

OCOTILLO SOL PROJECT
BLM Land Use Application
Case File # CACA-51625

FINAL SCOPING REPORT
RESULTS OF SCOPING
January 2012

California Desert District Office
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553

Approved by: _____
Field Manager

Date

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FINAL PUBLIC SCOPING REPORT FOR THE OCOTILLO SOL PROJECT

1.0 INTRODUCTION

The Bureau of Land Management (BLM) has received a right-of-way (ROW) application from San Diego Gas and Electric (the Applicant, SDG&E) to construct, operate, maintain, and decommission the Ocotillo Sol project, a solar photovoltaic (PV) power plant facility, on approximately 115 acres of BLM-administered public lands in Imperial County, California.

Scoping was initiated with the release of the Notice of Intent (NOI). This report describes the scoping process and the results. This report also documents and summarizes all of the public comments that have been received through the scoping activities.

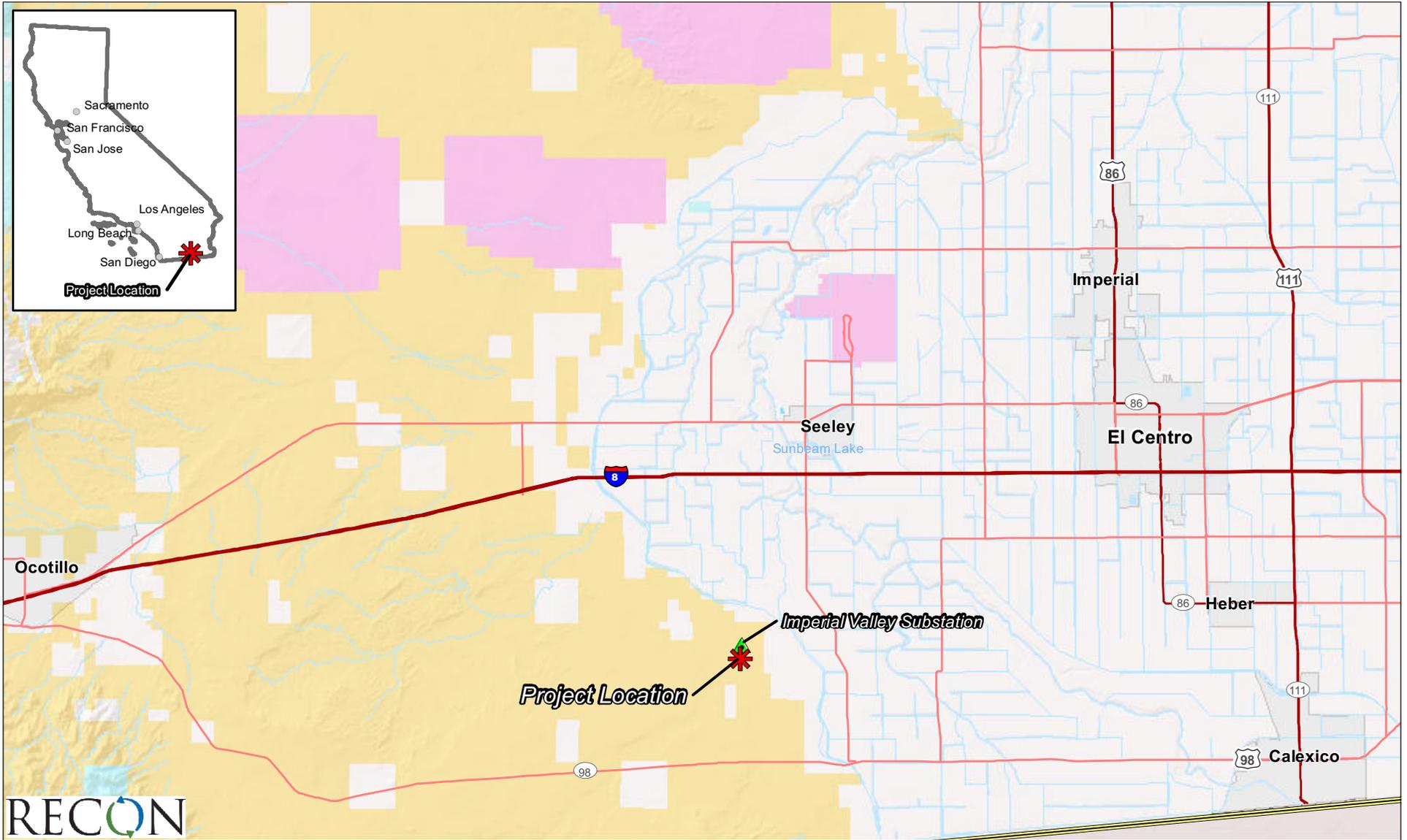
1.1 BRIEF DESCRIPTION OF THE PROJECT

The site for the solar facility would be adjacent to the existing Imperial Valley Substation, 4 miles south of Interstate 8, approximately 5 miles north of the United States (U.S.)-Mexico border, 5 miles south of Seely, about 9 miles southwest of El Centro, and 82 miles east of San Diego (Figure 1). The proposed project site would also be located within the BLM California Desert Conservation Area (CDCA).

All proposed project components, including a temporary 15-acre construction lay-down area, would be located on BLM-administered lands subject to a ROW grant. The proposed Ocotillo Sol project components would include the PV modules and mounting structures, a maintenance building with an associated parking area, internal roads, inverters, transformers, and the combining switchgear. An existing road to the Imperial Valley Substation would provide access to the proposed project site. New, minor internal roads would be constructed between the module rows.

Once approved and operational, the proposed Ocotillo Sol project is expected to have a 20-megawatt (MW) generating capacity.

In accordance with the Federal Land Policy and Management Act (FLPMA; Section 103(c)), public lands are to be managed for multiple use that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (Section 501(a)(4)). Taking into account the BLM's multiple use mandate, the purpose and need for the proposed action is to respond to a FLPMA ROW application submitted by the Applicant to construct, operate, maintain, and decommission a solar PV facility and associated infrastructure on public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies.



- | | | |
|--|--------------------------|-----------------------------|
| — Primary Limited Access or Interstate | — International Boundary | Land Jurisdiction |
| — Primary US and State Highways | ▲ Substation | ■ Bureau of Land Management |
| — Secondary State and County | | ■ Military |
| — Railroads | | ■ State |
| — Rivers and Canals | | |



FIGURE 1
Project Location

In conjunction with FLPMA, the BLM's applicable authorities include the following:

- § Executive Order 13212, dated May 18, 2001, which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the production and transmission of energy in a safe and environmentally sound manner.
- § Section 211 of the Energy Policy Act of 2005, which establishes a goal for the Secretary of the Interior to approve 10,000 MW of non-hydropower renewable energy on public lands by 2015.
- § Secretarial Order 3285A1, dated February 22, 2010, which establishes the development of renewable energy as a priority for the Department of the Interior.

The BLM will decide whether to deny the proposed ROW, grant the ROW, or grant the ROW with modifications. The BLM may include any terms, conditions, and stipulations it determines to be in the public interest, and may include modifying the proposed use or changing the route or location of the proposed facilities (43 Code of Federal Regulations 2805.10(a)(1)).

In connection with its decision on the proposed Ocotillo Sol project, the BLM's action will also include consideration of potential amendments to the CDCA land use plan, as analyzed in the Draft Environmental Impact Statement (EIS) alternatives. The CDCA plan, while recognizing the potential compatibility of solar energy facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the land use plan amendment process. BLM policy encourages the avoidance of development on lands with high conflict or sensitive resource values (Instruction Memorandum 2011-061). While the BLM is not required to formally determine whether certain high conflict lands are or are not available for solar development, if BLM decides to make that decision, it must amend the CDCA plan. The BLM is deciding whether to amend the CDCA plan to identify the Ocotillo Sol project site available, and whether to amend the CDCA plan to make the application area unavailable for solar development.

1.2 PRE-NOTICE OF INTENT MEETINGS

In March 2009, the Applicant began holding meetings with the BLM and other interested parties about the potential for developing a PV solar project in the Imperial Valley. The Applicant held a total of seven meetings between March 2009 and September 2010. Interested parties included the BLM California State Office, BLM El Centro Field Office, U.S. Army Corps of Engineers, and Imperial County. The Applicant submitted the ROW application in December 2009.

1.2.1 MEETINGS BETWEEN BLM AND APPLICANT

The BLM hosted five meetings with the Applicant prior to issuance of the NOI. These meetings were held to discuss the ROW application, plan of development, project issues, and to initiate government-to-government consultation with interested Tribes (see Section 1.2.3 below).

1.2.2 MEETINGS WITH OTHER AGENCIES

1.2.2.1 April 2011 Affected Agency Meeting

BLM hosted an initial affected agency meeting on April 20, 2011 at the El Centro Field Office in El Centro, California. In addition to BLM staff, attendees included U.S. Border Patrol, California Department of Fish and Game, the Applicant, and RECON Environmental.

BLM summarized the new BLM guidance requiring affected agency meetings early in the application process and prior to release of the NOI. BLM also summarized the approximate timeline of the National Environmental Policy Act (NEPA) process.

The Applicant provided a general overview of the project, its location, and a description of the proposed site. The Applicant also provided a summary of the constraints analysis and technical studies completed to date. The constraints analysis included the review of private versus public land sites, lands in proximity to the Imperial Valley substation, infrastructure requirements and access, and resource impacts.

BLM stated that the flat-tailed horned lizard management area development/disturbance limits were being reviewed. The BLM will decide how to best manage the area considering the multiple requests for development within the area and the one percent disturbance limit.

BLM provided an overview of the Section 106 process for the project. Cultural surveys of the proposed project area found one site. A Determination of Findings will be completed once the geotechnical report has been completed. The Area of Potential Effect for the historic built environment will be determined. The likely resources in the project area include railroads, canals, and homes.

The U.S. Border Patrol noted some concern for the location of the project site due to its proximity to State Route 98. The Border Patrol also noted that they would need access to the site to perform law enforcement activities if warranted. Overall, the Border Patrol did not feel that the proposed solar field would cause any visual impedance to their activities.

BLM indicated that Tribes in the area have expressed concerns related to visual impacts to Mount Signal. A discussion of this issue should be included in the EIS related to reduced visibility resulting from the proposed solar field. BLM will discuss Tribal concerns related to Mount Signal and conduct Tribal coordination prior to release of the NOI.

BLM discussed potential biological resources issues related to the proposed solar field, including the need for golden eagle surveys, plant surveys, and avian point count surveys.

The California Department of Fish and Game noted potential biological concerns for the proposed project, including impacts to state listed species, BLM sensitive species, and golden eagles.

1.2.2.2 August 2011 Affected Agency Meeting

BLM hosted a second affected agency meeting on August 1, 2011 at the El Centro Field Office in El Cento, California. In addition to BLM staff, attendees included Imperial County, the Applicant, LSA, and VAP Enterprises.

The Applicant provided a general overview of the Ocotillo Sol project and proposed technology, their proposed project's location (within Imperial Valley and adjacent to the Imperial Valley Substation and transmission lines), as well as a description of the internal process for determining the location.

BLM summarized the Section 106 process to date for the project. Tribal consultation was initiated in December 2010. Cultural surveys of the proposed project area found one site and 12 isolates within the proposed footprint. A draft Class III survey report has been provided to interested Tribes (see below). A Determination of Findings will be completed once the geotechnical report has been completed.

Imperial County indicated that they would provide a building permit only if the proposed Ocotillo Sol project were to be approved. The proposed project is not subject to the California Environmental Quality Act as it lies entirely on federal (BLM) land.

BLM is required to consider the future use of the energy corridor and potential constraints that the development of the proposed Ocotillo Sol project might have on the corridor. Based on the Applicant's constraints analysis, the proposed Ocotillo Sol project would not constrain any future use of the corridor.

1.2.3 MEETINGS WITH TRIBES (GOVERNMENT-TO-GOVERNMENT)

BLM initiated Tribal consultation for the proposed Ocotillo Sol project in December 2010. In addition, several Tribes (listed below) were invited to the August 2011 affected agency meeting.

- § Barona Band of Mission Indians
- § Campo Kumeyaay Nation
- § Cocopah Indian Tribe
- § Ewiiapaayp Band of Kumeyaay Indians
- § Fort Yuma Indian Reservation
- § Jamul Indian Village
- § Kwaaymii Laguna Band of Indians
- § La Posta Band of Kumeyaay Indians
- § Manzanita Band of Kumeyaay Indians
- § Mesa Grande Band of Mission Indians
- § San Pasqual Band of Diegueno Indians
- § Santa Ysabel Band of Diegueno Indians

- § Sycuan Band of the Kumeyaay Nation
- § Torres-Martinez Desert Cahuilla Indians
- § Viejas Band of Kumeyaay Indians

None of the above invited Tribes attended the meeting.

2.0 SCOPING PROCESS SUMMARY

Scoping is a timeframe during which public and agency input is solicited to identify the range, or scope, of issues to be addressed during the planning and environmental analysis for a proposed project. As the federal lead agency on the proposed Ocotillo Sol project, BLM solicits comments from relevant agencies and the public, organizes and analyzes the comments received, identifies the issues that will be addressed during the environmental analysis, and compiles this information into an organized report (the Scoping Report). A scoping process is required to be a minimum of 30 days beginning with the publication of the NOI in the *Federal Register*. The official scoping period for the proposed Ocotillo Sol project commenced on July 15, 2011 and concluded on August 25, 2011. Comments received within this period were used to compile this scoping report.

2.1 NOTICE OF INTENT

The public scoping process for the Ocotillo Sol project officially began with the publication in the *Federal Register* of the “Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Ocotillo Sol Solar Project, Imperial County, CA; Possible Land Use Plan Amendment; and Notice of Segregation of Public Lands.” The NOI was published on Friday, July 15, 2011.

2.2 PUBLIC NOTIFICATION

The Ocotillo Sol project scoping meetings were announced through media releases, e-mail, and the BLM California Desert District Web site. In addition, postcards announcing the scoping meetings were sent to more than 100 addresses (Appendix A).

The BLM prepared a media release to introduce the project to the public and provide information about scoping meetings. The announcement was issued on July 15, 2011 to local and regional newspapers, television and radio stations, and via the BLM Web site. Because the announcement was voluntary on the part of the media, the BLM was unable to track which media ran the announcements.

2.3 PUBLIC SCOPING MEETING

The BLM hosted two public scoping meetings in El Centro, California, on August 10, 2011. Both the afternoon (2:00-4:00 PM) and evening (6:00-8:00 PM) meetings were held at the Imperial County Executive Office. Approximately 18 people attended the two meetings (Appendix B).

Both meetings were conducted as an open house, allowing participants to review maps, display boards, and ask specific questions of BLM staff available at the display stations. A letter from the BLM to the public provided information about the scoping meetings and process, and was made available as a handout for the public. Fact sheets about the project and NEPA process were also made available, along with comment forms. Appendix C includes all meeting handouts and the PowerPoint presentation.

The public comment form requested the public's input on the proposed project and any potential issues, concerns, or alternatives. The BLM invited participants to submit comments in formats other than comment forms, including letters and e-mail.

2.4 WRITTEN COMMENTS

No written comments were submitted during the scoping meetings. Thirteen written comment letters were received via e-mail during the public scoping period. These comments are included in Appendix D.

2.5 ORAL COMMENTS

No oral comments were given or recorded at either of the public scoping meetings.

3.0 COMMENTER DEMOGRAPHICS

Two federal agencies, eight special interest (environmental) organizations (many of which combined their comments), and three individuals provided comments on the proposed Ocotillo Sol project during the scoping period. The majority of the comments received were from California, while the rest of the comments did not have identifying information (e.g., sent via e-mail without a physical address).

4.0 COMMENT SUMMARY AND ANALYSIS

Comment letters were reviewed and the following section provides a summary of the issues and concerns raised by the commenters. The comments discussed below are summarized or

paraphrased from the original comment letters. For this report, the issues have been grouped into one of the three following categories:

- Issues or concerns that could be addressed by effects analysis
- Issues or concerns that could develop an alternative and/or a better description or qualification of the alternatives
- Issues or concerns outside the scope of the EIS.

Original comment letters may be reviewed upon request at the BLM California Desert District Office at 22835 Calle San Juan De Los Lagos, Moreno Valley, California 92553, during normal business hours (8:00 AM–4:00 PM, Monday through Friday).

4.1 EFFECTS ANALYSIS

Comments under the Effects Analysis category will be addressed in the affected environment section of the Draft EIS or in the environmental consequences section for each alternative.

4.1.1 PURPOSE AND NEED

- § Purpose and need should discuss the project in the context of the larger energy market and how the project would assist with meeting California Renewable Portfolio Standards goals.
- § Purpose and need should disclose the need for the project based on existing demands and generation in the Applicant's service area.
- § Purpose and need should go beyond BLM's need to respond to Applicant's request for a ROW.

4.1.2 RESOURCE ISSUES

4.1.2.1 General

- § Quantify the impacts of alternatives to the greatest extent possible (e.g., acres of disturbance, tons of emissions).
- § Describe the rationale for determining significance (consider context and intensity) of impacts.
- § Disclose cumulative projects and impacts, including those to public and private communication systems.
- § Disclose impacts on grid reliability with numerous projects proposed to connect to the Imperial Valley substation, Southwest Powerlink, and Sunrise Powerlink.
- § Disclose proposed mitigation and funding prior to the end of the public comment period.

4.1.2.2 Water Resources

- § Estimate the quantity of water required by the Ocotillo Sol project, describe the source of water, and detail the potential effects on other water users and natural resources.
- § The Draft EIS should describe reasonably foreseeable direct, indirect, and cumulative impacts to water resources.
- § Should groundwater be used for the Ocotillo Sol project, identify the affected groundwater basin, analyze the potential for subsidence, and analyze impacts to other water bodies and biological resources.
- § The Draft EIS should include a discussion of the availability of groundwater and annual recharge rates. The water rights permitting process and status of water rights within the basin (including analysis regarding whether there has been any over-allocation) should also be discussed.
- § Discuss cumulative impacts to the groundwater supply, including impacts from proposed large-scale solar facilities.
- § Discuss feasibility of using water sources other than groundwater (e.g., potable, irrigation canal, wastewater, deep aquifer).
- § Analyze the potential for adverse aquatic impacts (e.g., water quality and aquatic habitats).
- § The Draft EIS should disclose the amount of process water to be disposed on-site and containment methods.
- § Describe all water conservation measures to be used for the project.
- § Analyze the effects of project discharges on surface water quality and designated beneficial uses of affected waters.
- § Discuss water reliability for the Ocotillo Sol project and how water source(s) may be affected by climate change. Also provide qualitative analysis of impacts to water supply and adaptability of the project to these changes.
- § The Applicant should coordinate with the U.S. Army Corps of Engineers to determine if the Ocotillo Sol project requires a Section 404 permit. Alternatives should be analyzed to determine compliance with 404(b)(1) guidelines.
- § The Draft EIS should describe all Waters of the U.S. that could be affected (acreages, channel lengths, habitat types, values, and functions), and provide maps identifying those waters in the project area.
- § A jurisdictional delineation should be included for all Waters of the U.S. in the project area.
- § Describe the existing natural drainage patterns and drainage during project operation. Identify whether Ocotillo Sol project components are within a 50- or 100-year floodplain. Include location and function of ephemeral washes and any mitigation measures.
- § Provide information of Clean Water Act Section 303 impaired waters in the project area and efforts to develop/revise total maximum daily loads. Describe existing restoration/enhancement efforts, how the project will coordinate with these efforts, and mitigation measures.

- § The commenter recommends the following mitigation measures for drainages, ephemeral washes, and floodplain: (1) using existing natural drainage channels on-site and more natural features, such as earthen berms or channels, rather than concrete-lined channels; and (2) committing to the use of natural washes, in their present location and natural form and including adequate natural buffers, for flood control to the maximum extent practicable.
- § Discuss the availability of compensation lands (within the project's watershed) to offset loss of desert wash functions.
- § Determine the need for a California State Water Resources Control Board General Permit. If required, include a description of the stormwater pollution control and mitigation measures.

4.1.2.3 Biological Resources

- § Identify all petitioned and listed threatened and endangered species and critical habitat. Quantify which species or critical habitat may be directly, indirectly, or cumulatively affected and mitigate these impacts. Emphasize protection and recovery of these special status species.
- § Consult with the U.S. Fish and Wildlife Service regarding the presence of threatened or endangered species and prepare a Biological Opinion if warranted. Discuss consultation process and outcome.
- § Analysis of impacts and mitigation for threatened and endangered species should include the following: (1) baseline conditions of habitats and population of covered species; (2) clear description of how avoidance, mitigation, and conservation measures will protect and encourage recovery of covered species and their habitat in the project area; (3) monitoring, reporting, and adaptive management efforts to ensure species and habitat conservation effectiveness.
- § Indicate mitigation measures to protect important wildlife habitat areas from adverse effects of construction, operation, maintenance, and decommissioning of the Ocotillo Sol project.
- § Discuss impacts associated with increase in shade on vegetation and species.
- § Discuss impacts associated with fence construction, and consider options that could facilitate better protection of species.
- § Include an invasive plant management plan in the Draft EIS.
- § The commenter expressed concern that authorization of the Ocotillo Sol project would provide additional perches for raptors, in turn furthering predation pressures on flat-tailed horned lizard.
- § Disclose cumulative impacts on flat-tailed horned lizard and other special status species. Include Ocotillo Express wind project, Imperial Solar Energy Center South and West, Sunrise Powerlink, and projects constructed in the West Chocolate Mountains Renewable Energy Evaluation Area/Renewable Energy Zone.
- § Analyze impacts to wildlife from night lighting during project construction and operation.
- § The commenter expressed concern about impacts of transmission lines on natural resources, particularly wildlife.

4.1.2.4 Climate Change

- § Consider how climate change could affect the Ocotillo Sol project, and assess how the projected impacts could be exacerbated by climate change.
- § Quantify the anticipated climate change benefits of solar energy. Quantify greenhouse gas emissions from different types of generating facilities and comparing these values.
- § Analyze greenhouse gas emissions during construction and operation.

4.1.2.5 Air Quality

- § Provide detailed discussions for air quality existing conditions, and potential air quality impacts.
- § Describe construction and maintenance air emissions, and include mitigation measures to minimize those emissions.
- § The commenter recommends an evaluation of the following measures to reduce emissions of criteria and hazardous air pollutants: existing conditions, quantify emissions, specific emission sources, construction emissions mitigation plan, fugitive dust source controls, mobile and stationary source controls, and administrative controls.
- § Analyze particulate emissions during construction and operation, and in the context of the impaired air quality in Imperial County. Also consider Environmental Protection Agency regulations for Imperial County.

4.1.2.6 Public Health and Safety

- § Address potential impacts of hazardous waste from construction/operation activities.
- § Identify hazardous waste types, volumes, storage, disposal, and management. Mitigation should also be included.
- § The Draft EIS should include a requirement for a decommissioning and site restoration plan to include: (1) cost estimates; (2) time allotted to complete; (3) description of facilities/structures to be removed; and (4) description of restoration measures.
- § Discuss electromagnetic field, RFR, electromagnetic interference.

4.1.2.7 Cultural Resources

- § Address the existence of Indian sacred sites in project area, Executive Order 13007, and discuss avoidance measures.
- § Summarize all coordination with Tribes and the State Historic Preservation Officer, include identification of sites eligible for listing to the National Register of Historic Places and the development of a Cultural Resources Management Plan.

4.1.2.8 Environmental Justice

Include an evaluation of environmental justice populations. Analyze the potential for disproportionate impacts to these populations. Discuss the public participation approach for these populations.

4.1.2.9 Special Designations

- § The commenter expressed concern that project would be located entirely within Yuha Area of Critical Environmental Concern (ACEC) and the potential impacts on flat-tailed horned lizard. The commenter believes that the Yuha ACEC is not receiving protective management, particularly as required by the 2003 Rangeland Management Strategy for flat-tailed horned lizard (i.e., locate projects outside of management area; permit ROWs only along the boundaries of management area and only if impacts can be mitigated).
- § Special management areas (e.g., ACECs, wildlife management areas) should be off limits to renewable energy projects to protect those areas. Renewable resource development should be directed outside of these areas.
- § Discuss the full history of the Yuha ACEC.
- § Discuss the actions BLM will take to protect other ACECs and flat-tailed horned lizard management areas from inconsistent uses (including renewable energy projects). Detail plans to ensure the decision does not set a precedent for reallocating ACECs from resource protection to renewable energy production.
- § Examine cumulative impacts to ACECs, flat-tailed horned lizard management areas, and other flat-tailed horned lizard habitat from renewable projects and associated transmission lines.
- § Demonstrate how the project would not cumulatively disturb more than 1 percent of the flat-tailed horned lizard management area.
- § Analyze cumulative impacts on the Yuha ACEC in relation to visual and greenhouse gas impacts of Sunrise Powerlink, impacts from legal and illegal off-road vehicle use, Border Patrol activities, and other proposed development activities in the Yuha Basin.
- § Also, cumulative impacts on the flat-tailed horned lizard management area must be analyzed in similar context.

4.1.2.10 Socioeconomics

- § Provide a cost/benefit analysis for the project.
- § Discuss Imperial Valley local labor commitment for the project.

4.1.2.11 Visual Resources

- § Discuss light and glare resulting from the project.
- § Analyze impacts to visual resources.

4.1.3 OTHER ISSUES

4.1.3.1 Information Requests

- § Request for two hard copies and two CD copies of the Draft EIS.
- § Request to be added to the project mailing list.
- § Request for additional info about the project.
- § Request confirmation of receipt of comments.
- § Request for confirmation of receipt of requests related to scoping process.

4.1.3.2 Consultation and Coordination

- § Describe the process and outcome of Tribal consultation, issues raised, and how those issues were addressed in selecting proposed action/preferred alternative.
- § The commenter expressed a concern that the public comment process is replacing the consultation process in that the Tribal staff/volunteers are too overwhelmed and underfunded to respond adequately. The commenter also expressed concern regarding a perceived lack of response from BLM to Tribal inquiries and requests for meetings.

4.1.3.3 Public Participation Process

- § Request for additional scoping meeting.
- § Request to extend scoping period from 30 to 45 days.

4.1.3.4 Applicant's Proposed Project

- § Disclose need for this project based on current demands and existing generation in SDG&E service area.
- § Provide type, dimensions, and number of PV arrays.
- § Discuss proposed backup generation.
- § Discuss point of use alternative projects on existing or proposed structures.
- § Disclose the cost of the Ocotillo Sol project, including transmission.
- § The commenter would like to know the the exact location of the project and route of associated transmission lines. A map or diagram of these locations would be helpful.
- § The commenter would like to know how many temporary and permanent jobs will be created as a result of the project, and how many of these jobs will be allocated to Imperial County residents.

4.1.3.4 Other

- § The commenter expressed support for increasing renewable energy development as per the National Energy Policy Act of 2005.

- § Discuss how proposed action would support or conflict with other land use plans (or policies) in the project area. Proposed plans not yet developed should be addressed if they have been formally proposed in written form.
- § The Pacific West Region has no comment.
- § Commenter confirmed receipt of notification that the comment period was extended by 10 days.
- § The commenter provided attachments referenced in their scoping letter.

4.2 ALTERNATIVE DEVELOPMENT PROCESS AND PRELIMINARY RESULTS

Comments in this category will be considered in the development of alternatives or can be addressed through design criteria in the alternative descriptions.

- § Provide a discussion of the reasons for eliminating alternatives not analyzed in detail.
- § Describe approach used to identify environmentally sensitive areas and the process that was used to designate them.
- § Provide a comparison of alternatives.
- § Describe the development of alternatives process, how each alternative addresses objectives, and how each will be implemented.
- § Discuss alternative sites, capacities, generating technologies, and benefits of proposed technology.
- § Consider siting renewable projects on disturbed, degraded, or contaminated sites before siting on undisturbed public lands.
- § The Draft EIS should analyze an environmentally preferred alternative which considers options that would reduce environmental impacts (e.g., downsizing or relocating project components).
- § Analyze different types of technology that minimize water use or recycle water.

4.3 ISSUES OR CONCERNS OUTSIDE THE SCOPE OF THE EIS

Comments in this category are outside the scope of the EIS and analysis. These comments will not be addressed in the EIS.

- § Illegal off-road vehicle use within the Yuha ACEC and flat-tailed horned lizard management area is a concern because it is inconsistent with ACEC management and Rangeland Management Strategy for flat-tailed horned lizard.

- § The authorization of the Imperial Valley substation and associated power lines has led to the construction of structures which can provide perches for raptors (predating flat-tailed horned lizard).
- § The perceived mismanagement of the Yuha ACEC should be disclosed, and analysis should be conducted regarding whether the resources the Yuha ACEC was established to protect require designation of different or expanded ACEC.
- § Discuss the actions BLM will take to manage the Yuha ACEC and control illegal off-road vehicle use as part of a more protective alternative.
- § Consider moving the Imperial Valley substation.
- § Discuss steps the BLM will take to ensure that illegal off-road vehicle activity does not move to the edges of the project site. Include requirements that the Applicant will have to meet to prevent this result.
- § Disclose all benefits, incentives, tax breaks, waivers, grants, Renewable Energy Credits, and any other form of financial or tax benefit that SDG&E/Sempra and affiliates have received (overall and for this project).
- § Disclose all violations, citations, reprimands, waivers, settlement agreements, reports that BLM or other federal agencies have issued, or are aware of, regarding SDG&E and projects that involve public lands.
- § Disclose SDG&E's proposed rate-based cost recovery.

ACRONYMS

ACEC	Area of Critical Environmental Concern
Applicant	San Diego Gas and Electric
BLM	Bureau of Land Management
CDCA	California Desert Conservation Area
EIS	Environmental Impact Statement
FLPMA	Federal Land and Policy Management Act
MW	megawatt
NEPA	National Environmental Policy Act
NOI	Notice of Intent
PV	photovoltaic
ROW	right-of-way
SDG&E	San Diego Gas and Electric
U.S.	United States