

Final Environmental Impact Report and Environmental Assessment

Response to Comments

Imperial Solar Energy Center West

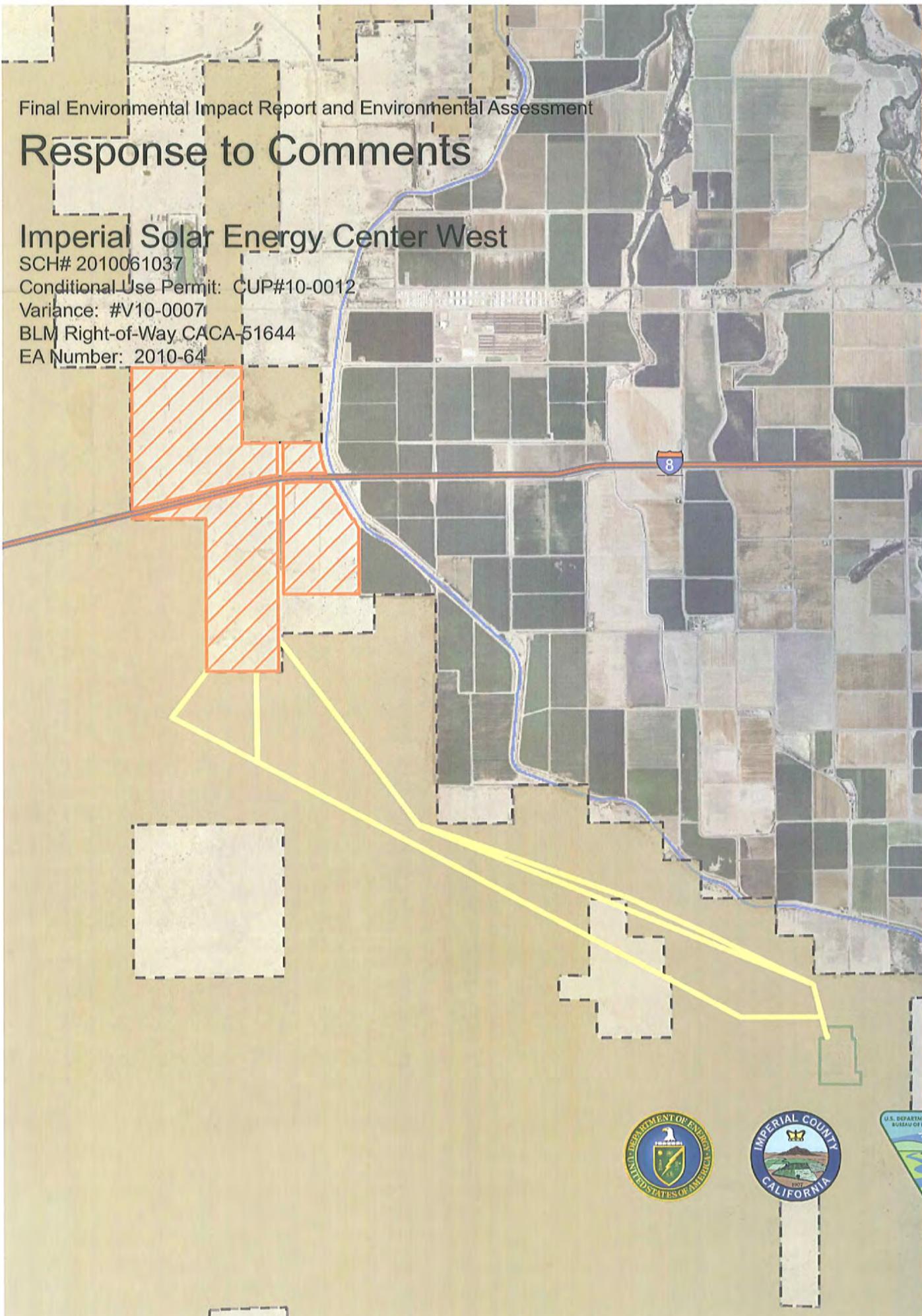
SCH# 2010061037

Conditional Use Permit: CUP#10-0012

Variance: #V10-0007

BLM Right-of-Way CACA-51644

EA Number: 2010-64



Final EIR/EA Response to Comments

for the

Imperial Solar Energy Center West

SCH #2010061037

Conditional Use Permit: CUP #10-0012

Variance: #V10-0007

BLM Right-of-Way: CACA-51644

EA Number: 2010-64

prepared for

County of Imperial
801 Main Street
El Centro, CA 92243

and

Bureau of Land Management
1661 South 4th Street
El Centro, CA 92243

prepared by

BRG Consulting, Inc.
304 Ivy Street
San Diego, CA 92101

July 2011

Index of Comments on Draft EIR/EA & Responses

The Draft EIR/EA for the Imperial Solar Energy Center West project was circulated for public review and comment for a period of 50 days, from November 22, 2010 to January 10, 2011. The following agencies, organizations, and persons provided written comments on the Draft EIR during public review. A copy of each comment letter along with corresponding responses is included in a "side by side" format to facilitate review. The specific comments and the corresponding responses have each been given an alphanumeric reference. The Final EIR/EA includes revisions including clarifications and corrections. The Final EIR/EA includes revisions, including clarifications, corrections, and updated information based on these comments. These revisions to the original text are made in restatement (clean) format instead of in strikeout/underline format in order to enhance the quality of public and decision-maker review.

Letter	Author	Address	Date	Representing	Page No. of Letter
<i>Federal/State Agencies</i>					
A	Terry Roberts Director	1400 Tenth Street P.O. Box 3044 Sacramento, CA 95812	January 7, 2011	Governor's Office of Planning and Research State Clearinghouse and Planning Unit	RTC-1
B	Jacob B. Armstrong Chief	4050 Taylor Street, M.S. 240 San Diego, CA 92110	January 4, 2011	Department of Transportation District 11, Division of Planning	RTC-3
C	Christopher S. Harris Acting Executive Director	770 Fairmont Avenue, Suite 100 Glendale, CA 91203-1068	December 29, 2010	Colorado River Board of California	RTC-5
D	Dave Singleton Program Analyst	915 Capitol Mall, Room 364 Sacramento, CA 95814	December 27, 2010	Native American Heritage Commission	RTC-6
<i>Local Agencies</i>					
E	William S. Brunet, PE Director Signed by Manuel Ortiz Assistant County Engineer	155 S. 11 th Street El Centro, CA 92243	February 2, 2011	County of Imperial Department of Public Works	RTC-11
F	Connie L. Valenzuela Agricultural Commissioner	852 Broadway El Centro, CA 92243	January 10, 2011	Agricultural Commissioner Sealer of Weights and Measures	RTC-16

G	Donald Vargas Environmental Specialist	PO BOX 937 Imperial, CA 92251	January 6, 2011	Imperial Irrigation District Environmental, Regulatory and Emergency Planning	RTC-18
H	Belen Leon APC Environmental Coordinator	150 South Ninth Street El Centro, CA 92243	December 17, 2010	Air Pollution Control District Imperial County	RTC-23
<i>Organizations</i>					
I	Bridget R. Nash- Chrabasz Quechan Tribe Preservation Officer	PO BOX 1899 Yuma, AZ 85366	January 4, 2011	Quechan Indian Tribe	RTC-25
J	Tom Buttgenbach, Ph.D. President	10100 Santa Monica Blvd., Suite 300 Los Angeles, CA 90067	December 16, 2010	8minutenergy Renewables LLC	RTC-28
<i>Individuals</i>					
K	Donna Tisdale	PO BOX 1275 Boulevard, CA 91905	December 22, 2010	Individual	RTC-29
L	Laura Cunningham	Baker, CA	December 29, 2010	Basin and Range Watch	RTC-53

Comment Letter A



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



January 7, 2011

Patricia Valenzuela
Imperial County Planning and Development Services Department
801 Main Street
El Centro, CA 92243

Subject: Imperial Solar Energy Center West
SCI#: 2010061037

Dear Patricia Valenzuela:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 6, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency



1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

RESPONSE TO COMMENT LETTER FROM GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT, SIGNED BY TERRY ROBERTS, DIRECTOR, DATED JANUARY 7, 2011 (COMMENT LETTER A)

Response to Comment A-1:

This letter acknowledges that the County of Imperial has complied with the State Clearinghouse public review requirements for the Imperial Solar Energy Center West Project Draft EIR, pursuant to the California Environmental Quality Act.

Also, this letter transmits comment letters received from state agencies during the Draft EIR public review period. State agency comment letters transmitted by the State Clearinghouse consist of the California Department of Transportation, Colorado River Board of California, and the Native American Heritage Commission. Responses to these State-agency comments are provided in Responses to Comments B-1 through B-5, C-1, and D-1 through D-9.

A-1

Comment Letter A
Attachment

Document Details Report
State Clearinghouse Data Base

SCH#	2010061037		
Project Title	Imperial Solar Energy Center West		
Lead Agency	Imperial County		
<hr/>			
Type	EIR	Draft EIR	
Description	Development of a solar energy center on 1,130 acres of vacant land previously utilized for agricultural purposes. Project would include a facility consisting of a ground mounted photovoltaic solar power generating system, supporting structures, operations and maintenance building, substation, water treatment facility, plant control system, meteorological station, and roads and fencing. The electric generating facility would connect to the Imperial Valley Substation via 230 kV transmission lines. The Imperial Valley Substation is isolated by federal lands managed by the Bureau of Land Management (BLM). The project plans a 120-foot-wide Right-of-Way from the project site, along BLM land to the Imperial Valley Substation.		
<hr/>			
Lead Agency Contact			
Name	Patricia Valenzuela		
Agency	Imperial County Planning and Development Services Department		
Phone	(760) 482-4320	Fax	
email			
Address	801 Main Street		
City	El Centro	State	CA Zip 92243
<hr/>			
Project Location			
County	Imperial		
City			
Region			
Lat / Long	32° 46' 18.8" N / 115° 46' 59.3" W		
Cross Streets	Dunaway Rd. and Strobel Rd.		
Parcel No.	034-360-075 thru 078; 051-010-007		
Township	16S	Range	11,12E Section 13 Base
<hr/>			
Proximity to:			
Highways	I-8		
Airports	no		
Railways	no		
Waterways	Westside Main Canal		
Schools	Westside ES		
Land Use	Agriculture A-2 (General Agriculture), A-2-R (General Agricultural Rural Zone), and A-3 (Heavy Agriculture)		
<hr/>			
Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues		
<hr/>			
Reviewing Agencies	Resources Agency; Colorado River Board; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 11; Regional Water Quality Control Board, Region 7; Department of Toxic Substances Control; California Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission		
<hr/>			
Date Received	11/23/2010	Start of Review	11/23/2010 End of Review 01/06/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter B

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY
 DISTRICT 11, DIVISION OF PLANNING
 4050 TAYLOR ST., M.S. 240
 SAN DIEGO, CA 92110
 PHONE (619) 688-6960
 FAX (619) 688-4299
 TTY 711
 www.dot.ca.gov



*"Use your power!
Be energy-efficient!"*

January 4, 2011

11-IMP-8
PM 23.48

Imperial Solar Energy Center West project
DEIR - SCH #2010061037

Patricia Valenzuela
Imperial County
Planning and Development Services
801 Main Street
El Centro, CA 92243

Dear Ms. Valenzuela:

The California Department of Transportation (Caltrans) received a copy of the Draft Environmental Impact Report (DEIR) for the proposed Imperial Solar Energy Center West project located on Interstate 8 (I-8). Caltrans has the following comments:

B-1

Visual aspects of the project including glint and glare should be documented not to have any potential impacts to motorists driving on I-8.

B-2

It is understood by our agency that no new utility crossings on state facilities will occur as a result of this project. However, if any work is performed within Caltrans right-of-way (R/W) an encroachment permit will be required.

B-3

Any work performed within Caltrans R/W must provide an approved final environmental document including the California Environmental Quality Act (CEQA) determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. If these materials are not included with the encroachment permit application, the applicant will be required to acquire and provide these to Caltrans before the permit application will be accepted. Identification of avoidance and/or mitigation measures will be a condition of the encroachment permit approval as well as procurement of any necessary regulatory and resource agency permits

B-4

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

"Nullatenus unproced quodlibet necesse Californis"

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TRANSPORTATION, DISTRICT 11, DIVISION OF PLANNING, SIGNED BY JACOB B. ARMSTRONG, CHIEF, DATED JANUARY 4, 2011 (COMMENT LETTER B)

Response to Comment B-1:

A visual analysis of the potential impacts associated with the proposed project was conducted and is provided in EIR/EA Sections 3.1 and 4.1. The visual analysis included the preparation of computer-generated photosimulations of the proposed project as viewed from several locations located along I-8. No visual impact has been identified. Furthermore, as discussed on EIR/EA page 4.1-15, the proposed photovoltaic and CPV modules are non-reflective (would not create a source of glare during sunlight hours), nor would any portion of the project be constructed of highly-reflective materials. No glare impact has been identified.

Response to Comment B-2:

The County and project Applicant recognize that an encroachment permit would be required for any work performed within Caltrans right-of-way. This is identified on EIR/EA page 2-50 which lists a California Department of Transportation - Encroachment Permit as a potential approval needed for project implementation. The proponent anticipates filing an encroachment permit application to cross Interstate 8 with a 34.5kv electrical line. This crossing will conform to Caltrans standards.

Response to Comment B-3:

Comment noted. The project Applicant is aware of, and will comply with, encroachment permit requirements.

Response to Comment B-4:

Comment noted.

Comment Letter B
(cont'd.)

Ms. Valenzuela, Imperial County
January 4, 2011
Page 2

If you have any questions on the comments Caltrans has provided, please contact Leila Ibrahim of the Development Review Branch at (619) 688-6954. } B-5

Sincerely,



JACOB M. ARMSTRONG, Chief
Development Review Branch

c: Armando G. Villa, Imperial County

RESPONSE TO COMMENT LETTER FROM DEPARTMENT OF TRANSPORTATION, DISTRICT 11, DIVISION OF PLANNING, SIGNED BY JACOB B. ARMSTRONG, CHIEF, DATED JANUARY 4, 2011 (COMMENT LETTER B) (continued)

Response to Comment B-5:
Comment noted.



Comment Letter C

RESPONSE TO COMMENT LETTER FROM COLORADO RIVER BOARD OF CALIFORNIA, SIGNED BY CHRISTOPHER S. HARRIS, ACTING EXECUTIVE DIRECTOR, DATED DECEMBER 29, 2010 (COMMENT LETTER C)

STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY
COLORADO RIVER BOARD OF CALIFORNIA
770 FAIRMONT AVENUE, SUITE 100
GLENDALE, CA 91203-1088
(818) 500-1625
(818) 543-6885 FAX

ARNOLD SCHWARZENEGGER, Governor



clear: 1/6/2011
e

December 29, 2010

State Clearinghouse
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, CA 95812-3044



Regarding: SCH# 2010 061 037: Notice of Completion & Environmental Document Transmittal for the Draft Environmental Impact Report and Environmental Assessment, Imperial Solar Energy Center West, Imperial County, California

To Whom It May Concern:

The Colorado River Board of California (CRB) has received and reviewed a copy of Notice of Completion & Environmental Document Transmittal for the Draft Environmental Impact Report and Environmental Assessment, Imperial Solar Energy Center West, Imperial County, California.

At this juncture, the CRB has determined that it has no comments regarding the Notice. However, regarding the water use for the construction and the operation of the facilities, and, if necessary, the drainage and the storm water draining from the project site, please check with the Imperial Irrigation District for its requirements.

C-1

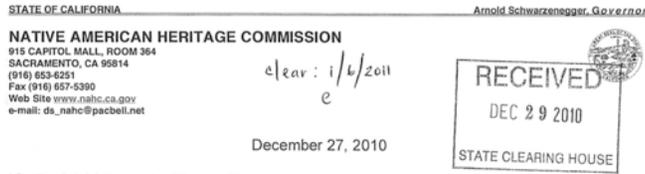
If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,

CS Harris
Christopher S. Harris
Acting Executive Director

cc: Mr. Michael L. King, Manager, Water Department, Imperial Irrigation District

Comment Letter D



Mr. Patrick Valenzuela, Planner III
Imperial County Planning & Development Services
Department
 801 Main Street
 El Centro, CA 92243

RE: SCH#2010061037: CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Imperial Solar Energy Center West Project (CUP #10-0012); BLM Right of Way CACA-51644; EA #2010-64; located on 1,130-acres of private land with a connection to the Imperial Valley Substation on U.S. Bureau of Land Management property; west of the City of El Centro; Imperial County, California

Dear Mr. Valenzuela:

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

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were NOT identified within one-half mile of several of the Area of Potential Effect (APE). Also, it is important to understand that the absence of archaeological, Native American cultural resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Enclosed a list with the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a

D-1

D-2

D-3

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM ANALYST, DATED DECEMBER 27, 1010 (COMMENT LETTER D)

Response to Comment D-1:

The County recognizes that the Native American Heritage Commission (NAHC) is the state "trustee agency" pursuant to CEQA as it relates to Native American cultural resources and understands CEQA and CEQA Guidelines guidance as it relates to cultural resources potentially impacted by any project.

EIR/EA Sections 3.7, 4.7 and 5.0 (Cumulative Impacts) address the proposed project's potential impact to cultural resources. Archaeological surveys have been conducted for the proposed project, including the solar energy facility site and proposed transmission line corridor.

Response to Comment D-2:

As described on EIR/EA page 3.7-10:

A Sacred Lands File (SLF) search request was submitted to the NAHC by RECON Environmental on October 6, 2010. The response letter dated October 12, 2010, established that the SLF failed to indicate the presence of Native American cultural resources in the immediate project area; however, consultation with Native American tribes was recommended and a list of contacts for tribes adjacent to the project was enclosed. Specifically, the letter recommended contacting Carmen Lucas of the Kwaaymii Laguna Band of Mission for insight regarding specific information about the cultural resources located in the project area.

Archaeological surveys have identified cultural resources sites within the project's area of potential effect (APE) (see EIR/EA Section 3.7).

Additionally, early consultation with Native American tribes has been conducted. This consultation process is described on EIR/EA page 8-4.

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM ANALYST, DATED DECEMBER 27, 1010 (COMMENT LETTER D) (continued)

Response to Comment D-3:

Consultation has been conducted with each of the tribes listed in this comment. See EIR/EA page 8-4. Specifically as stated on EIR/EA page 8-6:

The BLM invited the Tribes into Government-to-Government consultation by letter on June 24, 2010. The BLM has received responses from the Fort Yuma Quechan Tribe, the Manzanita Tribe, the Kwaaymii Laguna Band of Indians, and Cocopah Indian Tribe indicating their interest in the project and their desire to continue consultation. The BLM is continuing to provide updates on the status of the environmental review process and the Section 106 process, invite the Tribes into Government-to-Government consultation, and request their help in identifying any issues or concerns. The cultural resource inventory reports were sent to all Tribes for their review and comment on November 1, 2010. The letter included with the reports also invited Tribes to a meeting and archaeological sites visits that were held in El Centro on November 16, 2010. Representatives from the Cocopah Indian Tribe and San Pasqual Band of Diegueno Indians attended the meeting. The meeting presented information to the tribes regarding the proposed project and was an opportunity for Tribes to ask questions and express their concerns regarding the proposed project. Another letter was sent to the Tribes on December 14, 2010 informing them of the release of the Draft EA/EIR, the comment period, as well as where they could submit any comments they may have. Finally, the BLM initiated consultation on the no-adverse affect determination that has been proposed by a letter dated June 17, 2011. The consultation process is still ongoing.

Comment Letter D
(cont'd.)

Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental planning processes.

Furthermore the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

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

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

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

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens. Although tribal consultation under the California Environmental Quality Act (CEQA; CA Public Resources Code Section 21000 - 21177) is 'advisory' rather than mandated, the NAHC does request 'lead agencies' to work with tribes and interested Native American individuals as 'consulting parties,' on the list provided by the NAHC in order that cultural resources will be protected. However, the 2008 Senate Bill 1059 the state enabling legislation to the Federal

- D-3 (cont'd.)
- D-4
- D-5
- D-6
- D-7
- D-8

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM ANALYST, DATED DECEMBER 27, 1010 (COMMENT LETTER D) (continued)

Response to Comment D-4:

Comment noted. The archaeological survey included a records search from the South Coastal Information Center (SCIC) that provided information regarding whether previous surveys have been conducted in the area of potential effect, what resources might be expected, and whether any cultural resources have been recorded within the project limits.

Response to Comment D-5:

Early consultation with Native American tribes has been conducted in accordance with applicable federal, state, and local regulations. The consultation process conducted for this project is described on EIR/EA page 8-4. Please also refer to Response to Comment D-3.

Response to Comment D-6:

The project Applicant, County and BLM have emphasized avoidance of cultural resources where feasible. Forty-four cultural resources sites have been identified within the project's APE. Of those 44 sites, 38 sites will not be directly impacted by the proposed project. Of the remaining six sites, between zero and six sites will be impacted depending on the alternative selected (see EIR/EA page 4.7-7). There are a total of 16 sites located within the Proposed Action APE. All of the cultural resources within the APE for this project would be avoided through project design with the exception of CA-IMP-11502 (SR-4), CA-IMP-11473 (S-7), and CA-IMP-11474 (S-8). However, the BLM has proposed that these three archaeological sites are not eligible for listing on the NRHP because the sites have been disturbed by agricultural activities and no longer retain integrity of location. Because the project has been modified and conditions imposed such that these sites would be avoided, the BLM has proposed that there would be no direct adverse effect on historic properties for the Proposed Action. In addition, the BLM has proposed that there would be no direct adverse effect on historic properties for the Alternative 1-Alternative Transmission Line Corridor and Alternative 3-Reduced Solar Energy Facility Site. Without Applicant Mitigation Measures, Alternative 2-Alternative Transmission Line Corridor would result in direct adverse effects to four

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM ANALYST, DATED DECEMBER 27, 1010 (COMMENT LETTER D) (continued)

Response to Comment D-6: (cont'd.)

newly identified sites [CA-IMP-11473 (S-7), CA-IMP-11474 (S-8), CA-IMP-11502 (SR-4), and CA-IMP-3789 (S-22)] and two previously identified sites (CA-IMP-10522 and -8668) located within APE. The implementation of Mitigation Measure CR1 and the development of an MOA would ensure that the project does not adversely impact these resources. Mitigation Measure CR1 is proposed which includes an emphasis on avoidance where feasible. Mitigation Measure CR1 (a) (1) states, "Avoidance of the resource through project redesign in a manner that is technically possible, operationally possible, does not cause a new significant environmental impact or increase the severity of a significant environmental impact, and does not cause the loss of more than 1 MW of production."

The potential for accidental discovery of human remains is also addressed in the EIR/EA. Mitigation Measure CR4 is proposed to ensure that potential project impacts to previously unknown human remains do not rise to a level of significance. Mitigation Measure CR4 states:

CR4 If human remains are discovered, work will be halted in that area, and the procedures set forth in the Native American Graves Protection and Repatriation Act (NAGPRA), the CEQA Guidelines Sec. 15064.5 (d) and (e), California PRC Sec. 5097.98 and state HSC Sec. 7050.5 shall be followed, as applicable.

Response to Comment D-7:

These comments are acknowledged. Furthermore, information regarding cultural resource sites as they relate to the proposed project and their locations has remained confidential.

Response to Comment D-8:

These comments are acknowledged and consultation with Native American tribes has been conducted, and will continue (please refer to Response to Comment D-3). Also, please see EIR/EA Section 4.7.3 Project Conditions (EIR/EA page 4.7-21).

Comment Letter D
(cont'd.)

RESPONSE TO COMMENT LETTER FROM NATIVE AMERICAN HERITAGE COMMISSION, SIGNED BY DAVE SINGLETON, PROGRAM ANALYST, DATED DECEMBER 27, 1010 (COMMENT LETTER D) (continued)

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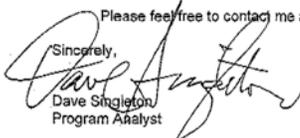
Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC

D-8
(cont'd.)

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

D-9

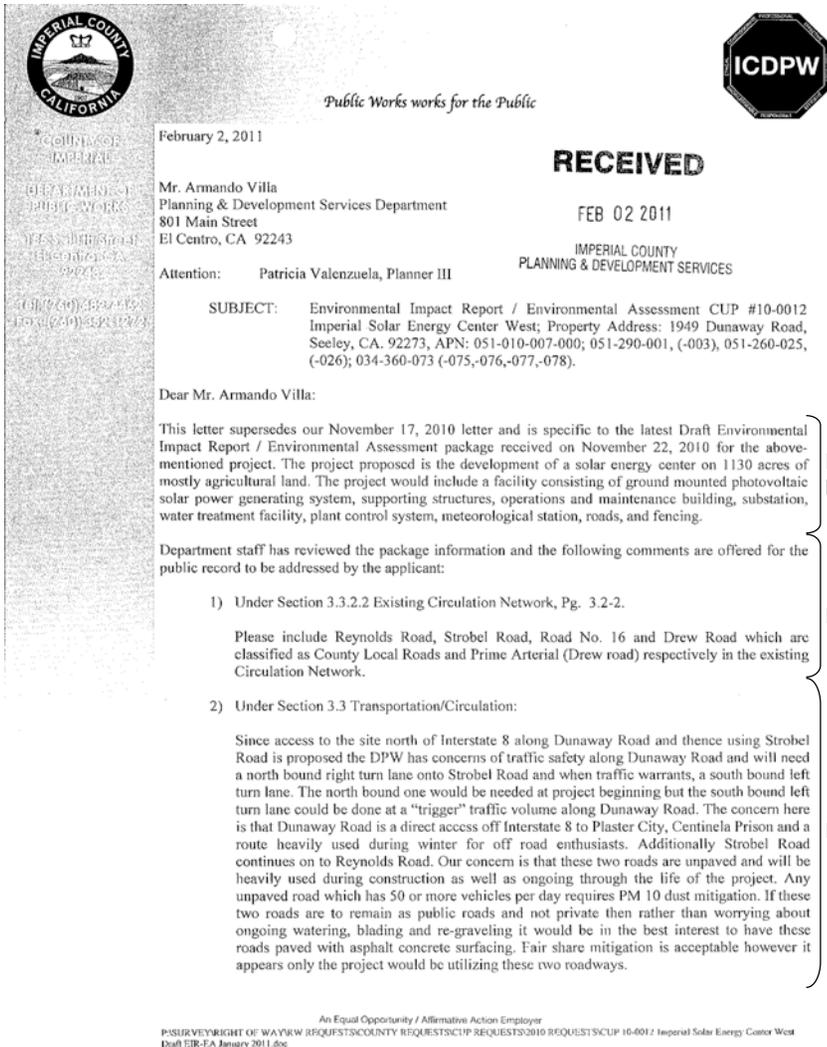
Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Culturally Affiliated Native American Contacts

Cc: State Clearinghouse

Comment Letter E



RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT OF PUBLIC WORKS, SIGNED BY WILLIAM S. BRUNET, PE, DIRECTOR OF PUBLIC WORKS, DATED FEBRUARY 2, 2011 (COMMENT LETTER E)

Response to Comment E-Intro:
 Comment noted.

Response to Comment E-1:
 The traffic impact analysis prepared for the project analyzes the roadway facilities that could be impacted as a result of construction traffic (operational traffic will be very minimal). Specifically, where 50 or more peak hour trips are anticipated. The analysis is based on the anticipated construction traffic distribution from the region as shown in EIR/EA Figures 4.3-1 through 4.3-6. Based on this analysis, the roadways segments listed in the comment would not experience a significant amount of construction related traffic and no impact to these facilities has been identified.

Response to Comment E-2a:
 The project Applicant proposes to water all construction access roads to minimize PM10 emissions. Specifically, EIR/EA Mitigation Measure AQ2 requires compliance with Imperial County Air Pollution Control District Standard Measures for PM 10 Control. These measures include:

- All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
- All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.

It should be noted that operational trips on these roadways will not exceed 50 or more vehicles per day.

Project Operations and Maintenance Trip Generation

The project will primarily operate during daylight hours and will require approximately four fulltime personnel for operations and maintenance. The project will be staffed with a security guard 24 hours per day, seven days a week. Based on this information, the operations and maintenance trip generation is estimated at 10 to 15 ADT with 4 AM and 4 PM peak hour

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT OF PUBLIC WORKS, SIGNED BY WILLIAM S. BRUNET, PE, DIRECTOR OF PUBLIC WORKS, DATED FEBRUARY 2, 2011 (COMMENT LETTER E) (continued)

Response to Comment E-2a: (cont'd.)

trips. Therefore, the higher and more conservative construction trip estimate, although only short-term in nature, was used to determine potential project impacts.

The Operations and Maintenance Building and Switchyard are located South of Interstate 8. Most of the O/M activities will take place south of Interstate 8. Post-construction traffic north of Interstate 8 will include panel washing up to six times per year, infrequent repair and maintenance activities and security inspections. Access to this northern portion of the project, which would utilize Strobel Road will generate less than 10-15 ADT during operations. Northbound and southbound turning lanes appear unwarranted for operation of the facility.

Comment Letter E
(cont'd.)

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY DEPARTMENT OF PUBLIC WORKS, SIGNED BY WILLIAM S. BRUNET, PE, DIRECTOR OF PUBLIC WORKS, DATED FEBRUARY 2, 2011 (COMMENT LETTER E) (continued)

As for access to the site south of Interstate 8 will also utilize Dunaway Road but using County Road No. 16 which is a combination paved/unpaved which currently sees very little traffic. Again our concern will be how much construction and permanent traffic this roadway will experience. For the paved portion within County control (not Caltrans) the roadway needs to be delineated better as the area controlled by Caltrans is used by Caltrans as a material stocking and mixing yard. Again in the unpaved portion the concern is PM 10 dust and vehicle count exceeding 50 vehicles per day.

E-2b

Response to Comment E-2b:

With respect to access to the southern portion of the site, the same dust control measures would apply to the unpaved surfaces of County Road No. 16.

3) Under Section 5.2.1.3 Transportation/Circulation, year 2012 plus Cumulative plus Project Conditions, Pg. 5-21:

E-3

Response to Comment E-3:

The Applicant will be responsible for ensuring that existing roadways utilized for the construction access to the project are adequately maintained during construction and restored to their preconstruction condition. This will be included as a Conditional of Approval as part of the Conditional Use Permit for the project.

The Report should clearly identify that the mitigation monitoring and reporting program will be done by the applicant and will be submitted to the Department of Public Works for review and approval. Additionally the mitigation monitoring program shall include pictures, videos as to verify the existing impacted roads condition before construction begins and after construction has been completed to evaluate the impacts to county road facility due to the construction and provide recommendations to bring the roads up to pre-construction conditions. The Applicant will be required to repair any damages it causes.

Traffic Study (Appendix B) comments:

4) Under Section 3.1 Existing Street System, Pg. 8

E-4

Response to Comment E-4:

Please refer to Response to Comment E-1.

Please include Reynolds Road, Strobel Road, County Road No. 16 and Drew Road which are classified as County Local Roads and Prime Arterial (Drew Road) respectively in the existing Circulation Network.

5) Under Conclusions and Recommendations, Pg. 43.

E-5

Response to Comment E-5:

Please refer to Response to Comment E-3.

The Report should clearly identify that the mitigation monitoring and reporting program will be done by the applicant and will be submitted to the Department of Public Works for review and approval. Additionally the mitigation monitoring program shall include pictures, videos as to verify the existing impacted roads condition before construction begins and after construction has been completed to evaluate the impacts to county road facility due to the construction and provide recommendations to bring the roads up to pre-construction conditions. The Developer will be required to repair any damages it causes.

In addition the following comments are provided in general and shall be Conditions of Approval:

1) Reynolds Road, Strobel Road and County Road No. 16 are classified as Local Roads requiring sixty feet (60) feet of right of way, being thirty (30) feet from existing centerline. It is requested that sufficient right-of-way be provided to meet this road classification. However if any of these roads can be made private and relinquished this may offer an alternate solution.

E-6

Response to Comment E-6:

The referenced improvements are requested Conditions of Approval for the project and are not mitigation measures associated with a specific traffic impact associated with the project. The Applicant is coordinating with the County Department of Public Works regarding the requested conditions of approval listed in the comment. Any modifications to these conditions as an outcome of this further coordination will be included in the Conditional Use Permit for the project as appropriate.

2) Reynolds Road, Strobel Road, and that portion of unpaved County Road 16 being county maintained roads shall be paved once the threshold of 50 vehicles per day are realized for this project. The project applicant shall provide a fair share mitigation for design &

Comment Letter E
(cont'd.)

construction of the paved road to meet County Local Rural Road Standard Drawing 430A. Until this occurs, Applicant shall enter into an agreement with the County to be responsible to maintain these unpaved roads using best available technology to address PM 10, including watering, blading and re-graveling at his expense beginning with construction of the proposed facilities.

- 3) A record of survey delineating leased area must be provided. Should the development of the project constitute a subdivision for sale, lease, or financing, per the Subdivision Map Act, then a parcel or final map, along with the attendant planning review, may be required.
- 4) The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included.
- 5) An encroachment permit shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the properties through surrounding roads. A Commercial type of driveway(s) such as County Standard Drawing 410B shall be minimally designed & constructed at the project access point(s) off of a County paved road, where applicable. Should additional improvements be deemed necessary by DPW to address public transportation safety, applicant shall address such public improvements through the encroachment permitting process of DPW.
- 6) A northbound right turn lane on Dunaway Road onto Strobel Road shall be designed and constructed prior to construction activities proceeding. A southbound left turn lane on Dunaway Road onto Strobel Road shall be designed for County approval prior to a certificate of occupancy for Phase 1. The southbound left turn lane on Dunaway Road onto Strobel Road shall be constructed when a traffic volume along Dunaway Road has been reached. Applicant shall provide this trigger traffic volume to DPW for approval. Rural road safety is the concern here, not traditional traffic warrants.
- 7) Normally full road improvements along the project frontage along all county roads must be provided for. All public improvements must meet the County Department of Public Works standard guidelines prior to approval. The DPW takes no exception to only requiring road improvements, where applicable, without standard curb, gutter and sidewalks for this specific project due to "no purpose and use" attributable to the proposed development and the surrounding area being unlikely to foster need for pedestrian facilities.
- 8) A Transportation Permit shall be required from road agency(s), i.e. Caltrans and County, having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads on riding surfaces, including bridges.
- 9) The project will require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan.
- 10) All solid and hazardous waste shall be disposed of in an approved solid waste disposal site in accordance with existing County, State and Federal regulations.

E-6
(cont'd.)

Comment Letter E
(cont'd.)

- 11) All permanent structures, including above ground piping abutting county roads shall be located outside the ultimate right of way. Additionally, locations of instruments and appurtenances cannot pose a traffic safety hazard.
 - 12) Coordination with Caltrans should be made for traffic concerns on Interstate 8.
- } E-6
(cont'd.)

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

William S. Brunet, PE
Director of Public Works

By: 

Manuel Ortiz
Assistant County Engineer

Pf/dm

Comment Letter F

Connie L. Valenzuela
Agricultural Commissioner
Sealer of Weights and Measures

Linda S. Evans
Assistant Agricultural Commissioner/
Asst. Sealer of Weights and Measures



852 Broadway
El Centro, CA 92243

(760) 482-4314
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E-mail: agcom@co.imperial.ca.us

January 10, 2011

Armando G. Villa
Planning & Development Services Director
801 Main Street
El Centro, CA 92243



RE: Draft EIR/EA Imperial Solar Energy Center West

The project entails the construction, development and operation of a ground mounted 250 MW Photovoltaic solar energy facility and the construction and the operation of the electrical transmission lines that would connect from the solar facility to the existing Imperial Valley substation. The proposed solar plant will convert approximately 1130 acres of privately owned farmland to non-farm use. The proposed project is located in the western most area of the irrigated farmland in Imperial Valley. Interstate 8 bisects the property which is bordered by Dunaway Road to the West and the Westside Main Canal to the East.

F-1

The California Department of Conservation has classified the property as Farmland of Local Importance. Farmland of local importance is land of importance to the local economy and as such has agricultural value. This land has been out of agricultural production for several years and as such does not currently contribute to the local agricultural economy. At one time it did support a diversity of crops including produce. Given favorable economic conditions it may still hold future farming potential and it could potentially contribute to the local economy through increased gross agricultural production, employment, income, sales and tax revenue.

F-2

During the construction phase, and perhaps afterwards depending on whether this project will have some level of permanent staffing, neighboring agricultural operations would be impacted and restricted in their ability to use some pesticides or some pesticide application methods. Also, any complaints received by the construction site regarding nearby agricultural operations would need to be investigated, costs incurred to conduct investigations into incidents and complaints are not directly reimbursed by the state.

F-3

Since the project will be surrounded by desert and farmland it will be exposed to higher than normal levels of dust and potential pesticide drift which will likely necessitate cleaning of the panels in excess of the reported two times per year.

F-4

The land under the solar panels could harbor noxious weeds, pests and plant diseases which are detrimental to agriculture and could cause damage to adjacent fields and crops. This could be a problem if a cover crop is used for dust control. If weeds are allowed to grow uncontrolled they could be subject to field weed abatement enforcement procedures by the Agricultural Commissioners Office per Section 5421; of the California Agricultural code. If these solar panels are located next to or near any produce or organic fields, they could create food safety issues (i.e. E. coli in spinach caused by animal dropping getting into the field). Many produce growers today have to comply with Leafy Greens Agreements to ensure produce safety.

F-5

Sincerely,

Connie L. Valenzuela
Agricultural Commissioner
Sealer of Weights and Measures

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AGRICULTURAL COMMISSIONER SEALER OF WEIGHTS AND MEASURES, SIGNED BY CONNIE L. VALENZUELA, AGRICULTURAL COMMISSIONER, SEALER OF WEIGHTS AND MEASURES, DATED JANUARY 10, 2011 (COMMENT LETTER F)

Response to Comment F-1:

This comment summarizes the characteristics of the proposed project. No further response is necessary.

Response to Comment F-2:

This comment is consistent with the EIR/EA description of the project site, which is identified as "Farmland of Local Importance." Therefore, a significant impact has been identified with respect to the conversion of the site to a non-agricultural use. Mitigation Measure AR1 is proposed which would reduce the impact to a level less than significant. This measure requires either: 1) procurement of Agricultural Conservation Easements on a 2 to 1 basis for all acres converted; 2) payment of an "Agricultural In-Lieu Mitigation Fee"; or, 3) reclaiming the site to return to its current agricultural condition. It should be noted that the solar facility site was abandoned for agricultural use prior to 1996 because it was unsuitable for farming. Issues with the land included high water consumption relative to other agricultural land and repeated failures of irrigation equipment due to environmental conditions. This previously agricultural land has since partially reverted to desert habitat. Finally, the project proposes restoration of the site back to its pre-project condition upon termination, and non-renewal of the lease of the property.

Response to Comment F-3:

This comment is acknowledged. It should be noted that a majority of the project site is surrounded by desert lands. Agricultural land is located east of the project site, a majority of which is located east of the Westside Main Canal. Furthermore, the period of construction for the solar facility is approximately one-year. Once constructed, the occupancy of the solar facility would be approximately four full time employees. As such, any conflict with the agricultural lands to the east is anticipated to be less than significant due to the separation between uses, the relatively short duration of the construction period, and the very low occupancy of the project (i.e., approximately four full-time employees).

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AGRICULTURAL COMMISSIONER SEALER OF WEIGHTS AND MEASURES, SIGNED BY CONNIE L. VALENZUELA, AGRICULTURAL COMMISSIONER, SEALER OF WEIGHTS AND MEASURES, DATED JANUARY 10, 2011 (COMMENT LETTER F)

(continued)

Response to Comment F-4:

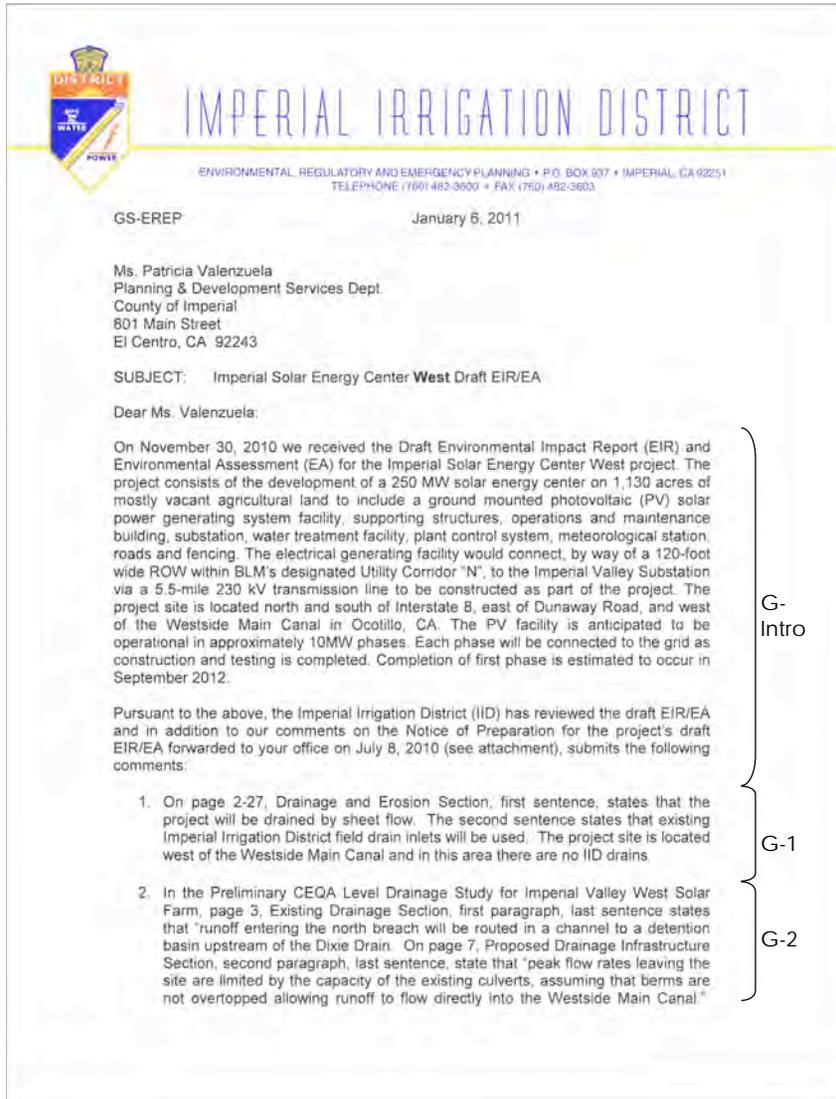
As stated on EIR/EA page 2-30, the panel cleaning interval would be determined by the rate at which electrical output degrades between cleanings. While no limit on the frequency of panel washing will be placed on the project, the Applicant currently anticipates panel washing two times per year.

Response to Comment F-5:

These comments are acknowledged. As described on EIR/EA page 2-31 (Weed Management) a weed control plan will be developed which would include a long-term strategy for weed control and management during operation of the project. Furthermore, vegetation management would be implemented as part of the project's Fire Protection and Prevention Plan (see EIR/EA page 2-24).

The entire solar field site will be fenced for security purposes. Therefore, the site is not expected to be utilized by, or an attraction for, animals.

Comment Letter G



RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT, SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED JANUARY 6, 2011 (COMMENT LETTER G)

Response to Comment G-Intro:

This comment summarizes the proposed project characteristics. Additionally, the comment provides the IID's July 8, 2010 response to the NOP as an attachment. Please refer to the "G Attachment" responses below.

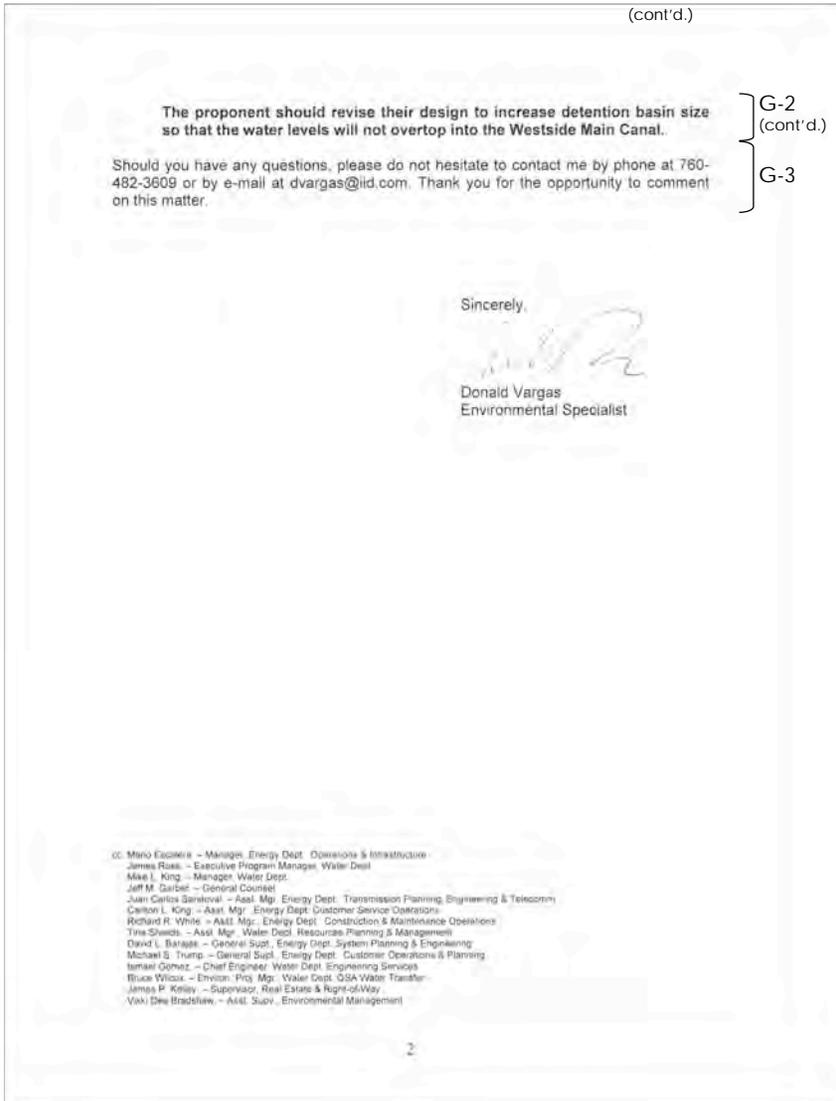
Response to Comment G-1:

EIR/EA page 3.11-7 describes the existing drainage facilities at the project site. In the southern portion of the site (i.e., south of I-8), these include existing ditches and culverts that are located around the site perimeter, and a 24-inch culvert that connects to the IID Dixie Drain. The portion of the site north of I-8 includes agricultural ditches and culverts, as well as tile drains and a portion of the site that drains to a culvert that passes under the Westside Main Canal to the Dixie Drain.

Response to Comment G-2:

The proposed detention basins have been sized in order to accommodate sheet flow and ensure that runoff will not overtop detention areas and flow into the Westside Main Canal. Please see EIR/EA Table 4.11-2 - Drainage Improvements, which summarizes proposed discharge methods for each drainage subarea. Note, the recommended drainage improvements are proposed to ensure no overtopping of the Westside Main Canal.

Comment Letter G
(cont'd.)

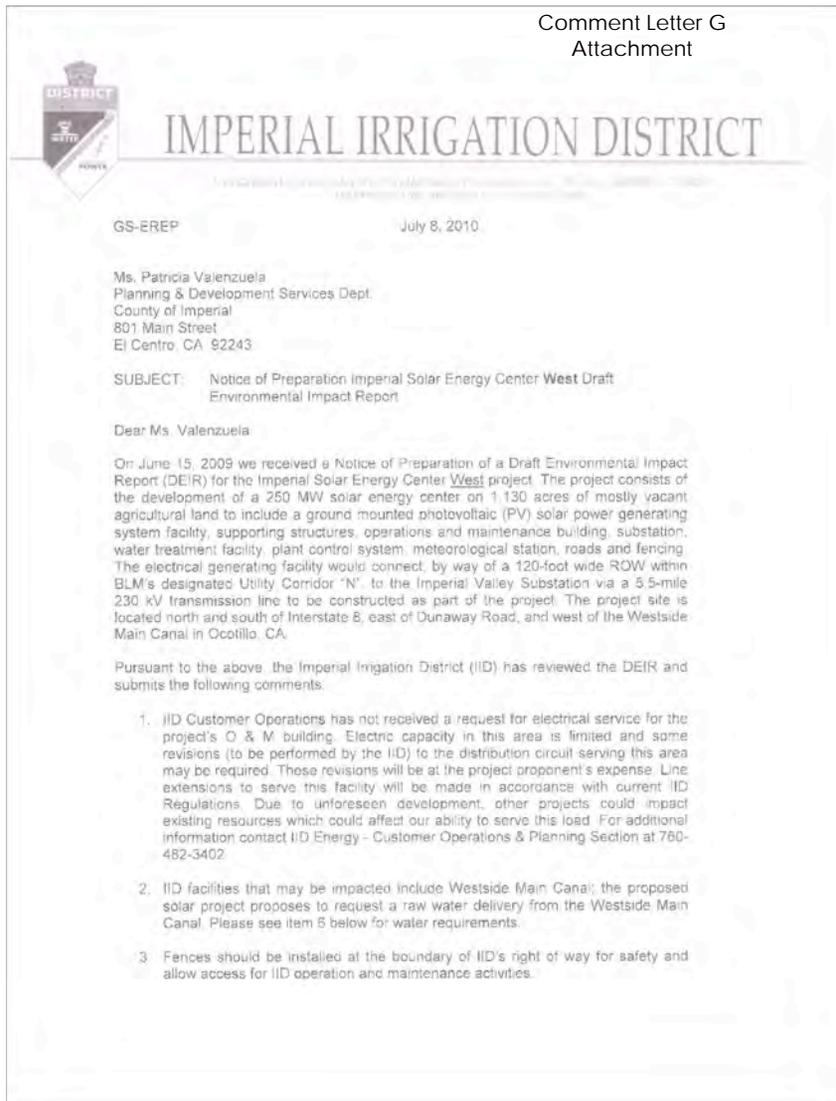


G-2
(cont'd.)
G-3

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT, SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED JANUARY 6, 2011 (COMMENT LETTER G) (continued)

Response to Comment G-3:
Comment noted.

Comment Letter G
Attachment



RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 6, 2011 (COMMENT LETTER G) (continued)

1. The Applicant has submitted an application for electric service with IID Energy – Customer Operations & Planning Section as required.
2. Comment noted.
3. Fences will be installed at the boundary of IID’s right of way as required.

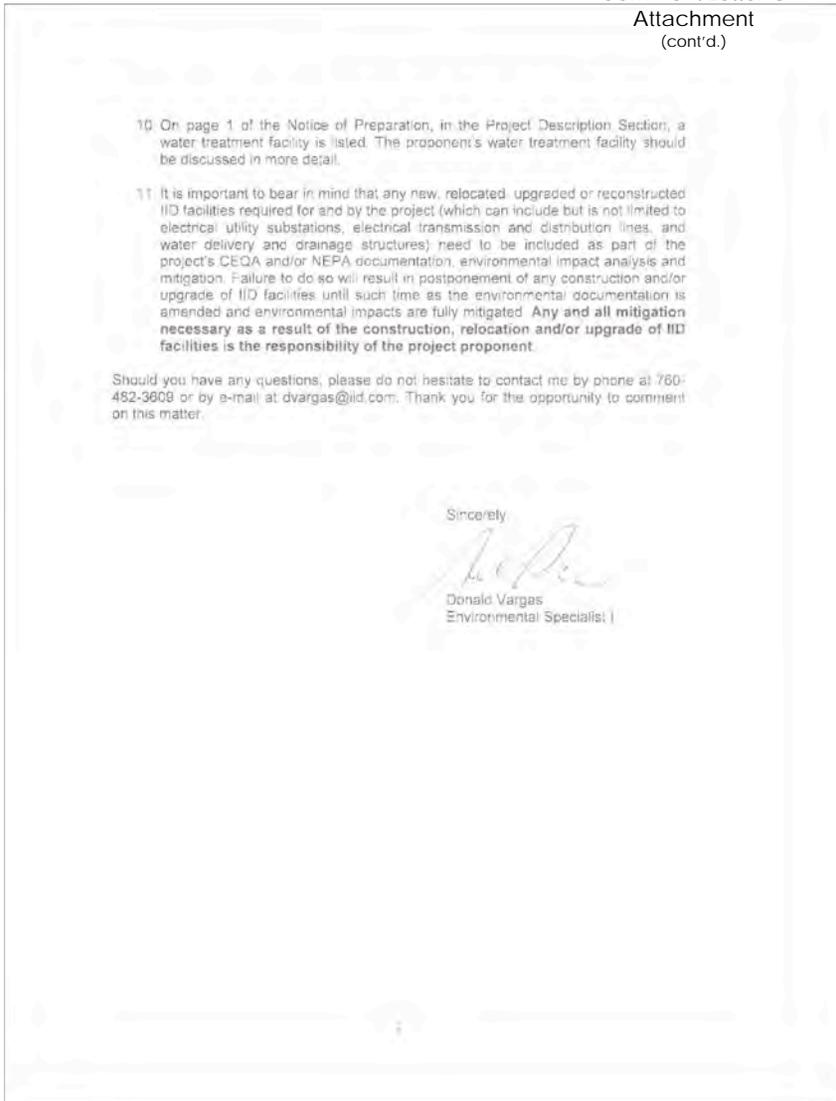
Comment Letter G
Attachment
(cont'd.)

4. The project proponent may not use IID's Westside Main structures to access the site. The Imperial Solar Energy Center West Project shall be required to construct a new bridge to cross IID facilities or provide for other access to the project site.
5. On page 3-30 of the DEIR, in the Preferred Transmission Facility section, second and third sentences, the proponent requests right of way adjacent to IID's preferred alternative for its Imperial Valley Substation to Dixieland Substation 230 kV transmission line while sharing an access road with IID on BLM lands. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit.
6. Any construction or operation on IID property or within its existing and proposed rights of way or easements, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape, and all water sewer, storm water, or any other above ground or underground utilities will require an encroachment permit. No foundations or buildings will be allowed within the right of way. A copy of the encroachment permit application is included in the IID 2008 Developer Project Guide. This guide can be found at: http://www.iid.com/Media/Developer/Project_Guide-2008.pdf website. For more information regarding encroachment permits, the IID Real Estate Section at (760) 339-9239 should be contacted.
7. On page 3-25 of the DEIR, in the Drainage and Erosion section, the first sentence states that the project will be drained by sheet flow. Storm water for the project could be connected to drains at the existing agricultural discharge locations (if any). Adjustment of discharge locations is permitted upon review and approval. The storm water discharge connections shall be in accordance with IID's Standard Drawing 12F-5855, which is included in the 2008 Developer Project Guide and can be accessed with the internet link stated in item no.5.
8. For water requirements, the proponent should review the Interim Water Supply Policy (IWSP) (see <http://www.iid.com/Water/IndustrialCustomers>) to address the project's water needs. Please be reminded that the IWSP requires the project's water use and any related impacts (i.e. reduction in drainage outflows to IID drains and Salton Sea, biological impacts of drainage reductions, etc.) to be analyzed individually, and cumulatively if appropriate, in order for IID to issue a Water Supply Agreement.
9. To enter into a water supply agreement with the IID and obtain a water supply for the project, the project proponent will be required to comply with all applicable IID policies and regulations. Such policies and regulations require, among other things, that all potential environmental and water supply impacts of the project have been adequately assessed, appropriate mitigation has been developed, and appropriate conditions have been adopted by the relevant land use permitting/approving agencies.

RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 6, 2011 (COMMENT LETTER G) (continued)

4. The project does not propose to use IID's Westside Main structures for access to the project site.
5. Comment noted. The project Applicant will be required to obtain an encroachment permit from IID for this proposed shared access road with IID.
6. Comment noted.
7. Comment noted. Connection to existing drains is proposed. Please refer to Response to Comment G-2.
8. Comment noted. The site has not been irrigated for over ten years. Minimal water use is proposed and a majority of the site will remain in a pervious condition. Therefore, no impact as it relates to reduction in drainage flows is anticipated.
9. Comment noted.

Comment Letter G
Attachment
(cont'd.)



RESPONSE TO COMMENT LETTER FROM IMPERIAL IRRIGATION DISTRICT,
SIGNED BY DONALD VARGAS, ENVIRONMENTAL SPECIALIST, DATED
JANUARY 6, 2011 (COMMENT LETTER G) (continued)

10. As described on EIR/EA page 2-26, an onsite water treatment facility would draw water from the Westside Main Canal, and treat the water for domestic and panel washing use. Alternatively, water may be trucked to the site in tanker trucks and stored on site for domestic use, panel washing and dust suppression. Bottled water will be trucked to the site for drinking water.
11. The whole of the proposed action, including any new, relocated, upgraded, or reconstructed IID facilities has been evaluated in the EIR/EA.

Comment Letter H



December 17, 2010

Mr. Armando Villa
 Planning & Development Services Department
 801 Main Street
 El Centro, CA 92243

SUBJECT: Draft EIR for the Imperial Solar Energy Center West

Dear Mr. Villa:

The Air Pollution Control District (Air District) finalized the review for Draft EIR for Imperial Solar Energy Center West. The following comments are intended to help clarify issues the Air District has identified as potentially contributing to the decline or curtailment of Air Quality in Imperial County.

Table ES-1 Section 4.4 – Air Quality

This table should include mitigation measures for Rule 310 – Operational Development fee as Operations and Maintenance Buildings will be constructed on site. Rule 310 (Operational Development Fee) provides the Air District with a sound method for mitigating the emissions produced from the operation of new commercial and residential development projects throughout Imperial County and incorporated cities. All project proponents have the option to provide offsite mitigation, pay the operational development fee, or do a combination of both.

H-1

Page 3.4-5 Section 3.4.1.4 Ozone Air Quality Management Plan

The section should be revised to include the following updated information. In reference to Imperial County's determination of the 1997- 8-Hour NAAQS, on December 3, 2009, the U.S. EPA made a final determination that the Imperial County attained the 1997 8-Hour National Ambient Air Quality Standard (NAAQS) for Ozone (FR Vol. 74, No. 231, Page 63309). In addition, on November 18, 2010 CARB approved the Imperial County 8-Hour Ozone Air Quality Management Plan.

H-2

Page 3.4-6 Section 3.4.1.4 ICAPCD Rules

Aside from the Regulation VII Rules, Rule 310 – Operational Development Fee must also be included. Please refer to the comment above, "Table ES- Section 4.4 – Air Quality."

H-3

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY BELEN LEON, APC ENVIRONMENTAL COORDINATOR, DATED DECEMBER 17, 2010 (COMMENT LETTER H)

Response to Comment H-1:

The Imperial County APCD Rule 310 is applicable to commercial and residential uses. The APCD has indicated that Rule 310 would apply to the proposed Operation and Maintenance (O&M) Building of the proposed project only. The Applicant intends to pay the operational development fee for the proposed O&M Building in accordance with APCD Rule 310.

Response to Comment H-2:

The text on EIR/EA page 3.4-5 has been revised as follows:

Ozone Air Quality Management Plan

Based on Imperial County's "moderate" nonattainment status for 1997 federal 8-hour ozone standards, Imperial County Air Pollution Control District (ICAPCD) is required to develop an 8-hour Attainment Plan for Ozone. ~~Recently ICAPCD found that Imperial County had no violations of the 8-hour ozone standard for 2008.~~ On December 3, 2009, the U.S. EPA made a final determination that the Imperial County attained the 1997 8-Hour National Ambient Air Quality Standard (NAAQS) for Ozone. This determination effectively suspends the requirement for the state to submit an attainment demonstration, a reasonable further progress plan, contingency measure and other planning requirements for so long as Imperial County continues to attain the 1997 8-hour ozone standard. Because this determination does not constitute a re-designation to attainment under the Clean Air Act Section 107(d)(3), the designation status will remain "moderate" nonattainment for the 1997 8-hour ozone standard. However, ICAPCD is required to submit a Modified Air Quality Management Plan (AQMP) to the EPA for approval. The final "Modified" 2009 8-hour Ozone Air Quality Management Plan was adopted by ICAPCD on July 13, 2010. On November 18, 2010, CARB approved the Imperial County 8-Hour Ozone Air Quality Management Plan.

Response to Comment H-3:

Please refer to Response to Comment H-2.

Comment Letter H
(cont'd.)

Appendix C1

Ambient Air Quality Data Collection on Page 11-12

This sections mentions that "the Air District monitors air quality conditions at seven locations within the Imperial County." However, the Imperial County has five monitoring stations by which four monitoring stations are under the Air District jurisdiction and one monitoring station located in Calexico is under CARB's jurisdiction. Please revise this paragraph to reflect the proper information.

H-4

CARB Air Monitoring Station Data Within Project Vicinity on Page 12

The last paragraph of this section states "Other stations within the project vicinity present either incomplete or redundant data, or were determined not to be representative of localized ambient air quality conditions present at the project site." For clarification purposes the Air District would like more information on the "other stations" this paragraph refers to as the only known stations near the project are the Calexico station which CARB has jurisdiction and the El Centro station by which the Air District has jurisdiction.

H-5

The Air Districts' rule book, including all new regulations can be accessed via internet at <http://www.Imperialcounty.net> under "Air Pollution Control." Thank you for allowing the Air District an opportunity to comment on this project. Should you have any questions please do not hesitate to call the office at (760)482-4606.

H-6

Sincerely,



Belen Leon
APC Environmental Coordinator

CC: Brad Pointz
Reyes Romero
Monica Soucier

RESPONSE TO COMMENT LETTER FROM IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT, SIGNED BY BELEN LEON, APC ENVIRONMENTAL COORDINATOR, DATED DECEMBER 17, 2010 (COMMENT LETTER H)

Response to Comment H-4:

The APCD was contacted to clarify the current monitoring station framework in Imperial County (pers. comm., Monica Soucier, January 12, 2011). Page 3.4-10 of the EIR/EA has been updated to reflect the following:

ICAPCD oversees four monitoring stations within their own jurisdiction (El Centro, Niland, Westmorland, and Brawley). Two monitoring stations are located within CARB's jurisdiction, one within the City of Calexico and one within the City of Calexico's sphere of influence. Therefore, the ICAPCD monitors air quality conditions at six locations within Imperial County.

CARB is in the process of relocating the two monitoring stations in Calexico. The relocation is anticipated to occur within the next 6-12 months.

H-5:

The text on page 12 of the Construction Air Quality Conformity Assessment has been deleted. The El Centro and Calexico monitoring stations have been determined to be the most appropriate data base for existing ambient air quality as it relates to the proposed project.

H-6:

Comment noted.

Comment Letter I



RESPONSE TO COMMENT LETTER FROM QUECHAN INDIAN TRIBE, SIGNED BY BRIDGET R. NASH-CHRABASCZ, QUECHAN TRIBE HISTORIC PRESERVATION OFFICER, DATED JANUARY 4, 2011 (COMMENT LETTER I)

Response to Comment I-1:

This comment is acknowledged. The County of Imperial has prepared written responses to these comments pursuant to CEQA Guideline 15088. The comments and written responses are provided in Responses to Comments I-2 through I-4 and are included in the Final EIR for the project. The Bureau of Land Management will summarize comments and responses received during the NEPA environmental review process and include this information as part of the Decision Record for the project.

Response to Comment I-2:

The Draft EIR/EA document was made available for public review and comment for a period of 45 days, extending from November 23, 2010 to January 6, 2011. In addition, the BLM extended the review period by an additional 15 days to match the County's comment period.

Response to Comment I-2a:

EIR/EA page 8-4 states that, "the Decision Record must include an executed MOA if there are any significant impacts." Furthermore, the EIR/EA addresses the whole of the action for both CEQA purposes and NEPA purposes. The whole of the action includes both the solar energy facility site and transmission line corridor. As such, NEPA does apply to the entire project, and the development of a MOA will include the privately-owned property that is proposed for the solar energy facility site.

Response to Comment I-2b:

It is acknowledged that capping is not always a preferred practice. Specifically, EIR/EA page 8-4 states, "Pursuant to Section 106 of NHPA, determinations or significant impacts and/or mitigation measures cannot be made without consultation, and the Decision Record must include an executed MOA if it is found that there are adverse effects."

RESPONSE TO COMMENT LETTER FROM QUECHAN INDIAN TRIBE, SIGNED BY BRIDGET R. NASH-CHRABASCZ, QUECHAN TRIBE HISTORIC PRESERVATION OFFICER, DATED JANUARY 4, 2011 (COMMENT LETTER I) (continued)

Response to Comment I-2b: (cont'd.)

This consultation is currently in process with respect to the proposed project and final mitigation measures will be included in the MOA prior to the Decision Record.

Response to Comment I-3a:

Please refer to Response to Comment K-6 regarding cumulative impacts to cultural resources.

Comment Letter I
(cont'd.)

resources and the cultural landscape in which they reside. As has been stated previously to both BLM and Imperial County, the cultural resources outside of the project area need to be considered too as they are part of a larger picture and cannot be piecemealed. In addition, the Cultural Committee is extremely concerned about the number of proposed transmission lines going into the Imperial Valley substation and the impact that these transmission lines will have not only on the cultural resources but the viewsheds as well. In December 2010 the Quechan Historic Preservation Office sent an email to both BLM and Imperial County requesting that they limit the number of transmission lines and force the project proponents to collocate in order to reduce the amount of disturbance within the Yuha Desert. In addition to this request, another email was sent to BLM requesting that a cultural resource survey of the entire eastern Yuha be done prior to any project approvals so that the Tribe would have a better understanding of the cumulative impacts to the cultural landscape. To date we have received no response and I did not see any detailed discussion within the cumulative impacts section of the DEIR about these concerns.

Due to the aforementioned issues, the Tribe supports the No Action Alternative. If you have any questions please do not hesitate to call or email.

Bridget R. Nash-Chrabascz
Quechan Tribe Historic Preservation Officer
Quechan Indian Tribe
PO Box 1899
Yuma, AZ 85366
760-572-2423

- I-3a (cont'd.)
- I-3b
- I-3c
- I-4

RESPONSE TO COMMENT LETTER FROM QUECHAN INDIAN TRIBE, SIGNED BY BRIDGET R. NASH-CHRABASCZ, QUECHAN TRIBE HISTORIC PRESERVATION OFFICER, DATED JANUARY 4, 2011 (COMMENT LETTER I) (continued)

Response to Comment I-3b:
Please refer to Response to Comment K-26 regarding cumulative visual impacts.

Response to Comment I-3c:
Please refer to Response to Comment K-6 regarding cumulative impacts to cultural resources.

Response to Comment I-4:
Comment noted.

Comment Letter J



8minutenergy Renewables LLC
10100 Santa Monica Blvd., Suite 300
Los Angeles, CA 90067

December 16, 2010

Mr. Armando Villa
Director, Imperial County Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Subject: Comments on the Draft Environmental Impact Report and Environmental Assessment for the Imperial Solar Energy Center West Project (CUP #10-0012)

Dear Mr. Villa,

Thank you for the opportunity to review and comment on the above-referenced Draft Environmental Impact Report and Environmental Assessment (the "DEIR/EA"). At this time, we have no specific comments on the DEIR/EA. However, we will continue to analyze the DEIR/EA for consistency with the California Environmental Act and the National Environmental Policy Act. If we find any inconsistencies, we will prepare and submit comments for your review before the DEIR/EA is considered by the Planning Commission and/or Board of Supervisors.

J-1

As such, through this letter, we hereby request to be notified of any and all public hearings associated with this project. In addition, we request to receive copies of the responses to comments received during the public review period of the DEIR/EA and copies of the revised/updated DEIR/EA as soon as they become available.

Please call me if you have any questions. Thank you.

Kind Regards,

Tom Buttgenbach, Ph. D.
President



RESPONSE TO COMMENT LETTER FROM 8 MINUTE ENERGY RENEWABLES, SIGNED BY TOM BUTTGENBACH, PH.D, DATED DECEMBER 16, 2010 (COMMENT LETTER J)

Response to Comment J-1:

Comment noted. The County will provide notification of public hearings and notification of the availability of the Final EIR/EA at the time the document is completed.

Comment Letter K

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED DECEMBER 22, 2010 (COMMENT LETTER K)

DONNA TISDALE
PO Box 1275, BOULEVARD, CA 91905

Response to Comment K-1:
Comment noted.

Patricia Valenzuela
Planner III County of Imperial
Planning and Development Services Department

December 22, 2010

801 Main Street
El Centro, CA 92243
via: US Mail and e-mail

AND

Jennifer Whyte
BLM El Centro Field Office
via Jennifer_Whyte@ca.blm.gov

Response to Comment K-2:
The comment is acknowledged regarding the proposed location of the solar energy field within private lands. While the proposed transmission line corridor is located within public lands (i.e., BLM managed lands), the transmission line corridor is confined to an area designated for such use (i.e. Utility Corridor "N"). Please refer to ensuing Responses to Comments K-3 through K-43.

Imperial Solar Energy Center - West Case File Number CACA51644 Draft EIR/EA comments. Impacts from cumulative projects are being segmented.

Response to Comment K-3:
It is acknowledged that there are certain trade-offs with "point of use" solar projects; however, reliance solely on this approach to alternative energy supplies would not meet the existing and future renewable energy needs of the region, and would fall far short of meeting state- and federally-mandated renewable energy goals. Future renewable energy supplies will be provided by a portfolio of renewable energy technologies. Please refer to Response to Comment K-39.

For the record, I am a property owner in both Imperial County and in San Diego County. My comments are being submitted as an individual and also on behalf of groups I am associated with including but not limited to: Backcountry Against Dumps, The Protect Our Communities Foundation, and the East County Community Action Coalition.

} K-1
} K-2
} K-3

Use of the 1,103 acres of abandoned agriculture land for the proposed 250 MW tracking solar project is a much preferred alternative to the use of undeveloped BLM, or other public lands, however the transmission line across public BLM still adds significant and cumulative impacts to the Yuha Basin, Yuha ACEC, the Yuha FTHL MA, and much more.

Further, smaller more distributed renewable energy projects located at or near the point of use, on existing structures, are by far the more preferable alternative. They generally do not require CEQA / NEPA review, new, expensive, extensive, and destructive transmission lines or new remote substations. Point of use projects also reduce the potential for large-scale and cascading power outages that can be triggered by man-made or natural disasters, thereby

Comment Letter K
(cont'd.)

increasing reliability. Smaller projects are more likely to employ local labor for construction, operation, and maintenance than large-scale projects that often import specialized labor and material from out of the area.

K-3
(cont'd.)

Under CEQA, an EIR is the correct project review

Imperial County recognized that an EIR is required due to the magnitude of the impacts from about two dozen renewable energy, transmission related infrastructure, mining and other large-scale development projects in a relatively concentrated geographic area of southwestern Imperial County, roughly outlined by the West Side Main Canal and the eastern boundary of the Anza Borrego Desert State Park that abuts the Ocotillo Wind project's western boundaries.

K-4

Under NEPA, an EIS is required for this project -- not the current EA. A 2003 court decision reversed the BLM's 2001 EA/FONSI for the Sempra / Intergen transmission line ROWs in the same general area and required an EIS after a project was already constructed.

K-5

An EA is not the proper NEPA document. A full EIS is required to address the significant and cumulative impacts to a variety of resources from at least 25 of the 48 projects listed between Tables 5-1 and 5-2.

K-6

NEPA defines a cumulative impact as —the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7). Under NEPA, both context and intensity are considered. Among other considerations when considering intensity is —[w]hether the action is related to other actions with individually minor but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts (40 CFR 1508.27(b)(7)).

K-7

The BLM has been down this road before when the DOE and the El Centro BLM office and issued an EA and FONSI for Baja California Power Inc and Sempra Energy Resources to separately construct double circuit 230kV transmission lines, on the domestic portion located on BLM land, starting at two new power plants in Mexico, crossing the US/Mexico border, and terminating at SDG&E's the Imperial Valley Substation. On May 2, 2003, the United States

K-8

Imperial Solar Energy Center DEIR/EA comments

Page 2

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED DECEMBER 22, 2010 (COMMENT LETTER K)

Response to Comment K-4:
Comment noted.

Response to Comment K-5:
The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) require that the BLM as the federal lead agency, and the County of Imperial, as the local lead agency, evaluate the environmental impacts of each project and support their findings with substantial evidence in the record. If the federal agency prepares an EA and determines that the proposed federal action does not have the potential to significantly affect the quality of the human environment, then NEPA allows the agency to prepare a FONSI rather than an EIS. Whether a proposed action significantly affects the quality of the human environment is determined by considering the context and intensity of the action and its effects.¹ The expanded EA and its technical reports contain almost a thousand pages of analysis which provides a similar level of detail as an EIS, including an alternatives discussion. There is no prejudice to the public or decision-makers from processing the EA due to this level of detail and the extensive public outreach. CEQ's NEPA Task Force reported that "use of mitigated FONSI's often results in more mitigation than what is needed to reduce the adverse environmental impacts below the significance threshold."²

The court ruling in the Sempra/Intergen case, found that the EA and FONSI for that project presented an inadequate analysis of: (1) the water impacts on the Salton Sea; (2) the potential for public controversy; (3) the cumulative impacts of the actions; (4) the impacts of carbon dioxide and ammonia emissions that would be generated from the proposed power plants; and, (5) an alternative which would have conditioned the permits on certain emissions standards.

Further, by way of comparison with respect to the Sempra/Intergen project and the proposed Imperial Solar Energy Center West project, the international transmission line projects analyzed in the Sempra/Intergen

¹ 40 C.F.R. 1508.27. BLM NEPA Handbook at Section 8.1

² NEPA Task Force Report, at 70.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-5: (cont'd.)

case were designed to transport power generated by gas fired power plants located in Mexico. The court findings regarding water quality impacts to the Salton Sea, the impacts of carbon dioxide and ammonia emissions from the power plants, and the lack of analysis of an alternative that conditioned the permits on certain emissions standards are all related to power generation facilities located in Mexico. The proposed Imperial Solar Energy Center West project would produce power derived from solar energy, not by burning fossil fuels in Mexico. A detailed analysis of the emissions and water quality impacts, both of which are less than significant with mitigation for both the construction and the operational phase of the project, is presented in the EIR/EA.

The court finding that the potential for public controversy was not properly analyzed with respect to the Sempra/Intergen project also does not apply to this project. All stakeholders were represented in the public policy debate over the increased use of renewable energy generation projects in the California legislature and California Energy Commission when the state established its renewable portfolio standard. The Imperial Solar Energy Center West project is executing that settled policy decision by increasing the generation of solar power. Furthermore, the record does not demonstrate a high level of public controversy, nor controversy with respect to expert opinions regarding the potential impacts of the proposed project.

Likewise, the court's finding of inadequate analysis of cumulative impacts for the Sempra/Intergen project is based on a lack of cumulative impact analysis of water quality and quantity impacts on the New River and Salton Sea, and a failure to consider the combined impacts of future, specific power plants in the region. The water quality and quantity impacts cited result from gas-fired steam turbine power generation facilities. The proposed Imperial Solar Energy Center West project does not involve similar facilities (e.g., gas power plants). Finally, the alleged failure to consider the combined impacts of future, specific power plants in the region applies to this project is unfounded because the EIR/EA in Table 5.0-1 and in Chapter 5-Cumulative Impact Analysis presents an analysis of 20 power generation or transmission projects in the region.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-5: (cont'd.)

Finally, no significant land use impact under CEQA was identified in the EIR/EA (e.g., see EIR/EA page ES-9). The EIR/EA fully analyzes the project's consistency with the Yuha Basin Area of Critical Concern ("ACEC") Management Plan and the management areas in the Flat-tailed Horned Lizard Rangelwide Management Plan (see EIR/EA page 4.2-13). The project has been designed to be consistent with the Yuha ACEC and FTHL Management Areas. As an example, the EIR/EA notes that the transmission line corridor is located in a previously disturbed area that has three existing transmission lines. To mitigate the possibility of any additional disturbance that would conflict with the plans, the project incorporates a number of general operations and maintenance and FTHL mitigation measures (see EIR/EA page 4.2-13). The proposed project's permanent impact is limited to approximately 6.8 acres of land within the designated Utility Corridor "N." As such, the project remains within the 1% cumulative disturbance area permitted in the El Centro BLM Field Office CDCA plan amendment that adopts the Flat-Tailed Horned Lizard Management Strategy. Thus, there is no significant cumulative impact.

Response to Comment K-6:

Cumulative impacts were analyzed in the EIR/EA and are not significant with proposed mitigation. Therefore an EIS is not required on the basis of cumulative impacts. Furthermore, past, present and foreseeable future projects necessary to construct renewable energy facilities sufficient to meet the renewable energy portfolio levels in California and five other Southwest states have been analyzed in BLM's Draft Solar Energy Programmatic EIS (Solar Energy PEIS) that is currently undergoing public review. This project does not formally tier off of the Solar Energy PEIS in its draft form, but cites to the expert opinions and analysis in the PEIS and its technical reports to support its cumulative impact conclusions.

The EIR/EA properly analyzes 57 projects on the cumulative list established at the time of the Notice of Preparation under CEQA, which is the proper baseline for analysis. The list overstates the true impacts of these projects because not all of them will go on to be constructed due to failure to secure other necessary permits, failure to secure funding, competition

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-6: (cont'd.)

over the same pool of federal funding assistance, etc. The Solar Energy PEIS estimates that about one-third of public land project applications for renewable energy may never be built.

Finally, the Imperial Solar Energy Center West EIR/EA does not provide a cursory analysis. The EIR/EA and its technical reports contain thousands of pages of analysis which essentially provide a similar level of detail as an EIS, including an alternatives discussion and over 100 pages of cumulative impact analysis. There is no prejudice to the public or decision-makers from processing the EA due to this level of detail and the extensive public outreach including:

1. Notice of Preparation published and sent out on June 11, 2010.
2. Public Scoping meeting held on June 24, 2010.
3. Imperial County Airport Land Use Commission hearing on June 16, 2010 determined tower height was not inconsistent with the commissions plan.
4. The EA was circulated for public comment for 45 days – the same amount of time as required for an EIS.
5. The EA remains available for public review at El Centro Public Library.

Response to Comment K-7:

This comment is acknowledged, and the cumulative impact analysis provided in EIR/EA Section 5.0 Cumulative Impacts is consistent with 40 CFR 1508.7 and 1508.27(b)(7). Please also refer to Responses to Comments K-5 and K-6.

Response to Comment K-8:

Please refer to Response to Comment K-5.

Comment Letter K
(cont'd.)

District Court for the Southern District of California held that the EA and the FONSI did not comply with NEPA, and, on July 8, 2003, the court sent the matter back to the respective agencies for additional NEPA review: http://nepa.energy.gov/nepa_documents/hoj/61796.pdf DOE and the BLM (cooperating agency) prepared an **environmental impact statement** (EIS) addressing the Sempra and Intergen projects. <http://web.ead.anl.gov/bajatermoeis/>

K-8
(cont'd.)

More recently, the DOE, reconsidered their original proposal for an EA and determined that an EIS was the proper NEPA compliance document for a 1.7 mile (.65 miles in the US) transmission line application. Sempra Generation's Energia Sierra Juarez US Transmission LLC Presidential Permit Application proposes a double circuit 230kV, or single 500kV, transmission line to cross the US Mexico border near Jacumba, terminating at SDG&E's proposed ECO Substation with a loop-in to the existing Southwest Powerlink. The DOE's DEIS comment period closed on November 1, 2010. See the DOE's ESJ project website at : <http://www.esjprojecteis.org/>.

K-9

As the El Centro BLM office is aware, the joint PUC/BLM DEIR/EIS for the Tule Wind, ECO Substation, and Energia Sierra Juarez projects was just released for public comment. The CEQA Environmentally Superior / Agency Preferred Alternative was determined to be the NO PROJECT Alternative based on adverse and unmitigable Class I impacts to Air Quality, Noise, Biological Resources, Visual Character, Cultural Resources: http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Draft_EIR/00c-ExecutiveSummary.pdf

K-10

The BLM -Preferred Alternative in the joint DEIR/EIS for Tule Wind, ECO Substation, and Energia Sierra Juarez is a much reduced project, with removal of a significant number of turbines, substation relocations, and partial undergrounding of gen-tie routes: <http://web.ead.anl.gov/bajatermoeis/>

K-11

BLM's Utility Corridor N does grant automatic ROW for transmission line.

An EA does not provide for the proper environmental analysis. At page 13, of the linked document, it states that the Yuha ACEA Management Plan was prepared to provide additional protections to unique cultural resource and wildlife values found in the region while also providing for multiple use management:

K-12

http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/elcentro/nepa/2010/ea/jsec_west.Par.83568.File.dat/3ISECw_AffectedEnvironment.pdf

K-13

It further states that : *"The ACEC Management Plan allows for the traversing the ACEC by proposed transmission lines and associated facilities if environmental analyses demonstrates it is environmentally sound to do so".*

K-14

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-9:

As discussed in Response to Comment K-5, each project is analyzed independently based on the relevant facts regarding the impacts of the project. The BLM's decision to process an EIS on a transmission line and wind power plant for the Sempra Generation's Energia Sierra Juarez US Transmission LLC Presidential Permit Application (ESJ Project) was based on the relevant facts specific to that project. There are many differences between the ESJ project, which would trigger the need for the preparation of an EIS, and the proposed project, where preparation of an EA is appropriate. These differences include:

- The ESJ Project would introduce a new fire hazard area in a remote area of existing high fire hazards. The proposed Imperial Solar Energy Center West project is sited on abandoned agricultural land with little fire hazard risk associated with the operation of the solar facility.
- Under the proposed ESJ's 230-kV Route and 500-kV Route alternatives, construction of the transmission line would result in permanent potentially moderate-to-major adverse visual impacts due to land scarring. Wind turbines constructed in Mexico as part of the EJS Project would be visible from several U.S. locations, including locations in or near the communities of Jacumba and Boulevard, Interstate 8, Old Highway 80 and the Anza-Borrego Desert State Park. Phase 1 of the ESJ Project includes 52 wind turbines at a height of 431 feet. At total build out this wind farm project will generate 1250 MW from 500 wind turbines. Accordingly, DOE visual resource impacts in Mexico were identified as significant issues triggering an EIS. Solar panels and transmission structures at the proposed Imperial Solar Energy Center West project do not rise 431 feet in the air and do not generate comparable visual impacts. Rather, the maximum height of the transmission towers is 140-feet, and would be located within an existing utility corridor where similar transmission facilities, including height, scale, and design characteristics already exist. The project would not introduce new structures in an open desert area, rather, it would limit the new structures to a

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-9: (cont'd.)

portion of the County where such structures already exist, and where the land is already designated as a utility corridor thus minimizing the visual impact to the region.

- The ESJ Project identified four special-status wildlife species during the project surveys including the northern red diamond rattlesnake, California horned lark, loggerhead shrike, and San Diego black-tailed jack rabbit. The ESJ Project area also includes critical habitats for Peninsular bighorn sheep, Quino checkerspot butterfly, and the California condor. The proposed Imperial Solar Energy Center West solar project mitigates all its biological impacts.
- The ESJ Project proposes impacts to the Las Californias Binational Conservation Initiative (whereas none are proposed with the Imperial Solar Energy Center West project);
- Construction and operation of the proposed ECO Substation switchyards and SWPL Loop-In are connected actions for the ESJ Project; and,
- Finally, there was a potential for high public controversy by residents of the communities of Jacumba and Boulevard.

Response to Comment K-10:

As discussed in Response to Comment K-5, each project is analyzed independently based on the relevant facts regarding the impacts of the project. The BLM's decision to support the No Project Alternative for the Tule Wind project process was based on the relevant facts specific to that project. The projects and facilities for a proposed wind farm project uses different technologies than a solar project and are located in a different biological area than the proposed Imperial Solar Energy Center West project. Therefore, the environmental impacts for the solar project are different, and the magnitude of the impact is much less, which has led the BLM to a different conclusion regarding the type of NEPA document necessary to analyze the project.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-11:

Comment noted. Please refer to Response to Comment K-10.

Response to Comment K-12:

There has been no automatic grant of right-of-way (ROW) from the BLM. Rather, the project Applicant has submitted a Plan of Development (POD) and the BLM will make a decision whether or not to approve the POD based on many factors, including environmental impacts. As stated on EIR/EA page 2-50, "The project will require approval by the Bureau of Land Management (BLM) of a grant of right-of-way in order to allow the construction and operation of the proposed transmission lines within Federal Lands managed by the BLM." No automatic approval has been given.

Response to Comment K-13:

Consistent with the ACEC Management Plan, the EIR/EA provides a detailed analysis and explanation of the project's environmental impacts within the designated Utility Corridor "N" and identifies mitigation measures necessary to reduce those impacts to below a level of significance. The environmental analysis for this project has been conducted to assess the environmental impacts of the proposed project. Please also refer to Response to Comment K-5.

Response to Comment K-14:

Please refer to Response to Comment K-13.

Comment Letter K
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

An EIR is required in order to complete an adequate environmental analysis to demonstrate compliance.

K-14
(cont'd.)

Response to Comment K-15:
Please refer to Response to Comment K-5.

Cumulative projects

Project reviews are being piecemealed and segmented by the BLM in violation of NEPA

K-15

Response to Comment K-16:
Renewergy LLC, BLM serial number 48004 application was deemed complete by the BLM on 6/14/2010. This application was for a meteorological station which has minor impacts. Further, the proposed project is located outside the Yuha FTHL MA.

Table 5-1 errors include but are not limited to the following:

RENEWERGY, LLC, CACA 048004, Wind project proposed for 3,912 acres of BLM NW of Imperial Valley Solar, east of the Ocotillo Express Wind project (3 sites) location, and transected by the Southwest Powerlink and the Sunrise Powerlink, is missing from this table and review.

The 15,000 acre Ocotillo Express Wind project (3 applications) is listed as # 34 under County jurisdiction but is also absent from the list of BLM jurisdiction projects.

K-16

Ocotillo Express Wind project was included in EIR/EA Table 5-2 and exclusion from Table 5-1 of the Draft EIR/EA. This has been corrected in the Final EIR/EA in Table 5.0-1.

North Gila to Imperial Valley #2 (Southwest Transmission Partners 75 mile 500kV) has conflicting information regarding BLM acreage, showing both 1,903 acres and 13,881.02 with impacts listed at only 450 acres and approximately 3 acres of Yuha FTHL MA disturbance.

The correct figures for the North Gila to Imperial Valley transmission line has been corrected in the Final EIR/EA.

Figure 5-1 errors:

There are 47 project in table 5-1 and 5-2 but only 43 project shown on the map.

BLM projects should have numbers on the map showing the BLM listed projects in Table 5-1

#18: IV Solar footprint does not include land south of I-8. The map needs to be changed.

K-17

Regardless of the listed projects, the final EIR/EA provides a thorough analysis of the cumulative impacts by citing to the expert opinions and technical studies supporting the cumulative analysis presented in the Solar Energy PEIS because these projects are among the renewable energy development projects proposed to assist California in meeting its renewable energy portfolio standard.

#43 is on the map near Ocotillo and is reportedly misidentified as SDG&E Photovoltaic Solar Field that is proposed adjacent to the I V Substation. Please correct this error and properly ID the correct project proposed for that area.

There are many other discrepancies that need to be corrected.

Cumulative impacts:

FTHL & Burrowing Owl :

K-18

Response to Comment K-17:
EIR/EA Figure 5-1 has been deleted in the Final EIR/EA.

Table 5-1: Impacts to 326 acres of FTHL management and Burrowing owl habitat are listed just for the BLM projects. And the BLM project list is incomplete, with at least another 18,000 acres of wind energy projects not included. Projects on private land will result in additional impacts that need to analyzed and addressed in the joint DEIR/EIS.

Response to Comment K-18:
The methodology used to prepare the cumulative impact analysis is described in the EIR/EA in chapter 5.0. The area of cumulative impacts varies by resource. For example, air quality impacts tend to disperse over a large area, while traffic impacts are typically more localized. For this reason, the geographic scope for this analysis must be identified for each resource area. The geographic scope used for analyzing cumulative impacts on biological resources is the flat-tailed horned lizard (FTHL) habitat in the Yuha FTHL management area.

Comment Letter K
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Projects and project impacts not listed include the proposed Ocotillo Express Wind project, currently undergoing formal EIR/EIS scoping, the Renewergy LLC wind project proposed for 3,912 acres of BLM land, SDG&E's proposed 100 acre Photovoltaic Solar Field adjacent to the IV Substation where "impacts to biological resources have yet to be assessed fully."

Golden Eagles and Bighorn Sheep have also been sighted in areas adjacent to the proposed project, and will be subjected to cumulative impacts from projects located on the desert floor in addition to multiple projects proposed in the BLM's Eastern San Diego County RMP area and in the Sierra Juarez of Northern Baja. Golden Eagles and Bighorn sheep impacts are a major concern with Tule Wind, ECO Substation, and Energia Sierra Juarez, the subject of a just released joint PUC/BLM Draft EIR/EIS.

Cultural Resources:

Significant and Cumulative impacts to hundreds / thousands of cultural and historic resources, in a fairly concentrated geographic area, have already occurred and will occur in the future due to a proliferation of inappropriate approvals, and pending approvals, of large-scale energy projects (some projects are 10 and 20 square miles each), related transmission infrastructure projects, and other large-scale projects. This pattern of disrespect, violation of applicable laws, and destruction of irreplaceable resources is unacceptable and must change.

Page 3-87 of the Imperial-Mexicali DEIS, linked below, states that a 2001 survey in the same general area as the transmission line for this project, documented 26 prehistoric sites, 23 of which were recommended as eligible for NRHP. Only nine of the sites had been identified prior to the referenced survey (Berryman and Cheever 2001b):

http://nepa.energy.gov/nepa_documents/docs/deis/EIS0365/Chapter_3-6.pdf

On December 15, 2010, in the Quechan Tribe v US Dept of Interior case, challenging the BLM's Section 106 consultation and Programmatic Agreement for Imperial Valley Solar, among other allegations, the Honorable Larry Alan Burns granted the Quechan Tribe's Motion for a Preliminary Injunction (Case 3:10-cv-02241-LAB -CAB Document 34 Filed 12/15/10)

In his Order Granting the Preliminary Injunction, Judge Burns made the following statement:

"Here, in enacting NHPA Congress has adjudged the preservation of historic properties and the rights of Indian tribes to consultation to be in the public interest. Congress could have, but didn't, include exemptions for renewable energy projects such as this one. And, as pointed out, Congress could determine this particular project is in the public interest and sweep aside ARRA deadlines as well as requirements under NHPA, NEPA, and FLPMA to

K-19

K-20

K-21

K-22

K-23

K-24

Response to Comment K-19:

The Ocotillo Express wind project is listed on EIR/EA Table 5.0-1 "List of Projects Located at or Within the Vicinity of the Proposed Project." This project is located west of the of the Yuha FTHL MA western boundary and therefore was not included in the projects that were analyzed for cumulative effects for FTHL. The proposed Renewergy LLC wind project, CACA52186, application was received July 16, 2010, after the NOP date for this project. Further, the proposed project is located outside of the Yuha FTHL MA, therefore it was not included in the projects that were analyzed for cumulative effects for FTHL. The SDG&E solar project proposed within the Yuha FTHL MA, adjacent to the Imperial Valley Substation, was not included in the calculation of cumulative effects to FTHL habitat because SDG&E has not submitted a complete plan of development to the BLM. An updated chapter to cumulative impacts addresses additional cumulative impacts qualitatively and quantitatively.

Projects located on private land in the vicinity of the project are located on previously disturbed agricultural land which has lost much of its biological value. The key biological area in the vicinity of the project is the Yuha FTHL Management Area. This was the geographic scope which was analyzed for the cumulative impacts analysis on biological resources.

Response to Comment K-20:

All of the proposed project's potentially significant adverse biological impacts are mitigated to a less-than-significant level under CEQA, including potential impacts to burrowing owl habitat. Mitigation measures that avoid, minimize, or mitigate the potential impact to burrowing owls are identified in EIR/EA pages ES-52 to ES-54.

In regards to the golden eagles and bighorn sheep, the various biological surveys did not identify any of the species on the project site (see EIR/EA pages 3.12-25). The EIR/EA analyzed impacts to the golden eagle and determined that it was unlikely any would nest or forage on the project site due to the distance of the nearest nesting habitat (see EIR/EA page 3.12-41). The EIR/EA analyzed the likelihood of the species to occur within the survey area and determined that given the distance from suitable

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-20: (cont'd.)

rocky terrain, sparse vegetation within the survey area, lack of detection within the survey area, and the unlikelihood for the survey area to serve as a bighorn sheep corridor (see EIR/EA page 3.12-34).

The Sunrise power link has independent utility from the Proposed Project. It will be constructed to transmit electricity regardless of whether the Proposed Project is approved.

Response to Comment K-21:

Cultural resources impacts associated with the proposed project have been minimized through avoidance where feasible. Where impacts have been identified, mitigation is proposed that would reduce the impact to a level less than significant. Furthermore, the BLM is in the process of tribal consultation pursuant to Section 106 of the NHPA and a MOA or no effects determination will be executed before a decision is made whether or not to approve the proposed project under NEPA.

Response to Comment K-22:

Comment noted. New cultural resource surveys were conducted in the area of potential effect for the proposed project and are identified in EIR/EA Section 3.7 – Cultural Resources.

Response to Comment K-23:

Comment noted. Please refer to Response to Comment K-24.

Response to Comment K-24:

The quote from the judicial injunction in the December 15, 2010 lawsuit filed by the Quechan Tribe is noted. However, the proposed Imperial Solar Energy Center West project does not assert that it does not need to comply with the NHPA, NEPA, FLPMA, or the deadlines in the ARRA. In fact, the proposed project is complying with these statutes. The proposed Imperial Solar Energy West project is engaged in the Section 106 tribal consultation process. This project is expected to be processed with a finding of no adverse effects or MOA that will conclude the NHPA-required tribal consultation, rather than a Programmatic Agreement.

Comment Letter K
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

get it built. But because Congress didn't do that, and instead made the determination that preservation of historical properties takes priority here, the Court must adopt the same view."

K-24
(cont'd.)

Native American monitors and those representing tribal interests tell me they are overwhelmed with the number and size of these many projects and the significant cumulative adverse impact they represent. They have also expressed their dismay and alarm at the lack of respect, regard, and protection that is being provided by the BLM, other agencies, project developers and their consultants.

K-25

Visual Resources:

Visual impacts should not be limited to 5 miles when viewsheds extend far beyond 5 miles. An entire 10 mile and more corridor along I-8 is on track for destruction. Significant and cumulative visual impacts are being segmented, piecemealed, and understated. Visual resources can also represent culturally significant landscapes such as the views and line of sight between Mt. Signal and Coyote Mountain.

K-26

KOP's 1,2 & 3, starting at page 3.1-8, are misleading, showing only the views from the I-8, near I-8 and over a highway maintenance yard at Dunaway and I-8. They do not show any views of the project area and transmission ROW that are highly visible *from* the BLM Limited Use Lands, routes including the Anza Trail Road, and camping areas located to the west and south in the Yuha ACEC. There are elevated areas where extensive views are common and the impacted project area will be visible. To say otherwise is inaccurate.

K-27

The existing, proposed, and reasonably foreseeable projects that add to the degradation / destruction /conversion of the current visual resources /viewsheds (along with all the other at-risk resources mentioned in this letter) include but are not limited to the following partial list (most information found in Table 5-1 & 5-2) :

- SDG&E's Imperial Valley Substation (IV Substation)
- SDG&E's existing 500 kV Southwest Powerlink originating at their IV Substation
- SDG&E's existing 230 kV IV-La Rosita 6 mile transmission line / 120' wide easement from the US Mexico border, terminating at their IV Substation.
- Two existing double circuit 230kV transmission lines connecting Sempra and Intergen gas-fired power plants in Baja to SDG&E's IV Substation, both 120'wide by 6 miles.
- SDG&E's approved , not yet built, 500 kV Sunrise Powerlink / 120' wide corridor connected to their existing IV Substation. Federal legal challenge against the BLM and FWS approvals is still unresolved. A Motion for Summary Judgment was filed with the US District Court by Plaintiffs on December 21st.

K-28

Response to Comment K-25:

Comment noted. The proposed project is engaged in the Section 106 tribal consultation process with the utmost respect and regard for the cultural resources at the site. This project is abiding by confidentiality rules required by the NHPA to assure cultural resources are not stolen. This project is expected to be processed with a no adverse effects determination or MOA that will conclude the NHPA-required tribal consultation.

Response to Comment K-26:

The comment states that more analysis is needed of the cumulative impact of this project to a ten-mile stretch of I-8 where other renewable energy development projects are planned. However, this portion of I-8 is not a designated scenic highway or protected view corridor. Therefore, a five-mile geographic scope was used to analyze cumulative visual resources impacts. Please refer to EIR/EA Section 5.1.1 for a detailed discussion of the use of a five-mile geographic scope for visual resources.

The EIR/EA does not identify any significant short-term or long-term impacts to visual resources. The EIR/EA does disclose that the installation of the solar facility would change the existing character of the site. However, due to the flat topography of the site, the EIR/EA states that it will not be visible from any protected viewpoint (see EIR/EA Section 4.1.1.1). The proposed project would not obstruct lines of sight to Mt. Signal, Coyote Mountain, or other surrounding visual resources. Furthermore, the project site is not located within the viewshed of McCain Valley, which is located in east San Diego County, far removed from the viewshed of the proposed project.

The EIR/EA concludes that the project's transmission line visual impacts are less than significant because the towers are aligned in the corridor with the existing BLM-designated utility corridor and would be similar in size, scale, and character as the existing facilities (see EIR/EA Section 4.1.1.1).

As discussed in detail in EIR/EA Section 4.1, visual simulations of the Proposed Action demonstrate that implementation of the Proposed

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-26: (cont'd.)

Action would alter the visual appearance of the project site from its existing undeveloped character. However, based on the BLM's Visual Resources Inventory Report (2010), the portion of the project located within BLM lands is located within Interim VRM Class III area and VRI Class III area, which allows for a moderate level of change to the landscape. The level of change that would occur to the site is moderate and management's activities do not dominate the view of the casual observer when observed from any of the KOPs. Therefore, the Proposed Action would be consistent with the Interim VRM Class III and VRI Class III management objectives and no impact is identified.

Response to Comment K-27:

As discussed in EIR/EA Section 3.1, no KOPs were selected along the transmission line route because there are no open roads or trails along or near the transmission line route that would provide a view of the transmission line.

Response to Comment K-28:

The comment states that more analysis is needed of the cumulative impact of this project to 14 other renewable energy related projects. To the extent other renewable energy projects create a significant adverse visual impact on a protected viewshed, those impacts cannot be combined with the proposed solar project when this project does not contribute any impact to a protected viewshed. The comment incorrectly assumes that each and every renewable energy project must be part of a cumulative impact to a resource regardless of whether there is any nexus between a proposed project and the resource.

Comment Letter K
(cont'd.)

- **Proposed Imperial Energy Center - West 230 kV transmission line 120' by 5 miles** to connect the project on private land to SDG&E's existing IV Substation
- **IID "S" Line Upgrade** proposed to replace 18 miles of single circuit 230 kV overhead lines on wooden poles with double circuit 230 kV lines on approximately 285 new steel poles. Much more industrial in appearance and increase energy capacity.
- **Imperial Valley Solar (Stirling Two)**, approved for 18,000 SunCatchers (38' x40') on 6,500 acres (6,100 BLM), new 230 kV on site substation with 10.3 mile double 230 kV lines connecting to the IV Substation. Visual impacts considered significant and unmitigable. Federal court injunction currently in place over significant cultural resource impacts and allegations of inadequate consultations.
- **C Solar Development LLC South proposed 230 kV line 5.7 mile ROW (CACA 051645) in Yuha Basin ACEC and Yuha Desert FTHL MA** to connect 200 MW solar project on 903 acres of private farmland to connect to the IV Substation. ROW will follow Dixieline alignment north from border.
- **SDG&E's proposed 12-14 MW solar project on 100 acres of BLM land directly adjacent to their IV Substation (CACA 051625)**. Biological impacts not yet assessed.
- **Southwestern Transmission Partners proposed 75 mile double circuit 500 kV transmission lines from the North Gila Substation to SDG&E's IV Substation (CACA-51575)**. 13,881 acres of BLM land. Route is parallel to SDG&E's Southwest Powerlink
- **Proposed connection of IID "S" Line from Dixieland Substation to IV Substation route following existing 230 kV route from border within Yuha Basin ACEC and FTHL MA**. 20 acres of impact to FTHL and Western burrowing owl.
- **Ocotillo Express LLC's proposed 550 MW wind project on 15,000 acres (23.5 sq miles) of BLM land west, north, and south of the community of Ocotillo**. The project will require a proposed Amendment to the CDCA, new transmission lines and a on-site new substation. Scoping comments on the joint BLM/Imperial County DEIS/EIR are due by January 21, 2010: http://www.blm.gov/ca/st/en/info/newsroom/2010/december/cdd1116_ocotillowind.html Map showing the Ocotillo Express wind project location is not 5 miles from Ocotillo as stated: http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/cdd/energy/0.Par.53015.File.dat/CACA051552_for_Web.pdf
- **RENEWERGY, LLC, CACA 048004, wind project proposed for 3,912 acres of BLM NW of Imperial Valley Solar**, east of the Ocotillo Express Wind project (3 sites) location, and transected by the Southwest Powerlink and the Sunrise Powerlink. The IV Substation is the most likely location for the project gen-tie line.

K-28
(cont'd.)

The list above is much longer, but time constraints do not allow me to complete the list for this letter. The projects listed in Table 5 1-2 are a good start. Concentration of existing and proposed large-scale energy projects and transmission lines originating and terminating at

Comment Letter K
(cont'd.)

the Imperial Valley Substations site raise alarms and concerns with grid security and safety in the event of a major earthquake an act of sabotage by domestic or foreign terrorists.

K-28
(cont'd.)

Light, Glint & Glare

Cumulative impacts from potential glint and glare effects on drivers on I-8 and other local roadways and on low-flying aircraft pilots from thousands upon thousands of solar panels, dishes, tracking units, must be recognized, analyzed and addressed. Those aircraft include Homeland Security, and military using the NAF at Seeley and the route of travel along the I-8 corridor from the coast to bases in Arizona and further east. At the hearings for the Imperial Valley Solar project, it was revealed that glint and glare could create problems for drivers, pilots and from other elevated positions such as the adjacent Coyote Mountains.

K-29

Project related security lighting should be shielded and directed downward to prevent further light pollution to Dark Skies in the rural areas that serve both recreation and scientific research.

Air Quality:

It is unrealistic to expect that twice a year mirror washing will be adequate to operate sensitive solar units efficiently for the highest output, especially when located near Plaster City OHV Area and adjacent to the approved but litigated 6,500 acre IV Solar project, where the desert soil will be disturbed and much more vulnerable to erosion through related traffic and blowing wind.

K-30

There has also been a reported surge in Valley Fever cases in Imperial Valley. Cumulative impacts from a long list of projects that will be converting irrigated farmland and previously undisturbed desert soils and desert pavement into energy parks with dry loose soil that is much more susceptible to erosion and a potential increase in Valley Fever and asthma cases.

K-31

7.2 Public Services: Fire, Medical, Police:

Cumulative impacts from a long list of proposed projects can result in a strain on public services due to increased traffic, increased traffic and construction accidents, and fires sparked by significantly increased electrical infrastructure and malfunctioning components including solar units, substations, transformers, gen-tie lines, bird strikes, and more.

K-32

Important fire fighting /funding issues related to a massive fire at a solar energy project were revealed during the CEC Staff Rebuttal Testimony for the joint CEC/BLM CEQA/NEPA review of the Imperial Valley Solar project. Staff research and comments by Rick Tyler and Alvin

K-33

Imperial Solar Energy Center DEIR/EA comments

Page 8

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-29:

Depending on the type of system and solar technology employed, solar energy projects can produce glare. The technologies used on certain projects use mirrors to reflect light onto a collector, which can create a source of glare. However, the proposed project would utilize a different technology. The proposed project's photovoltaic or CPV panels will be constructed of non-reflective surfaces, absorbing light rather than reflecting it. Therefore, the EIR/EA properly determined that the photovoltaic and CPV modules would not adversely affect glare because they are non-reflective (see EIR/EA pages 4.1-14 to 4.1-15).

As the comment recommends, the project-related security lighting will be shielded and directed downward to prevent further light pollution to Dark Skies in rural areas to aid in local recreation and scientific research.

Response to Comment K-30:

During the operational phase, ground cover will be planted and watering the site as necessary to reduce dust impacts to below a level of significance. See EIR/EA page 2-31 for a detailed discussion on dust suppression. Panel washing is expected to be limited to two times per year based on the desert elements that occur in the region. Unlike Solar Energy Production systems that utilize mirrors, the photovoltaic and CPV panels proposed for the site are less sensitive to dust accumulation. The addition of panels to sites within the desert climate have been found to reduce the amount of dust generated by wind.

Response to Comment K-31:

The project also does not create a cumulatively considerable impact on air quality through its compliance with applicable federal, state, and ICAPCD regulations, which take into account the levels of emissions from planned growth in Imperial County (e.g.'s see EIR/EA Section 3.4; pages 4.4-1 to 4.4-15; and 5-73 to 5-88). The proposed project is consistent with the General Plan and therefore its emissions were part of the modeling the air quality agencies used in establishing regulatory requirements to avoid a cumulative air quality impact.

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-31:

The EIR/EA also states that the project may result in water-driven soil erosion, but these impacts are reduced to a less-than-significant level under CEQA through a Storm Water Pollution Prevention Plan and a dust control plan (see EIR/EA page 4.6-5).

Because the project's impacts to dust levels are not significant, there is no potentially increased risk to dust-related health issues such as Valley Fever or asthma.

Response to Comment K-32:

The EIR/EA analyzed whether impacts to public services such as fire, medical, police, and water were potentially significant and determined that there would be no significant impacts (see EIR/EA Section 7.2).

Response to Comment K-33:

This comment states that the EIR/EA did not properly analyze impacts to fire services because there could be a fire at the photovoltaic site or transmission line. The EIR/EA based its determination of no significance on the project's fire prevention and suppression features and the vegetation type surrounding the solar array and transmission line. The project will provide extensive fire suppression technologies, and sufficient water storage. In addition, the Imperial County Fire Department must approve the project's Fire Protection and Prevention Plan (see EIR/EA pages 2-24 to 2-26). No significant environmental impacts to police and medical services has been identified. The project will require a small number of employees for operation, a security fence will be provided around the site, and a sophisticated security system and a security guard will be employed (see EIR/EA section 7-2 to 7-3).

Comment Letter K
(cont'd.)

Greenberg, Ph.D., in the July 21, 2010 Worker Safety/Fire Protection section regarding impacts on rural fire departments and required mitigation to address those impacts. That relevant testimony was previously posted at the link below but the site has been revised and time restrictions prohibited me from contacting the CEC to locate the referenced document: http://www.energy.ca.gov/sitingcases/solartwo/documents/2010-0721_Staff_Rebuttal_Testimony.pdf.

Imperial County should require adequate mitigation to cover the increased burden on public services, especially in such a rural and generally underserved area.



Photo and news story on Dec 21, 1010 fire below were found at www.10News.com

Transformer Fire At SDG&E Substation Extinguished *Substation Located In 500 Block Of Enterprise Street In Escondido*

POSTED: 3:07 pm PST December 22, 2010

K-33
(cont'd.)

Comment Letter K
(cont'd.)

"ESCONDIDO, Calif. -- A stubborn fire sparked when an electrical transformer exploded at a North County utility substation continued to burn for a second day Thursday, until crews ultimately were able to suffocate the flames with a chemical foam.

The non-injury blaze at the San Diego Gas & Electric facility in the 500 block of Enterprise Street in Escondido erupted shortly after noon Wednesday.

About an hour later, city officials used a reverse 911 system to urge residents within a mile of the heavily smoky fire to limit their time outdoors in the area as much as possible as a health precaution.

Crews initially tried to let the blaze, which was burning in a roughly 30- by-30-foot area, burn itself out. Late Wednesday evening, they tried in vain to extinguish it with foam.

The blaze kept burning until firefighters attacked it once again with the chemical suppressant this afternoon. The effort finally succeeded shortly before 2:30 p.m., police Lt. Craig Carter said."

Water:

This project's Water source, and possible diversion from another end use, need to be documented and analyzed along with cumulative project impacts.

7.25: The estimated amount of water needed to wash mirrors appears vastly underestimated as is the only twice a year washing predictions.

7.26: It is unclear if the project has contract for delivery of water from IID.

Doesn't the IID require that recycled water be used for renewable energy projects before Ag water is used?

Even recycled water is difficult to come by as evidenced by the IV Solar project proposed use of water from the Seeley Waste Water Treatment Facility that required a major investment and rebuild.

As an owner of Imperial Valley farmland, it is alarming to see all the water that is and will be diverted to uses other than farming, including a growing list of renewable energy projects, diversion of recycled water from the Salton Sea, and farm-to-city transfers. Diversion of water going to the sea requires that farmers do even more than is already being done to both conserve water and address the increasing salinity of the Sea. All of these issues represent cumulative impacts to water resources, the Salton Sea, and to farmers and farming viability in general.

K-33
(cont'd.)

K-34

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-34:

The EIR/EA properly analyzed and disclosed potential impacts to water and concluded that there are no significant effects under CEQA because the water use would be approximately 5 to 9 acre-feet per year, most of which is used for solar panel washing depending on the technology selected (PV or CPV) (see EIR/EA page 2-30). Given the relatively small amount of water and the lack of a nexus between the project and any of the projects in the cumulative effects area, there will no cumulatively adverse effects.

Photovoltaic and CPV technology differs from solar thermal technology. When mirrors are used to reflect and concentrate the sun's energy, it is extremely important to keep the mirrors clean; however with photovoltaic and CPV panels, many projects that are existing today have come to realize the cost to wash the panels is more expensive than the minor decrease in productivity from dirt or dust accumulating on the panels (Pers. Communication, existing operators at Boulder City, NV and Blythe, CA Solar Facilities, February, 2011).

The project site, when it was under active farming was consuming 15 acre feet of water per acre per year (16,500 acre feet per year). The landowner has kept current with all IID water allocation fees. In IID's filings in federal and state courts, the IID routinely states that it holds the water rights in trust, and references a Supreme Court decision that makes it clear that the landowners are the beneficiaries of the trust. The amount of water formerly consumed during agricultural use is so great that the proponent could use 40 acre feet of water per day and still not exceed the amount of water consumed during agricultural production. As the land is entitled to 16,500 acre feet per year, consumption of any amount of water below the 16,500 acre feet represents a less than significant impact.

Comment Letter K
(cont'd.)

7.27 Solid Waste:

This section should address the potential cumulative impacts to solid waste facilities in the event of higher than expected rates of damage to solar units, and the decommissioning of the project in the event of an economic failure or damage from a natural disaster such as a major earthquake, catastrophic fire or wind event. Plans need to be made, and funding sources secured from developers, to address the worst case scenario for impacts related to potential failures and the decommissioning at this project and all the others that are proposed in Imperial County. Currently, at the Kumeyaay Wind facility, all 75 damaged blades from the 25 wind turbines are scattered at the base of each turbine. They have been there since the catastrophic failure that resulted in an electronic meltdown during 70 mile per hour winds on December 9, 2009. Witnesses saw a blue ball of light at the center of the string of turbines that then zapped out in both directions impacting all 25 turbines. The composite blades cannot be recycled and are reportedly being held as evidence in a legal dispute between the turbine manufacturer and the wind facility operator. There was also a reported power outage just prior to the meltdown. The project was off-line for over 3 months.

Earthquakes and Reliability of IV Substation and grid. Too many eggs in one basket.

New USGS forecast maps show 7.5-8.0 quake magnitudes in the project vicinity: is no mention of the new USGS forecast maps showing 8.5-8.0 magnitude in the vicinity of the project site. The 7.2 quake on Easter Sunday 2010 caused damage to the IV Substation southwest of the project site and to Drew Road in Seeley, east of the site. Drew Road is still out of service. Ocotillo residents testified on July 26 to the damage they suffered from repeated quakes since the Easter Sunday quake. The potential for seismic impact to the solar units, gen-tie lines, the Imperial Valley Substation, the existing Southwest Powerlink, the proposed Sunrise Powerlink and the proposed Southwest Transmission Partners double circuit 500 kV line has been vastly underestimated.

One of the earthquake scientists interviewed reminded folks that the map's limitations include not showing most "blind thrust" faults, which produce quakes that don't break the surface. The magnitude 6.7 quake that struck Northridge in 1994 occurred on a blind thrust system that killed more than 70 people and caused about \$20 billion in damage.

K-35

K-36

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-35:

As identified on EIR/EA page 2-33, the proposed project would be constructed with numerous recyclable materials, including glass, semiconductor material, steel, and wiring. When the project reaches the end of its operational life, the component parts would be dismantled and recycled.

Response to Comment K-36:

The California Independent System Operator (CAISO) manages planning and operations of the electric power grid in California, including conducting transmission planning analysis to make sure the transmission network is robust enough to withstand contingencies such as earthquakes. CAISO has studied this project as part of their Large Generator Interconnect Process (LGIP).

<http://www.caiso.com/1791/1791bfdc382e0ex.html>.

In addition, the proposed project is required to be constructed to current building code standards, which provides sufficient mitigation to reduce potential impacts to below a level of significance.

The EIR/EA discloses that the project contains expansive soils that are prone to liquefaction and differential settlement, but these potentially significant impacts will be reduced through seismic and pavement design, among other measures (see EIR/EA page ES-23).

Comment Letter K
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)



K-36
(cont'd.)

Response to Comment K-37:

The wind farms and the solar farm referred to in this comment propose, or use, very different technologies than the technology proposed for this project and therefore the anecdote is not relevant to this project. It should be noted that the construction workforce for the project would be recruited locally and available through the existing labor pool, and some would be specialized technical workers from outside of the local area (EIR/EA page 4.14-7).

Response to Comment K-38:

The comment states that additional intermittent energy projects (such as solar projects) will require additional backup generation is inaccurate because solar energy projects produce energy during peak energy demand times during the day when it is hottest and air conditioning use is increased, thus system-wide reducing the need for as many peaker plants or for existing peaker power plants to run as much. The Solar PEIS provided expert opinion and factual analysis to support this is the benefits of utility-scale solar project to global climate change. PEIS 6-97 to 6-98. It states the following:

Jobs

Only 4 full time employees and one security guard are listed for this project. Most specialized construction workers will be imported from out of the area and /or import green card holders from Mexico for menial jobs. In some cases, workers have been imported from other countries to construct and maintain large-scale solar and wind energy projects as was the case on a solar farm near Las Vegas and the Kumeyaay Wind facility on the Campo Reservation. Imperial County should insist on a local hiring preference to ensure employment for local workers during all phases of this and other projects.

K-37

Responses to professed public benefits:

Solar energy still requires backup generation which is usually from gas-fired power plants. The more intermittent energy projects that approved, the more backup generation is required. The Imperial Solar Energy Center DEIR/EA comments

K-38

Page 12

- Utility-scale solar energy development contributes to relatively minor GHG emissions as a result of emissions from heavy equipment, primarily used during the construction phase; vehicular emissions and natural gas or propose combustion from backup generators. The removal of plants from within the footprint of solar facilities would reduce the amount of carbon uptake by terrestrial vegetation, but only by a small amount (about 1% of the CO₂ emissions avoided by a solar energy facility compared to fossil-fuel generation facilities (see Section 5.11.4 of the PEIS).
- Utility-scale solar energy production over the next 20 years may result in fewer CO₂ emissions from utilities by offsetting emissions from new fossil fuel energy sources. CO₂ emission offsets related to increased solar energy production could range from a few percentage points to more than 20% in some of the study area states if future fossil energy production were offset by solar

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-38: (cont'd.)

energy. Table 6.5-22 provides a comparison of the CO₂ emissions of different generation technologies during facility operations. In the near-term, solar facilities would tend to offset facilities serving peak loads rather than baseline loads served by large fossil fuel plants. Emissions from future fossil fuel plants serving peak loads, typically natural gas-fired plants, would nevertheless be offset. The addition of thermal energy or electrical storage to solar facilities could allow offsets of baseload fossil fuel plants in the long term.

- Because GHG emissions are aggregated across the global atmosphere and cumulatively contribute to climate change, it is not possible to determine the specific impact on global climate change from GHG emissions associated with solar development over the next 20 years. It is possible to predict, however, that increased solar energy generation could cumulatively result in fewer GHG emissions if it offsets electrical generation from new fossil fuel facilities.

Comment Letter K
(cont'd.)

increased disturbance of desert soils and vegetation , which can store carbon, and the increased air quality impacts from increased particulates tend to negate any potential GHG reductions. Those backup gas-fired power plants still need to be built and fueled. Where are the contracts ensuring that local and state contractors and suppliers will benefit from this project.

K-38
(cont'd.)

Distributed Generation Alternative:

The USEPA in its comments on the Solar Energy Development PEIS (September 8, 2009) stated that wholesale and retail distributed generation deserves further consideration. It notes that an estimated 27,000 MW potential has been identified with small-scale projects near existing power substations throughout California. The EPA further states that distributed generation benefits include fewer environmental impacts than large scale projects, reducing generation costs through reduced line loss, reduced congestion, reduced peak demand loads, which enhance the efficiency, reliability and operational benefits of the distribution system and improve the overall security of our energy supply.

K-39

Southern California Edison (SCE) has unveiled plans to install 16,300 solar panels on the roof of a 436,000sqft facility in Rialto, California: http://solar.energy-business-review.com/news/sce_to_install_solar_panels_in_rialto_california_100319/

PUC Press Release: Docket A 08-03-015: Edison's 500 MW Solar Roof program: quoted Commissioner John A. Bohn, author of the decision: "This decision is a major step forward in diversifying the mix of renewable resources in California and spurring the development of a new market niche for large scale rooftop solar applications. Unlike other generation resources, these projects can get built quickly and without the need for expensive new transmission lines. And since they are built on existing structures, these projects are extremely benign from an environmental standpoint, with neither land use, water, or air emission impacts. By authorizing both utility-owned and private development of these projects we hope to get the best from both types of ownership structures, promoting competition as well as fostering the rapid development of this nascent market."

K-40

Environmental Justice:

Cumulative EJ issues do exist in relation to this and other projects. Much, if not all, of the energy generated by these land, water, view, and resource consuming projects will be exported out of the economically depressed Imperial Valley along with the majority of the profits and other benefits. At the same time, most of the labor and material will be imported from outside the Valley. The current land rush is not the first time that speculators have shown up in droves

K-41

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-39:

This comment suggests that distributed generation of solar energy resources be evaluated as opposed to, or in addition to, the development of centralized, utility-scale solar energy facilities. Distributed generation refers to the installation of small-scale solar energy facilities at individual locations at or near the point of consumption (e.g., use of solar PV panels on a business or home to generate electricity for on-site consumption). Distributed generation systems typically generate less than 10 kW. Other terms for distributed generation include on-site generation, dispersed generation, distributed energy, and others.

Current research indicates that development of both distributed generation and utility-scale solar power will be needed to meet future energy needs in the United States, along with other energy resources and energy efficiency technologies (NREL 2010). For a variety of reasons (e.g., upper limits on integrating distributed generation into the electric grid, cost, lack of electricity storage in most systems, and continued dependency of buildings on grid-supplied power), distributed solar energy generation alone cannot meet the goals for renewable energy development. Ultimately, both utility-scale and distributed generation solar power will need to be deployed at increased levels, and the highest penetration of solar power overall will require a combination of both types (NREL 2010).

Alternatives incorporating distributed generation with utility-scale generation, or looking exclusively at distributed generation, do not respond to the BLM's purpose and need for agency action in the Imperial Solar Energy Center West EIR/EA. The applicable federal orders and mandates providing the drivers for specific actions being evaluated in the EIR/EA compel the BLM to evaluate utility-scale solar energy development. The Energy Policy Act of 2005 (Public Law [P.L.] 109-58) requires the Secretary of the Interior to seek to approve non-hydropower renewable energy projects on public lands with a generation capacity of at least 10,000 MW of electricity by 2015; this level of renewable energy generation cannot be achieved on that timetable through distributed generation systems. While the Imperial Solar Energy Center West itself

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

Response to Comment K-39: (cont'd.)

would not be on public lands, BLM's action on the ROW across public land would facilitate large-scale solar energy development, in accordance with, Order 3285A1 issued by the Secretary of land would facilitate large-scale solar energy development, in accordance with Secretarial Order 3285A1 (Secretary of the Interior 2010). Accordingly, the BLM's purpose and need for agency action in this EIR/EA is focused on the siting and management of 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.

K-40:

Please refer to Response to Comment K-39.

K-41:

The EIR/EA at Section 4.14, analyzed the impacts for consistency with Environmental Justice criteria and found that the Proposed Action is considered a public benefit and would not result in environmental effects to the minority population residing within and surrounding the Imperial County area. The Proposed Action will create employment opportunities during the short-term construction phase and long-term operation of the project.

Comment Letter K
(cont'd.)

RESPONSE TO COMMENT LETTER FROM DONNA TISDALE, DATED
DECEMBER 22, 2010 (COMMENT LETTER K) (continued)

with lots of dreams and promises and then abandoning the Valley just as quickly as they came leaving behind a trail of empty promises and dashed hopes.

} K-41
(cont'd.)

Response to Comment K-42:
Conclusion comments noted.

Conclusion

NEPA requires a full EIS for the proposed transmission line project based on the significant and cumulative impacts noted above from the long list of existing, proposed and reasonably foreseeable large-scale energy, transmission, and other development projects proposed for South Western Imperial County, with a very high density of projects tied to SDG&E's Imperial Valley Substation that is located in the Yuha ACEA and FTHL MA.

This high concentration of projects not only increases negative impacts to a variety of important resources, but it decreases the reliability of the grid by placing too many power lines and energy sources in one very vulnerable location. Backup generation will also be required.

Both the BLM and Imperial County need to recognize, analyze, and address the significant and cumulative impacts documented in this and other comment letters. Alternative projects need to include local distributed generation projects that will better benefit local property owners and workers without destroying much of the rural landscapes, resources, and open space that make the Imperial Valley such a special place.

} K-42

Response to Comment K-43:
Comment noted. Your contact information will be added to the notice list for this project.

Please add my name to the serve list for this project. My contact information is 619-766-4170 or donnatisdale@hughes.net.

} K-43

Sincerely

Donna Tisdale

Comment Letter L

RESPONSE TO COMMENT LETTER FROM LAURA CUNNINGHAM, DATED DECEMBER 29, 2010 (COMMENT LETTER L)

Tuesday, January 4, 2011 2:02 PM

Here is another comment that was received by the BLM that will need to be addressed.

Response to Comment L-1:

Comment noted.

Thanks and have a fabulous day.

Response to Comment L-2:

Please refer to Response to Comment K-6 regarding cumulative impacts and the decision whether to prepare an EIS for the proposed action.

Jennifer Whyte
Realty Specialist
Bureau of Land Management
El Centro Field Office
1661 S 4th Street
El Centro, CA 92243

760-337-4421 voice
760-337-4490 fax

----- Forwarded by Jennifer Whyte/CASO/CA/BLM/DOI on 01/04/2011 10:36 AM -----

Laura Cunningham <bluerockiguana@hughes.net> To Jennifer_Whyte@blm.gov

cc

12/29/2010 03:31 PM

Subject Comment on Imperial Solar Energy Center West

Basin and Range Watch is a group of volunteers concerned with impacts to desert ecology. We are writing to comment on the Imperial Solar Energy Center - West transmission upgrade project.

} L-1

An EIS should be required for this 5-mile BLM ROW transmission line through Yuha ACEC and Flat-tailed horned lizard Management Area connecting with the Imperial Valley Substation, based on cumulative impacts to cultural resources, Flat-tailed horned lizard, impacts to increasingly rare Burrowing owl, rare plants, visual resources, and more.

} L-2

Thank you,

Laura Cunningham
Basin and Range Watch
Baker, CA



Bureau of Land Management - County of Imperial - Department of Energy