

United States Department of the Interior

Bureau of Land Management

**Record of Decision
for
Desert Southwest Transmission Line Project
Final Environmental Impact Statement**

Prepared by
Department of the Interior
Bureau of Land Management
California Desert District
Palm Springs-South Coast Field Office

Approved:

Gail Acheson

Gail Acheson, Field Manager
Bureau of Land Management
Palm Springs-South Coast Field Office

September 15, 2006

Date

APPEALS

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4. Public notification of this decision will be considered to have occurred on the signature date of the decision. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at the U.S. Department of the Interior, Bureau of Land Management, Palm Springs-South Coast Field Office, 690 West Garnet Avenue, P.O. Box 581260, North Palm Springs, California 92258. The appellant has the burden of showing the decision appealed from is in error. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals (IBLA), Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

To file a petition for a stay of the effectiveness of this decision during the time that an appeal is being reviewed by the Board, pursuant to Title 43, CFR, Part 4.21(b), the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken; and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons, and all pertinent documents must be served on each adverse party named in the decision for which the appeal is taken and the Office of the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, CA 95825; not later than 15 days after filing the document with the authorized officer and/or IBLA.

Within 15 days after any document is served on an adverse party, proof of that service must be filed with the IBLA at the above address. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

DECISION

This Record of Decision (ROD) approves the construction, operation and maintenance of the proposed Desert Southwest Transmission Line (DSW) Project on public lands in Riverside County, California, as analyzed in the Desert Southwest Transmission Line Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), dated October 17, 2005. This approval will take the form of a BLM Right-of-Way Grant, under 43 CFR, Part 2800 regulations.

This right-of-way will grant the Imperial Irrigation District (IID) the right to use the described public lands to construct, operate, maintain and terminate a 500 kilovolt (kV) electrical transmission line from a new substation/switching station, referred to as Keim, located just south of the Blythe Energy Project, Blythe, California, to the Devers Substation, Palm Springs, California, a distance of approximately 118 miles. This decision is conditioned, however, upon implementation of mitigation measures and monitoring programs as identified in the FEIS/EIR.

This decision approves the Proposed Project/Agency & Environmentally Preferred Alternative as analyzed in the FEIS/EIR. The DSW transmission line will originate at the new 25 acre Keim Substation/Switching Station located east of Blythe, California. The transmission line will traverse southwest along existing transmission line rights-of-way approximately 1.8 miles. At this point it will turn west and proceed approximately 7 miles to where it will meet the corridor of Southern California Edison's (SCE) existing Devers – Palo Verde #1 500 kV Transmission Line (DPV1). A new 25 to 50-acre substation/switching station, referred to as Midpoint, is planned for development at this location to facilitate connection with other existing, or proposed electrical transmission lines including the existing DPV1 line, the proposed Devers-Palo Verde #2 500 kV Transmission Line (DPV2), and the proposed Blythe Energy 230 kV Transmission Line Project. The DSW transmission line will be built as a single double-circuit, or two parallel 500-kV lines between Keim and Midpoint. From Midpoint, the single 500 kV transmission line will parallel the DPV1 Transmission Line until approximately 3 miles southeast of Desert Center.

From this point the line shifts to the north around Alligator Rock, located in close proximity to Desert Center, California. After passing the north end of Alligator Rock, the line shifts south to return to its parallel alignment adjacent to the existing DPV1 transmission line and proposed DPV2 corridor. The transmission line will then cross to the north side of Interstate 10 (I-10), approximately 2.5 miles east of Cactus City highway rest area, and continue west, adjacent to the existing DPV1 transmission line, and proposed DPV2 corridor to a termination point at the Devers Substation. In the future, a new substation/switching station could be constructed on this line at the intersection of Dillon Road in Coachella Valley. Upgrades to the Devers Substation will be made to accommodate the western terminus, including reconfiguring existing transmission lines in proximity to the substation.

The right-of-way width of 280 feet on BLM lands will be reduced consistent with prudent utility practices at specific locations to mitigate potential resource impacts. The project will utilize between 430 to 480 steel lattice towers along the entire route, with tower heights up to 180 feet and average distances between towers of 1,400 feet.

This right-of-way grant will be issued for a term of 50 years with a right of renewal so long as the lands are being used for the purposes specified in the grant. The IID may, upon concurrence of the BLM, assign the right-of-way grant to another party. The BLM may issue two separate grants for this project involving the 8 mile Keim to Midpoint substation segment and the 110 mile Midpoint to Devers substation segment. Construction of the project may be phased; however, the BLM typically requires the initiation of project construction within 18 months of the issuance of a right-of-way grant. In addition, initiation of construction will be conditioned

upon final BLM approval of the construction plans. This approval will take the form of an official Notice to Proceed.

ALTERNATIVES

The following alternatives were considered in the Desert Southwest Transmission Line Project Final Environmental Impact Statement/Environmental Impact Report (FEIS), dated October 17, 2005:

The Proposed Project/Agency & Environmentally Preferred Alternative, hereafter referred to as the Proposed Project includes construction and operation of new substation/switching stations and an approximately 118-mile 500-kV transmission line. The Proposed Project would initiate at a new substation/switching station (referred to as Keim), located south of the Blythe Energy Project, where it will connect with one, or more of a number of projects or parties. The alignment of the Proposed Project would follow a generally east/west alignment from this area to the Devers Substation, located near Palm Springs, California. From the Keim substation/switching station to its intersection with the existing DPV1 line, the Proposed Project would be constructed as a double circuit line, or two parallel lines. At this intersection, another new substation/switching station, referred to as Midpoint, would be constructed to facilitate connection with DPV1, DPV2, Blythe Energy, and other regional entities. The Proposed Project would be constructed using steel lattice towers similar to the existing towers along its entire route. The Proposed Project would be located along existing transmission line rights-of-way for nearly all of its alignment and would utilize existing access roads resulting in a limited construction of new roads. Upgrades would be required at the Devers Substation on the west end of the project line.

In response to comments received on the Draft EIS/EIR, a minor variation to the Proposed Project was developed, referred to as Variation PP1. This variation involves building the proposed project within the vacant DPV2 alignment, instead of immediately adjacent to DPV2 as originally proposed. Variation PP1 would remain in the same general alignment as the Proposed Project; but would be moved approximately 150 feet into SCE's existing, and approved DPV2 right-of-way. However, no agreement between IID and SCE was achieved to combine the DSW and DPV2 Projects into one 500 kV transmission line.

Alternative A would be similar in design and structure to the Proposed Project, involving the construction of a 118-mile transmission line from the new Keim substation/switching station to the Devers Substation. Alternative A would follow the same alignment as the Proposed Project except for a segment between Desert Center and Cactus City highway rest area. Identified as Option A-2, this segment of the alternative would be constructed adjacent to I-10 to the north of the Proposed Project.

In response to comments received on the Draft EIS/EIR, a minor variation to Alternative A was analyzed, referred to as Variation A1. Variation A1 involves building the proposed project within the right-of-way for SCE's DPV2 transmission line instead of immediately adjacent to it as originally proposed. However, no agreement between IID and SCE was achieved to combine the DSW and DPV2 Projects into one 500 kV transmission line.

Alternative B would connect the new Keim substation/switching station in the area near the Blythe Energy Project with the existing Midway Substation near Niland, California. This 79 mile long alternative would be built as a new double-circuit, 230-kV transmission line that would generally follow the alignment of State Route 78 (SR-78) south from the new substation/switching station to the southern portion of the Chocolate Mountains before turning generally northwest to the Midway Substation. In addition to these new facilities, Alternative B would require upgrading approximately 35 miles of existing transmission lines south of the Devers Substation, and upgrading substation facilities at the Midway, Coachella, Mirage and Devers Substations. Approximately 38 miles of this alternative would be constructed outside of the BLM designated utility corridors; therefore, an amendment to the California Desert Conservation Area Plan of 1980 (CDCA Plan), as amended, would be required.

Alternative C would connect the new Keim substation/switching station in the area around the Blythe Energy Project with the Devers Substation in a manner similar to that of the Proposed Project. Alternative C would include the construction of a new transmission line (single-circuit, 500-kV) that would be approximately 117 miles in length and would follow a similar alignment as the Proposed Project alignment for much of its route. However, Alternative C would parallel the Proposed Project at varying distances from 1 to 4 miles to the north.

Under the No Action Alternative, the BLM would not issue a Right-of-Way Grant for the construction of the Proposed Project.

Management Considerations

Rationale for the Decision: This decision approves the Proposed Project/Agency and Environmentally Preferred Alternative as analyzed in the FEIS/EIR. BLM's decision to authorize these activities is based on the following rationale:

- A. The activities within the Selected Alternative are in conformance with the following land use factors:
 - i. BLM policy and guidance for issuing Rights-of-Way including BLM Manual 2801.11;
 - ii. California Desert Conservation Area Plan of 1980, as amended ("CDCA Plan") including requirements to place electrical transmission lines 161 kV and greater within designated utility corridors. The project covered by this decision is fully within Utility Corridor K under the CDCA Plan.
 - iii. CDCA Plan Amendment: Northern and Eastern Colorado Desert Coordinated Management Plan, 2002;
 - iv. CDCA Plan Amendment for the Coachella Valley, 2002.

Alternatives A and C are also in conformance with the above land use factors. However, Alternative B would require a CDCA Plan amendment as a portion of the proposed line would be outside of designated utility corridors.

- B. The location of the Selected Alternative in close proximity to other proposed and existing electrical transmission lines within BLM Utility Corridor K allows the BLM to most effectively manage existing and future utility usage within the corridor and to minimize conflicts with other existing and proposed utility facilities. In addition, placement of this project adjacent to the SCE corridor for 95 per cent of its length minimizes surface disturbances by allowing for sharing of access and spur roads between facilities. Alternative B is not directly adjacent to existing utility facilities for 38 miles and, therefore, would not have the benefits of sharing access roads for much of its route. Alternatives A and C diverge from existing electrical corridors for 65 per cent of their routes and therefore would not have the benefits of shared access facilities.
- C. The major resource issues identified through BLM interdisciplinary review have been addressed in the analysis and considered in the decision. Based on the analysis in the EIS, the impacts of the activities to be authorized will be mitigated to less than significant. In addition, impacts have been avoided or minimized to the degree feasible and a determination is made that the proposed project is the environmentally preferred alternative.
- D. There are no un-mitigatable adverse impacts to federally listed, threatened, or endangered plant or animal species, or to cultural resources. The effects of this project on the federally threatened desert tortoise (*Gopherus agassizii*; tortoise), the federally endangered Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*; milk-vetch), and the federally threatened Coachella Valley fringe-toed lizard (*Uma inornata*; fringe-toed lizard), as well as designated critical habitat of the desert tortoise and Coachella Valley fringe-toed lizard have been thoroughly analyzed in this EIS. The U.S. Fish and Wildlife Service (FWS) has issued a Biological Opinion #1-6-06-F-3837, dated August 4, 2006, for this project in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.). The FWS has determined that this project will not jeopardize the continued existence of these species or adversely modify the identified critical habitat. In addition, the FWS issued an incidental take statement for this project and directed the implementation of specified conservation measures.

Of the alternatives considered, the Selected Alternative has the least impact on significant cultural resources as indicated by the focused surveys utilized in the environmental analysis. The Selected Alternative contains eight sites within its corridor as apposed to 12 for Alternative A, 28 for Alternative B, and 12 for Alternative C. Prior to issuance of a notice to proceed on this project, the BLM will require preparation, review, BLM approval, and implementation of a comprehensive treatment plan for avoiding and mitigating unavoidable direct adverse effects on resources eligible for listing in the Natural Register of Historic Places (NRHP).

- E. The Selected Alternative and Alternative A result in essentially the same level of surface disturbance involving up to 1,063 acres temporary and 170 acres of permanent disturbance. As Alternative B is 39 miles shorter than the Selected Alternative, the resulting temporary and permanent surface disturbance is less, involving up to 751 and 79 acres respectively. As Alternative C is shorter than the Selected Alternative, the resulting

temporary and permanent surface disturbance is also less than the Selected alternative at up to 986 and 166 acres respectively.

Although Alternatives B and C represent less overall acres disturbed, the advantages of locating the project directly adjacent to existing and proposed electrical transmission facilities within the designated BLM Utility Corridor K outweigh these lesser disturbance options. Overall, the amount of permanent disturbance resulting from the Selected Alternative is minimal given the 118 mile length of the project. Spread over the entire project, this surface disturbance would be approximately 9 temporary and 1.5 permanent acres per linear mile respectively.

Mitigation and Monitoring

The Mitigation, Monitoring and Reporting Plan for this project is located in Chapter 9 of the FEIS/EIR. This plan is available in its entirety on the following BLM Web site under the Desert Southwest Transmission Line EIS/Chapter 9.0, Mitigation, Monitoring Reporting Program:

<http://www.blm.gov/ca/palmsprings/XmissionLine-Final.html>

The BLM is a lead agency, along with the IID, in insuring compliance with all adopted mitigation measures. The BLM would incorporate this mitigation into the right-of-way grant as terms and conditions. Failure on the part of the grant holder to adhere to these terms and conditions could result in various administrative actions up to and including a termination of the grant and requirements to remove the facility and rehabilitate disturbances. All measures to avoid or mitigate environmental harm have been adopted under this decision.

Major elements of this mitigation/monitoring plan are:

1. Minimize adverse effects on vegetation including restricting blading of soils and protecting root crowns in disturbance areas wherever practical through cutting and mowing;
2. Implement identified measures to prevent and control the spread of invasive, non-native species;
3. Incorporate riparian area avoidance measures and off-site restoration of unavoidable and permanent loss of riparian habitat;
4. Compensate for loss of desert tortoise, Coachella Valley fringe-toed lizard, and Coachella Valley milkvetch habitat using adopted ratios and procedures;
5. Minimize adverse effects on wildlife including employee education, speed limits, limiting disturbance, use of previously disturbed areas during construction, scheduling activities to minimize impacts, and minimize equipment and support vehicle numbers;
6. Minimize avian electrocution and collision potential by utilizing industrial standards and practices for avian and raptor protection on power lines;
7. Survey for, and protection of, nesting passerine birds and raptors during normal breeding season;

8. Survey for, and either avoidance or salvage, of the Coachella Valley milkvetch;
9. Implementation of comprehensive measures to protect habitat for, and decrease the likelihood of, incidental take of the desert tortoise including use of on-site qualified biological monitors, employee training/education programs, clearance surveys, seasonal restrictions, fencing and hazard removal, limiting disturbance, proper refuse disposal, dog restrictions, raven control measures, measures to reduce the potential for vehicle and equipment related injury and mortality of desert tortoises, and reporting requirements. (For a comprehensive list of these mitigation requirements, see Appendix G of the Final EIS/EIR);
10. Implementation of comprehensive measures to protect habitat for and decrease the likelihood of incidental take of the Coachella Valley fringe-toed lizard including use of on-site qualified biological monitors, employee training/education programs, clearance surveys, seasonal restrictions, and limiting disturbance;
11. Implementation of comprehensive measures to protect habitat for and decrease the likelihood of flat-tailed horned lizards and Colorado Desert fringe-toed lizards including use of on-site qualified biological monitors, employee training/education programs, clearance surveys, fencing, and limiting disturbance;
12. Implementation of specified measures to decrease the likelihood of take of desert rosy boa, Couch's spadefoot larvae, borrowing owls, loggerhead shrikes, LeConte's Sparrow, prairie falcons, chuckwallas, and Coachella Valley round-tailed ground squirrel;
13. Implementation of measures to protect the jurisdictional waters of the United States through appropriate permitting;
14. Preparation, review, BLM approval and implementation of a comprehensive treatment plan for avoiding and mitigating unavoidable direct adverse effects on resources eligible for listing in the National Register of Historic Places (NRHP). Those sites not already evaluated for NRHP eligibility will be evaluated based on surface remains, subsurface testing, archival and ethnographic sources, and in the framework of the historic context. A cultural resources evaluation report will be submitted to the BLM, for review and for consultation purposes, as part of the treatment plan. Adverse effects to cultural resources will be avoided to the extent possible and will be reflected in the final construction plan. The BLM will not issue a Notice to Proceed on the project until consultation with the State Historic Preservation Office is complete, pursuant to Section 106 of the National Historic Preservation Act;
15. Implementation of measures to protect against impacts to cultural resources discovered during project construction involving use of qualified on-site cultural monitors with authority to stop construction until the cultural resource can be evaluated and then avoided or appropriately mitigated;
16. Implementation of measures to protect against impacts to paleontological resources discovered during project construction involving use of qualified on-site paleontology monitors in areas of known resources with authority to stop construction until the resource can be evaluated and then avoided or appropriately mitigated through preservation and curation;
17. Continued consultation with concerned Native American groups on effects of the project on traditional cultural properties;

18. Implementation of comprehensive measures during construction to reduce exhaust emissions of carbon monoxide, (CO), nitrogen oxides (NO_x), volatile organic compounds (VOC), and sulfur oxides (SO_x);
19. Implementation of comprehensive measures to control particulate matter (PM₁₀) release during construction including application of water or dust suppressants on unpaved roads, speed restrictions to 15 mph, covering of dirt during haulage and off-site staging of crews to minimize vehicle use;
20. Implementation of a storm water pollution prevention plan including measures to minimize surface disturbance; stabilize disturbed areas and soil stockpiles; prevent and remediate contaminant spills and protect watercourses, springs and wells;
21. Implementation of measures to address geotechnical issues associated with facility placement involving slope stability, drainage protection, minimizing cut and fill, protection of saturated soils and reduction of earthquake hazards;
22. Implementation of comprehensive reclamation measures that require stockpiling and reuse of surface soils, control of invasive non-native species introduction and spread, restoration of original slope and contour, and re-establishment of native vegetation to identified density and composition standards;
23. Implementation of measures to protect scenic qualities including protecting topographic features and landforms; constructing roads in a manner to screen them from key viewing points; and use of non-reflective towers, conductor and other associated facilities;
24. Reduction of noise impacts by restricting hours of construction operation to week-day and daylight hours; and
25. Implementation of measures to ensure safety including installing traffic controls, repairing construction related damage to roadways, minimizing fire hazards, and resolving impacts to agricultural lands and facilities.

Public Involvement

A Notice of Intent (NOI) was published in the Federal Register, March 26, 2001, announcing the preparation of a CDCA Plan Amendment and EIS for the IID's Proposed New 230-kV Transmission Line Project. Public scoping meetings were held, March 28, 2001 in La Quinta, CA, and March 29, 2001 in Blythe, CA.

The scoping process for the Proposed Action was designed to solicit input from the public; from federal, state, and local agencies; and from other interested parties on the scope of issues that should be addressed in the Draft EIS/EIR. The scoping process was also intended to identify significant issues related to the Proposed Action. The Project and alternatives were revised to address comments and concerns raised during the scoping process.

A Revised NOI describing the Proposed Action and the modified Project was published in the Federal Register, August 13, 2002, announcing the preparation a joint EIS/EIR addressing a proposed 230kV or 500kV transmission line project and possible CDCA Plan Amendment. In accordance with NEPA, a 30-day comment period was provided for the NOI. Public Scoping meetings were held, August 14, 2002 in Blythe, CA, and August 15, 2002 in La Quinta, CA. Comments received in response to the NOI are provided in the Draft EIS/EIR.

Review of Draft EIS / EIR

A Notice of Availability (NOA) for the Draft EIS/EIR was published in the Federal Register, December 19, 2003. This initiated a 90-day public comment period. Thirty-seven copies of the Draft EIS/EIR were distributed to interested parties, additional copies were made available to anyone requesting them. Public meetings to solicit comments on the Draft EIS / EIR were held November 18, 19, and 20, 2003 in Blythe, El Centro, and La Quinta respectively. Copies of the comments received were shown, alongside how they were responded to, in the Final EIS/EIR

Review of Final EIS / EIR

The Final EIS/EIR was distributed to a variety of federal, state, and local government agencies, elected officials, environmental organizations, Native American tribes, and other interested parties for review. A NOA for the Final EIS/EIR was published in the Federal Register, December 23, 2005. This started a 30-day public review period for this Final EIS/EIR. The BLM has considered all comments received on the Final EIS/EIR in the development of this ROD. In addition, the BLM will:

1. Distribute a news release about the ROD in the local and regional media;
2. Send the ROD to all those on the distribution list; and
3. Will make the ROD available on the BLM web site and to all that request a copy.

Summary of Comments

The BLM received five comments on the Final EIS/EIR.

1. Commenter: Frederick Noble, Wintec Energy, Ltd.
 - a. They have no objections to the Proposed Project/Preferred Alternative as no environmental impact to existing wind energy projects is apparent.

BLM Response: None needed.

- b. Alternative B does not consider impacts to existing wind energy projects near alignment.

BLM Response: The BLM recognizes the existence of wind energy facilities in proximity to Alternative B alignment as it approaches Devers Substation; however, the analysis in the EIS/EIR did not identify conflicts between these existing wind turbines and the proposed facility. If Alternative B were to be selected as the approved project, BLM would complete additional environmental and engineering analyses to fully identify any possible impacts to wind energy facilities in this area.

2. Commenter: Southern California Edison (SCE)

- a. No reference to ROW requirements near SCE's DPV1/DPV2 capacitor bank installations.

BLM Response: Recent alterations to SCE's capacitor bank near Red Cloud Road were completed within the existing right-of-way and did not conflict with the alignment of the proposed or alternative alignments for this project.

- b. There is inconsistency in discussion of transmission facilities in corridor between DPV2 and Blythe Energy Project (BEP).

BLM Response: This section of the DSW project starts at the proposed new Midpoint Substation/Switching Station and proceeds to a point south of Julian Hinds Substation. This portion of DSW would be built on the north side of the existing DPV-1 line. In recognition of two other potential transmission lines which could be located within the BLM's designated utility corridor, involving SCE's proposed 500 kV DPV2 line and Blythe Energy Transmission Line Project (BEP) 230 kV line, BLM determined there would be limitations placed on the final location of DSW in order to best manage uses within BLM's designated utility corridor and minimize cumulative impacts resulting from collective projects. The final location of the project would be dependent on status of other potential projects at the time when the final right-of-way grant is issued.

One variation would occur if all three proposed transmission line projects were constructed within the corridor. If all three lines are built, the 130-foot DPV2 right-of-way would be located adjacent and north of DPV1. The 95-foot BEP right-of-way would be located adjacent and north of DPV2 and a 180-foot DSW right-of-way would be located adjacent and north of BEP.

A second variation would occur if only DSW and the DPV2 were constructed. The 130-foot DPV2 right-of-way would be located adjacent and north of DPV1. The 180-foot DSW right-of-way would be located adjacent and north of DPV2.

A third variation would occur if there is an agreement between the IID and SCE to jointly build one 500 kV project between Midpoint and Devers Substations. The 130-foot joint DSW/DPV2 right-of-way would be located adjacent and north of DPV1. If BEP is constructed, its 95-foot right-of-way would be located adjacent and north of the joint DSW/DPV2 project.

- c. Clarify that Variation PP1 is only viable if IID and SCE reach a joint project agreement to integrate DSW and DPV2.

BLM Response: BLM fully understands the combined projects variation alternatives, such as Variation PP1, are only viable if IID and SCE reach a joint project agreement to integrate DSW and DPV2.

- d. Clarify reference to 66kV switchrack at Midpoint Substation.

BLM Response: Although initially considered, a 66 kV circuit is no longer proposed at the Midpoint Substation and, therefore, was not included in the EIS/EIR.

3. Commenter: United States Environmental Protection Agency

- a. Final EIS/EIR satisfactorily responded to concerns over modeling assumptions and mitigation measures for impacts to air quality.

BLM Response: No response is needed.

4. Commenter: Morongo Band of Mission Indians

- a. The Tribe has not completed a review of the impact of DSW upon existing and proposed transmission lines located west of the Devers Substation and within the Reservation. Until this review is completed, it is premature to prepare and base environmental studies on these unknown impacts to the Reservation and Tribe.

BLM Response: The proposed project and alternatives A and C analyzed in the EIS/EIR all terminate at the Devers Substation, located approximately eight miles east of Morongo tribal lands. No new lines or upgrades to existing lines were identified on or adjacent to Morongo tribal lands in the project description, or alternative selection process. In addition, no information was presented to BLM during the EIS/EIR process which would require expanding this analysis to additional and previously unidentified project components west of Devers Substation.

- b. The Tribe is concerned over visual and other impacts to cultural sites and districts, and would like a “balloon test” to determine potential impacts to these sites, either now or during development of the Treatment Plan and especially at the rock art sites within two National Register Districts: North Chuckwalla Mountains Quarry and North Chuckwalla Mountains Petroglyph District.

BLM Response: The Selected Alternative was chosen, in part, because it avoided any direct impact to existing National Register Districts. However, BLM will insure a thorough analysis of cultural resources during development of the Treatment Plan, including indirect effects on these resources. Interested tribes will be consulted throughout this process.

- c. The Tribe requests that it, and other interested tribes, be consulted and involved in the preparation of the Cultural Resources Mitigation and Treatment Plan.

BLM Response: BLM will insure a thorough analysis of cultural resources during development of the Treatment Plan. Interested tribes will be consulted throughout this process.

5. Commenter: Glorious Land Company, GLC Enterprises, LLC

- a) GLC Enterprises objects to the route identified as the proposed action due to direct effects on GLC Enterprises' Paradise Valley Project.

BLM Response: Construction of the Desert Southwest Project would result in four miles of new electrical transmission line corridor, 300 feet wide and totaling up to 145 acres, within the Paradise Valley Project Area. This would represent a commitment of resources which could not be utilized for community and residential development amounting to 5.7 per cent of the 2,526 acres of planned development¹.

In addition, there may be a reduction in the desirability of lands adjacent to this transmission line due to public perceptions that these facilities degrade local aesthetics and have potential adverse health effects. However, this reduction in desirability of adjacent lands would not be as great as with a completely new transmission line corridor due to the existence of the Devers-Palo Verde No. 1 500 kV Transmission Line (DPV1) located parallel and approximately 360 feet from the DSW Project.

The cumulative impacts section of the EIS/EIR analyzed the potential increase in impacts if the proposed Devers-Palo Verde No. 2 Transmission Line Project (DPV2) is completed. The DPV2 transmission line would be constructed between DPV1 and DSW transmission lines resulting in a 590 foot wide transmission corridor within the Paradise Valley Project Area. This four-mile long corridor would encompass approximately 286 acres of Paradise Valley and constitute 11 per cent of the 2,526 acres of planned development.

Although BLM recognizes the potential impacts of this electrical transmission line on the proposed Paradise Valley Project, there is no clear indication this complex community development will be fully permitted in its present or revised form. Riverside County issued a Notice of Preparation (NOP) for the Paradise Valley Project Environmental Impact Report (EIR), December 28, 2005. The earliest date of release of a draft EIR for this project is spring, 2007². BLM considers this project as speculative given its early stages of analysis in the Riverside County specific plan process.

- b) GLC states that there was a lack of notice provided them during development of the EIS/EIR.

BLM Response: A Notice of Intent to prepare a joint EIS/EIR for this project was published in the Federal Register, August 13, 2002. Public notices were published in "The Desert Sun," "Press Enterprise," "Palo Verde Times," and "Imperial Valley Press" announcing both the scoping period, held in August 2002 and the public meetings on the Draft EIS/EIR, held

¹ As identified in the December 28, 2005, Riverside County Notice of Preparation (NOP) for the Paradise Valley Project Environmental Impact Report (EIR) in the non-BLM land exchange alternative (p. 13).

² Per conversation with GLC on September 15, 2006.

in November 2003. The public comment period ended for the Draft EIS/EIR in January, 2004.

- c) The location of this proposed project in close proximity to other electrical lines is inconsistent with the Western Regional Corridor Study and creates system reliability issues in Southern California during disasters or sabotage events.

BLM Comment: The proposed project and Selected Alternative are within the BLM designated Utility Corridor K, designated in the BLM 1980 CDCA Plan using guidelines established in the Western Regional Corridor Study. The project engineering and construction plan, submitted for BLM approval prior to construction, will take potential threats to the facility into consideration.

- d) There is no mention of the corridor in other significant planning efforts including the Northern & Eastern Colorado Desert Coordinated Management Plan (NECO).

BLM Response: The two recent BLM plan amendments involving this proposed project, entitled “Northern and Eastern Colorado Desert Coordinated Management Plan” and the “CDCA Plan Amendment for the Coachella Valley,” did not address utility corridors as these plan amendments were developed to address habitat conservation issues, particularly those relating to habitat of listed species under the Endangered Species Act of 1973, as amended.

- e) There is no mention of Paradise Valley Project in the EIS/EIR.

BLM Response: No comments were received from Glorious Land Company on the draft EIS/EIR for this project. Riverside County issued a Notice of Preparation (NOP) for the Paradise Valley Project Environmental Impact Report (EIR), December 28, 2005, after the release of the Final EIS/EIR for the Desert Southwest Project. The Paradise Valley Project is not considered imminent from a NEPA standpoint given the early stages of formal consideration; the complex issues associated with the project; and the multi-jurisdictional permitting process associated with the approval of a project of this magnitude.

- f) GLC proposes an alternative route for the DSW and requests analysis of this route in the EIS/EIR.

BLM Response: This GLC alternative would create a new transmission corridor through seven miles of undisturbed open space, which would increase the intensity of short-term construction impacts and amount of permanent ground disturbance associated with this project. The Selected Alternative; however, shares access facilities with the adjacent DPV1 transmission line resulting in a much lower level of localized impacts. This increase in impacts associated with the GLC alternative is especially significant given that new and/or additional disturbances would be within critical desert tortoise habitat.

The advantages of consolidating transmission lines within common utility corridors, as derived by the Selected Alternative, would not be realized in terms of minimizing land disturbance, barriers to wildlife movement and additional visual impacts. In addition, the

GLC Alternative would cross the DPV1 500 kV transmission line requiring installation of complex tower designs and resulting in system reliability issues associated with having two 500kV transmission lines occupying the same structures.