

---

## COMMENTS AND RESPONSE TO COMMENTS

---

### INTRODUCTION

No new significant environmental impacts or issues, beyond those already identified in the Draft EIR/EA for the Centinela Solar Energy project were raised during the public review period. Imperial County, as lead agency under CEQA, directed responses to the comments on the Draft EIR. The Bureau of Land Management (BLM), as the lead agency under NEPA, directed responses to comments on the EA.

### LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR/EA:

<b>Letter</b>	<b>Individual or Signatory</b>	<b>Affiliation</b>	<b>Date</b>
1	Dave Singleton	Native American Heritage Commission	October 20, 2011
2	Edalia Olivo-Gomez	SDG&E	November 11, 2011
3	Vikki Dee Bradshaw	Imperial Irrigation District (with SDG&E letter attached)	November 14, 2011
4	Hon. Robert "Cita" Welch	Viejas Tribe	October 31, 2011
5	Makaela M. Gladden	Briggs Law Corporation	November 11, 2011
6	David Wilson	Centinela Solar Energy, LLC	November 10, 2011

COMMENTS AND RESPONSE TO COMMENTS

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

916 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net

COMMENT LETTER 1



October 20, 2011

Mr. David Black, Planner  
**Imperial County Department of Planning and Development Services**  
801 Main Street  
El Centro, CA 92243

Re: SCH#2010111056 Joint NEPA/CEQA Notice; draft Environmental Impact Report (DEIR) and draft Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the "Centinela Solar Energy Project," located in an unincorporated area of Imperial County, California

Dear Mr. Black:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

1-1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

1-2

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC was not able to conduct a Sacred Lands File search because the USGS coordinates were not made available in the document. In general, this area is known to the NAHC to be culturally sensitive. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction.

1-3

RECEIVED  
OCT 24 2011  
IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

## COMMENTS AND RESPONSE TO COMMENTS

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

1-3  
CONTINUED

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

1-4

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & 5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

1-5

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be

1-6

## COMMENTS AND RESPONSE TO COMMENTS

followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

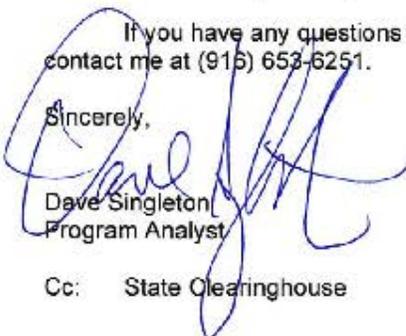
1-6  
continued

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

1-7

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

  
Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

## COMMENTS AND RESPONSE TO COMMENTS

### California Native American Contacts Imperial County October 20, 2011

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
gparada@lapostacasino.  
(619) 478-2113  
619-478-2125

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

Manzanita Band of Kumeyaay Nation  
Leroy J. Elliott, Chairperson  
PO Box 1302 Kumeyaay  
Boulevard , CA 91905  
ljbirdsinger@aol.com  
(619) 766-4930  
(619) 766-4957 Fax

Torres-Martinez Desert Cahuilla Indians  
Diana L. Chihuahua, Vice Chairperson, Cultural  
P.O. Box 1160 Cahuilla  
Thermal , CA 92274  
**dianac@torresmartinez.**  
760) 397-0300, Ext. 1209  
(760) 272-9039 - cell (Lisa)  
(760) 397-8146 Fax

Campo Band of Mission Indians  
Monique LaChappa, Chairwoman  
36190 Church Road, Suite 1 Diegueno/Kumeyaay  
Campo , CA 91906  
miachappa@campo-nsn.gov  
(619) 478-9046  
(619) 478-5818 Fax

Ewiiapaayp Tribal Office  
Will Micklin, Executive Director  
4054 Willows Road Diegueno/Kumeyaay  
Alpine , CA 91901  
wmicklin@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775 Diegueno -  
Pine Valley , CA 91962  
(619) 709-4207

Ewiiapaayp Tribal Office  
Michael Garcia, Vice Chairperson  
4054 Willows Road Diegueno/Kumeyaay  
Alpine , CA 91901  
michaelg@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

1-8

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

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010111056; Joint NEPA/CEQA Document; draft Environmental Impact Report (DEIR) and draft Environmental Assessment (EA) for the Cantinela Solar Project; located in western Imperial County, California.

## COMMENTS AND RESPONSE TO COMMENTS

### California Native American Contacts

Imperial County  
October 20, 2011

Manzanita Band of Mission Indians  
ATTN: Keith Adkins, EPA Director  
PO Box 1302 Kumeyaay  
Boulevard , CA 91905  
(619) 766-4930  
(619) 766-4957 Fax

Kumeyaay Cultural Repatriation Committee  
Bernice Paipa, Vice Spokesperson  
P.O. Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
(619) 478-2113

Cocopah Museum/Cultural Resources Dept.  
Jill McCormick, Tribal Archaeologist  
County 15th & Ave. G Cocopah  
Somerton , AZ 85350  
**culturalres@cocopah.com**  
(928) 530-2291 - cell  
(928) 627-2280 - fax

Campo Band of Mission Indians  
Andrea Najera, Cultural Resources Manager  
36190 Church Road, Suite 1 Diegueno/Kumeyaay  
Campo , CA  
(619) 478-9046  
(619) 478-5818 - FAX

Ah-Mut-Pipa Foundation  
Preston J. Arrow-weed  
P.O. Box 160 Quechan  
Bard , CA 92222 Kumeyaay  
ahmut@earthlink.net  
(928) 388-9458

Inter-Tribal Cultural Resource Protection Council  
Frank Brown, Coordinator  
240 Brown Road Diegueno/Kumeyaay  
Alpine , CA 91901  
**FIREFIGHTER69TFF@AOL.COM**  
((619) 884-8437

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

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 8097.94 of the Public Resources Code and Section 8097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010111056; Joint NEPA/CEQA Document; draft Environmental Impact Report (DEIR) and draft Environmental Assessment (EA) for the Continela Solar Project; located in western Imperial County, California.

1-8  
CONTINUED

---

# COMMENTS AND RESPONSE TO COMMENTS

---

## RESPONSE TO COMMENT LETTER 1

**Commenter:** Dave Singleton, Program Analyst, Native American Heritage Commission

**Response to Comment 1-1:** Introductory comment explaining the Native American Heritage Commission's role and desire to comment on the proposed project. Comment noted.

**Response to Comment 1-2:** Comment states that the letter includes state and federal statutes relating to Native American historic properties, etc., and notes that state law addresses the freedom of Native American religious Expression in Public Resources Code Section 5097.9. Comment noted.

**Response to Comment 1-3:** Comment explains the CEQA process as it relates to analyzing historical and archaeological resources. The Draft EIR/EA examined whether there were any resources within the Area of Potential Effect that would be adversely affected resulting in a significant impact. No impacts were identified that could not be mitigated to a less than significant level. Refer to pages 4.7-7 to 4.7-25 of the EIR/EA.

The EIR/EA does not include USGS coordinates as it was published for review by the public and not as part of a Sacred Lands File search request. The BLM and County are processing several projects in the immediate area where the Applicant's consultant contacts the NAHC for each project and a Sacred Lands File search. The NAHC was not contacted for this project because a Sacred Lands File search had been conducted for a contiguous project to the south of the project site that shares the same utility corridor to the Imperial Valley Substation. This search revealed no sacred sites in the area.

**Response to Comment 1-4:** The comment addresses early consultation with the Native American tribes and interested Native American Consulting parties. The Draft EIR/EA documents the consultation process undertaken by BLM to fulfill the requirements of Section 106. As noted on page 1.0-17 of the Draft EIR/EA "The BLM, as the lead federal agency, invited tribes into consultation pursuant to the Executive Memorandum of April 29th, 1994, as well as other relevant laws and regulations, including Section 106 of the NHPA. To date, fifteen Native American tribes have been identified and invited to consult. The BLM invited the tribes into government-to-government consultation by letter on February 18, 2011. Local Native Americans were invited to participate in the field survey. The Cocopah Indian Tribe was able to send a representative out with the survey crew. With their consent, Native American input during the survey was documented in the daily survey log. The consultation process is still ongoing." In addition, page 1.0-11 states: "Pursuant to Section 106 of NHPA, determinations of significant impacts and/or mitigation measures cannot be made without consultation and the Decision Record must include either an executed MOA or PA if there are any significant impacts. The Decision Record will likely occur after Imperial County decision-makers review the Proposed Action and Alternatives for compliance with CEQA. If there are significant impacts discovered during the consultation, then when the PA or MOA is fully executed, the Proposed Action and Alternatives will have fulfilled the requirements of the NHPA and NEPA. The PA or MOA must be executed prior to the BLM's issuance of the Decision Record."

**Response to Comment 1-5:** The comment notes that historic properties of religious and cultural significance are subject to confidentiality protection. Comment noted.

**Response to Comment 1-6:** The comment cites sections of various codes that provide provisions for accidental discovery of human remains outside of a dedicated cemetery. Mitigation measure CR-4 on page 4.7-22 of the EIR/EA specifically addresses discovery of human remains.

## COMMENTS AND RESPONSE TO COMMENTS

---

**Response to Comment 1-7:** The comment notes the importance of on-going consultation. BLM continues to consult with tribes under section 106 of the National Historic Preservation Act. Continuing efforts and meetings are currently taking place with tribal governments.

**Response to Comment 1-8:** Two pages of California Native American Contacts in Imperial County were provided. The BLM list of tribal contacts is always more inclusive than that provided by the NAHC. For this project the list is larger because the BLM included all of the Kumeyaay tribes in its consultations. This is standard procedure for the BLM El Centro Field Office, which has been developed based upon the results of consultation for previous projects.

**COMMENTS AND RESPONSE TO COMMENTS**



Edalia Olivo-Gomez  
Sr. Environmental Specialist  
8315 Century Park Court  
CP21E  
San Diego, CA 92123  
(T) 858-637-3728  
(F) 858-637-3700

**COMMENT LETTER 2**

November 11, 2011

Mr. David Black  
Planner IV  
Imperial County Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243

RE: Centinela Solar Energy Project Draft Environmental Impact Report /Environmental Assessment (EIR/EA)

Ms Black:

San Diego Gas & Electric Company (SDG&E) appreciates the opportunity to provide comments on the above-referenced Draft EIR/EA. SDG&E also appreciates the early and on-going coordination efforts by the Bureau of Land Management (BLM), the County of Imperial and the applicant for the Centinela Solar Energy Project (CSE) to ensure that the Draft EIR/EA considers the potential environmental impacts associated with Alternative 3, which includes the construction of a "Loop-in" to interconnect the CSE facility via a gen-tie to the existing SDG&E transmission line (La Rosita).

2-1

As such, SDG&E provides the following minor comment for consideration:

- The first bullet in Section 2.2.4 should be changed to replace "towers" with "structures".

SDG&E has been and will continue coordinating with CSE to ensure that the interconnection facilities are designed and constructed to SDG&E standards, which may vary slightly from the figures presented in the EA (pages 2.0-80 through 2.0-94). It is SDG&E's understanding that CSE is responsible for compliance with mitigation measures and conditions of approval associated with the construction of the CSE gen-tie and as noted in the Draft EIR/EA (page 2.0-134), the installation of the transmission line on the existing SDG&E towers is within the scope of SDG&E's existing BLM right-of-way (ROW) grant.

2-2

**RECEIVED**

NOV 17 2011

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

## COMMENTS AND RESPONSE TO COMMENTS

SDG&E looks forward to continuing to work with Imperial County and the BLM. Should you have any questions, please do not hesitate to contact me at (858) 637-3728 or the Project Manager, Alan Dusi at (858) 636-5787.

2-2  
continued

Sincerely,



Edalia Olivo-Gomez

Cc: Allen Trial, SDG&E  
Estela de Llanos, SDG&E  
Alan Dusi, SDG&E  
Pete McMorris, SDG&E

## COMMENTS AND RESPONSE TO COMMENTS

---

### RESPONSE TO COMMENT LETTER 2

**Commenter:** Commenter: Edalia Olivo-Gomez, Senior Environmental Specialist, SDG&E

**Response to Comment 2-1:** Comment Noted.

**Response to Comment 3-2:** BLM appreciates the continued efforts of all parties involved with the development of the Centinela Solar Energy project. Additionally, BLM confirms that Centinela Solar Energy is responsible for the compliance with mitigation measures and conditions of approval associated with the construction of the Centinela Solar Energy project. Additionally, BLM agrees that the construction of the transmission line on the existing San Diego Gas and Electric towers are within the scope of San Diego Gas and Electric's existing BLM right-of-way grant.

COMMENTS AND RESPONSE TO COMMENTS



**IID**

*A century of service.*

COMMENT LETTER 3

www.iid.com

GS-ES

November 14, 2011

SENT VIA EMAIL AND REGULAR MAIL

**RECEIVED**

Mr. David Black, Senior Planner  
Imperial County Planning & Development Services Department  
801 Main Street  
El Centro, CA 92243

NOV 18 2011  
IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

SUBJECT: CENTINELA SOLAR ENERGY PROJECT DRAFT EIS/EA

Dear Mr. Black:

1. These comments are in response to the October 14, 2011 Draft Environmental Impact Report (EIR) and Environmental Assessment (EA) for the Centinela Solar Energy Project (Centinela Project). The October 13 Bureau of Land Management (BLM) announcement of the National Environmental Policy Act (NEPA) EA comment period stated the 30 day comment period closed at close of business on November 13, 2011. Given the 13<sup>th</sup> was a Sunday that would mean the comments are due today November 14, 2011. Under the California Environmental Quality Act (CEQA), however, the public is allowed sixty (60) days to comment on the EIR. The Imperial County has a link to the Draft EIR/EA but did not announce the opening or closing date of the CEQA review. To insure the Imperial Irrigation District's (IID) comments are timely by any review, we are filing them on November 14, 2011. We however, reserve the right to supplement our comments before the end of the CEQA review period.

3-1

2. IID joins the Imperial County and the BLM in supporting and encouraging development of the many renewable resources in our county. IID, like both agencies, is processing requests for encroachment permits, right of way permits, relocation of IID facilities, electrical interconnection requests and requests for water from numerous developers seeking to harness the plentiful resources of the Imperial County. In particular IID is working with the developers of the Centinela Project to find ways to insure they will be able to develop the project without significantly harming IID facilities.

3-2

3. As IID noted in our comments on the Notice of Preparation for the Centinela Project on December 1, 2010, IID is concerned about the impacts to the Westside Main Canal among many

3-3

IMPERIAL IRRIGATION DISTRICT  
OPERATING HEADQUARTERS • P.O. BOX 937 • IMPERIAL, CA 92251

## COMMENTS AND RESPONSE TO COMMENTS

IID water facilities in the vicinity of the Centinela Project. Although the Design Features Table 2.0-5 and the Proposed Mitigation Measures contained in Table 5-1 of the Draft EIR/EA provide

design mitigation for interference with migratory birds when the gen-tie crosses the Westside Main Canal, it provides no design changes or mitigation requirements to the location of the towers or access roads on the banks of the Westside Main Canal. The placement of the towers and work on the road cannot interfere with one of IID's most important irrigation water distribution canals.

3-3

4. As noted in the Draft EIR/EA, IID is responsible to administer and distribute up to 3.1 million acre feet of Colorado River water in the Imperial County every year. A large volume travels through the Westside Main Canal. Just as the California Department of Transportation objects to unnecessary crossing of the state's highways for safety reasons, IID is equally concerned about numerous crossing of the major IID irrigation canals. Before there was renewable energy development, agriculture was and remains the lifeblood of the economy of the Imperial County. The Public Agencies entrusted with the responsibility to care for the region's abundant resources must insure that agricultural resources and their economic power are not being hindered in the effort to promote the development of renewable generation.

3-4

5. The Centinela Project calls for using access roads along the bank of the Westside Main Canal. The Draft EIR/EA has not studied the possible effects on the banks of the Westside Main of the weight of the necessary vehicles for the construction and maintenance of the project. The CEQA significance criteria in section 4.9.2.1 and the NEPA significance criteria in section 4.9.2.3 utilized to review the significance of the direct and indirect effects on agriculture include a fourth criteria: the possibility that the proposed project could cause a loss of access to irrigation water to the site of farmland of state or regional significance and to the entire west and north portion of the Imperial County.

3-5

6. While IID is not predicting the outcome of a study of the effects of a gen-tie tower being knocked over into the Westside Main canal, it is worth analyzing to develop a proposed mitigation strategy to avoid the loss of irrigation water and as well as the loss of water to several public water systems and many rural homes receiving water from the Westside Main Canal. Given the Centinela Project is the second planned crossing of the Westside Main Canal IID is aware is seeking approval by the BLM and Imperial County this year, the protection of the IID irrigation system must be taken into consideration.

3-6

7. Additionally, IID has become aware that several of the projects being reviewed by our agencies as stand-alone projects to develop Imperial County solar resources, are part of a larger proposal submitted to the California Independent System Operator (CALISO) (Enclosure (1)) by San Diego Gas & Electric (SDGE), to develop a Locational Constrained Resource

3-7

## COMMENTS AND RESPONSE TO COMMENTS

Interconnection Facility (LCRIF) named the “Imperial Valley Solar Collector Project.” The proposed LCRIF has not been studied either operationally, as to its effect on the IID balancing authority, or environmentally as to its effect on the resources within the Imperial County. SDG&E are suggesting that there are not sufficient facilities in Imperial County to transmit new renewable resources and that the gen-ties being approved for the Centinela Project and the recently approved Imperial Valley South Project should become part of a larger interconnected facility to transfer energy to the CALISO.

3-7  
continued

8. IID is concerned about the apparent piecemealing being done regarding the effects of the projects that together will form the framework for the LCRIF facilities. Multiple projects crossing important IID irrigation facilities are even more of a concern to the system integrity. SDGE is not the project proponent for the Centinela Project or the Imperial Valley South Project that recently received a Record of Decision approving the BLM rights-of-way (RoW) and an Imperial County Conditional Use Permit (CUP). However, the BLM and Imperial County are the same agencies under NEPA and CEQA reviewing pieces of a joint future project. BLM and Imperial County are being asked to approve projects that are part of a bigger whole without completing the full analysis of the entirety of the project impacts.

3-8

9. SDGE in its application to the CALISO (Enclosure (1)) states that Phase I of the Imperial Valley Solar Collector Project is the gen-tie approved for CSolar, and the Centinela Project gen-tie will be Phase II. “Phase III consists of another 230 kV collector switchyard that will accommodate any one future generator’s project’s interconnection...” SDGE October 13, 2011 letter to California Independent System Operator, Appendix 1 to Attachment A.

3-9

10. Under Laurel Heights Improvement Association v. Regents of California, 47 Cal. 3d 376, 396 (1988) the court found that “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.”

3-10

11. If SDGE seeks permits from Imperial County and the BLM for its LCRIF proposal and required facilities, IID will be able to review the many impacts and participate in the environmental and operational review. Until that time, any approvals for the Centinela Project or any other renewable generation developer in the same vicinity as the proposed LCRIF should be limited to the generation project as described and analyzed in the environmental documents for the project. A proposed LCRIF was not part of the Centinela Project description, nor part of any of the analysis undertaken by Imperial County or the BLM. Any CUPs or RoW granted should specifically limit the use of the permitted facilities for the purposes studied and until such time as a new permit is received that addresses any required mitigation for an expanded use.

3-11

## COMMENTS AND RESPONSE TO COMMENTS

12. ID remains supportive of the Centinela Project and renewable generation projects in the Imperial County in general. We offer our assistance in the review of how to avoid unnecessary crossings of the Westside Main Canal, as well as requirements for constructing around all IID facilities. If there are any questions about these comments or IID instructions for renewable developers seeking to cross IID facilities, please do not hesitate to contact me by email at [vdbradshaw@iid.com](mailto:vdbradshaw@iid.com) or (760) 482-3610. Thank you for the opportunity to comment on this matter.

3-12

Respectfully,

*Vikki Dee Bradshaw*

VIKKI DEE BRADSHAW  
Interim Supervisor, Environmental Services

Enc: SDGE letter to CALISO dated 10/13/11

cc: Joel Ivy – Interim Manager, Energy Dept.  
Jesse Silva – Manager, Water Dept.  
Jeff M. Garber – General Counsel  
Juan Carlos Sandoval – Asst. Mgr. Energy Dept.  
Tina Shields – Asst. Mgr, Water Dept.  
Randy Gray – Interim Supervisor, Real Estate

## COMMENTS AND RESPONSE TO COMMENTS



**Mariam Mirzadeh, P.E.**  
Manager, Transmission Planning  
8316 Century Park Court, CP32A  
San Diego, CA 92123-1530  
Tel: 858.654.1673  
Fax: 858.654.1692  
Email: [MMirzadeh@semprautilities.com](mailto:MMirzadeh@semprautilities.com)

October 13, 2011

Ms. Dana Young  
Operations Specialist  
Regional Transmission - North  
California Independent System Operator  
250 Outcropping Way  
Folsom, CA 95630

**Subject: SDG&E Request Window project submission – Location Constrained Resource Interconnection Facility (LCRIF)**

Dear Ms. Young:

The purpose of this letter is to formally submit the following LCRIF project through the CAISO's 2011 Request Window

**Imperial Valley Solar Collector Transmission Project**

The proposed transmission facilities aim to accommodate the Bureau of Land Management's (BLM's) environmental concerns by reducing the number of gen-ties into the Imperial Valley 230 kV substation. The Imperial Valley Solar Collector Transmission project (Project) serves as a collector facility to accommodate up to 800 MW of new generation interconnections, optimizes the use of existing right-of-way, and reduces environmental impacts when compared to other alternatives for interconnecting generation in the area.

Per the request from the BLM, SDG&E proposes the Project to facilitate renewable resource interconnection to Imperial Valley Substation by co-locating proposed generation tie lines, optimizing the use of existing right-of-way, and reducing environmental impacts. SDG&E has previously discussed the scope and need for this project with CAISO and hereby submits the application and all the supplemental documents as attachments to this letter.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mariam Mirzadeh".

Mariam Mirzadeh

cc: Robert W. Sparks, P.E.

# COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

## REQUEST WINDOW SUBMISSION FORM

Please complete this submission form and the Attachment A (technical data) and send the documentation to the ISO contact listed in section 2. Please note that this form should be used for the purpose of submitting information that applies to the scope of Request Window that is a part of the ISO Transmission Planning Process only. For more information on the Request Window, please refer to the Business Practice Manual (BPM) for the Transmission Planning Process which is available at:

<http://www.caiso.com/planning/Pages/TransmissionPlanning/Default.aspx>.

The undersigned ISO Stakeholder Customer submits this request to be considered in the CAISO Transmission Plan. This submission is for (check one)<sup>1</sup>:

- Reliability Transmission Project (refer to section 1 of Attachment A)
  - Submission is requested by a PTO with a PTO service territory
  - Submission is requested by a non-PTO, a PTO without a PTO service territory or a PTO outside its PTO service territory<sup>2</sup>.
- Merchant Transmission Facility (refer to section 1 of Attachment A)
- Location Constrained Resource Interconnection Facility (LCRIF) (refer to sections 1 & 2 of Attachment A)
- Project to preserve Long-term Congestion Revenue Rights (CRR) (refer to section 1 of Attachment A)
- Demand Response Alternatives (refer to section 3 of Attachment A)
- Generation Alternatives (refer to section 4 of Attachment A)

1. Please provide the following basic information of the submission:

- a. Please provide the project name and the date you are submitting the project proposal to the ISO. It is preferred that the name of the project reflects the scope and location of the project:

Project Name: **Imperial Valley Solar Collector Transmission Project**  
Submission Date: **10/13/2011**

- b. Project location and interconnection point(s): **Imperial Valley 230 kV Substation**

- c. Description of the project. Please provide the overview of the proposed project (e.g. overall scope, project objectives, estimated costs, etc.):

**Per the request from the Bureau of Land Management (BLM), in order to facilitate renewable resource interconnection to Imperial Valley Substation, San Diego Gas & Electric proposes the Project as described in Appendix 1. The proposed Project reduces environmental impact by collocating generation**

<sup>1</sup> Please contact the ISO staff at [requestwindow@caiso.com](mailto:requestwindow@caiso.com) for any questions regarding the definitions of these submission categories in this form.

<sup>2</sup> The PTO with a PTO service territory has the obligation to build reliability driven projects within its PTO service territory. See ISO tariff Section 24.4.6.2.

## COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

**tie lines and optimizes the use of existing right-of-way. The estimated cost to construct the new transmission facilities is less than \$50 million.**

- d. Proposed In-Service Date, Trial Operation Date and Commercial Operation Date by month, day, and year and Term of Service.

Proposed In-Service date: **12 / 01 / 2012\***

Proposed Trial Operation date (if applicable): **01 / 01 / 2013\***

Proposed Commercial Operation date (if applicable): **10 / 01 / 2013\***

**\* These dates represent ISD, TOD and COD for Q442, which occur before Q510's ISD, TOD, and COD.**

**Project Phase I COD for Q510 is 12/31/2013, Q510's Final Project Phase COD is 01/01/2016**

**See Appendices 1, 3, 4 and 7 for detailed descriptions.**

Proposed Term of Service (if applicable): **N/A**

- e. Contact Information for the Project Sponsor:

Name: **William H. Speer**  
Title: **Director – Transmission Planning**  
Company Name: **San Diego Gas & Electric (SDG&E)**  
Street Address: **8316 Century Park Court**  
City, State: **San Diego, California**  
Zip Code: **92123**  
Phone Number: **(858) 654-6477**  
Fax Number: **(858) 654-1692**  
Email Address: **WSpeer@semprautilities.com**

2. This Request Window Submission Form shall be submitted to the following ISO representative:

Name: Dana Young  
Email Address: [requestwindow@caiso.com](mailto:requestwindow@caiso.com)

3. This Request Window Submission Form is submitted by:

Check here if the information is the same as the Project Sponsor information in 1 (f) of this submission:

Name: **Mariam A. Mirzadeh**  
Title: **Transmission Planning Manager**

## COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

Company Name: **San Diego Gas & Electric (SDG&E)**  
Street Address: **8316 Century Park Court**  
City, State: **San Diego, California**  
Zip Code: **92123**  
Phone Number: **(858) 654-1673**  
Fax Number: **(858) 654-1692**  
Email Address: **MMirzadeh@semprautilities.com**

# COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

## CAISO TRANSMISSION PLANNING PROCESS

### Attachment A: Required Technical Data for Request Window Submissions

Please provide all of the information that applies to each type of submission. For any questions regarding the required technical data, please contact the ISO for more information.

#### 1. Transmission Projects

*This section applies to all transmission project submissions.*

Any transmission project (reliability project, merchant project, LCRIF or a project to preserve long-term CRRs), whether submitted by a PTO or a non-PTO, must submit the following project information in accordance with Section 4.4.3.1 of the CAISO Transmission Planning Process BPM, which includes, but is not limited to<sup>3</sup>:

##### General Data

- Description of the proposal such as the scope, interconnection points, proposed route, the nature of alternative (AC/DC) or and project objectives.

**Please see Appendix 1: Project Description.**

- Needs identification. If applicable, the proposal should provide the specific system need(s) being addressed by the project, in accordance with the criteria specified in the tariff for the transmission category being proposed. For example, a reliability project should identify specific reliability criteria concerns that the project proposal will mitigate.

**Please see Appendix 2: Letter from BLM to SDG&E.**

- A diagram showing the geographical location and preliminary project route.

**Please see Appendix 3: Project Map.**

- A one-line diagram showing all major proposed elements (e.g. substation, line, circuit breaker, transformer, and interconnection points).

**Please see Appendix 4: LCRIF Project Diagrams.**

- Project proposals may include alternatives that have been studied by the project proponent but the submission package must clearly state which alternative is preferred. Submitting alternatives is not necessary for Merchant projects.
- Merchant project proposals must include a demonstration of financial capability to pay the full cost and operation of the project.

##### **Not Applicable**

- Merchant projects must engage the PTO in whose service territory the facility will be located to conduct a system impact analysis as well as a reliability study, and the project sponsor must agree to mitigate all reliability concerns, as well as impacts on allocated long-term CRRs, caused by the project interconnection.

##### **Not Applicable**

<sup>3</sup> This appendix lists the minimum of data required by the ISO for the first screening purposes, additional data may be requested by the ISO later during the course of project evaluation

# COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

## Technical Data

- Network model for power flow study in GE-PSLF format must be provided. In some cases, Dynamic models for stability study in GE-PSLF format may also be required.

**Please see Appendix 5: Power Flow Data and Appendix 6: Dynamic Data.**

## Planning Level Cost Data

- Project construction costs estimate, schedule, anticipated operations, and other data necessary for the study. Cost data is not necessary for Merchant projects.

**Please see Appendix 7: Cost Estimates and Schedule**

## Miscellaneous Data

- Proposed entity to construct, own, and finance the project.

**The "North-South" portion of the Project will be financed by Q510 and constructed by SDG&E. The "East-West" portion of Project Phase I will be financed and constructed by Q510 (Phase I). The "East-West" segment of Project Phase II and the Drew collector switchyard will be financed and constructed by Q442. See Appendix 4: LCRIF Project Diagrams.**

- Planned operator of the project.

**Upon completion of construction, the whole of the LCRIF project will be owned by SDG&E and operation of the Project will be turned over to the CAISO.**

- Construction schedule with expected online date.

**See Appendix 7: Cost Estimates and Schedule**

- Reliability project proposals need to specify the necessary approval date (month/year).

**Not Applicable**

## **2. Location Constrained Resource Interconnection Facilities (LCRIFs)**

Along with submitting the required information in 1 of this Attachment A, any party proposing an LCRIF shall include the following information in accordance with Section 24.4.6.3 of the CAISO Tariff and Section 4.4.3.2 of the CAISO Transmission Planning Process BPM:

A description of the proposed facility, including the following information:

- Transmission study results demonstrating that the proposed transmission facility meets Applicable Reliability Requirements and CAISO Planning Standards.

**See Appendix 8: Study Results.**

- Identification of the most feasible and cost-effective alternative transmission additions, which may include network upgrades that would accomplish the objectives of the proposal.

- A planning level cost estimate for the proposed facility and all proposed alternatives.

## COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

- An assessment of the potential for the future connection of further transmission additions that would convert the proposed facility into a network transmission facility, including conceptual plans.
- A conceptual plan for connecting potential LCRIGs, if known, to the proposed facility.

**Please see Appendix 4: LCRIF Project Diagrams**

Information showing that the proposal meets the criteria outlined in Section 24.4.6.3.2 of the CAISO Tariff and Section 4.4.3.2 of the CAISO Transmission Planning Process BPM permits the ISO to conditionally approve the LCRIF as follows:

- The facility is to be constructed for the primary purpose of connecting two or more Location Constrained Resource Interconnection Generators (LCRIG) in an Energy Resource Area, and at least one of the LCRIG is to be owned by an entity or entities not an Affiliate of the owner(s) of another LCRIG in that Energy Resource Area.

**Two (2) unaffiliated LCRIG projects occupy positions Q442 (including expansion projects, Q643AM and Q685) and Q510 in the CAISO Controlled Grid Generation Queue. These two projects are located in the Imperial Valley Competitive Renewable Energy Zone (CREZ) and are proposing to interconnect to the CAISO system via the proposed Drew collector switchyard.**

- The facility will be a High Voltage Transmission Facility.  
**The Imperial Valley Solar Collector Transmission Project will be constructed and operated at 230 kV.**
- At the time of its in-service date, the transmission facility will not be a network facility and would not be eligible for inclusion in a PTO's TRR other than as an LCRIF.

**The Imperial Valley Solar Collector Transmission Project will not be a network facility at the time of its in-service date. The Imperial Valley Solar Collector Transmission project will be an LCRIF owned and operated by SDG&E. Please see Appendix 4: LCRIF Project Diagrams.**

- The facility meets Applicable Reliability Criteria and CAISO Planning Standards.  
**See Appendix 8: Study Results.**

### 3. Demand Response Alternatives – Not Applicable

Any party proposing demand response alternatives (e.g., amount of load impact, location, and cost of the program) shall include the following information in accordance with Section 4.4.3.3 of the CAISO Transmission Planning Process BPM:

- Bus-level model of demand response for power flow or stability studies.
- Associated planning level costs.
- Satisfactory evidence showing that the proposed demand response will be reliably operated and controllable by the ISO.
- Project capacity (Net MW).

## COMMENTS AND RESPONSE TO COMMENTS



California Independent System Operator Corporation  
CAISO Transmission Planning Process  
Request Window Submission Form

### 4. Generation Alternatives – Not Applicable

Any party proposing generation alternatives shall include the following information in accordance with Section 4.4.3.3 of the CAISO Transmission Planning Process BPM:

- Basic description of the project, such as fuel type, size, geographical location, etc.
- Project scope and detailed descriptions of the characteristics or how it will be operated.
- Description of the issue sought to be resolved by the generating facility, including any reference to results of prior technical studies included in published Transmission Plans.
- Generation alternative proposals must include the network model of the project for the power flow study, dynamic models for the stability study, short circuit data and protection data.
- Other technical data that may be required for specific types of resources, such as wind generation.
- Detailed project costs, project construction, heat rate, and operation costs.
- Project capacity (Net MW).
- Any additional miscellaneous data that may be applicable.

**Please note** this submission does not establish an ISO GIP queue position. New resources seeking interconnection to the ISO grid must be submitted into the ISO's generation interconnection process (GIP).

# COMMENTS AND RESPONSE TO COMMENTS

REQUEST WINDOW SUBMISSION FORM  
LCRIF APPLICATION: IMPERIAL VALLEY SOLAR COLLECTOR TRANSMISSION PROJECT  
APPENDIX 1: PROJECT DESCRIPTION

## Appendix 1: Project Description

### Overall Scope

As of August 12, 2011, the CAISO Public Grid Generation Queue lists nineteen (19) large generator projects proposing to interconnect to SDG&E's Imperial Valley 230 kV Substation. The majority of the projects propose single circuit project gen-tie transmission lines to deliver their power, while some propose double circuit project gen-ties. The Bureau of Land Management (BLM), in their environmental review of multiple planned projects' applications in the area, has requested prospective generation developers in the area to pursue alternative methods of generation interconnection to reduce the environmental impact in the area. To achieve the alternative with less environmental impact BLM subsequently asked SDG&E to allow the use of the vacant circuit on the existing SDG&E transmission line for projects that are located south of the existing Imperial Valley substation. In response to this request SDG&E is proposing the following transmission project. The first two projects proposed by BLM are the ones that have completed the BLM permitting process.

The Location Constrained Resource Interconnection Facility (LCRIF), as proposed, consists of three project phases. Phase I consists of modifications and upgrades to the existing transmission facilities as well as the addition of new transmission facilities ("North-South") necessary to accommodate the interconnection of Q510 (CSOLAR), a proposed solar photovoltaic generating facility, to Imperial Valley 230 kV Substation. Phase II consists of the addition of a new 230 kV collector switchyard to accommodate Q442's (LS Power) interconnection to Imperial Valley 230 kV Substation. Other transmission facilities ("East-West") will also be included in Phase II in order to modify Q510's initial interconnection. These first two phases are described in more detail below. Phase III<sup>1</sup> consists of another 230 kV collector switchyard that will accommodate any one future generator project's interconnection to the southern "East-West" segment between the Q510 and "North-South" segment.

In effort to optimize the use of existing right-of-way, the currently vacant circuit position on an existing SDG&E-owned double circuit transmission facility is identified to be used to construct a new circuit that will be owned and operated by SDG&E for interconnecting the proposed generation projects.

The addition of the proposed transmission facilities aims to accommodate the BLM's environmental concerns by reducing the number of gen-ties into the Imperial Valley 230 kV substation by serving as a collector facility to accommodate up to 800 MW of new generation interconnections, optimize the use of existing right-of-way, and reduce environmental impacts when compared to other alternatives for interconnecting generation in the area.

### Project Description

In review of the IV SPS for post Sunrise Powerlink under the n-2 contingency of the SWPL and Sunrise, to minimize generation tripping at IV, SDG&E Grid Operations has proposed moving the IV-La Rosita 230 kV line termination from bay 11 to bay 12. For this reason the new conductor to be installed north of the US-Mexico border will become a part of the IV-La Rosita 230 kV line.

<sup>1</sup> For purposes of this LCRIF application, Phase III of the LCRIF is *conceptual and informational only* and is not proposed to be considered in the CAISO's evaluation of this LCRIF.

# COMMENTS AND RESPONSE TO COMMENTS

## Appendix 1: Project Description

### Overall Scope

As of August 12, 2011, the CAISO Public Grid Generation Queue lists nineteen (19) large generator projects proposing to interconnect to SDG&E's Imperial Valley 230 kV Substation. The majority of the projects propose single circuit project gen-tie transmission lines to deliver their power, while some propose double circuit project gen-ties. The Bureau of Land Management (BLM), in their environmental review of multiple planned projects' applications in the area, has requested prospective generation developers in the area to pursue alternative methods of generation interconnection to reduce the environmental impact in the area. To achieve the alternative with less environmental impact BLM subsequently asked SDG&E to allow the use of the vacant circuit on the existing SDG&E transmission line for projects that are located south of the existing Imperial Valley substation. In response to this request SDG&E is proposing the following transmission project. The first two projects proposed by BLM are the ones that have completed the BLM permitting process.

The Location Constrained Resource Interconnection Facility (LCRIF), as proposed, consists of three project phases. Phase I consists of modifications and upgrades to the existing transmission facilities as well as the addition of new transmission facilities ("North-South") necessary to accommodate the interconnection of Q510 (CSOLAR), a proposed solar photovoltaic generating facility, to Imperial Valley 230 kV Substation. Phase II consists of the addition of a new 230 kV collector switchyard to accommodate Q442's (LS Power) interconnection to Imperial Valley 230 kV Substation. Other transmission facilities ("East-West") will also be included in Phase II in order to modify Q510's initial interconnection. These first two phases are described in more detail below. Phase III<sup>1</sup> consists of another 230 kV collector switchyard that will accommodate any one future generator project's interconnection to the southern "East-West" segment between the Q510 and "North-South" segment.

In effort to optimize the use of existing right-of-way, the currently vacant circuit position on an existing SDG&E-owned double circuit transmission facility is identified to be used to construct a new circuit that will be owned and operated by SDG&E for interconnecting the proposed generation projects.

The addition of the proposed transmission facilities aims to accommodate the BLM's environmental concerns by reducing the number of gen-ties into the Imperial Valley 230 kV substation by serving as a collector facility to accommodate up to 800 MW of new generation interconnections, optimize the use of existing right-of-way, and reduce environmental impacts when compared to other alternatives for interconnecting generation in the area.

### Project Description

In review of the IV SPS for post Sunrise Powerlink under the n-2 contingency of the SWPL and Sunrise, to minimize generation tripping at IV, SDG&E Grid Operations has proposed moving the IV-La Rosita 230 kV line termination from bay 11 to bay 12. For this reason the new conductor to be installed north of the US-Mexico border will become a part of the IV-La Rosita 230 kV line.

<sup>1</sup> For purposes of this LCRIF application, Phase III of the LCRIF is *conceptual and informational only* and is not proposed to be considered in the CAISO's evaluation of this LCRIF.

## COMMENTS AND RESPONSE TO COMMENTS

### Phase I

Phase I of the Project consists of rearrangement of SDG&E's existing TL 23050 transmission line. The existing SDG&E TL 23050, is a double circuit 230 kV transmission line with one circuit installed from SDG&E Imperial Valley 230 kV to La Rosita (ROA) 230 kV Substation, located in the Comisión Federal de Electricidad (CFE) service territory. The first five structures immediately outside Imperial Valley (IV) 230 kV Substation are single circuit wood poles that need to be replaced to accommodate the double circuit configuration. A new 230 kV circuit will be constructed on the east (vacant) side of this transmission line between Imperial Valley 230 kV Substation Bay 12 and the U.S.-Mexico border crossing. This new 230 kV circuit will be the new TL 23050. The original TL 23050 from IV Substation Bay 11 will be renamed TL 23066 and will be the "North-South" segment of the LCRIF. A 230 kV double circuit transmission line (with only one circuit installed) will be constructed (Q510's "East-West") from the high side of the Q510 step up transformer to connect to TL 23066's transmission structure #Z46499 located approximately 2 miles north of the US-Mexico border.

Five (5) new transmission structures (#Z46474-#Z46478) will be required to replace the existing wood poles outside the Imperial Valley 230 kV Substation fence to achieve this new double circuit configuration. Two (2) new 230 kV dead-end structures will also be required near the US-Mexico border in order to maintain the existing physical location of TL 23050's border crossing. Figure 1 of Appendix 4 illustrates Phase I of the proposed LCRIF.

### Phase II

Phase II of the Project consists of construction of the Drew 230 kV Switchyard, Q442 interconnection, and modification of Q510's interconnection. Drew 230 kV Switchyard will be constructed as a 3-element (with potential for future 4<sup>th</sup> element) ring bus switchyard. A 230 kV double circuit transmission line (Q442's "East-West" portion) will be routed from TL 23066 to loop into Drew 230 kV switchyard, creating a Q510 to Drew 230 kV circuit and a Drew to Imperial Valley 230 kV circuit. Figure 2 of Appendix 4 illustrates Phase II of the proposed LCRIF.

# COMMENTS AND RESPONSE TO COMMENTS

## Appendix 7: Cost Estimates and Schedule

The documents provided in this appendix outline the cost estimates for the proposed LCRIF.

### LCRIF Phase I

- SDG&E developed the cost estimate and schedule for the relocation of SDG&E's existing TL 23050 (Imperial Valley – La Rosita) 230 kV circuit to the currently vacant side of the same transmission line, where a new approximately 5.4-mile 230 kV circuit will be constructed and named the new TL 23050. Five (5) wood poles outside of Imperial Valley Substation will be also replaced with five (5) engineered steel pole structures.
- SDG&E also developed the cost estimate for the "North-South" portion of the LCRIF, which is the portion of the remaining 230 kV circuit (new TL 23066; formerly part of TL 23050) that spans from Imperial Valley Substation to a new dead-end structure located approximately two (2) miles north of the US-Mexico border. TL 23066 will be used to interconnect Q510. Because these are existing facilities, SDG&E provided the net book value.
- CSOLAR Development, LLC (IV Substation South, Q510) developed the cost estimate and schedule for a 230 kV circuit between the southern dead-end structure on the "North-South" portion of the LCRIF and CSOLAR Q510 230 kV switchyard (Q510's "East-West" portion).

### LCRIF Phase II

- LS Power Development (Centinela Solar Energy, Q442) developed the cost estimate and schedule for the proposed Drew 230 kV Switchyard and the Q442 "East-West" 230 kV double circuit transmission line (TL 23066) that loops into the switchyard. The cost and schedule for the 230 kV project gen-tie transmission line between the Q442 230 kV project bus and Drew 230 kV Switchyard were not provided.

Refer to Appendix 4 - Project Phase I and Phase II Diagrams for additional illustrations.

**Project Title:**

LCRIF Phase I (SDG&E Cost Estimate Part 1 of 2)

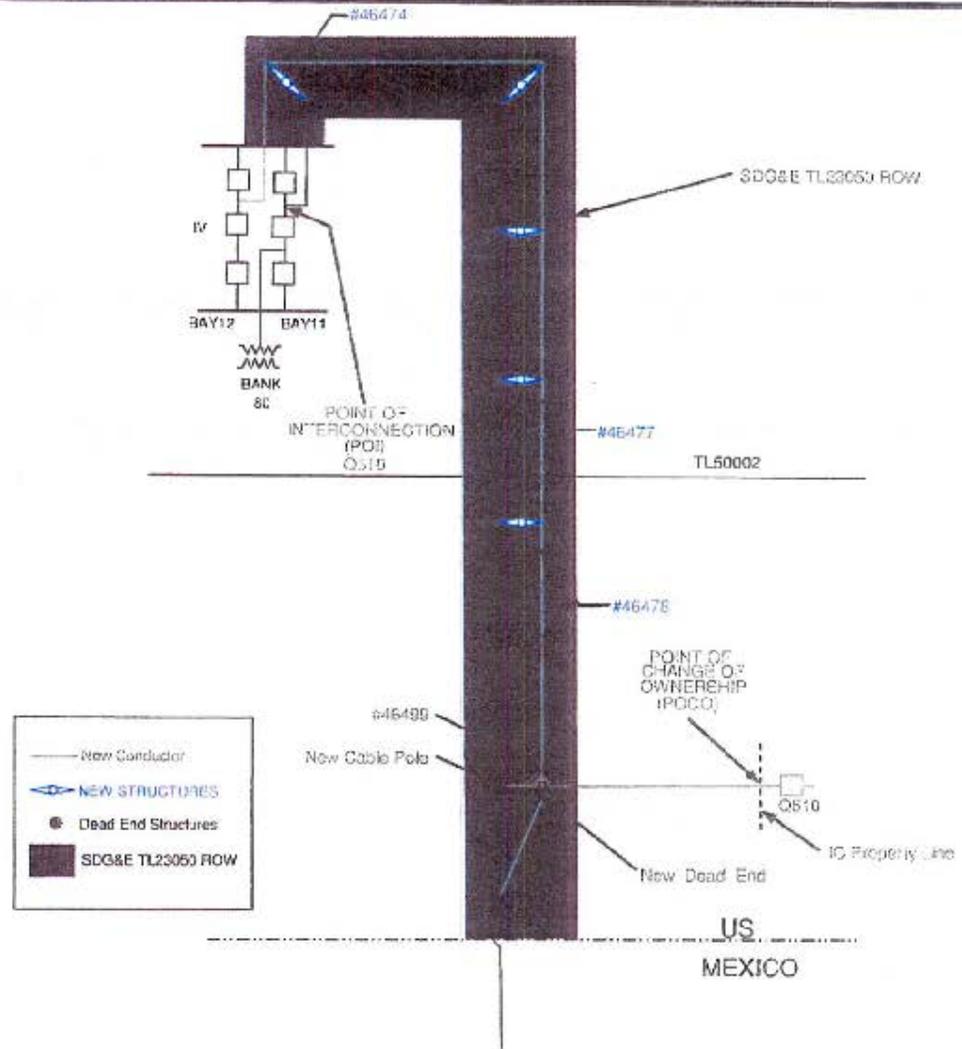
**Scope:**

- Replace five (5) wood pole structures outside of Imperial Valley Substation with five (5) double circuit engineered steel pole structures
- Construct a new 230 kV transmission circuit (~5.4 miles) on the vacant side of the existing double circuit structures between IV 230 kV Bay 12 N and transmission structure #Z46503
- Construct two (2) new dead-end structures to transition from the east side to the west side where TL 23050 connects with GFE at structure #Z465034

**Cost:** \$16.784

**Est. Complete Date:**

December 1, 2012

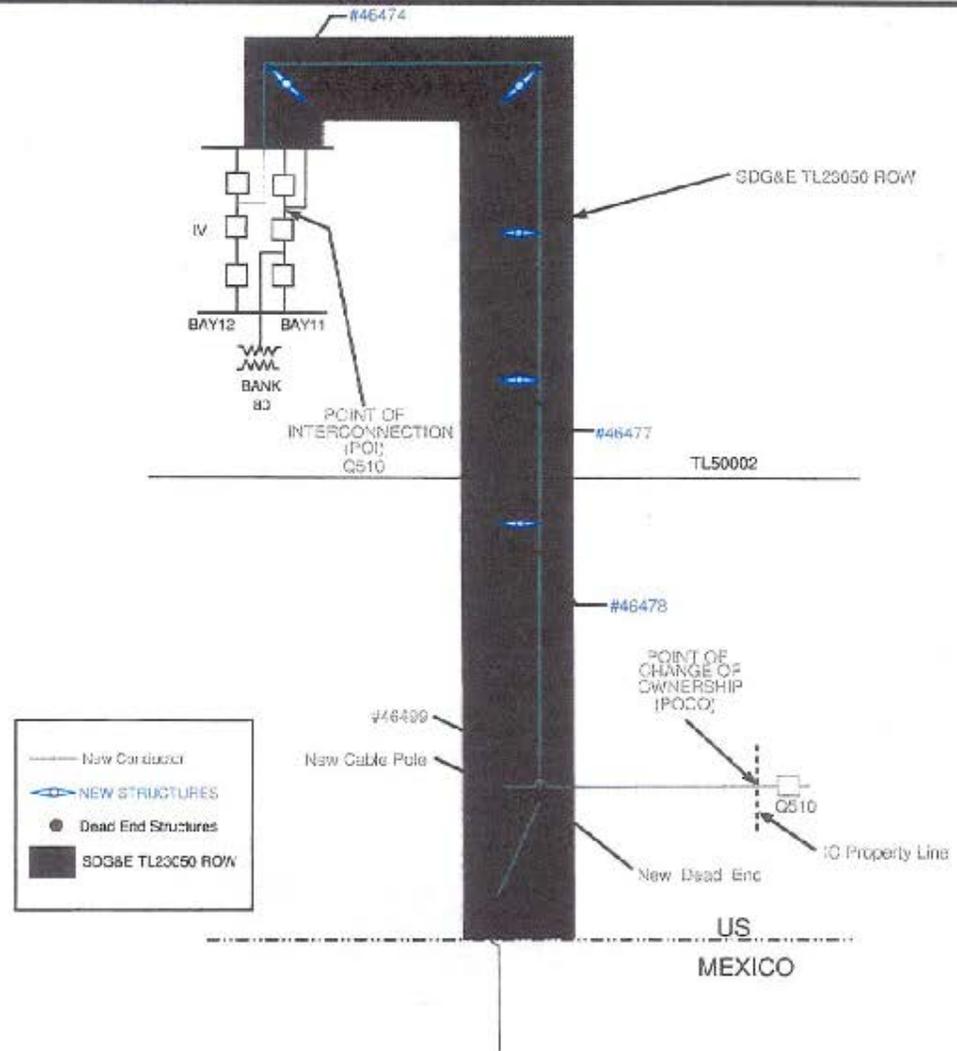


**Project Title:****LCRIF Phase I (SDG&E Cost Estimate Part 2 of 2)****Scope:**

- Net Book Value (book cost less accumulated depreciation) for the existing TL 23050 (Imperial Valley – La Rosita 230 kV) segment from tower #Z46479 (second structure south of Southwest Powerlink 500 kV crossing) to tower #Z46499 (Q510 E-W connection point)
- Note: The existing TL 23050 segment travels N-S and tower #Z46499 is located approximately 2 miles north of the US-Mexico border.
- Transmission facilities included in the Net Book Value:
  - 21 transmission towers
  - 140 insulators
  - 147,024 feet of overhead conductor (24,504 ft per bundled phase).

**Cost:** \$1.439 M**Est. Complete Date:**

N/A – Already in Service



**Project Title:**

**LCRIF Phase I (CSOLAR Cost Estimate)**

**Scope:**

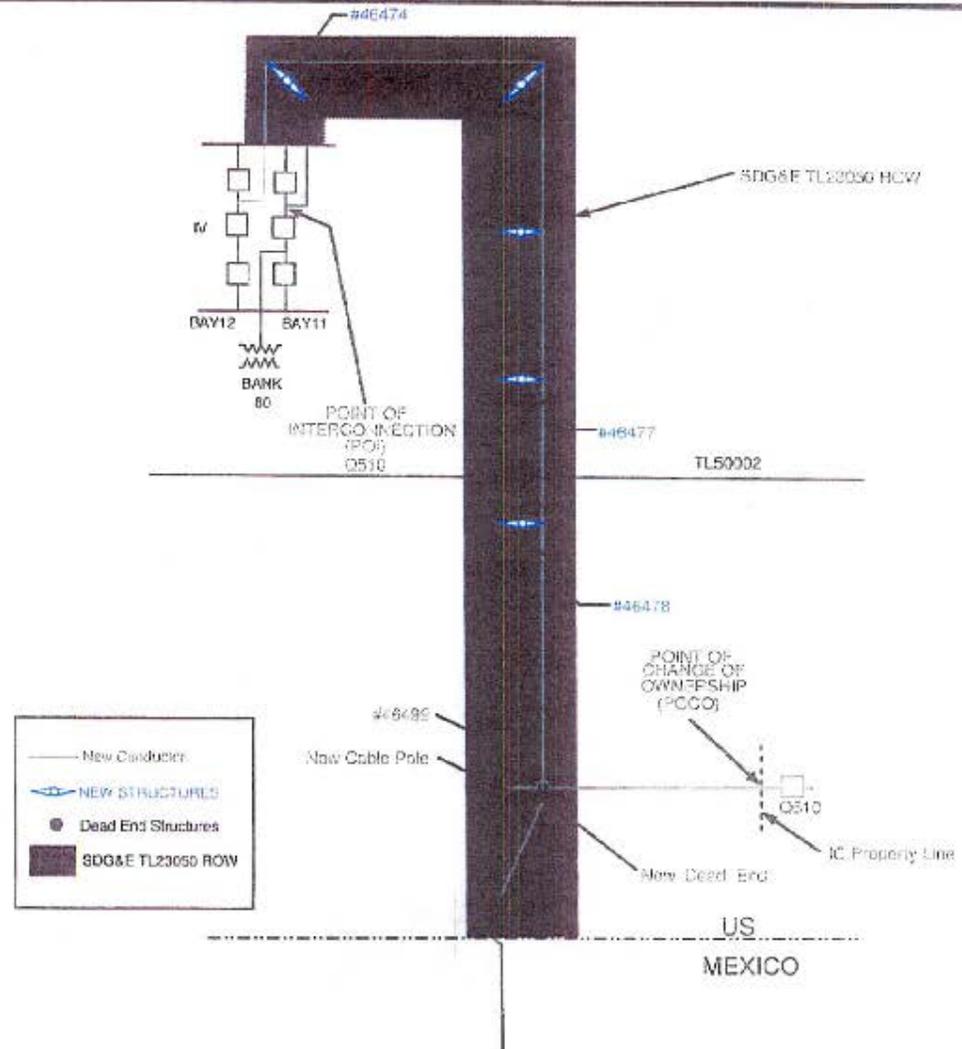
- 230 kV single circuit transmission line between #Z46499 and CSOLAR (Q510) 230 kV switchyard

**Cost:** \$4.8 M

(Cost assumes underground construction. Overhead construction estimate is \$3.8 M)

**Est. Complete Date:**

June 1, 2013



**Project Title:**

**LCRIF Phase II (LS Power Cost Estimate)**

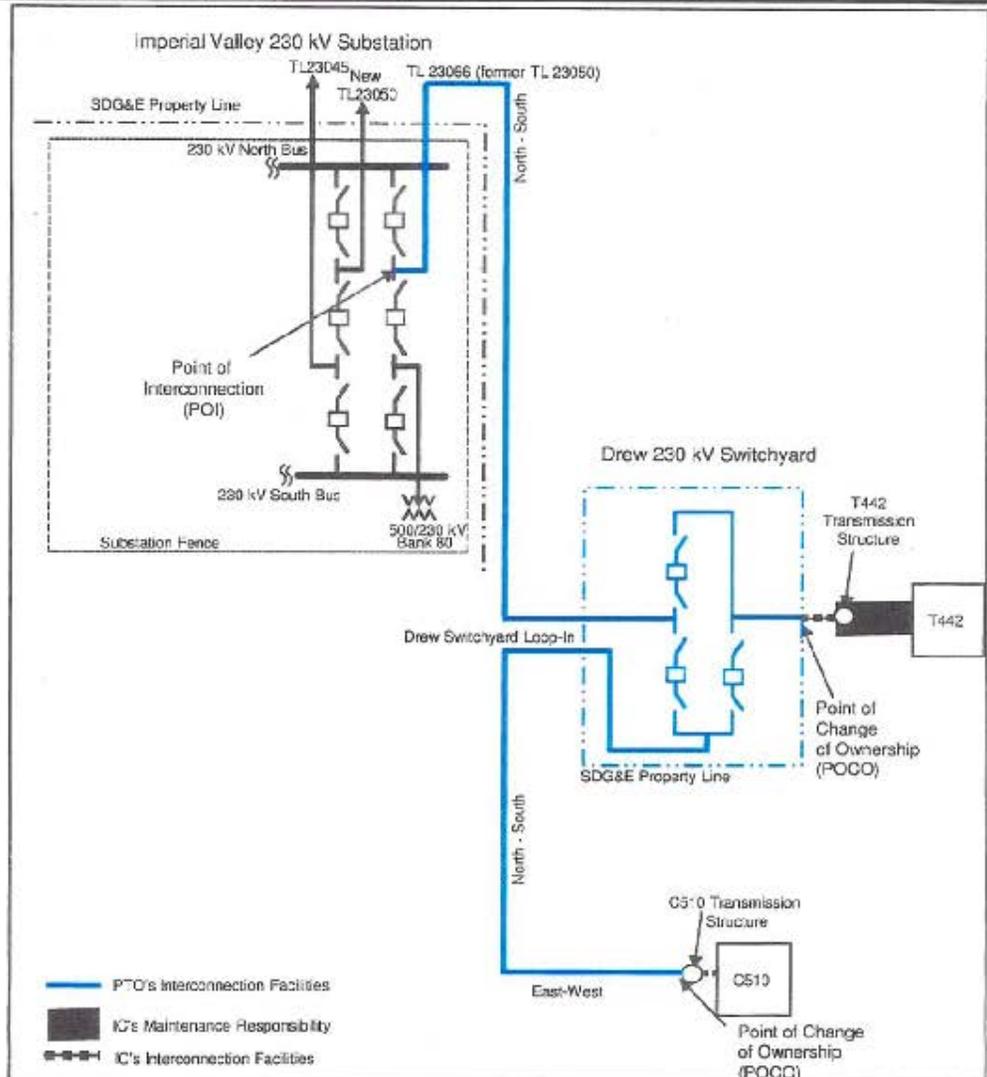
**Scope:**

- Loop TL 23066 into new Drew 230 kV Switchyard via double circuit ("East-West")
- Drew 230 kV Switchyard is a 3-element ring bus (with future 4<sup>th</sup> element)

**Cost:** \$5.46 M (Drew)  
\$4.71 M (E-W)  
Total: \$10.17 M

**Est. Complete Date:**

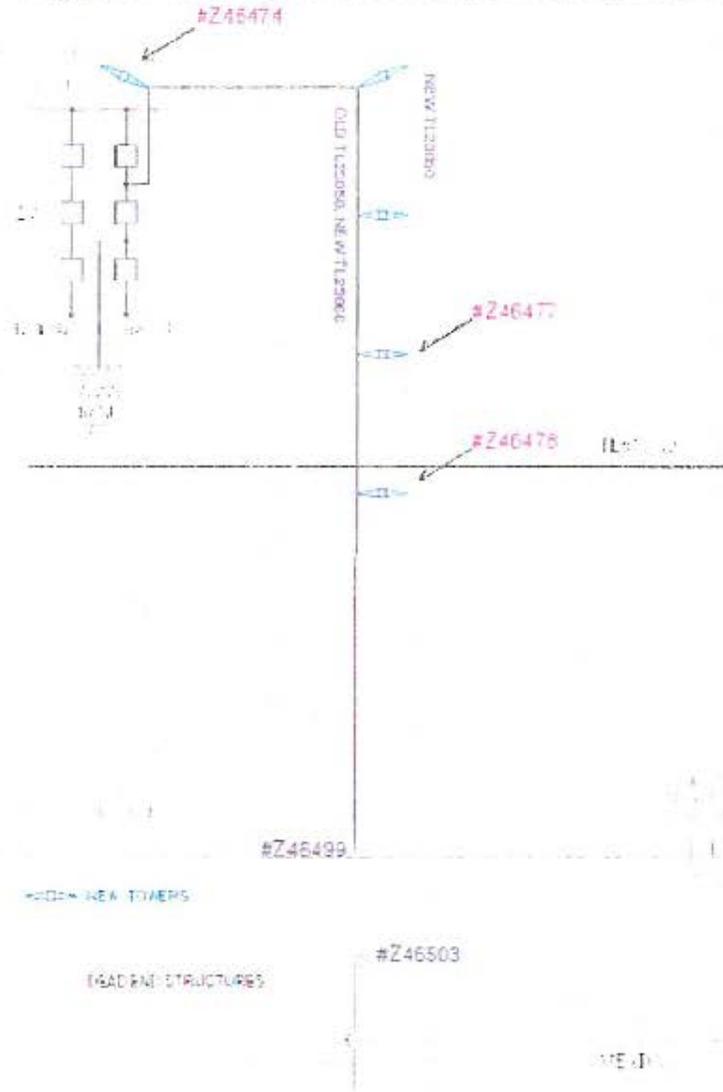
December 1, 2012



# COMMENTS AND RESPONSE TO COMMENTS

## Appendix 4: LCRIF Project Diagrams

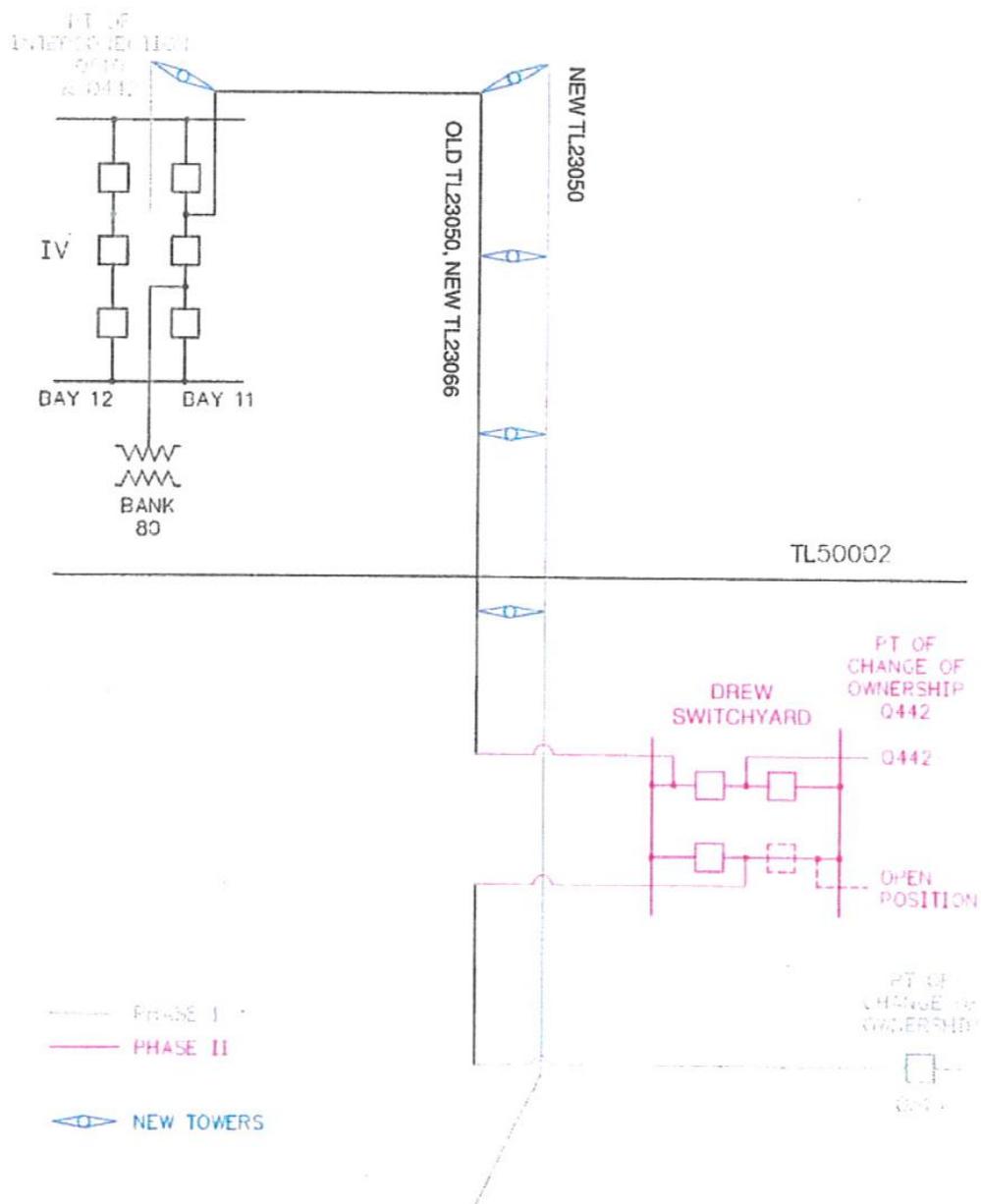
Figure 1: Q510 and Q442 Phase I Configuration



# COMMENTS AND RESPONSE TO COMMENTS

REQUEST WINDOW SUBMISSION FORM  
 LCRIF APPLICATION: IMPERIAL VALLEY SOLAR COLLECTOR TRANSMISSION PROJECT  
 APPENDIX 4: LCRIF PROJECT DIAGRAMS

Figure 2: Q510 and Q442 Phase II Configuration

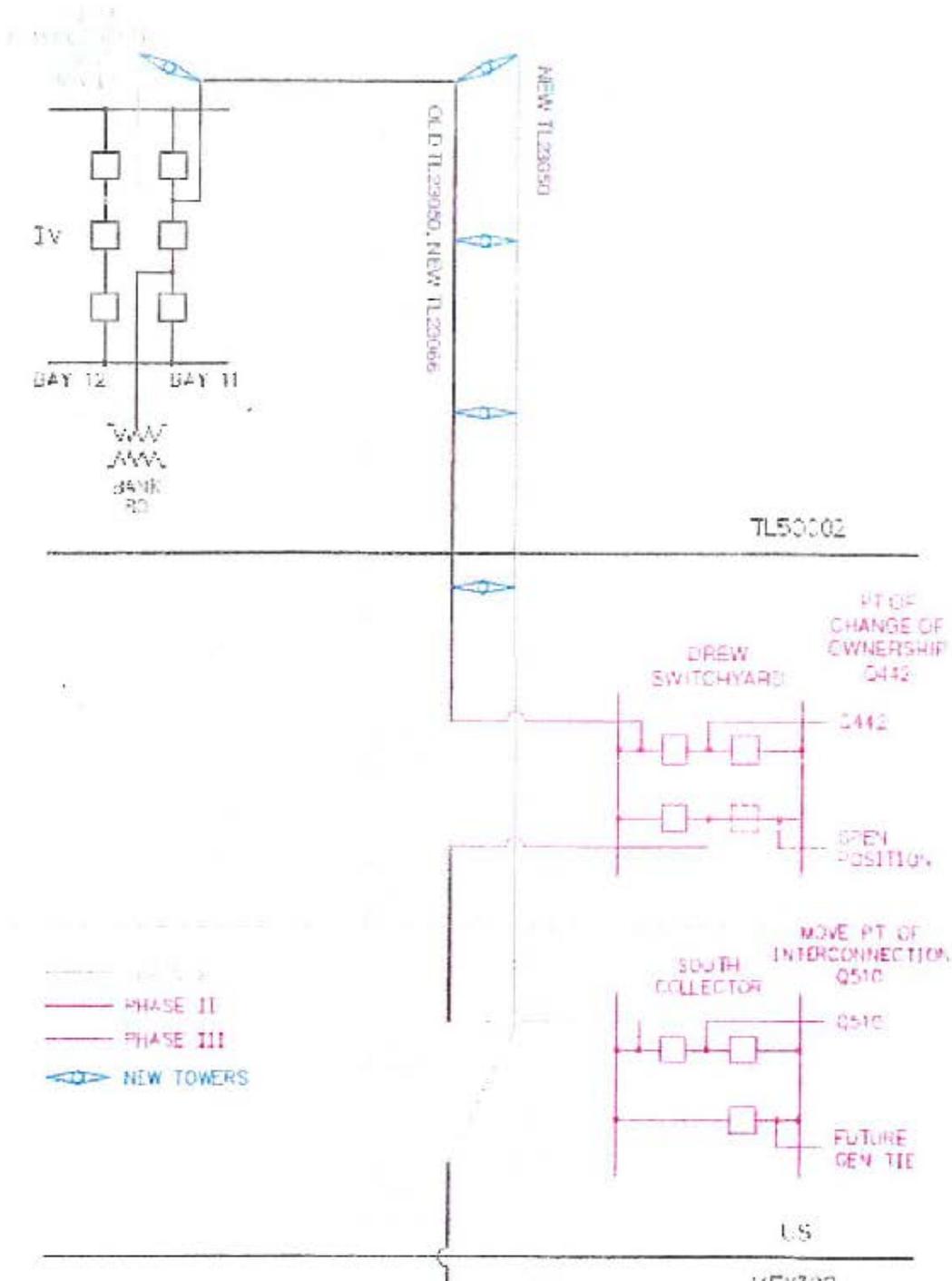


# COMMENTS AND RESPONSE TO COMMENTS

REQUEST WINDOW SUBMISSION FORM  
 LCRIF APPLICATION: IMPERIAL VALLEY SOLAR COLLECTOR TRANSMISSION PROJECT  
 APPENDIX 4: LCRIF PROJECT DIAGRAMS

*For Informational Purposes Only:*

Figure 3: Q510 and Q442 Phase III Configuration



---

## COMMENTS AND RESPONSE TO COMMENTS

---

### RESPONSE TO COMMENT LETTER 3

**Commenter:** Vicki Dee Bradshaw, Interim Supervisor, Environmental Services, Imperial Irrigation District

**Response to Comment 3-1:** The BLM acknowledges the comment period ended on Sunday November 13<sup>th</sup>, 2011. The intent of the comment period is to have comments submitted on or before the end of the comment period. However, the BLM failed to provide clarity on this matter in regards to the comment period ending on Sunday and will accept your comments submitted on Monday November 14<sup>th</sup>, 2011, as you have noted in your comment letter.

**Response to Comment 3-2:** The BLM encourages applicants wishing to use BLM-managed public lands to work with all agencies in the development of their proposed projects to meet all federal, state and local regulations and laws. Additionally, the BLM encourages communication between applicants and existing right-of-way holders and other applicants in order to develop their projects in a manner that does not adversely affect others existing rights or preclude other proposed uses on public lands. On November 17, 2010, the BLM sent correspondence to Centinela Solar Energy and all existing right-of-way holders and proposed project applicants notifying them of the proposed Centinela Solar Energy project on public lands. IID was among those notified of the proposed project in the letters dated November 17, 2010.

**Response to Comment 3-3:** As noted in the response above, the BLM encourages communication between applicants and existing right-of-way holders and other applicants in order to develop their projects in a manner that does not adversely affect other existing rights or preclude other proposed uses on public lands. As proposed by CSE, no new access roads or transmission line structures will be placed within the IID right-of-way. An encroachment permit is in process with IID for the overhead electric lines crossing of the Westside Main Canal which will span the canal at the State Highway 98. Before a Notice to Proceed on the project, the BLM will confirm with IID that there is no adverse effect to the existing IID canal that will threaten the integrity of the Westside Main Canal's use.

**Response to Comment 3-4:** A design feature of the Selected Alternative is that a switch yard on the Centinela Solar Energy project site will be constructed. The switch yard can accommodate additional renewable generation transmission lines without additional crossing(s) of the Westside Main Canal. As noted in the response above, the BLM will confirm with IID that there is no adverse effect to the existing IID canal that will threaten the integrity of the Westside Main Canal's use.

**Response to Comment 3-5:** The Centinela Solar Energy project as proposed does not entertain the use of the access roads along the Westside Main Canal and was therefore not analyzed in the EIR/EA for impacts as it was outside the scope of the BLM's Purpose and Need of EIR/EA.

**Response to Comment 3-6:** Electric line structures are proposed for crossing the canal. Only one tower has potential to have failure and fall onto the Westside Main Canal. If a failure

## COMMENTS AND RESPONSE TO COMMENTS

---

should occur, Centinela Solar Energy is incentivized to take immediate action to remove and replace a failed structure. The Westside Main Canal crossing is proposed over private lands and as such, BLM does not have the regulatory authority to require or stipulate the failure of a transmission tower at this location.

**Response to Comment 3-7:** BLM provided notice to all existing and proposed right-of-way holders regarding the Centinela Solar Energy project on November 17, 2010. The BLM fully analyzed the cumulative effects of the Centinela Solar Energy Project and other reasonably foreseeable projects in Imperial County in Chapter 5 of the EIR/EA, Cumulative Impacts. Planned projects were included in the analysis if an application had been submitted and the projects were moving toward beginning an environmental review. The BLM has no authority over the IID balancing authority.

**Response to Comment 3-8:** The BLM must respond to requests for the use of public land as proposed. At this time, BLM has no written notification from the applicant that the assignment or transfer of the proposed facility will take place should the right-of-way be granted.

**Response to Comment 3-9:** Comment Noted.

**Response to Comment 3-10:** See comment 3-8 above. The BLM must respond to requests for the use of public land as proposed by an applicant. Should a change in use or modification be required for the project on public lands, an amendment of the right-of-way must be requested to the BLM, and submitted on its Standard Form 299.

**Response to Comment 3-11:** Comment noted. The BLM must respond to requests for the use of public land as they are proposed by an applicant. The proposed LCRIF is not part of the Centinela Solar Energy project description and is therefore not analyzed in the EIR/EA and the right-of-way grant is limited to the facility that was analyzed in the EIR/EA.

**Response to Comment 3-12:** Commented Noted.

COMMENTS AND RESPONSE TO COMMENTS



P.O. Box 908  
Alpine, CA 91903  
#1 Viejas Grade Road  
Alpine, CA 91901

Anthony R. Pico, Chairman  
Robert Cita Welch, Vice Chairman  
Anita R. Uqualla, Tribal Secretary  
Samuel Q. Brown, Tribal Treasurer  
Greybuck S. Espinoza, Councilman  
Victor E. Woods, Councilman  
Raymond "Bear" Cuero, Councilman

COMMENT LETTER 4

Phone: 6194453810  
Fax: 6194455337  
viejas.com

October 31, 2011

Margaret L. Goodro  
Bureau of Land Management  
El Centro Field Office  
1661 S. 4<sup>th</sup> Street  
El Centro, CA 92243

RE: Government-to-Government Consultation – Centinela Solar Energy, LLC's Photovoltaic Solar Energy Project and Transmission Line, Imperial County, California

Dear Ms. Goodro:

On behalf of the Viejas Band of Kumeyaay Indians, I am writing to request government-to-government consultation relating to the proposed Centinela Solar Energy Project. Viejas would like to be consulted with the full extent possible pursuant to Section 106 and more broadly on this project as required by other federal statutes, including the National Environmental Protection Act, and as required by President Obama's Executive Memorandum dated November 5, 2009.

4-1

We appreciate the opportunity to participate in consultation on this project.

Sincerely,

Hon. Robert "Cita" Welch  
Vice Chairman

## COMMENTS AND RESPONSE TO COMMENTS

---

### RESPONSE TO COMMENT LETTER 4

**Commenter:** Hon. Robert “Cita” Welch, Vice Chairman

**Response to Comment 4-1:** BLM continues to consult with the Viejas Band of Kumeyaay Indians under Section 106 of the National Historic Preservation Act. Continuing efforts and meetings are currently taking place with all tribal governments. The next meeting scheduled for the Centinela Solar Energy Project with the Viejas Band of Kumeyaay Indians is scheduled for December 13<sup>th</sup>, 2011.

COMMENTS AND RESPONSE TO COMMENTS

**BRIGGS LAW CORPORATION**

San Diego Office  
814 Moreno Boulevard, Suite 107  
San Diego, CA 92100

**COMMENT LETTER 5**

Inland Empire Office  
99 East C Street, Suite 111  
Upland, CA 91786

Telephone: 619-497-0021  
Facsimile: 619-515-6410

Telephone: 909-949-7115  
Facsimile: 909-949-7121

*Please respond to: Inland Empire Office*

*BLC File(s) 1190.21*

11 November 2011

Bureau of Land Management  
El Centro Field Office  
661 South 4<sup>th</sup> Street  
El Centro, CA 92243  
Fax: (760) 337-4490

Re: Comments on the Centinela Solar Energy Project Environmental Assessment

Dear Project Manager:

These comments are submitted on behalf of Californians for Renewable Energy (“CARE, ) and La Cuna de Aztlan Sacred Sites Protection Circle Advisory Committee (“LaCuna”) regarding the Plan Amendment/Environmental Impact Statement (“EIS”) for the Centinela Solar energy Project. The Centinela Solar Energy Project is a 275-MW, photovoltaic energy project located on 2,067 acres of land designated for agriculture in the County of Imperial with a six-mile transmission line across public land. The comments supplement any other comment that may have been submitted by my clients or members of my clients.

5-1

While the development of renewable energy is critical to our country’s energy dependence and efforts to reduce air pollutants including greenhouse gases, renewable energy projects, like any other projects, should be done in a way that minimizes the impacts to the environmental and cultural resources. The following comments are submitted with the goal of promoting the balance between developing renewable energy and the protection of environmental and cultural resources.

5-2

**A. The Purpose and Need Statement Is Too Narrowly Construed**

An agency “cannot define its objectives in unreasonably narrow terms.” *City of Carmel-by-the Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142 (9th Cir.1997). The statement purpose and Alternatives are closely linked since “the stated goal of a project necessarily dictates the range of reasonable’ alternatives.” *Id.* BLM has based its purpose and need sections on an unduly restrictive reading of applicable statutes and orders.

5-3

BLM's purpose and need section focuses on BLM's ability to meet the mandates of Executive Order 13212 and the Energy Policy Act of 2005 and has been designed to meet Secretarial Order 3285A1. However, none of these items is as narrowly tailored as requiring the siting of a

*Be Good to the Earth: Reduce, Reuse, Recycle*  


## COMMENTS AND RESPONSE TO COMMENTS

November 11, 2011

Page 2

utility-scale solar energy development on public lands. Executive Order 13212 calls for energy-related projects to be expedited, while maintaining safety, public health, and environmental protections. Ex. PN 1. The Energy Policy Act of 2005 encourages the Secretary of Interior to approve non-hydropower renewable energy projects on public lands with a generation capacity of at least 10,000 megawatts of electricity. Ex. PN 2. Secretarial Order 328SA1 calls for the identification and prioritization of specific locations in the United States best suited for large-scale production of solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass energy (*e.g.* renewable energy zones). Ex. PN 3.

5-3

CONTINUED

BLM also identifies its purpose and need to "respond to a FLPMA right-of-way (ROW) application." However, the purpose and need to focus on the agency's purpose and need and not the applicant's. Focusing on the applicant's needs unduly restricts the alternatives analysis.

### **B. The EA Falls to Adequately Analyze Cumulative Impacts**

The EIS fails to adequately analyze cumulative impacts. The purpose of a cumulative impacts analysis is to examine the specific project and its interactive and synergistic adverse environmental effects when considered in the context of similar projects. *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989 (9th Cir. 2004). The EIS should have considered all solar energy projects within the CDCA. Congress has recognized that "the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed." 43 U.S.C. § 1781(a)(2). As a special area, Congress required that a "comprehensive, long-range plan for the management, use, development and protection of the public lands within the California Desert Conservation Area" be prepared. *Id.* at §1781(d). Failing to look at similar projects, all impacting the CDCA Plan defies the Congressional mandate for a cohesive plan. See Exs. C1-7. Yet that is precisely what happened here.

5-4

More generally, the cumulative impact list focuses: more on similar projects than projects that have similar impacts. For example, the cumulative impact list does not look at all projects that have similar land use impacts, such as the elimination of agricultural land, or projects that impact the same plant and animal species, such as the flat-tailed horned lizard.

### **C. A Programmatic EIS Has Been Prepared**

A programmatic environmental impact statement ("PEIS") should have been prepared. The Bureau of Land Management's NEPA compliance handbook requires a PEIS under circumstances like those present here. "Connected actions are those actions that are 'closely related' and 'should be discussed in the same NEPA document.'" Ex. P1.

5-5

There are a large number of solar energy projects that have been approved and are being proposed for the California Desert Conservation Act area and, more narrowly, the County of Imperial. The Department of Interior has implicitly acknowledged that the large number of solar energy projects being proposed in the Southwest are intimately connected and a programmatic EIS is necessary by preparing a PEIS for "Solar Energy Development in Six Southwestern States." Ex. P2. The problem is that the PEIS has not yet been approved and site-specific projects should tier off

*Be Good to the Earth: Reduce, Reuse, Recycle*



# COMMENTS AND RESPONSE TO COMMENTS

November 11, 2011

Page 3

this document. EX.P3. Unfortunately, this project is moving in reverse order, with a site-specific project coming before the programmatic impacts are understood.

5-5

CONTINUED

## **D. The EA Fails to Look at a Reasonable Range of Alternatives**

NEPA requires that an EIS contain a discussion of the “alternatives to the proposed action.” 42 U.S.C. §§ 4332(2)(C)(iii) & (E). The discussion of alternatives is at “the heart” of the NEPA process and is intended to provide a “clear basis for choice” among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14. An agency must look at all reasonable alternatives. *Native Ecosystems Council v. U.S. Forest Serv.*, 428 F. 3d 1233 (9th cir.2005).

5-6

### **Renewable Distributed Generation**

Although a DG alternative may be outside BLM's jurisdiction, the alternatives analysis is not limited to an agency's jurisdiction. See 40 C.F.R. § 1502.14(C). Distributed rooftop photovoltaics (“PV”) has a much less significant environmental impact than utility-scale concentrated solar. As recognized by the National Renewable Energy Lab, distributed PV has benefits such as low land use and no transmission. EX. A1. The National Renewable Energy Lab has further recognized that DG sources such as rooftop PV and small wind turbines have substantial potential to provide electricity with little impact on land, air pollution, or CO<sub>2</sub> emissions. *Id.*

If the goal is 10,000 MW of electricity by 2015 as articulated under the Energy Policy Act of 2005, distributed solar can meet that goal. On page 193 of the California Energy Commission Integrated Energy Policy Report (December 2009), it states that a 2007 estimate from the Energy Commission suggests that there is roof space for over 60,000 MW of PV capacity. Ex. A2. *See also* Exs. A3 & A4. In other words, California alone has the capacity to meet the goals of providing well over 10,000 MW of electricity through distributed generation.

5-7

California has taken great strides in promoting renewable DO with Governor Schwarzenegger's Million Solar Roofs program and the legislation that followed. Exs. A5-A15. California has also gone a long way in not only implementing legislation, but actually getting a smart-grid system into operation. Exs. A18-A22. Altogether, a renewable DG alternative would encourage cooperation between states and the federal government to implement a comprehensive renewable-energy strategy.

Furthermore, the federal government has undergone a number of projects to promote distributed PV, demonstrating that a DG alternative is a reasonable alternative. For example, photovoltaics have been installed on rooftops of federal correctional facilities, military bases, and postal service buildings. Exs. A37-A44.

Altogether, an analysis of a DG alternative or an alternative that includes at least some DO component would allow for a meaningful review of the appropriate balance to strike between environmental impacts caused by land-intensive utility-scale generation and the electricity-generation

*Be Good to the Earth: Reduce, Reuse, Recycle*



# COMMENTS AND RESPONSE TO COMMENTS

November 11, 2011

Page 4

capacity. Without an analysis of this alternative, the decision-makers cannot make an informed decision about what impacts are an acceptable cost for the benefit attained.

5-7

CONTINUED

## Conservation and Demand-Side Management

Conservation, demand response and other demand-side measures can reduce congestion on the grid. Conservation and other demand-side alternatives are needed to provide the basis for informed decision-making about the environmental impacts of increased transmission. Therefore, this alternative should have been considered in the EIS.

5-8

Again, although a demand-side management alternative may be outside BLM's jurisdiction, the alternatives analysis is not limited to an agency's jurisdiction. *See* 40 C.P.R. § 1502.14©. The benefits of energy efficiency and demand response have landed these issues at the top of the California loading order. Ex. A30. There has been a significant amount of new research emerging on the demand side of energy management and a push both at the state and federal level for improving demand. *See* Exs. A30-A34.

## Other Federal, State, or Private Land

As shown in the preceding section, there are a number of examples of siting renewable-energy developments on federal, state, or private land. Exs. A37-A44. Looking at such an alternative is reasonable here.

5-9

## E. The Project Is Inconsistent with Applicable Land Use Plans

The project is inconsistent with applicable land use plans. Under the California Desert Conservation ("CDCA") Plan, you are required "to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of the environmental quality." 43 U.S.C. § 1781(b). "Once a land use plan is developed "[a]ll future resource management authorization and action...shall conform to the approve plan." *Oregon Natural Resources Council v. Brong*, 492 F.3d 1120, 1125 (9th Cir. 2007). This project is on Class L lands even though there are millions of acres of Class L lands available

5-10

Furthermore, the Project is inconsistent with the County of Imperial General Plan. The Imperial County General Plan indicates that electrical and other energy generating facilities are heavy industrial uses. Ex. LU2. Heavy industrial uses are inconsistent with the agricultural designation under the General Plan. The General Plan does say that solar facilities may be regulated differently by implementing zoning, but this action does not modify the zoning for the area. *Id.* The General Plan explicitly states that geothermal facilities may be permitted with a conditional use permit. *Id.* at p. 49. The General Plan does not include the same permission for utility-scale solar facilities. A General Plan Amendment is needed to allow for utility scale on agricultural land or to change to designation of this property

*Be Good to the Earth: Reduce, Reuse, Recycle*



COMMENTS AND RESPONSE TO COMMENTS

November 11, 2011

Page 5

F. Cultural Resources

Unfortunately, there has not been adequate consultation with Native American tribes, representatives, and other interested people and entities. Significantly, the project will restrict access to religions and culturally-significant sites in violation of the Religious Freedom Restoration Act. In addition, the EA does not adequately address the project’s impacts on Native American sacred sites and culturally-significant sites and artifacts. These issues need to be addressed before the project can go forward.

5-11

G. The EA Fails to Identify Appropriate Mitigation

“Implicit in NEPA’s demand that an agency prepare a detailed statement on ‘any adverse environmental effects which cannot be avoided should the proposal be implemented,’ 42 U.S.C. § 4332(C)(ii), is an understanding that an EIS will discuss the extent to which adverse effects can be avoided.” *Robertson v. Methow Valley Citizens*, 490 U.S. 332 (1989). NEPA requires that an EIS discuss mitigation measures with “sufficient detail to ensure that environmental consequences have been fairly evaluated.” *Id.* A mitigation discussion must have at least some evaluation of the effectiveness of the mitigation. *South Fork Band Council of western Shoshone v. Department of the Interior*, 588 F. 3d 718 (9th Cir. 2009).

5-12

H. The EA Fails to Take a Hard Look at all Project Impacts

Additional evidence regarding the project’s impacts has been supplied on the enclosed DVD.

\*\*\*

Because this letter is being submitted by fax, my office has mailed you a DVD containing copies of the exhibits cited above; if you do not receive the DVD within a few days, please do not hesitate to let me know. An index of the forthcoming exhibits accompanies this letter.

Thank you for your consideration of my client's comments.

Sincerely,

BRIGGS LAW CORPORATION

  
Mekaela M. Gladden

## COMMENTS AND RESPONSE TO COMMENTS

Centinela Solar Power Project		
Exhibit	Description	Date
<b>Alternatives</b>		
A1	Solar Power and the Electric Grid	Not Identified
A2	California Energy Commission, 2009 Integrated Energy Policy Report, Final Commission Report	December 2009
A3	California Rooftop Photovoltaic Resource Assessment and Growth Potential by County	September 2007
A4	Los Angeles Rooftop Solar Atlas	2011
A5	Cal. Pub. Res. Code § 25740	Not Identified
A6	Cal. Pub. Res. Code § 25780 25784	Not Identified
A7	Cal. Pub. Util. Code § 399.15	Not Identified
A8	Cal. Pub. Util. Code § 2581	Not Identified
A9	Cal. Pub. Util. Code § 2827-2830	Not Identified
A10	Cal. Rev. and Tax Code § 73	Not Identified
A11	Senate Bill No. 1: An Act to Add Sections 25405.5 and 25405.6 to, and to Add Chapter 8.8 to Division 15 of, the Public Resources Code, and to Amend Section 2827 of, and to Add Sections 387.5 and 2851 to, the Public Utilities Code, Relating to Solar Electricity	Not Identified
A12	Executive Order S-14-08	Not Identified
A13	Executive Order S-21-09	Not Identified
A14	Governor Signs Legislation to Complete Million Solar Roofs Plan	August 21, 2006
A15	About the California Solar Initiative	Not Identified
A16	Electricity and Natural Gas Regulation in California	Not Identified
A17	California Solar Initiative Success and Request for Comment on Budget Issues	July 2010
A18	San Diego Smart Grid Study Final Report	October 2006
A19	About Edison SmartConnect	Not Identified

## COMMENTS AND RESPONSE TO COMMENTS

A20	Edison SmartConnect Installation Schedule	Not Identified
A21	Smart Meter Installation Schedule	Not Identified
A22	Full Installation Schedule	Not Identified
A23	Senate Bill 17: An Act to Add Chapter 4 to Division 4.1 of the Public Utilities Code, Relating to Electricity	Not Identified
A24	"CPUC Reports on Success of California's Solar Program"	June 30, 2009
A25	"Freeing the Grid, Best Practices in State Net Metering Policies and Interconnection Procedures"	December 2010
A26	Energy Efficiency in the Power Grid	Not Identified
A27	Optimization of Distributed Generation "Capacity for Line Loss Reduction and Voltage Profile Improvement Using PSO"	2008
A28	"Quantitative Assessment of Distributed Generation Benefits to Improve Power System Indices"	Not Identified
A29	FERC, "The Potential Benefits of Distributed Generation and Rate- Related Issues that May Impede Their Expansion"	February 2007
A30	"Implementing California's Loading Order for Electricity Resources"	July 2005
A31	"Impact Assessment of Plug-In Hybrid Vehicles on Electric Utilities and U.S. Power Grids; Part 1: Technical Analysis"	Not Identified
A32	PERC's Solicitation of Comments on the Frequency Response Report: An Opportunity for Energy Storage?	February 7, 2011
A33	Energy Law Journal, "Recognizing the Importance of Demand Response: The Second Half of the Wholesale Market Equation"	2007
A34	Energy Law Journal, "Recognizing the Importance of Demand Response: The Second Half of the Wholesale Market Equation"	2007
A35	Solar Energy: Better Than Fossil Fuels, Worse than Anything Else	April 11, 2011

## COMMENTS AND RESPONSE TO COMMENTS

A36	Distributed Energy Resources Guide: Wind Turbines-Strengths and Weaknesses	January 18, 2002
A37	Federal Energy Management Program, Federal Correctional Institution Phoenix, Arizona	April 8, 2011
A38	“Navy Region Southwest Saves Energy, Money with Solar Project”	April 30, 2009
A39	Superior Solar Systems, LLC Completes 79-Kilowatt Solar Electric Installation for NASA	April 8, 2011
A40	Van Guard Energy Partners LLC-Fairton Federal Correctional Institution	April 8, 2011
A41	United States Navy, Pearl Harbor-Case Study	
A42	“U.S. Navy's Solar Power Push”	November 22, 2010
A43	”Solar Panels for Federal Building Awaiting Final Ok”	March 18, 2011
A44	The United States Postal Service Generates Clean Energy with 4 SunPower Systems-Case Study	
A45	Solar Millennium AG Adopts Strategic Realignment	August 8, 2011
A46	Solar Panels-Solar Thermal vs. Photovoltaic	August 23, 2011
<b>Biological Resources Cumulative Impact</b>		
B1	Endangered Species Law and Policy, “ Fish and Wildlife Service Reinstates Proposed Listing of the Flat-Tailed Homed Lizard”	March 2, 2010
B2	UC Davis, “Preserving the Swainson's Hawk”	November 6, 1998
<b>Cumulative Impact</b>		
C1	Record of Decision for the Imperial Valley Solar Project	October 2010
C2	Record of Decision for the Ivanpah Solar Electric Generating System Project	October 2010
C3	Record of Decision for Blythe Solar Power Project	October 2010
C4	Record of Decision for the Calico Solar Project	October 2010
C5	Record of Decision for the Genesis Solar Energy	November 2010

## COMMENTS AND RESPONSE TO COMMENTS

C6	Record of Decision for the Chevron Energy Solutions Lucerne Valley Solar Project	October 2010
C7	Record of Decision for Desert Sunlight Solar Farm Project	August 2011
<b>Hazards Impact</b>		
H1	Downtown Calexico Declared Unsafe from 7.2 Earthquake" San Diego 6	April 7, 2010
H2	"Easter Earthquakes Shake Imperial Valley" Holtville Tribune	April 5, 2010
H3	"Quake Damage in Imperial County May Exceed a Hundred Million" KPBS News	April 9, 2010
<b>Land Use</b>		
LU1	California Desert Conservation ("CDCA") Plan	
LU2	Land Use Element of the Imperial County General Plan	January 29, 2008
<b>Programmatic EIS</b>		
P1	BLM National Environmental Policy Act Handbook H-1790-1	January 2008
P2	Executive Summary	December 2010
P3	Comment Period for Draft Solar PEIS	April 13, 2011
<b>Purpose and Need</b>		
PN1	Executive Order 13212	May 22, 2001
PN2	Energy Policy Act of 2005	2005
PN3	Department of the Interior Secretarial Order 3285 A1	February 22, 2010
<b>Water Supply</b>		
W1	"Park Service Warns of Solar Projects' Impacts to Mojave Desert"	April 23, 2009
W2	"Western Reservoirs Could be Dry by 2050"	July 20, 2009
W3	Future of Western Water Supply Threatened by Climate Change	Not Identified
W4	The Colorado River's Uncertain Future	Not Identified

## COMMENTS AND RESPONSE TO COMMENTS

W5	Managing the Uncertainties on the Colorado River System	Not Identified
W6	Scripps News: Climate Change Means Shortfalls in Colorado River	Not Identified
W7	Sustainable Water Deliveries from the Colorado River in a Changing Climate	Not Identified
W8	Impact of Climate Change and Land Use in the Southwestern United States: Land Subsidence from Ground-Water Pumping	January 6, 2004
W9	Chapter 5: The Impact of Aquifer Intensive Use on Groundwater Quality	February 10, 2002
W10	DPLU Policy Regarding CEQA Cumulative Impact Analyses for Borrego Valley Groundwater Use	January 17, 2007
W11	USGS: Quality of Ground Water	Not Identified

---

# COMMENTS AND RESPONSE TO COMMENTS

---

## RESPONSE TO COMMENT LETTER 5

### Makeala M. Gladden, Briggs Law Corporation

**Response to Comment 5-1:** The comment incorrectly describes the document as a Plan Amendment/Environmental Impact Statement. The document is a combined Environmental Impact Report/Environmental Assessment. No Plan Amendment of any kind is proposed or required as part of the Centinela Solar Energy Project. The project requests a Conditional Use Permit and Variance from Imperial County and a right-of-way grant from the BLM.

The comment also states that the project includes a six-mile transmission line across public land. However, the BLM's Selected Alternative only includes 1.2 miles of Gen-tie across BLM land.

**Response to Comment 5-2:** The comment states that the comments provided are submitted with the goal of promoting the balance between developing renewable energy and the protection of environmental and cultural resources. This comment is noted.

**Response to Comment 5-3:** The comment asserts that the objectives identified by the BLM are too restrictive. 40 Code of Federal Regulations (CFR), § 1502.13 (Purpose and Need), requires the purpose and need statement to briefly specify the underlying purpose and need *to which the agency is responding* [emphasis added] in proposing the alternatives, including the proposed action. As noted in Section 1.4.3 of the EIR/EA, the BLM's Purpose and Need includes responding to Centinela Solar Energy, LLC's (CSE's) application under Title V of the Federal Land Policy and Management Act (FLPMA), BLW right-of-way regulations, 43 CFR, Part 2800, and other applicable federal directives. This is consistent with BLM Instruction Memorandum 2011-059, "National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations." The BLM recognizes the benefits of developing renewable energy and acknowledges that there are numerous locations on which to develop renewable energy as well as many different technologies. However, contributing to the state's renewable standards is not a BLM mandate and therefore the BLM's purpose and need statement is not so broad as to include any renewable energy development. The BLM would not undertake this environmental analysis if not for CSE submitting an application for which the BLM must make a decision. The BLM's need to respond to a FLPMA right-of-way application is consistent with the BLM *National Environmental Policy Act Handbook H-1790-1*, section 6.2.

**Response to Comment 5-4:** The comment refers to the document as an EIS, rather than a combined EIR/EA, and questions the cumulative impacts analysis.

The cumulative projects list, Tables 5.0-1 and 5.0-2 in the EIR/EA, was compiled based on consultation between Imperial County and the BLM. It included all reasonably foreseeable projects occurring in the County and was not limited to solar projects.

As discussed in Chapter 5 of the EIR/EA, Cumulative Impacts, the geographic scope of the cumulative impacts analysis is generally based on the natural boundaries of the resource affected, and can differ by resource. The Council on Environmental Quality cautions against defining this scope too broadly, as doing so can make the analysis unwieldy ("Considering Cumulative Effects Under the National Environmental Policy Act Handbook," CEQ). Using the entire California Desert Conservation Area as a basis for the cumulative effects analysis would have created an analysis unwieldy to the point of not providing useful information to the decision-maker. The geographic scope used for each resource's cumulative effects analysis is defined within Chapter 5 of the EIR/EA, along with rationale describing why the chosen scope is appropriate for the given resource.

## COMMENTS AND RESPONSE TO COMMENTS

---

**Response to Comment 5-5:** The comment states that a programmatic environmental impact statement should have been prepared.

The BLM is working with the United States Department of Energy to prepare a Solar Programmatic Environmental Impact Statement (PEIS), scheduled for completion in 2012. The Solar PEIS would facilitate environmentally responsible utility-scale solar energy development in six western states, including California. In general, it is the BLM's preference to develop Programmatic NEPA documentation, and use it as a basis for site-specific projects, which is why the process for the Programmatic Solar EIS is occurring. However, the BLM still has a responsibility to perform a timely environmental review in response to individual applications. Although the Programmatic Solar EIS has not been completed, the Centinela EIR/EA has benefitted from the Programmatic process because many of the reviewers on the BLM review teams are involved with both the site-specific EIR/EA and the Programmatic. It should also be noted, as explained in Section 2.1 of the EIR/EA, Proposed Action and Alternatives, that the solar energy facility itself is not proposed for federal lands.

**Response to Comment 5-6:** The comment again refers to the document as an EIS, rather than a combined EIR/EA, and notes that an agency must identify "a reasonable range of alternatives." The Draft EIR/EA identified the Proposed Action as well as four action alternatives which were examined at similar levels of detail in all sections of the document, in addition to eight alternatives that were considered but rejected. The alternatives considered both the CSE Facility site as well as alternative alignments/configurations for the Gen-tie Line. These alternatives constitute a reasonable range of alternatives.

**Response to Comment 5-7:** The comment states that a Distributed Generation Alternative should have been examined.

A distributed generation alternative does not respond to the BLM's purpose and need for agency action in this document. The applicable federal orders and mandates providing the drivers for specific actions being evaluated in this document compel the BLM to evaluate utility-scale solar energy development. Secretarial Order 3285 A1 requires the BLM and other Interior agencies to undertake multiple actions to facilitate large-scale solar energy production. The BLM's purpose and need for agency action in this document is to respond to a right-of-way application tied to utility-scale solar energy development. Furthermore, the agency has no authority or influence over the installation of distributed generation systems, other than on its own facilities, which the agency is evaluating at individual sites through other initiatives.

**Response to Comment 5-8:** The comment states that a Conservation and Demand-side Alternative should have been examined.

Energy conservation and demand-side management strategies are also outside the jurisdiction and authority of the BLM. Therefore, because these strategies do not meet the BLM's purpose and need of responding to a right-of-way application on BLM lands and they are outside the jurisdiction and authority of the BLM, they are not considered viable alternatives to the project.

**Response to Comment 5-9:** The comment states that an alternative on other federal, state or private land should have been examined.

As noted in Section 2.1 of the EIR/EA, Proposed Action and Alternatives, the solar energy facility itself is not proposed for federal lands. The BLM's decision is whether to grant a right-of-way for a generation tie line connecting the solar facility to the Imperial Valley Substation on BLM land. The solar facility itself is to be located on private, previously disturbed agricultural land. It would not meet the BLM's

## COMMENTS AND RESPONSE TO COMMENTS

---

purpose and need to consider an alternative federal land site for the solar project if the project is proposed for private land.

**Response to Comment 5-10:** The comment states that the project is inconsistent with applicable land use plans. The Draft EIR/EA has extensive discussion regarding the project's consistency with both the CDCA Plan and the Imperial County General Plan. As noted repeatedly in Section 4.2, Land Use and Special Designations with regard to the CDCA Plan, the segment of the gen-tie line for the CSE Project on BLM managed lands would be within existing Utility Corridor "N," which is designated in the CDCA Plan as Multiple-Use Class L-Limited Use. As shown in Table 1 in the CDCA Plan, Multiple-Use Class Guidelines, within the Limited Use area, "New gas, electric, and water transmission facilities and cables for interstate communication may be allowed only within designated corridors" (see Energy Production and Utility Corridors Element). Furthermore, regarding motorized-vehicle access/transportation, Table 1 in the CDCA Plan indicates, "New roads and ways may be developed under right-of-way grants or pursuant to regulations or approved plans of operation." The segment of the gen-tie line on BLM managed lands would be considered an allowed use under the CDCA Plan because it would be within an existing designated utility corridor (Utility Corridor "N"). Therefore, the construction and operation of the segment of the gen-tie line in Utility Corridor "N" on BLM managed lands is consistent with the requirements of the CDCA Plan.

Likewise, the County of Imperial explains in Section 4.2 of the EIR/EA that the private land portion of the proposed project is conditionally allowed per the Imperial County General Plan. Further concerns about the project's relationship with the Imperial County General Plan should be addressed to the County of Imperial.

**Response to Comment 5-11:** The comment states that the consultation with Native American tribes was not adequate, although no specific examples of are provided to support this assertion. The BLM first invited tribes into consultation by letter dated February 18, 2011. The proposed action and alternatives were developed with conditions or design features to purposely avoid all archaeological sites. The BLM has contacted SHPO and the Tribes for consultations toward a no adverse effect determination under 36 CFR 800 for this undertaking. An Agency Findings and Determination under Section 106 of the National Historic Preservation Act was signed approved, on October 11, 2011.

The comment also asserts that the project will "restrict access to religious and culturally-significant sites." No evidence is provided to substantiate this statement. Impacts to cultural resources were addressed in Section 4.7 of the Draft EIR/EA. No impacts to religious or culturally-significant sites were identified.

**Response to Comment 5-12:** The comment refers to the document as an EIS, rather than a combined EIR/EA and questions the EIR/EA's discussion of mitigation measures. Mitigation measures are detailed at the end of each resource section in Chapter 4 of the EIR/EA, Environmental Consequences. A discussion of residual impacts to each resource following implementation of mitigation measures is also included in each resource section in Chapter 4. The mitigation measures and residual effects are discussed in sufficient detail to allow for evaluation of the project's environmental consequences.

**Response to Comment 5-13:** Closing comments noting that additional evidence regarding the project's impacts has been supplied on DVD. The BLM has received the DVD and it appears to be for informational purposes only. Therefore, it is not a substantive comment and does not require a response.

---

# COMMENTS AND RESPONSE TO COMMENTS

---

## COMMENT LETTER 6

### CENTINELA SOLAR ENERGY, LLC

c/o LS Power Development, LLC  
5000 Hopyard Road, Suite 480  
Pleasanton, CA 94588  
(925) 201-5220 Main  
(925) 201-5230 Fax

November 10, 2011

Mr. Jayme Lopez  
Bureau of Land Management  
El Centro Field Office  
1661 S. 4th Street  
El Centro CA 92243

Mr. David Black  
Imperial County Planning & Development Services  
801 Main Street  
El Centro CA 92243

RE: Centinela Solar Energy, LLC  
Comments on the **Draft Environmental Impact Report / Environmental Assessment for the Centinela Solar Energy Project**  
SCH. No. 2010111056  
Conditional Use Permit: CUP #10-0017  
Variance: #V10-0006  
BLM Right-of-Way Application: Serial No. CACA 52092  
EA Number: DOI-BLM-CA-D070-2011-0028-EA

Dear Sirs:

Centinela Solar Energy, LLC (CSE) appreciates the efforts of the U.S. Department of the Interior Bureau of Land Management (BLM) and Imperial County Planning & Development Services (ICPDS) in preparing the Draft Environmental Impact Report / Environmental Assessment for the Centinela Solar Energy Project (DEIR/EA). CSE has reviewed the DEIR/EA and believes that the document and associated analyses satisfy the applicable requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

CSE respectfully submits for your consideration the following comments on the DEIR/EA, by which we seek to correct factual errors and reduce ambiguity in the document. None of these comments change the conclusion of the document that the proposed Project would not result in significant impacts to environmental resources. In addition to the 14 items listed and explained in detail in the body of this letter, CSE has prepared a table of comments and included this as Attachment 1 to aid in your incorporation of our comments and to prepare an accurate Final Environmental Impact Report (FEIR).

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011  
Page 2

- 1) **Cultural Resources.** CSE would like to note for the record the BLM's diligence in avoiding impacts to cultural resources. The BLM, CSE, and CSE's engineers worked cooperatively to avoid any impacts to archaeological resources, including even those resources that are not eligible for listing in the National Register of Historic Places. CSE believes that the Proposed Action and alternatives evaluated achieve an optimal balance by satisfying the objectives of the project while avoiding impacts to cultural resources.

Specifically, CSE would like to clarify that the Proposed Action and all alternatives studied would avoid impacts to cultural site CA-IMP-3999/115-3999 ("site 3999"). Tables 4.7-1 and 4.7-3 in the EIR erroneously show that site 3999 would be affected by the Project ROW, a Gen-tie Line tower, and a pulling and tensioning (PT) site. CSE requests that these tables (and associated text descriptions) be revised in the FEIR to remove the implication that Project features would impact site 3999.

6-1

- 2) **Cumulative Impacts.** CSE has reviewed the cumulative impacts section and believes this analysis reasonably addresses the past, present, and reasonably foreseeable future projects in the area. CSE believes that the cumulative analysis presents a conservative evaluation of the cumulative impacts in the area and contemplates more development than will actually occur in the foreseeable future.

Like CSE, the major solar power projects proposed in the vicinity of the CSE must interconnect to the bulk electric grid to transmit electricity to large load centers. CSE understands that with the addition of the Sunrise Powerlink, there will be transmission capacity for approximately 1,200 megawatts (MW) out of the Imperial Valley. The extensive list of projects evaluated in the cumulative analysis (see Tables 5.0-1 and 5.0-2) totals over 2,900 MW of electrical capacity, well in excess of the foreseeable capacity of the electrical grid, indicating that the cumulative analysis is highly conservative by studying many more projects than could actually be expected to be constructed.

6-2

This highly conservative analysis is particularly evident in the cumulative traffic analysis, which assumed that all of the proposed projects listed in Tables 5.3-1 and 5.3-2 will be constructed simultaneously. As a practical matter, this would never occur even if sufficient transmission capacity were available. The various projects are in different stages of the permitting and electrical interconnection processes, and many of the projects do not have contracts for the sale of electricity from their proposed plants.

- 3) **Agricultural Land Mitigation.** Mitigation measures for impacts to agricultural land are provided on pages 4.9-13 and 4.9-14. Two of the mitigation measures are summarized below:

- AR-1 requires CSE to select between obtaining agricultural conservation easements (Option 1) or paying an agricultural in-lieu mitigation fee (Option 2).
- AR-3 requires CSE to develop an agricultural reclamation plan and post financial surety to provide for implementation of the plan.

6-3

# COMMENTS AND RESPONSE TO COMMENTS

---

November 10, 2011  
Page 3

Just prior to the publication of the DEIR/EA, the ICDPDS published a memorandum ("the Ag Memo") that sets forth guidance on the County's policy for mitigating impacts to agricultural land (Armando G. Villa, Director, to Honorable Chairman and Members of the Planning Commission, *Re: Solar Energy Generating & Transmission Facilities on Ag Land*, September 2, 2011). The Ag Memo provides separate mitigation strategies for prime versus non-prime farmland which are not entirely consistent with mitigation measures AR-1 and AR-3 as-written in the DEIR/EA (i.e., per the ag memo, an agricultural reclamation plan is not required in addition to agricultural conversion easements or in-lieu fees for non-prime farmland impacts). Accordingly, CSE proposes that two new sets of mitigation measures be added to the FEIR consistent with the Ag Memo to replace existing mitigations AR-1 and AR-3 as follows:

## **AR-1 (Mitigation Measures for Prime Farmland)**

**Option 1:** Agricultural Conservation Easements on a "2 to 1" basis on land of equal size, of equal quality farmland (Prime Farmland), outside of the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits.

**Option 2:** The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20% of the fair market value per acre for the total acres of Prime Farmland impacts based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery/time and material basis. The Agricultural In-Lieu Mitigation Fee will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County.

**Option 3:** The Permittee must revise their CUP application/Site Plan to avoid Prime Farmland.

And

The Permittee shall submit to Imperial County a site restoration plan to return the soils to its current agricultural condition prior to the issuance of any building permits. The restoration plan shall include a site restoration cost estimate prepared by a California licensed general contractor or civil engineer. The Permittee shall provide financial assurance/bonding in the amount equal to the site restoration cost estimate to return the land to its current agricultural condition after the solar facilities ceases operations and closes.

## **AR-3 (Mitigation Measures for Non-Prime Farmland)**

**Option 1:** Agricultural Conservation Easements on a "1 to 1" basis on land of equal size, of equal quality of farmland (Non-Prime Farmland), outside the path of development. The Conservation Easement shall meet the State Department of Conservation's regulations and shall be recorded prior to issuance of any grading or building permits.

6-3

# COMMENTS AND RESPONSE TO COMMENTS

---

November 10, 2011  
Page 4

6-3

**Option 2:** The Permittee shall pay an "Agricultural In-Lieu Mitigation Fee" in the amount of 20% of the fair market value per acre for the total acres of Non-Prime Farmland impacts based on five comparable sales of land used for agricultural purposes as of the effective date of the permit, including program costs on a cost recovery time and material basis. The Agricultural In-Lieu Mitigation Fee, will be placed in a trust account administered by the Imperial County Agricultural Commissioner's office and will be used for such purposes as the acquisition, stewardship, preservation and enhancement of agricultural lands within Imperial County.

**Option 3:** The Permittee shall submit to Imperial County a site restoration plan to return the soils to its current agricultural condition prior to the issuance of any building permits. The restoration plan shall include a site restoration cost estimate prepared by a California licensed general contractor or civil engineer. The Permittee shall provide financial assurance/bonding in the amount equal to the site restoration cost estimate to return the land to its current agricultural condition after the solar facilities ceases operations and closes.

CSE has informed the County that it will prepare a site restoration plan and provide financial assurance in the amount of the restoration costs. A site restoration plan will be submitted to ICPDS in the near term.

4) **Williamson Act Program Discontinued.** On February 23, 2010, the Imperial County Board of Supervisors voted to not accept any new Williamson Act contracts and not to renew existing contracts, due to the elimination of the subvention funding from the state budget. The County reaffirmed this decision in a vote on October 12, 2010, and notices of nonrenewal were sent to landowners with Williamson Act contracts following that vote. The applicable deadlines for challenging the County's actions have expired, and therefore all Williamson Act contracts in Imperial County will terminate on or before December 31, 2018. This important fact affects several analyses within the DEIR/EA:

- Several instances in the DEIR/EA incorrectly state the landowner with parcels subject to a Williamson Act contract filed a notice of non-renewal on the contracted parcels when, in fact, it was the County that initiated the non-renewal.
- Considering that the Williamson Act program in the County will be discontinued as of December 31, 2018, changes to agricultural lands currently under Williamson Act contract would reasonably be considered temporary in nature with respect to the Williamson Act. This context would be helpful in informing decision-makers about the impacts of the Project on lands currently under Williamson Act contract.
- There is a conclusion in the DEIR/EA that following reclamation and restoration of agricultural uses, the project site would be "re-eligible for a Williamson Act contract" (e.g., page 4.9.3 and elsewhere). However, the County has cancelled the Williamson Act program and is not accepting any new applications, so there is no basis for assuming the future availability of Williamson Act contracts.

6-4

## COMMENTS AND RESPONSE TO COMMENTS

---

November 10, 2011

Page 5

Accordingly, CSE proposes that the FEIR be updated to disclose the discontinuation of the Williamson Act program in the County. Attachment 1 to this comment letter lists the locations in the DEIR/EA where CSE believes these changes would be beneficial and provides specific suggestions for revisions to the text.

- 5) **Environmentally Superior Alternative.** Section 2.5 (page 2.0-138) of the DEIR/EA states that the environmentally superior alternative is the No Project alternative and that of the remaining alternatives, Alternative 2 (Reduced CSE Facility Site) is the environmentally superior alternative for the following reasons:
- a. Alternative 2 would impact 335 fewer acres of agricultural land, including 335 acres of Farmland of Statewide Importance;
  - b. Alternative 2 would avoid the need for conversion of lands currently under Williamson Act Contract. Likewise, the three parcels comprising approximately 335 acres which are under Williamson Act Contract would not require reclassification to a non-agricultural use during the operational life of the project nor would these parcels be ineligible for a Williamson Act Contract during the operational life of the project; and
  - c. Alternative 2 would have impacts to other resource areas that would be similar to the proposed project or less due to fewer acres being disturbed during construction.

While the use of agricultural lands is an important issue in Imperial County, the environmental benefit of renewable energy production is an equally valid consideration in the County's evaluation of the Environmentally Superior Alternative, which CSE believes justifies selection of the Proposed Action and/or Alternative 3 over Alternative 2 or possibly even the No Project alternative.

CSE believes the Proposed Action and Alternative 3 are the Environmentally Superior Alternatives for the following reasons:

- The State of California has established a 33% renewable energy standard by 2020 in order to reduce greenhouse gas emissions, increase renewable energy production, promote clean air and emission controls, and promote and commercialize new technologies and industries. As evidenced by the number of proposed solar projects in Imperial County alone, if the specific 335 acres excluded under Alternative 2 is not allowed to be used by CSE, it is likely that the solar capacity not installed by CSE would be developed by another applicant on other nearby property, most likely similar agricultural land. The specific 335 acres for the reduced project did not have any unique features (e.g., prime farmland, cultural resources, disproportionate share of biological impacts) other than Williamson Act contracts. Further, as described in the DEIR/EA, the mitigation measures applicable to the Proposed Action and Alternative 3 have reduced impacts to agricultural resources to less than significant. Moreover, the Proposed Action and Alternative 3 would allow the Project to produce more renewable energy meeting the goals of the State of California and would result in a contiguous pattern of development with the Project area. Conversely, removing the Williamson Act contract

6-5

# COMMENTS AND RESPONSE TO COMMENTS

---

November 10, 2011  
Page 6

land would create a “checkerboard” pattern of development, which is not optimal nor is this typically preferred in land use planning.

- Regarding the Williamson Act contracts, as identified in Comment 4 above, the County has entered these contracts into non-renewal, and the Williamson Act program has been terminated in Imperial County. These parcels will no longer be in Williamson Act contracts after December 31, 2018, under any of the alternatives, including the No Action alternative.
- While it is true that a reduced project would have reduced impacts (e.g., less traffic, less fencing, etc.), it seems likely that the impact would be shifted to other nearby agricultural lands as California meets its 33% renewable energy standard and GHG reduction goals. If one does not agree with this logic, then the following would be true and should be considered: a reduced project size results in less renewable energy production and less attributable environmental benefits (i.e., the avoidance of air pollutants and GHG emissions, increase in use of nonrenewable fossil fuels).

- 6) **Airport Land Use Commission (ALUC) Recommendations.** The ALUC considered the proposed Project at the Commission’s May 2010 meeting and found the proposed Project consistent with the Airport Land Use Compatibility Plan (ALUCP). The DEIR states on page 1.0-21 that the ALUC also “approved a requirement” for marker balls on the Project. However, the authority of the ALUC is to determine whether a project is consistent or inconsistent with the ALUCP; they cannot find a project consistent with the ALUCP “subject to the inclusion of certain conditions in the project” (ALUCP page 2-4).

At their May 2010 meeting, the ALUC found the Project, as proposed, consistent with the ALUCP and **recommended** that Gen-tie Line tower structures on private land be lighted and that marker balls be placed on sections of the Gen-tie Line that cross the Westside Main Canal and State Route 98 (SR 98). Since the ALUC does not have the authority to require marker balls or lighting, CSE proposes that the discussion on page 1.0-21 and subsequent mitigation measures be revised to clarify that the addition of marker balls and lighting on the private land segment of the Gen-tie Line is a recommendation rather than a requirement.

CSE agreed with the use of marker balls over the Westside Main Canal and SR 98 and included this in the project description (see, e.g., DEIR/EA p. 2.0-113). However, none of the existing transmission line towers in the vicinity of the Imperial Valley Substation have daytime or nighttime lighting. Furthermore, a requirement for lighted tower structures might create concerns for resource agencies such as the U.S. Fish and Wildlife Service (USFWS) and the BLM due to possible effects on migratory birds and other wildlife. An alternate solution, in the event that the County believes some type of marking is necessary is the use of reflective markers on shield wires and tower structures. The use of reflective markers on the CSE Gen-tie Line should adequately address concerns over air navigation. Attachment 1 to this comment letter lists additional locations in the DEIR/EA where this comment would be implemented.

6-5

6-6

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011  
Page 7

- 7) **Acreage Consistency.** The DEIR/EA contains several instances of CSE Facility or agricultural acreages being presented inconsistently. For example, Table 3.9-2 on page 3.9-5 of the document lists 138 acres of Prime Farmland onsite; however, on page 3.9-8, Prime Farmland onsite acreage is specified as 132 acres. CSE has consistently referenced 2,067 acres as the sum acreage of the legal parcels on which the CSE Facility will be built. This value relies on individual parcel acreage provided by the Imperial County Assessor's office and represents the gross acreage of the project site. The LESA Model (Appendix L of the DEIR/EA) provides an estimate of actively farmed land that would be impacted by the CSE Project. CSE proposes that the following acreage values, based on the Assessor's Office and LESA estimates, be used consistently throughout the final document:

**Proposed Action, Alternative 1, and Alternative 3:**

Total Parcel Acreage of CSE Facility: 2067 acres  
Total active agricultural production impacted by CSE project: 1858 acres  
Prime Farmland: 115 acres  
Farmland of Statewide Importance: 1742 acres

**Alternative 2:**

Total Parcel Acreage of CSE Facility: 1732 acres  
Total active agricultural production impacted by CSE project: 1550 acres  
Prime Farmland: 115 acres  
Farmland of Statewide Importance: 1407 acres

Consistent use of the acreages will avoid confusion in the FEIR and the implementation of mitigation measures. Instances where acreage values are cited in the DEIR/EA can be found in Attachment 1.

- 8) **Wetlands Impacts Acreage.** The DEIR/EA includes wetlands impacts acreage values that were based on preliminary analysis of impacts to jurisdictional waters administered by the U.S. Army Corps of Engineers (ACOE) and the California Department of Fish and Game (CDFG). Subsequent to preparation of the DEIR/EA, the revised wetland impact areas have been determined as part of the applications submitted to the ACOE and CDFG and are shown in the tables in Attachment 2 to this comment letter. As shown in Attachment 2, the total ACOE impact acreage is still approximately one-tenth of an acre, and the CDFG impact acreage has decreased from a total of 6.7 acres in the DEIR/EA to a total of 3.7 acres in Attachment 2. While the final acreages would not affect the conclusions of the analyses with respect to wetlands, the agencies may wish to update the FEIR and note the updated acreages in the BLM Decision Record for consistency with the final impacts values. Attachment 1 to this comment letter provides a master list of the locations in the document where CSE has identified that revisions to wetlands impact acreages might be implemented.
- 9) **Vegetation Communities Mitigation.** The requirement to provide mitigation for impacts to native vegetation communities is provided in mitigation measure BIO-1 on page 4.12-35 of the DEIR/EA as follows:

6-7

6-8

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011  
Page 8

"Mitigation for permanent and temporary impacts to creosote bush-white burr sage scrub... shall be accomplished through required mitigation acres. Table 7 from the BTR describes the proposed impacts to each vegetation community. (The BTR is provided on the attached CD of Technical Appendices as Appendix J of this EIR/EA). All native habitats in the project area are considered potentially suitable flat-tailed horned lizard habitat and are within a designated management area. As such, disturbance to these habitats will be mitigated at a 6:1 ratio (see BIO-5)." (emphasis added)

As written, this mitigation measure might seem to require offsets to vegetation community impacts at a 6:1 ratio; however, impacts to vegetation communities are mitigated at ratios of 2:1 or less, and the 6:1 ratio in mitigation BIO-1 actually refers to flat-tailed horned lizard (FTHL) requirements in mitigation BIO-5, which will more than satisfy requirements to offset impacts to vegetation communities by protecting similar habitat at the higher mitigation ratio required for FTHL (i.e., FTHL mitigation provided by CSE will satisfy acreage offset requirements for both FTHL and native vegetation communities).

6-9

As support for this interpretation, it is noted that the text of DEIR/EA mitigation BIO-1 originates from mitigation measure B1 from the Biological Technical Report (BTR) for the project, which states the following:

"Mitigation for permanent and temporary impacts to creosote bush-white burr sage scrub... shall be accomplished through required mitigation acres. Table 7 describes the proposed impacts to each vegetation community. All native habitats in the project area are considered potentially suitable flat-tailed horned lizard habitat and are within a designated management area. As such, disturbance to these habitats will be mitigated at a 6:1 ratio (see B5). Thus, disturbance to native vegetation communities will not require unique mitigation but will rely on the requirements of mitigation measure B5 [for flat-tailed horned lizard]." (BTR at p. 5-1, emphasis added)

From the above, it is clear that the BTR stipulates that FTHL mitigation will satisfy acreage offset requirements for native vegetation communities. Since DEIR/EA mitigation measure BIO-1 is taken from the BTR, CSE understands BIO-1 to mean that FTHL mitigation will satisfy acreage offset requirements for native vegetation communities, and we request that the agencies confirm this understanding is correct and clarify the mitigation requirement in the FEIR and BLM Decision Record as applicable.

- 10) **Requirement to Use Aqueous Diesel Fuel.** Mitigation measure AQ-4 on page 4.4-31 of the DEIR/EA provides the following requirements for diesel-fueled construction equipment:

"The project contractor shall use aqueous diesel fuel and diesel oxidation catalysts on all diesel equipment (i.e. construction equipment, not vehicles registered to drive on public highways)."

This mitigation measure appears to have been formulated in order to keep diesel particulate matter (DPM) air emissions impacts below a level of significance based on a highly conservative health risk assessment methodology that employed a screening-level dispersion model.

6-10

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011

Page 9

In order to provide a more refined assessment of the DPM health risk, CSE commissioned Trinity Consultants, Inc. to re-create the DPM health risk assessment with the same methodology employed in the DEIR/EA but this time employing a more refined dispersion model, AERMOD. The AERMOD modeling system incorporates advanced dispersion and meteorology features and is an EPA-recommended dispersion model for a wide range of regulatory applications (40 CFR Part 51, Appendix W).

The results of this more refined DPM health risk assessment are provided in Attachment 3 to this comment letter and demonstrate that, even modeling the unmitigated DPM emission rate of 8.91 pounds per day (see DEIR/EA Table 4.4-4 on page 4.4-10), estimated DPM health risks are less than significant (note that as documented in Attachment 3, the appropriate significance threshold in the risk assessment is 10 per million, rendering irrelevant the concept of "T-BACT"). Accordingly, CSE proposes that the requirement for aqueous diesel fuel be removed from mitigation measure AQ-4, based on the following justification:

- a) CSE understands based on outreach to local fuel distributors that aqueous diesel fuel is not readily available as a fuel source;
- b) The use of aqueous diesel fuel is not necessary to reduce DPM health risk impacts below significance;
- c) Implementation of the nitrogen oxides (NOX) control techniques for diesel engines specified in mitigation measure AQ-3 (including such measures as the use of alternative fueled or catalyst equipped diesel construction equipment) will ensure that daily Project-wide emissions remain below the applicable pounds per day significance thresholds.

Additionally, since the only remaining requirement in mitigation measure AQ-4 (i.e., the requirement for catalyst-equipped diesel engines) would appear redundant with the catalyst control requirement in mitigation measure AQ-3), CSE suggests removing mitigation measure AQ-4 in its entirety.

11) **Dust Control.** Mitigation measure AQ-1 on page 4.4-30 of the DEIR/EA requires the following:

"The following practices are required to reduce construction related PM10 impacts to a level below significance:

- Apply water during grading/grubbing activities to all active disturbed areas at least three times daily.
- Apply water to all onsite roadways at least three times daily or use magnesium chloride or other County approved dust suppression additives and apply water once daily.
- Reduce all construction related traffic speeds onsite to below 15 miles per hour (mph)." (DEIR/EA at p. 4.4-30)

6-10

6-11

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011  
Page 10

Although AQ-1 specifies water application three times per day, based on a review of the information in the DEIR/EA, it appears that justification exists for decreasing the required frequency of water application and linking the requirement for water application to visible emissions compliance instead:

- a. The mitigated particulate emission estimates in the DEIR/EA are based on two applications of water per day:

“The South Coast Air Quality Management District CEQA Air Quality Handbook states that watering twice daily can reduce PM10 from 34 to 68 percent. An average PM10 reduction of 55 percent (as recommended by the 2007URBEMIS Model) was used to reduce PM10 emissions...” (DEIR/EA at p. 4.4-10, emphasis added)

Based on the above information from the DEIR/EA, it appears that watering twice daily instead of three times would ensure the 55 percent control specified in the document.

- b. Applying water three times per day could result in pooling of water, which could create negative environmental effects in terms of water use or biological resources such as noxious weeds, migratory birds, or ravens. Additionally, excess watering of unpaved roads could contribute to muddy conditions that would create concerns over increased trackout onto public roads. CSE should be allowed the flexibility to apply sufficient water for dust control (which might be less than three applications per day) without the potential for creating unintended adverse effects.
- c. 55 percent control (the results expected from watering twice daily) is more than what is necessary to reduce particulate emissions below the pounds per day significance thresholds. For example, a 20 percent control efficiency applied to the uncontrolled particulate emission rate in Table 4.4-4 of 187.11 pounds per day would result in a mitigated emission rate below the 150 pounds per day significance threshold. With a relatively low percent reduction of 20 percent necessary to remain below significance levels, it might be reasonably assumed that emission rates would remain below significance as long as the visible emissions standards (20 percent opacity) in mitigation measure AQ-2 are met.

Based on the justification above, CSE proposes that the first two bullet points of mitigation AQ-1 (specifying frequency of water application) be removed from the DEIR/EA. If these bullet items are not removed in their entirety, CSE proposes that the phrase “or as needed to achieve compliance with the opacity standards in mitigation measure AQ-2” after each of the first two bullet points in AQ-1.

- 12) **Greenhouse Gas (GHG) Mitigations.** Under CEQA and NEPA, mitigation measures are not required for a given resource area when there are no potentially significant impacts. However, the DEIR/EA provides the following justification for requiring GHG emission mitigation measures:

6-11

6-12

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011  
Page 11

“Even though the Proposed Action would not exceed CEQA thresholds of significance or the NEPA indicator for the generation of GHGs during construction, consistent with the intent of AB 32, the Proposed Action should demonstrate that it [sic] have policies in place that would assist in providing a statewide reduction in CO<sub>2</sub> [carbon dioxide]. To this end, the following greenhouse gas offset measures have been shown to be effective by CARB and should be implemented whenever possible.” (DEIR/EA at p. 4.5-20)

As a solar energy facility, the proposed Project will clearly assist in providing a statewide reduction in greenhouse gas emissions and will result in net reductions of tens of millions of metric tons of GHG emissions over the life of the Project; however, the justification provided in the DEIR/EA for requiring GHG emissions mitigation measures is not valid, and CSE strongly objects to the imposition of any required mitigation measures for GHG reduction.

The greenhouse gas emission reduction requirements of AB 32 will not apply to the proposed Project due to annual emissions less than 25,000 metric tons of CO<sub>2</sub> equivalent. Moreover, AB 32 is not applicable to construction emissions (Subchapter 10 Climate Change, Article 5, Sections 95800 to 96023, Title 17, California Code of Regulations, October 20, 2011). Therefore, it is not valid to imply that, in order to be consistent with the intent of AB 32, the proposed Project must demonstrate that it has policies in place to provide a statewide reduction in CO<sub>2</sub>.

Accordingly, since there are not potentially significant impacts associated with GHG emissions and since the justification for mitigation measures in the DEIR/EA is not valid, CSE requests that the GHG mitigation measures be removed in their entirety from the FEIR and that this removal be noted in the BLM Decision Record.

Setting aside the fact that GHG emission reduction mitigation measures are not warranted as discussed above, CSE considers the GHG mitigations in the DEIR/EA to be burdensome and problematic since these measures are 1) infeasible (e.g., the requirement in mitigation CC-1 to use electricity from power poles instead of diesel generators is not feasible over the vast majority of the Project site due to the scarcity of low-voltage power poles on the project parcels); 2) overly restrictive (e.g., the requirement in mitigation CC-1 to use construction equipment equipped with engine timing retard or pre-combustion chamber engines severely limits the equipment available for the construction contractor in exchange for only minimal GHG emission reductions in terms of N<sub>2</sub>O); and/or 3) ineffectual or of limited value for reducing GHG emissions (e.g., it is uncertain what, if any, GHG emission reduction benefits would result from the vehicular trip requirements in mitigation CC-2). These concerns provide additional justification for the removal of mitigation measures CC-1 and CC-2 from the FEIR.

13) **Soil Removal.** Mitigation measure GS-4 on page 4.6-35 requires the following:

“The following actions shall be required as conditions of project approval by the Imperial County Planning and Development Services, Building Division:

- Expansive silts/clays on the CSE Facility and Gen-tie Line route shall be replaced...” (DEIR/EA at p. 4.6-35)

6-12

6-13

# COMMENTS AND RESPONSE TO COMMENTS

November 10, 2011  
Page 12

I  
6-13

It is CSE's understanding based on the Preliminary Geotechnical Investigation Report in DEIR/EA Appendix E that the requirement to replace expansive silt/clay soils is limited to areas of foundations for buildings or foundations supporting heavier structures but is not necessary for PV module piles or inverter enclosure structure foundations. Accordingly, CSE requests that the following clarifying text be added to the end of the first bullet of mitigation measure GS-4 in the FEIR (and acknowledged as applicable in BLM's DR):

"The requirement to replace expansive silt/clay soils is limited to areas of foundations for buildings or foundations supporting heavier structures but is not necessary for PV module piles or inverter enclosure structure foundations."

- 14) **Soil Clean-Up.** Mitigation measure HM-1 on page 4.10-32 requires implementation of the recommendations included in the Phase I Environmental Site Assessments regarding remediation of on-site hazards "prior to issuance of a grading permit." However, the first two bullet points of this measure provide conflicting timing by requiring the remediation activity to be completed "prior to property transaction" and "prior to property transfer", respectively.

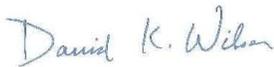
To correct this conflicting language, CSE believes that the bullet items in mitigation measure HM-1 should be rewritten to exclude a requirement for remediation prior to property purchase so it is clear that remediation will need to occur prior to issuance of a grading permit for the affected parcels. CSE requests that the remediation obligations of mitigation measure HM-1 be rewritten and consolidated as follows:

- Remove and properly dispose of the upper 12-inches of oil stained soils on parcel 052-170-018
- Remove and properly dispose of solid waste and 55-gallon drums on parcel 052-170-018"

6-14

We appreciate your consideration of these comments. Please feel free to contact me at (636) 532-2200 with any questions or follow-up discussion.

Sincerely,



David Wilson  
Senior Environmental Engineer

- Attachments: 1) Table of Comments on the DEIR/EA  
2) Table of Jurisdictional Acreages  
3) Refined DPM Evaluation

## COMMENTS AND RESPONSE TO COMMENTS

---

### RESPONSE TO COMMENT LETTER 6

**Commenter:** David Wilson, Senior Environmental Engineer, Centinela Solar Energy, LLC

**Response to Comment 6-1:** Cultural Resources. Efforts were made by CSE to avoid impacts to archeological resources, regardless of eligibility to the National Register of Historic Places. An Agency Findings and Determination under Section 106 of the National Historic Preservation Act was signed approved, on October 11, 2011. The Findings and Determination stated that no historic properties will be affected by this undertaking.

**Response to Comment 6-2:** Cumulative Impacts. The BLM cannot make a determination on the viability of the projects in the cumulative impacts section without being pre-decisional or arbitrary. Therefore, the projects identified in the cumulative analysis are analyzed as proposed by the applicants based upon the most current information available. It is noted in Section 5.0.1.3B of the EIR/EA, Renewable Energy Projects Included in the Cumulative Scenario, that not all projects proposed will be authorized or constructed.

**Response to Comment 6-3:** Agricultural Land Mitigation. The BLM does not have the regulatory authority to alter or change the mitigation measures for the agricultural land mitigation. This is within the authority of the County of Imperial. As such, the BLM can only note that the analysis of the effects and impacts to the resource remain unchanged with the proposed alteration of the mitigation measures.

**Response to Comment 6-4:** Williamson Act program Discontinued. The BLM does not have the authority to alter the CEQA document as suggested by this comment. The County of Imperial is the regulator with authority to address this comment. Under NEPA, the range of alternatives discussed within the DEIR/EA address the Williamson Act lands and the resource effects of those alternatives. The NEPA analysis of the effects and impacts to the resources remain unchanged, as does the Finding of No Significant Impact (FONSI).

**Response to Comment 6-5:** Environmentally Superior Alternative. The BLM has selected Alternative 3 for approval in the Decision Record and is preparing to offer a right-of-way grant to CSE for this alternative.

**Response to Comment 6-6:** Airport Land Use Commission (ALUC) Recommendations. The BLM holds the authority to require the use of marker balls on the transmission line over BLM managed public lands. Comments and concerns from other agencies or the public are accepted and reviewed by the BLM. The marker balls were discussed during the project development and CSE agreed to include the marker balls as part of their project design over the westside main canal and highway 98.

**Response to Comment 6-7:** Acreage Consistency. The inconsistency in the acreage is noted, although it does not alter the NEPA analysis of the effects and impacts by the project or the FONSI. The analysis and effects of the project were based upon the correct acreage numbers. The inconsistency in the document reflects technical errors related to editing the document.

**Response to Comment 6-8:** Wetlands impact acreage. The comment states that California Department of Fish and Game wetland impact acreages have been refined since the EIR/EA's publication. The EIR/EA analyzed impacts to jurisdictional waters in chapter 4.12, Biological Resources, with impacts

## COMMENTS AND RESPONSE TO COMMENTS

---

to California Department of Fish and Game jurisdictional waters summarized in Table 4.12-3. The number of acres of impacts analyzed in the EIR/EA is greater than the refined acreage (3.7 acres) provided in the comment. Furthermore, the refined acreage is a reduction or removal in the impacted areas, and thus the refined acreage is within the range of impacts considered in the EIR/EA.

**Response to Comment 6-9:** Vegetation communities mitigation. The comment clarifies that mitigation for disturbance to vegetation communities would be encompassed within the 6:1 compensatory mitigation required for flat-tailed horned lizard provided in mitigation measure BIO-5. This comment does not contradict the existing analysis in the EIR/EA.

**Response to Comment 6-10:** Requirement to Use Aqueous Diesel Fuel. The BLM does not have the regulatory authority to alter or change the mitigation measures for the aqueous diesel as proposed by the County. As such, the BLM can only note that the NEPA analysis of the effects and impacts to the resource remain unchanged with the proposed removal of the mitigation measure and BLM is able to Find No Significant Impact with the approved project as identified in the BLM Decision Record.

**Response to Comment 6-11:** Dust Control. A BLM approved Dust control plan will be required prior to the issuance of a Notice to Proceed for the project. The BLM agrees with CSE that mandatory scheduled watering for dust control may cause unnecessary adverse impacts by pooling. The BLM concurs with the addition of the use “or as needed to achieve compliance with the opacity standards in mitigation measure AQ-2” so long as the levels of emissions do not exceed the levels as analyzed within the DEIR/EA.

**Response to Comment 6-12:** Greenhouse Gas (GHG) Mitigations. The BLM does not have the regulatory authority to alter or change the mitigation measures for the GHG as proposed by the County. As such, BLM can only note that the NEPA analysis of the effects and impacts to the resource remain unchanged with the proposed removal of the mitigation measure and the BLM is able to Find No Significant Impact with the approved project as identified in the BLM Decision Record.

**Response to Comment 6-13:** Soil Removal. The BLM does not have the regulatory authority to alter or change the mitigation measures for the Soil Removal as proposed by the County. As such, the BLM can only note that the NEPA analysis of the effects and impacts to the resource remain unchanged with the proposed alteration of the mitigation measure and the BLM is able to Find No Significant Impact with the approved project as identified in the BLM Decision Record.

**Response to Comment 6-14:** Soil Clean-Up. The BLM does not have the regulatory authority to alter or change the mitigation measures for the Soil Clean-Up as proposed by the County. As such, the BLM can only note that the NEPA analysis of the effects and impacts to the resource remain unchanged with the proposed alteration of the mitigation measure and the BLM is able to Find No Significant Impact with the approved project as identified in the BLM Decision Record.