba/iba_intro.html

¹⁰ <http://iba.audubon.org/iba/stateIndex.do?state=US-NV>

with NDOW and should include consideration of mitigation measures such as seasonal work stoppages to protect the breeding activity in the neighboring IBA.

Unusual Plant Assemblages and Riparian Areas

The EIS should identify and analyze impacts to all Unusual Plant Assemblages and riparian areas throughout the project area and these resources should be fully protected. Within the CDCA all riparian areas are considered Unusual Plant Assemblages and must be fully protected. CDCA Plan at 38, 42. To the extent that the proposed project may affect any riparian areas or other UPA's alternatives must be explored that would avoid all impacts to these rare desert resources.

Conclusion

For this and future proposed projects, mechanisms must be put in place to provide comprehensive environmental review of all connected and linked projects including both generation and transmission facilities so that the true impacts of the project as a whole can be evaluated and meaningful alternatives developed. A coordinated process will encourage solar facilities to be proposed and sited in appropriate areas, preferably on disturbed lands instead of in fully ecologically functioning habitat which supports a variety of rare and threatened species such as is found in the Ivanpah Valley and other areas affected by this proposed project. Moreover, better planning and appropriate siting of generating facilities can minimize the need for extensive new transmission lines.

We hope and expect that the CPUC and the BLM will carefully consider all of the connected projects in a comprehensive environmental review process in order to develop meaningful alternatives that will avoid many of the significant impacts of the proposed transmission line and substation as well as the associated solar generating projects. We look forward to reviewing a Draft EIR/EIS that comprehensively identifies and analyzes all of the significant impacts of the proposed transmission line, substation, and the associated solar projects.

Thank you for the opportunity to submit these comments, please do not hesitate to contact me if you have any questions. Please provide notices relate to this project to me at the address below.

Sincerely,



Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
(415) 436-9682 x307
Fax: (415) 436-9683

Ivanpah Project

Agency Scoping Meeting

Ecology &
Environment, Inc.

Date:	07/01/09
Location:	BLM Las Vegas FO; dial-in
E & E:	Jennifer Rouda, Jason Zoller (biologist), Howard Levine, Tina Willis, Erica Brown
CPUC:	Monisha Gangapadhyay, Jason Reiger
BLM:	Tom Hurshman, George Meckfessel, resource specialists (see attached list)
Agency Attendees:	See attached list.
Details:	Agency Scoping Meeting – Introduction of EITP and Opportunity for Agency Questions and Comments

SUMMARY:

Tom Hurshman (BLM PM), Monisha Gangopadhyay (CPUC PM), and E & E staff introduced the Eldorado to Ivanpah Transmission Project (EITP) to agency stakeholders. They provided an overview of the project and the permitting process and invited questions and comments from the agencies. The following is a summary of the topics that were discussed.

Purpose of Meeting (Hurshman/Rouda). Agency scoping is a fundamental part of the NEPA/CEQA process.

The purpose of the agency scoping meeting is to introduce the EITP to agency stakeholders and answer any questions the agencies might have about the project. The agency meeting was held in advance of the public scoping process to allow agencies to become involved early on through both questions and comments. The scoping period tentatively ends August 11, 2009, pending publication of the Notice of Intent (NOI).

Project History (Hurshman). SCE indicated their intention to upgrade the existing line in the Ivanpah Valley area to server renewable energy generation. BLM and CPUC have participated in a pre-filing review process culminating in SCE's submission of a Proponent's Environmental Assessment (PEA) and Plan of Development (POD).

Roles and Responsibilities (Hurshman/Gangopadhyay). The project would require a CPCN from the CPUC and a ROW grant from the BLM. The BLM and CPUC have signed a Memorandum of

Understanding (MOU) to prepare a joint NEPA/CEQA document. E & E will be assisting both the CPUC and the BLM in their environmental review. CPUC is the licensing agency for the transmission line and associated infrastructure under G.O. 131-D. As the primary landowner, BLM would issue a ROW grant for the project pending a NEPA review. The majority of the project would be located in Nevada, but Needles is the BLM lead FO.

Project Components Overview (Rouda). The project includes 35 miles of transmission upgrades from single circuit 115-kV to double circuit 220-kV, redundant telecommunications systems, upgrades to the existing Eldorado Substation, and construction of the Ivanpah Substation. The project would be located primarily in Nevada near the town of Primm.

Purpose, Need, and Objectives (Rouda). BLM, CPUC, and E & E have developed draft Objectives reflecting the Purpose and Need for the project:

1. To connect renewable energy sources in the Ivanpah Valley Area in compliance with Executive Order 13212, the Energy Policy Act of 2005, the Federal Power Act, California Senate Bill 1078, and California Senate Bill 107;
2. To improve reliability in compliance with applicable standards including NERC, WECC, CAISO, and Southern California Edison standards; and
3. To maximize the use of existing ROW and designated utility corridors to minimize impacts to environmental resources.

Alternatives (Rouda). Alternatives will be developed and expanded as part of the agency and public scoping process. SCE has included a number of alternatives in the PEA, including system alternatives, routing alternatives, technology alternatives, and a no project alternative.

Resource Areas and Key Project Issues (Brown). The following resource areas were discussed: biological, cultural, visual, recreational, lands, hydrology, hazards, geology, public services and utilities, population and housing, traffic, air quality, noise, agriculture, and cumulative. The following specific comments/questions were made by agency representatives in attendance:

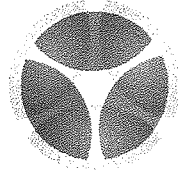
- | | |
|---|--------|
| 1. Sue Wainscott raised the issue of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and advised CPUC/BLM to obtain a complete list of species covered under the MSHCP and a copy of their mitigation measures when meeting with Boulder City. | 0010-1 |
| 2. Representatives from the Clark County Department of Aviation noted that they have been attending ongoing meetings with SCE regarding the project and had another meeting scheduled for the end of the month. | 0010-2 |
| 3. Roddy Sheppard of the Nevada Department of Wildlife asked about the handling of the old poles—specifically where would they be disposed of and whether the existing roads would be able to handle the transportation of the waste materials. | 0010-3 |
| 4. Dan Kupulsky of Caltrans stated that a permit would be required for the I-15 crossing but that crossing would be allowed in that location. He raised the issue of consulting the Nevada Department of Transportation and potential railroad crossings. | 0010-4 |
| 5. Fred Edwards, BLM botanist, suggested addressing potential impacts to the white-margin beardtongue in the cumulative section, given the amount of development in the area. | 0010-5 |
| 6. Fred Edwards, BLM biologist, stated that the rare plant surveys need to follow BLM protocol. | 0010-6 |
| 7. Larry Whalen of the National Park Service asked about the project’s potential impact to natural dark. The project would not require nighttime lighting and would use non-speculative materials, but impacts to natural dark would have to be addressed in the cumulative impacts analysis. | 0010-7 |

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|--|-----------------------------|
| 8. Becky Jones of CDFG asked if cumulative impacts due to land construction had been quantified. She also asked whether the project would require a 2081 (California Incidental Take Permit) or 1600 (lakebed and stream alteration) permit. | 0010-8
0010-9
0010-11 |
| 9. Sue Wainscott recommended acquiring a list of Bolder City's Future Projects from Bolder City. | 0010-12 |
| 10. BLM representatives pointed out that some of the footprints for solar development in the area on the cumulative map were misplaced or incorrectly sized. | 0010-13 |
| 11. Dave Kessler of the FAA raised the issue of navigational aids and airplane flight paths and asked if the project had looked at electromagnetic interference and sound abatement zones. | 0010-14 |
| 12. Larry Whalen of the National Park Service asked whether the telecommunications route would be within an existing ROW or require new ROW and whether it would be undergrounded or installed along existing poles in the Mojave National Preserve. | |

ACTION ITEMS:

1. E & E to forward above questions and comments to section authors. Section authors to respond, where required.
2. E & E to send invites to agencies for the public scoping meeting.
3. E & E to set up separate scoping meeting with the Nevada Department of Transportation.

Agency	Point of Contact	Title	Address	City, State, Zip	Attendance
Clark County Desert Conservation Program	Sue Wainscott	Adaptive Management Coordinator/Project Manager	333 N. Rancho # 625	Las Vegas, NV 89119	In Person
NDOW	Roddy Shepard				In Person
National Parks Service (Mojave National Preserve)	Larry Whalon	Deputy Superintendent, Mojave National Preserve			In Person
Clark County Comprehensive Planning	Dionicio Gordillo				In Person
Clark County DOA	Scott Thompson				In Person
BLM	Jeff Steinmetz				In Person
BLM	George Varhalmi				In person
BLM	Susanne Rowe				In Person
BLM	Fred Edwards				In Person
BLM	Sarah Peterson				In Person
BLM	Mark Chandler	Realty Specialist			In Person
Ecology and Environment, Inc	Jason Zoller	Biologist			In Person
Clark County Department of Aviation	Mark Silverstein				In Person
Clark County Department of Aviation	Tucker Field				In Person
Clark County Department of Aviation	Robert Tweedy				In Person
BLM	Marilyn Peterson	Recreation Specialist			In Person
BLM	Jason Barangan	Biologist			In Person
Nevada Division of Environmental Protection, Bureau of Waste Management	Michael R. Richardson				Dial In
Town of Laughlin, Managers Office	Jackie Brady				Dial In
FAA Western Pacific Region, Airports Division	David Kessler				Dial In
California Department of Fish and Game	Becky Jones				Dial In
California Department of Transportation	Dan Kopulsky				Dial In



desert conservation
PROGRAM

August 28, 2009

Monisha Gangopadhyay and Tom Hurshman
CPUC/BLM
c/o Ecology and Environment, Inc
130 Battery St., 4th FL
San Francisco, CA 94111-4905

Re: Eldorado-Ivanpah Transmission Project

To Whom It May Concern:

Thank you for the opportunity to comment on the Notice of Preparation of a Joint Environmental Impact Report/Environmental Impact Statement and Notice of Public Scoping Meetings.

The concerns expressed in our previous letters dated June 12, 2009 and July 24, 2009, remain. In summary, those concerns are:

- No expansion of the current Southern California Edison Rights of Way in space or uses could currently be granted without amendment to the Boulder City Conservation Easement;
- No new Rights of Way could currently be granted within the Boulder City Conservation Easement without amendment to the Easement;
- The application documents should indicate that the project as proposed will have an impact on our Habitat Conservation Plan via the impacts to one of our key mitigation areas, the Boulder City Conservation Easement. In particular, the application's Environmental Checklist Form (Appendix A) and the text of the document do not indicate or analyze these impacts; and
- Boulder City Ordinances, Nevada State Cactus and Yucca laws and other local and state regulations must be reviewed to determine if the project as proposed is in compliance with those regulations.

In addition, the Clark County Desert Conservation Program (DCP) has evaluated environmental and land use concerns within the Project area which included analyzing existing information for environmentally sensitive areas, wildlife, and plant species of concern. The DCP is providing the following comments:

Chapter 8, page A-8, needs to have the HCP box checked as having some impacts.

respect, protect and enjoy our desert!

333 North Rancho, Suite 625, Las Vegas, NV 89106 • Phone (702) 455-0374 • Fax (702) 382-4593

Monisha Gangopadhyay and Tom Hurshman
Eldorado-Ivanpah Transmission Project
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The boundaries of the Boulder City Conservation Easement and better defined SCE ROWs limits should be incorporated and displayed onto the appropriate road story maps provided by Roger Overstreet. Our staff and law enforcement personnel, who patrol the Boulder City Conservation Easement on a regular basis, will need to know what the limits of those ROWs are, prior to any ground disturbance within the Boulder City Conservation Easement area, so that we have a clear understanding of what activities are and are not allowable.

Road story maps 11-14 and 74-78 are of particular interest to the DCP. These maps are located in one of the highest biodiversity areas within the Boulder City Conservation Easement. This area contains greater cactus densities; impacts and restoration activities may be higher in this area.

Table 3.1 needs to be updated to reflect the acres of private (City of Boulder City) lands and substation lands affected by the project and alternatives.

Consider general project impacts and restoration activities, especially at pull and tension sites. The impacts and restoration will be greater in sandier areas and in southwestern portion of the Boulder City Conservation Easement.

A list of species that could be found in or near the Easement is also provided:

Reptiles:

Gopherus agassizii
Heloderma suspectum
Sauromalus obesus
Gambelia wislizenii
Crotaphytus insularis
Coleonyx variegatus
Phrynosoma platyrhinos
Dipsosaurus dorsalis
Crotalus mitchelli
Crotalus cerastes
Crotalus scutulatus
Rhinocheilus lecontei
Arizona elegans
Phyllorhynchus decurtatus
Trimorphodon biscutatus

Bees:

Perdita cracens
Perdita fallugiae

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Birds:

Phainopepla
LeConte's Thrasher
Crissal Thrasher
Gray Vireo
Loggerhead Shrike
Western Burrowing Owl
Cactus Wren
Scott's Oriole

Plants:

Penstemon bicolor ssp *roseus* & *bicolor*
Acacia greggii
Prosopis glandulosa
Lotus argyraeus var *multicaulis* (scrub lotus)

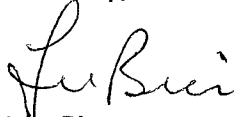
Mammals:

Kit Fox
Several varieties of Bats
Desert Kangaroo Rat
Desert Pocket Mouse

As the manager for the Boulder City Conservation Easement, any proposed project work on the Easement is of utmost importance to us. We are most interested in commenting on the draft Environmental Assessment when it becomes available.

We appreciate the opportunity to provide comments on the proposed project. We hope the information provided assists you in planning your activities on and near the Easement. Should you have any questions, please contact me at 702.455.3554.

Sincerely,



Lee Bice
Sr. GIS Analyst and Project Manager

cc: Brok Armantrout, City of Boulder City
Janet Bair, Assistant Field Supervisor, USFWS
Sue Wainscott, DCP Project Manager
Marci Henson, DCP Program Manager

4 NEXT STEPS IN THE EIR/EIS PROCESS

The scoping period is not the only time in which interested parties can comment on the environmental document. A similar process will begin when the draft environmental document is released. In addition to providing new comments on the draft EIR/EIS analysis at that time, the public will be able to comment on the adequacy of how their scoping comments have been addressed in the environmental document. Table 3 presents the proposed project schedule for the EIR/EIS and identifies where in the process that agencies and the public will have the opportunity to provide additional input into the environmental review process.

Event/Document		Purpose of Event/Document	Approximate Date
Completed Events/Documents			
Notice of Preparation		The NOP was published to notify interested parties of the BLM and the CPUC's intent to prepare an EIR/EIS.	July 23, 2009
Notice of Intent		The NOI was published to notify interested parties of the BLM and the CPUC's intent to prepare an EIR/EIS.	July 27, 2009
Scoping Meetings		One agency scoping and two public scoping meetings were held to allow for comment on the scope of the EIR/EIS.	July 1 – 29, 2009
Scoping Summary Report		The Scoping Summary Report documents agency and public comments received during the scoping period and summarizes environmental concerns identified.	September 30, 2009
Upcoming Events/Documents			
Alternatives Screening Report		The Alternatives Screening Report documents alternatives identified for further evaluation in the EIR/EIS and describes the process used to determine those that will be further evaluated.	October 30, 2009
Draft EIR/EIS	Release of Draft EIR/EIS	The Draft EIR/EIS discusses impacts and mitigation for the project and alternatives.	Spring, 2010
	Public Review Period	The public review period for the Draft EIR/EIS will be a minimum of 45 days.	Spring, 2010
	Draft EIR/EIS Public Meetings	Public Meetings will be held to give interested parties the opportunity to comment on the Draft EIR/EIS.	Spring, 2010
Final EIR/EIS	Release of Final EIR/EIS	The Final EIR/EIS, including response to comments, will be issued by the BLM and the CPUC and will be filed with the EPA.	Summer, 2010
	Decision on the Project	The BLM issues the Record of Decision and begins the 45-day appeal period. The CPUC certifies the EIR/EIS and issues a Proposed Decision.	Fall, 2010
* Specific EIR/EIS event/document dates and updates can be found on the project website: http://www.cpuc.ca.gov/Environment/info/ene/ivanpah/ivanpah.html			