

PUBLIC SCOPING REPORT

Environmental Impact Statement / Environmental Impact Report Ocotillo Express Wind Energy Project

Lead Agencies:

Bureau of Land Management

Contacts: Cedric Perry, 951-697-5388
22835 Calle San Juan De Los Lagos
Moreno Valley, California 92553-9046

County of Imperial

Contact: Angelina Havens, 760-482-4236 Ext. 4984
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243-2811

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Abbreviations and Acronyms Used in this Report

AB	Assembly Bill
ACEC	areas of critical environmental concern
ALJ	Administrative Law Judge
BLM	Bureau of Land Management
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
DG	distributed generation
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
GHG	greenhouse gas
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NOP	Notice of Preparation
kV	kilovolt
MW	megawatt
NHPA	National Historic Preservation Act
OHV	off-highway vehicle
O&M	operations and maintenance
PTC	Permit to Construct
ROW	right-of-way
SB	Senate Bill
SDG&E	San Diego Gas & Electric Company
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
USFWS	U.S. Fish and Wildlife Service

1.0 OVERVIEW OF NEPA/CEQA SCOPING PROCESS

1.1 Introduction

Ocotillo Express, LLC has applied to the Bureau of Land Management (BLM) for a right-of-way (ROW) on public lands to construct a wind energy facility approximately five miles west of the community of Ocotillo (30 miles west of El Centro). The project would generate approximately 474 megawatts (MW) of wind energy on a 15,000-acre (23.4-square-mile) project site. Most of the proposed site consists of lands administered by BLM and subject to the California Desert Conservation Area (CDCA) Plan. Authorization of the ROW by BLM would require an amendment of the CDCA Plan. A small portion of the site lies on private land under the jurisdiction of Imperial County. Thus, Ocotillo Express, LLC has also applied for a Conditional Use Permit from the County of Imperial.

This public scoping report documents the BLM's and County's NEPA and CEQA scoping process and the comments received for the proposed project. Specifically, this report describes the scoping activities and summarizes the written and verbal comments received on the BLM's Notice of Intent (NOI) and County's Notice of Preparation (NOP) and comments received at the joint public scoping meetings held for the project. This report serves as an information source to the BLM and County in its determination of the range of issues and alternatives to be addressed in the joint Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). The County and BLM will use the comments received during the scoping period to:

- 1) Identify key issues to focus the analysis
- 2) Identify reasonable alternatives for analysis
- 3) Present environmental impacts of the project and alternatives
- 4) Identify ways to avoid or reduce environmental impacts
- 5) Inform the agency decision-making process.

1.2 Summary of NEPA/CEQA Scoping Process

The NEPA/CEQA scoping process provides government agencies, public and private organizations, and the general public the opportunity to identify environmental issues and alternatives for consideration in the EIS/EIR. The scoping process and results are an initial step in the NEPA/CEQA process.

To comply with NEPA (40 CFR 1501.7), the BLM published the NOI in the Federal Register to prepare an EIS for the Ocotillo Express Wind Energy project (FR Vol. 75, No. 238, page 77654, December 13, 2010). The NOI serves as the official legal notice that a federal agency is

commencing preparation of an EIS. The Federal Register serves as the U.S. Government's official noticing and reporting publication. The NOI initiates the public scoping period for the EIS, provides information about the proposed project, and serves as an invitation for other federal agencies granted cooperating agency status to provide comments on the scope and content of the EIS.

As required by CEQA Guidelines §15082 (14 CCR 15000 et seq.), the California State Clearing House issued an NOP on December 21, 2010, that summarized the Ocotillo Express Wind Energy project and stated its intention to prepare a joint EIS/EIR, and requested comments from interested parties. The NOP is included as Appendix A-1 and the NOI is included as Appendix A-2.

There were 72 public notices sent to stakeholders, including 15 copies to the state clearinghouse; 39 to federal, state, and local agencies and organizations; 7 to local libraries; and 11 to Native American groups. The public notice, included as Appendix B-1, ran in the Imperial Valley Press on December 21, 2010, and was sent to the general distribution list of all those identified as property owners within a 5-mile radius of the proposed project site. BLM issued a press release, included as Appendix B-2, regarding the NOI on December 16, 2010.

The NOI and press release were also made available to the public on BLM's website for the Ocotillo Express Wind Energy project at:

http://www.blm.gov/ca/st/en/fo/elcentro/nepa/ocotillo_express_wind.html

During the NOP/NOI comment period, the County and BLM held two public scoping meetings on January 5, and January 6, 2011, in the Imperial County Board Room (940 Main Street, Suite 211, El Centro, California 92243) and Ocotillo Community Center (266 West Imperial Highway, Ocotillo, California 92259) respectfully.

The scoping meetings provided the public and government agencies the opportunity to receive information on the NEPA/CEQA process and on the proposed project and to provide verbal and written comments. Approximately 70 and 100 persons attended the scoping meetings in El Centro and Ocotillo, respectively, including representatives from local and state agencies, organizations, and private citizens.

Project fact sheets and comment cards were provided as handouts at the public scoping meetings (Appendix A). Additional materials provided to the public at the scoping meetings are contained within Appendix C and include the following:

- 1) Appendix C-1 – Project Fact Sheet
- 2) Appendix C-2 – Written Comment Card

- 3) Appendix C-3 – Speaker Registration Cards
- 4) Appendix C-4 – Scoping Meeting Presentation.

Appendix D includes scoping meeting sign-in sheets and completed speaker registration cards for the two meetings.

A digital audio recording device was used at the two public scoping meetings to capture verbal comments. The audio recordings are available from the County upon request. In addition, summary transcriptions of the verbal public comments are provided in Appendices E and F.

The comment period for the NOP and NOI ended on February 7, 2011. In total, 33 letters were received: 3 from federal, state, and local agencies and organizations; and 30 from individuals. These comments are incorporated into the EIS/EIR project record and are documented and summarized in this public scoping report.

1.3 Agencies, Organizations, and Persons Providing Scoping Comments

Federal, state, and local agencies; private and public organizations; and the general public provided written comments during the public scoping period. Written comments received during the public scoping meetings and in response to the NOP/NOI are included in Appendix G. In summary, Table 1 presents the agencies, organizations, and private citizens that provided comments during the NEPA/CEQA scoping process organized in the order they were issued.

Table 1
Comments Received During Public Scoping Period

Commenter	Date
Federal, State, and Local Agencies and Organizations	
Native American Heritage Commission, Dave Singleton, Program Analyst	December 27, 2010
U.S. Environmental Protection Agency, Region IX, Ann McPherson, Environmental Review Office	January 11, 2011
Department of Transportation, District 11, Division of Planning, Jacob Armstrong	January 19, 2011
Individuals	
George Blender	December 25, 2010
Parke Ewing	December 27, 2010
Charlene Compson	December 27, 2010
John Mood	December 28, 2010
Chris Pate	January 4, 2011
Robert Dallezotte	January 4, 2011

Table 1 (Continued)

Commenter	Date
Bill and Charlene Compson	January 4, 2011
Mark Meech	January 4, 2011
James and Rebecca Wilson	January 5, 2011
Edie Harmon	January 5, 2011
Martin Jorgensen	January 5, 2011
Bill Jackson	January 6, 2011
Ocotillo Community Meeting Notes (unknown author)	January 6, 2011
Wilburn E. Stovall	January 8, 2011
Barbara Hill	January 11, 2011
Scott Dollard	January 13, 2011
Pete Zeitler	January 14, 2011
Darrell and Ima Walker	January 15, 2011
Donna Tisdale	January 17, 2011
Charles and Laurie Baker	January 18, 2011
Joyce and Richard Denison	January 18, 2011
Joyce and Richard Denison	January 18, 2011
Chris Pate	January 19, 2011
Tony Ligutti	January 20, 2011
Cynthia Buxton	January 21, 2011
Terry Weiner	January 21, 2011
Cynthia Buxton	January 21, 2011
Edie Harmon	January 21, 2011
Parke Ewing	January 21, 2011
Mark Meech	January 24, 2011

1.4 Scoping Report Organization

This public scoping report summarizes the comments and issues identified through the project's scoping period, including the public scoping meetings. Imperial County and BLM will review and consider all the written and verbal comments received in preparing the EIS/EIR for the Proposed Project.

Section 2 provides summary information on Ocotillo Express, LLC's stated project objectives and a description of the project and provides background information regarding the proposed project.

Section 3 provides an overall summary of the comments received and issues raised during the project's public review period, including verbal comments received during the public scoping meetings.

Section 4 provides a summary of future steps in the planning process and indicates opportunities for public participation in the environmental review process.

Section 5 includes a list of references used in preparation of this scoping report.

Following is the list of appendices that includes public scoping notices, scoping meeting materials, scoping meeting transcripts, and public comments received during the public review period.

A. Notices

A-1 Notice of Preparation (posted December 21, 2010)

A-2 Notice of Intent (published in the Federal Register on December 13, 2010)

B. Scoping Meeting Notices

B-1 Public Notice (County, December 20, 2010)

B-2 Public Notice (BLM, December 16, 2010)

C. Scoping Meeting Materials

C-1 Project Fact Sheet

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Registration Cards

E. Summary of verbal comments from scoping meeting on January 5, 2011, El Centro,
California

F. Summary of verbal comments from scoping meeting on January 6, 2011, Ocotillo,
California

G. Comments Received During Scoping Period

2.0 SUMMARY OF PROPOSED PROJECT

This section provides an overview of the Ocotillo Express Wind Energy project located in west Imperial County, approximately 5 miles west of the community of Ocotillo, Imperial County, California.

2.1 Ocotillo Express Wind Energy Project

2.1.1 APPLICANT'S OBJECTIVES

The Applicant's fundamental objective for the proposed action is to construct, operate, maintain, and eventually decommission a 474-MW wind energy facility and associated interconnection transmission infrastructure to provide renewable electric power to California's existing transmission grid to help meet federal and state renewable energy supply and greenhouse gas (GHG) emissions reduction requirements. The Applicant is committed to constructing and operating the project in an environmentally responsible manner and to providing a sustainable source of renewable energy to the State's investor-owned utilities and the public. The Applicant's specific objectives for the project are:

- 1) To construct and operate a cost competitive 474-MW wind energy facility to provide a renewable and reliable source of power to California's investor-owned utilities (IOU);
- 2) To locate the project on contiguous lands with high wind potential to maximize operational efficiency while minimizing environmental impacts and water use;
- 3) To minimize environmental impacts and land disturbance by locating the project near existing transmission infrastructure and roads and by avoiding sensitive environmental areas, recreational resources and wildlife habitats (e.g., Desert Wildlife Management Areas, Areas of Critical Environmental Concern);
- 4) To develop a source of renewable electric power that can be placed into service in an expeditious manner by interconnecting to San Diego Gas and Electric's (SDG&E) Sunrise Powerlink 500-kV transmission line; and
- 5) To assist California and its IOUs in meeting the State's Renewables Portfolio Standard (RPS) and GHG emissions reduction requirements, including the requirements set forth in Senate Bill (SB) 1078 (California RPS Program), Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006), and the Governor's Executive Order S-14-08 to increase the state's Renewable Energy Standard to 33 percent renewable power by 2020. In particular:
 - a. California's RPS mandate that requires the State's IOUs to supply 20 percent of California's total electricity through renewable energy generation by 2010, as set

forth in Senate Bill (SB) 1078 (2001-2002 Reg. Sess.) (establishing the California RPS Program) and SB 107 (2005-2006 Reg. Sess.) (accelerating the 20 percent requirement to 2010).

- b. California's GHG emission reduction goals set forth in AB 32 that requires the State's GHG emissions be reduced to 1990 levels by 2020.

2.1.2 PROJECT DESCRIPTION

The proposed Ocotillo Express Wind Energy project consists of a 474-megawatt (MW) wind energy facility. Approximately 158 wind turbines, in the 1.5 to 3.0 MW range, would be constructed within a 15,000-acre project site located 5 miles west of the community of Ocotillo, Imperial County, California. In addition to wind turbines the project would include the following components:

- 1) A 2-acre O&M facility located in the central portion of the proposed project site.
- 2) An electrical collection system including twenty-three 34.5-kV circuits connecting into a 500-kV transformer and substation located at the central part of the proposed project site adjacent to the approved SDG&E Sunrise Powerlink (SPL) 500-kV transmission line.
- 3) A connection to the approved SDG&E SPL 500-kV transmission line scheduled for completion in June 2012 across the middle of the proposed project site. The Point of Interconnection would be adjacent to the proposed substation.
- 4) A 500-kV above-ground stub line to connect the proposed substation to the new SDG&E 500-kV line.
- 5) A 410-foot by 680-foot substation located adjacent to the interconnection utility switchyard.
- 6) Up to four permanent meteorological towers.
- 7) Up to 53 miles of new, permanent access and maintenance roads to provide access and circulation within the proposed project site.
- 8) For public safety, permanent fences would be erected around the substation/utility switchyard, the O&M building, and meteorological towers.
- 9) Temporary work areas, borrow areas, a concrete batch plant, and staging areas associated with project construction.

This project requires a Record of Decision from BLM and a Conditional Use Permit from the County of Imperial. Prior to ROW grant issuance, the project will require a Land Use Plan Amendment to the CDCA. The County of Imperial will use the EIS/EIR to issue the Conditional Use Permit for its compliance with CEQA.

3.0 SUMMARY OF SCOPING COMMENTS

This section of the report summarizes the comments raised by the public and agencies during the scoping process. This summary is based upon both written and verbal comments that were received during the NOP/NOI public scoping period and from the project scoping meetings held in El Centro on January 5, 2011, and Ocotillo on January 6, 2011. Table 1 provides a list of commenters including federal, state, and local agencies and organizations that provided written comments during the public review period. There were a number of environmental concerns raised during the public scoping process, which focused on the project's potential effects in several environmental categories. The scoping report summarizes the comments received according to the following major themes:

- 1) Project description
- 2) Human environment issues
- 3) Natural environment issues
- 4) Indirect and cumulative impacts
- 5) Project alternatives
- 6) EIS/EIR administrative and permitting issues.

3.1 Project Description

Several commenters express concerns regarding the reliability and efficiency of wind energy production and transmission. These commenters speculate that a backup energy source, such as a gas-fired energy plant, will be required, and thus, request that the backup energy source be described in the project description. Several commenters request that a discussion of the quality of the site's wind energy resource be included in the environmental analysis. One commenter requests an explanation for why the applicant's wind studies are based on metrological towers that are half the height of the actual proposed wind turbines. Some commenters request that contracts, such as a power purchase agreement, between the applicable public energy utility (SDG&E) and Ocotillo Express, LLC, be identified in the project description. The project's lifespan and plan for decommissioning is also requested for discussion in the EIS/EIR. One commenter recommends that the EIS/EIR identify bonding or financial assurance strategies for decommissioning and reclamation. Another commenter requests a description of how temporary disturbance areas associated with construction will be reclaimed or restored.

Statement of Purpose and Need

The U.S. Environmental Protection Agency (EPA) submitted comments stating the following with regard to the Statement of Purpose and Need:

- 1) The purpose and need should be a clear, objective statement of the rationale for the proposed project.
- 2) The DEIS¹ should discuss the proposed project in the context of the larger energy market that the project would serve;
- 3) The DEIS should identify potential purchasers of the power produced; and
- 4) The DEIS should discuss how the project will assist the State in meeting its renewable energy portfolio standards and goals.

3.2 Human Environment Issues

Aesthetics/Visual Resources

The potential visual and aesthetic impacts of the wind turbine towers and associated above-ground transmission lines are identified as a public concern. Of particular concern, is that the project would nearly surround the community of Ocotillo with wind turbines. Visual impacts affecting the historic Desert View Tower and Mountain Springs Park are also raised as a concern. Some commenters note that views of the sunset for those living east of the project site would be significantly altered. Commenters also note that the subject property and surrounding areas are predominantly open and undeveloped, and consequently, the proposed wind farm could alter views of the Coyote Mountains and overall landscape and diminish the wilderness experience for visitors in the area. Several commenters expressed concern that the project would adversely affect the rural scenic value of the project area and impact views for landowners and users of the surrounding recreation and wilderness areas, which could reduce the visual appeal of the region potentially affecting tourism and revenue to local communities. Concerns about the project's visibility from Interstate 8 and routes leading to and from Anza-Borrego State Park were indicated. One commenter expressed concern about the adverse visual impacts that may result if the facility is subjected to a wildfire. Several commenters request that the EIS/EIR address the light and glare effects that project lighting would have on the night sky in the project area.

One commenter suggested that mitigation include painting the turbine arrays with tones that match the natural landscape.

¹ For purposes of this Scoping Report, the EPA's reference to DEIS is synonymous with EIS/EIR used herein.

Wildfire Hazards

A number of comments were raised regarding the increased risk of wildfire hazards due to the introduction of industrial wind turbines, new transmission lines, substations, and transformers. Commenters stated that these facilities would introduce a new ignition source. One commenter expresses concern regarding impacts affecting aerial firefighting operations in the project area.

Wilderness and Recreation

Several commenters request that the analysis identify the restrictions on public use of the proposed project site during and after construction. One commenter wanted to know if damage or vandalism to the wind turbines could result in the entire site being closed to public access. Several commenters state that the project site has valuable recreational resources including but not limited to camping, hiking, hunting, cycling and off-highway vehicle (OHV) use. One commenter raised concerns about the potential loss of dark sky for scientific study and recreation.

The EPA recommends the following with regard to wilderness and recreation:

- 1) The DEIS should provide full disclosure of the impacts to recreational users in the project area.
- 2) The DEIS should clarify what general measures will be incorporated to ensure that OHV and other recreational users are not injured due to hazards associated with the wind turbines, piping, and transmission lines. It is reasonable to assume that OHV users do not always stay on designated trails or may not know which trails are in fact designated. Some precautions regarding safety should be implemented.

Land Use

Several commenters noted that the proposed project would conflict with designated recreational and wilderness land uses in the project area. Commenters note that the analysis should consider the rural community character, quality of life, and potential conflicts with the proposed infrastructure project. One commenter is concerned about the project's consistency with the CDCA Plan Multiple Use Class designation for the project site.

The EPA states that the DEIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project area. The term "land use plans" includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ's Forty Questions, #23b).

Noise

A number of the commenters expressed concern regarding potential noise generated by operation and construction of the proposed wind turbines and its effect on adjacent residences, camping areas and special-status animal species in the area. Several commenters request that construction and operation noise of all project components including traffic noise should be analyzed in the EIS/EIR. The EPA stated that decibel levels of the turbines should be evaluated as should the effects of noise levels on a variety of species, as well as effects on property values, residences, and recreational use.

Cultural Resources

Numerous comments were received during the public scoping period concerning the project's potential effect on existing cultural and historic resources in the area, and the need to conduct Native American consultation, particularly government-to-government consultation as defined under Section 106 of the National Historic Preservation Act (NHPA). The environmental analysis should provide a detailed analysis of the cultural resources, including Native American sacred sites, burial/cremation areas, and traditional cultural properties. Consultation for tribal cultural resources is required under Section 106 of the NHPA, which requires a federal agency, upon determining that activities under its control could affect historic properties to consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO).

Public Health and Safety

Several commenters indicate that a potential leak or spill of hydraulic or petroleum based fluids from the turbines, construction equipment or other vehicles during project construction, operation, or maintenance could contaminate soils, surface waters, or groundwater. Other commenters express concern regarding the safety of the turbines with respect to the towers collapsing or losing blades. Commenters were also concerned that the blades used on the turbines are constructed of toxic materials, which may not be disposed of properly. Some commenters indicate that public safety hazards may result from seismic activity in the area due to the presence of fault lines.

Potential hazards affecting radio communications, radar, Border Patrol operations, aircraft flight paths and military training flights and other operations were also requested for analysis. Concerns are expressed for the potential damage and hazards created during high winds. Several commenters are concerned about potential health effects related to low or high frequency noise, wind turbine syndrome, shadow flicker, headaches, sleeplessness, ground vibration, microwave/magnetic field exposure, and other health effects identified in medical studies. One

commenter is concerned about horizontal lighting strikes that may affect the viability of the project. Another commenter is concerned that the project will cause venomous snakes to enter residential areas due to habitat loss resulting from construction and operation of the project.

The EPA recommends that the proponent strive to address the full product life cycle by sourcing wind turbine components from a company that: 1) minimizes environmental impacts during raw material extraction; 2) manufactures wind turbines in a zero waste facility; and 3) provides future disassembly for material recovery for reuse and recycling.

Transportation

Several commenters request that traffic impacts resulting from transporting construction equipment and materials to the proposed project site should be analyzed in EIS/EIR. Several commenters express concern for potential damage to existing roads as a result of the project.

The California Department of Transportation provided the following comments:

- 1) Visual aspects of the project including glint and glare should be documented not to have any potential impacts to motorists driving on Interstate 8.
- 2) The NOP identifies that the project is proposing to connect to the SDG&E Sunrise Powerlink transmission line. Any utility crossings of highways or freeways will need an encroachment permit from Caltrans. Supports for overhead lines crossing freeways must comply with these requirements, they:
 - a. Should have a minimum lateral clearance of 30 feet from the edge of a through lane and 30 feet from the edge of a ramp lane, when possible.
 - b. Shall be located outside the ROW or between the ROW line and access control line if different. Any other placement must be approved by the Division of Design, Chief.
 - c. Should not be permitted in medians.
 - d. Should not be permitted on cut or fill slopes.
 - e. Shall not impair sight distances.
 - f. Shall be compatible with access requirements.

Public Services and Utilities

A commenter requests that the project's septic needs be evaluated in the EIS/EIR. In addition, waste disposal, particularly for damaged blades is a concern identified in several comment letters. One commenter expresses concern regarding impacts affecting aerial firefighting operations in the project area.

Social and Economic Conditions

Commenters express concern regarding the potential impact of the project on their property values. Specific topics mentioned include rural blight due to the loss of recreational tourism, and impacts to local labor and suppliers. One commenter requests that a cost/benefit analysis be prepared. Another commenter suggests that the County will lose tax revenue as a result of decreased property values. Several commenters request that the number of local jobs created be identified in the EIS/EIR. One commenter suggests that jobs associated with the project would not be created locally because the local community consists of a high percentage of retired individuals and lacks skilled labor.

Environmental Justice

One commenter stated that a disproportionate number of projects are concentrated in western Imperial County.

Comments submitted by the EPA state that the DEIS should include an evaluation of environmental justice populations within the geographic scope of the project. If such populations exist, the DEIS should address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the project's impact on minority and low-income populations should reflect coordination with those affected populations.

3.3 Natural Environment Issues

Biological Resources

Biological issues raised by the public and responsible agencies included potential direct, indirect, and cumulative impacts on the overall health of the ecosystem and special-status species known to occur in the region. Specific comments (among others) included potential impacts to rare plants including but not limited to Ocotillo plants (*Fouquieria splendens*), Sonoran sandmat (*Euphorbia micromera*), and dye Bush (*Psoralea argemone*); and special-status wildlife species including but not limited to peninsular bighorn sheep (*Ovis montanus*), flat-tail horned lizard (*Phrynosoma mcalli*), desert tortoise (*Gopherus agassizii*), golden eagle (*Aquila chrysaetos*) and other raptors and sensitive bird and bat species. One commenter requests that a detailed description of protocols used to conduct plant and animal surveys be provided in the EIS/EIR. Several commenters request that project impacts be assessed for all project components, including proposed infrastructure, transmission lines, roads, and staging areas. One commenter is concerned that the project may use rodenticides causing mortality in owl populations.

A number of comments were received concerning the project's potential effect on local and migratory bird species. Some commenters felt the proposed turbines with their spinning rotors posed increased risk for bird collisions and mortality. Of particular concern to these commenters was the project's potential to harm, injure, or kill golden eagles and other birds of prey that may commonly use the area for nesting, hunting, and/or migration.

Comments submitted by the EPA state the following with regard to biological resources and invasive plant management:

- 1) Design a comprehensive monitoring program to evaluate impacts on bats and avian species, and discuss design and management measures to minimize adverse impacts to wildlife and native and rare plants.
- 2) Identify specific measures to reduce impacts to eagles and clarify how the proposed project will comply with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act.
- 3) Discuss the applicability of the recently finalized U.S. Fish and Wildlife Service (USFWS) permit regulations (50 CFR parts 13 and 22) to the proposed project. Elaborate on process and/or likelihood of obtaining a permit via these regulations.
- 4) Commit to additional data collection/analysis to identify areas that are important to bald and golden eagles to ensure proper siting and avoid take of these species.
- 5) If alternatives cannot be developed that avoid the take of eagles, develop an operational monitoring and adaptive management plan to address this issue.
- 6) Determine if the proposed project is within the existing or historical ranges of the California condor and consult with USFWS and California Department of Fish and Game (CDFG) early in the process.
- 7) Describe the potential for habitat fragmentation and obstructions for wildlife movement.
- 8) The DEIS should include an invasive plant management plan to monitor and control noxious weeds.

Water Resources

A number of comments address the project's potential impacts to local groundwater resources. Specifically, it is requested that the EIS/EIR include an analysis of any potential groundwater usage, including during construction, and groundwater recharge. Several commenters express concerns about the proposed hauling of water from an aquifer in Pine Valley. Groundwater impacts associated with this aquifer is requested for analysis. Impacts concerning flood plains, runoff, and erosion are listed as concerns. Diminishing water supplies provided by the Ocotillo

Mutual Water Company and the Coyote Mutual Water Company are identified as concerns. Several commenters requested that the water source for the proposed batch plant be analyzed in the EIS/EIR. Another commenter wanted to know how wastewater from the batch plant will be handled.

The EPA submitted comments stating that the applicant should coordinate with the U.S. Army Corps of Engineers to obtain a jurisdictional delineation and confirm the presence of Waters of the U.S. (WOUS), in order to determine whether or not a Clean Water Act (CWA) Section 404 permit is needed. If a permit is needed, the DEIS should demonstrate the project's compliance with the CWA 404(b)(1) Guidelines. The DEIS should describe the geographic extent of any WOUS at the project site, as well as drainage patterns at the project location. The DEIS should discuss the steps taken to avoid and minimize impacts to WOUS. To the extent any aquatic features that could be affected by the project are determined not to constitute waters of the United States, the EPA recommends that the DEIS characterize the functions of such features and discuss potential mitigation. Include information on the functions and locations of ephemeral washes in the project area because of the important hydrologic and biogeochemical role these washes play in direct relationship to higher-order waters downstream.

The EPA also recommends that the DEIS identify source water protection areas within the project area; activities that could potentially affect source water areas; potential contaminants that may result from the proposed project; and measures that would be taken to protect the source water protection areas. The DEIS should describe the availability of a water supply for construction and operation of the proposed project and fully evaluate the environmental impacts associated with using the selected water supply. The DEIS should describe whether a temporary batch plant will be installed on site for the needed concrete, estimate the quantity of water required for the concrete mixture and describe the source of this water and potential effects on other water users and natural resources in the project area. The DEIS should provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise Total Maximum Daily Loads (TMDL). The DEIS should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Air Resources and Global Climate Change

Comments were received during the public scoping period concerning the project's potential construction and operational impacts to the local air basin and global climate change. One commenter claimed that the San Diego Union Tribune editorial page had an article on the proposed wind turbine project in its January 6, 2011 edition. According to the commenter, the

article quoted information from UC Riverside professor Michael Allen who suggests that the destruction to desert soils caused by renewable projects may actually increase greenhouse gases more than the renewable facilities would decrease them. Several commenters request that the EIS/EIR analysis address air quality impacts resulting from road construction, trenching, soil displacement and the emission of noxious substances. Project related dust emissions were of particular concern to commenters. Several commenters suggest that the project may generate dust spores, which are known to cause valley fever. Diesel exhaust emissions are identified as a concern. Another commenter suggested that project related dust and diesel emissions will reduce the photosynthetic productivity of native vegetation. Several commenters are concerned with vehicle emissions associated with hauling water and construction materials to the project site.

Comments submitted by the EPA state the following with regard to air resources and global climate change:

- 1) Imperial County was designated nonattainment for the 2006 PM_{2.5} standard in October 2009. The air quality analysis should take into account this designation.
- 2) Existing Conditions - The DEIS should provide a detailed discussion of ambient air conditions, NAAQS, and criteria pollutant nonattainment areas in all areas considered for wind development.
- 3) Quantify Emissions - The DEIS should estimate emissions of criteria pollutants from the proposed project and discuss the timeframe for release of these emissions over the lifespan of the project. The DEIS should describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions.
- 4) Specify Emission Sources - The DEIS should specify the emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.
- 5) Equipment Emissions Mitigation Plan (EEMP) - The DEIS should identify the need for an EEMP. An EEMP will identify actions to reduce diesel particulate, carbon monoxide, hydrocarbons, and NO_x associated with construction activities.
- 6) The DEIS should consider how climate change could potentially influence the proposed project, specifically within sensitive areas, and assess how the projected impacts could be exacerbated by climate change.
- 7) The DEIS should consider the cumulative impacts associated with multiple large-scale wind and solar projects proposed in the desert southwest and clarify how existing and/or proposed resources will be affected by climate change.

- 8) The DEIS should quantify and disclose the anticipated climate change benefits of wind energy. EPA suggests quantifying greenhouse gas emissions from different types of generating facilities including solar, geothermal, natural gas, coal-burning, and nuclear and compiling and comparing these values.
- 9) Fugitive Dust Control Plan - The DEIS should identify the need for Fugitive Dust Control Plan.

Soils Resources

A commenter requests that a geological report be prepared identifying the existing type of soil, and recommendations for footing size, reinforcement and compaction of soil based on soil density. This commenter also requested that the elevations of the pads relative to existing topography maps be identified.

3.4 Indirect and Cumulative Impacts

One commenter expresses concern about the cumulative capacity of the substation and transmission line the project would interconnect with. Cumulative air quality impacts from traffic related sources to multiple industrial scale mining and energy projects on BLM lands in the area in addition to I-8 traffic impacts are also requested to be analyzed. One commenter recommends that significant cumulative impacts from numerous wind, solar, and transmission infrastructure projects should be analyzed.

Comments submitted by the EPA state the following with regard to indirect and cumulative impacts:

For each resource analyzed, the DEIS should:

- 1) Identify the current condition of the resource as a measure of past impacts. For example, the percentage of species habitat lost to date.
- 2) Identify the trend in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- 3) Identify all on-going, planned, and reasonably foreseeable projects in the study area that may contribute to cumulative impacts.
- 4) Identify the future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends.

- 5) Assess the cumulative impacts contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives.
- 6) Disclose the parties that would be responsible for avoiding, minimizing, and mitigating those adverse impacts.
- 7) Identify opportunities to avoid and minimize impacts, including working with other entities. The DEIS should describe the reasonably foreseeable future land use and associated impacts that will result from the additional power supply. The document should provide an estimate of the amount of growth, its likely location, and the biological and environmental resources at risk.
- 8) The DEIS should consider the direct and indirect effects of the inter-connecting transmission line for the proposed project, as well as the cumulative effects associated with the transmission needs of other reasonably foreseeable projects.

3.5 Project Alternatives

Several commenters request that an alternative project location be considered in the EIS/EIR.

The EPA submitted comments stating that the DEIS should describe how each alternative was developed, how it addresses each project objective, and how it would be implemented. The alternatives analysis should include a discussion of location, including on-site alternatives that demonstrate a reduction of adverse affects. The DEIS should describe the benefits associated with the proposed technology. The DEIS should clearly describe the rational used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects. The DEIS should identify and analyze an environmentally preferable alternative. Options such as reducing the footprint of the proposed project within the project area or relocating sections/components of the project to other areas, including private land, to reduce environmental impacts should be examined. The DEIS should discuss each alternative's potential to impact air traffic and safety in the vicinity of the proposed project.

3.6 EIS/EIR Administrative and Permitting Issues

Agency Permits/Consultation

A commenter noted that the project should analyze the consistency of the project with state and local agencies and conduct joint environmental review with all responsible agencies. All required permits should be listed and discussed. A commenter requested that early consultation occur with the resource agencies, specifically the CDFG, BLM, and USFWS.

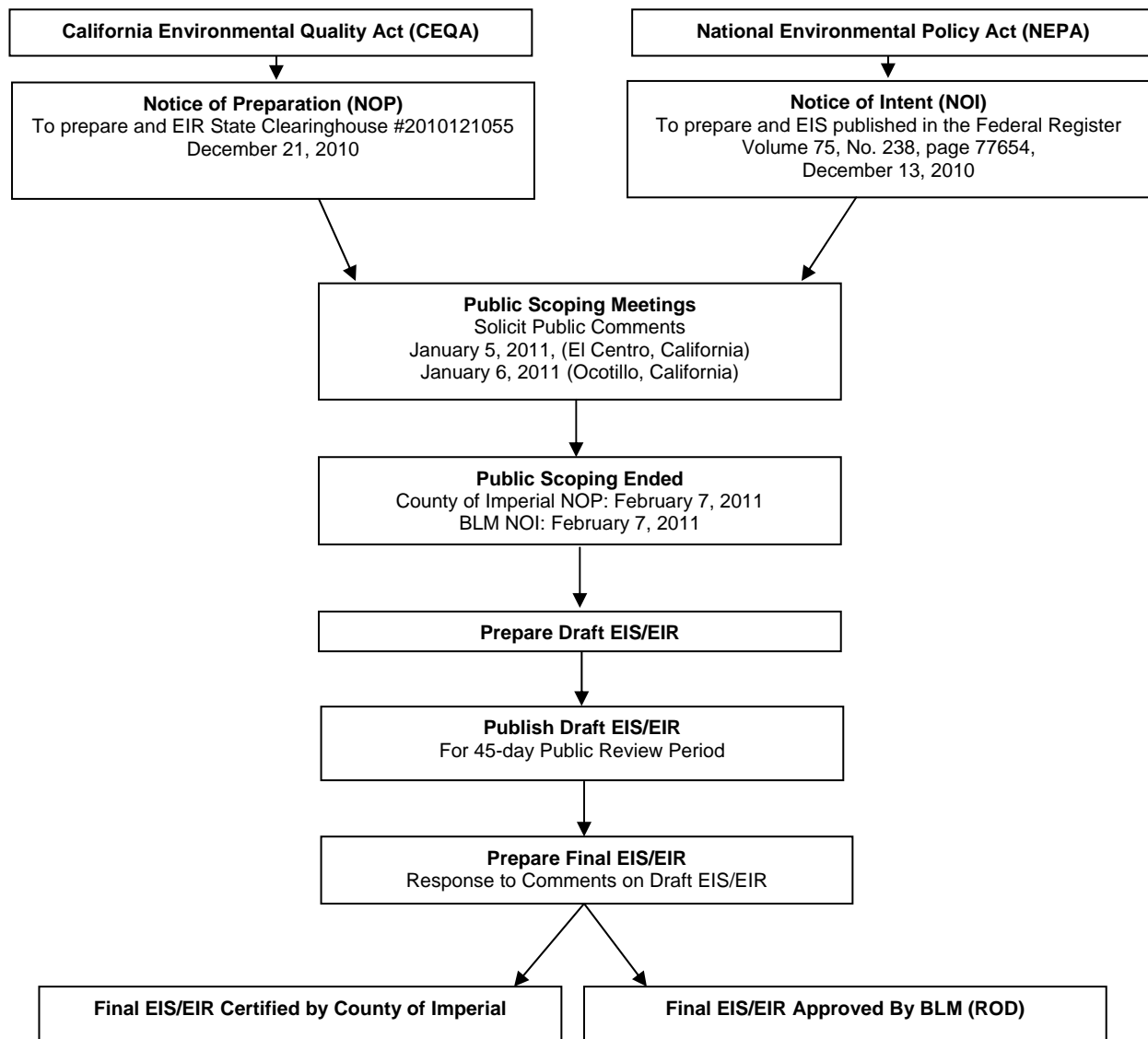
3.7 Issues Outside the Scope of the EIR/EIS

General comments were received that noted support and others that were against the development of the project. Some comments were received requesting copies of the project maps and other information. A comment was also received requesting that the project's public review time be extended. Numerous comments questioned Pattern Energy's integrity, expertise and financial capacity to fund the project.

4.0 SUMMARY OF FUTURE STEPS IN THE PLANNING PROCESS

The EIS/EIR process requires a team of interdisciplinary resource specialists to complete each step. An important part of the environmental planning process is engaging the public and relevant agencies from the earliest stages of and throughout the planning process to address issues, comments, and concerns. The steps of the NEPA and CEQA planning processes and agency authority and decisions to be made are described as follows. Figure 1 provides a summary of the EIS (NEPA) and EIR (CEQA) processes.

Figure 1. NEPA/CEQA Process Flowchart



Identification of Issues

Issues associated with the project were identified through the scoping period, which initiated the planning process. The scoping process and the issues identified through the scoping process are documented in this scoping report.

Data Information and Collection

Much of the necessary resource data and information will be compiled from existing studies prepared for the project or through other local agencies. Additional data and information will be obtained from available sources to update and/or supplement existing data.

Preparing Draft EIS/EIR

Based on collected data, including public comments, a description of the project and alternatives (including no action) will be developed. Only alternatives that meet NEPA and CEQA screening criteria will be considered in detail. Impacts that could result from implementing the project and alternatives will be analyzed and measures to mitigate those impacts will be identified where appropriate.

Draft EIS/EIR and Public Comment Period

The next official public comment period will begin upon publication of the Draft EIS/EIR, which is anticipated to be in mid-summer 2011. This document will evaluate a range of project alternatives including a “No Action” alternative and a “Preferred” alternative and will generally include the following:

- 1) Executive summary
- 2) Introduction/overview (including purpose and need for the project)
- 3) Description of project and alternatives
- 4) Environmental analysis (including impacts and mitigation measures to minimize impacts)
- 5) Comparison of alternatives
- 6) Other NEPA/CEQA considerations.

Upon completion of the Draft EIS/EIR, BLM will publish a Notice of Availability in the Federal Register and the County will file a Notice of Completion with the California State Clearinghouse and a 45-day public comment period will follow. Copies of the Draft EIS/EIR will be distributed to elected officials, regulatory agencies, and interested members of the public. The document will also be available online at the BLM project website:

http://www.blm.gov/ca/st/en/fo/elcentro/nepa/ocotillo_express_wind.html

During this time, public comment on the Draft EIS/EIR will be received.

Response to Comments, Preparation of Final EIS/EIR, Notice of Determination, and Record of Decision

After the public comment period, the BLM and County will respond to comments and prepare a Final EIS/EIR. The availability of the Final EIS/EIR will be announced in the Federal Register, and a 30-day public protest period will follow. Copies of the Final EIS/EIR will be distributed to elected officials, regulatory agencies, and interested members of the public. The document will also be available online at the BLM website, as described previously.

For NEPA, following a 30-day Protest Period and concurrent 60-day Governor's Review, the BLM will resolve valid protests and prepare the Record of Decision. The Notice of Availability for the Record of Decision will be announced in the Federal Register.

5.0 REFERENCES CITED

14 CCR 15000–15387 and Appendix A–L. Guidelines for Implementation of the California Environmental Quality Act.

40 CFR 1501.1–1501.8. NEPA and Agency Planning.

Federal Register, Vol. 75, No. 238, page 77654, December 13, 2010.