

Wr_Hearing Unit - Eagle Crest Pumped Storage Project Draft EIR

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Date: 10/7/2010 4:11 PM
Subject: Eagle Crest Pumped Storage Project Draft EIR
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DIV. OF WATER RIGHTS

2010 OCT - 7 PM 4: 28

In Reply Refer To:
 FWS-08B0101-11TA0011

This correspondence responds to the California State Water Resources Control Board's Notice of Completion and Availability of the Eagle Crest Energy Company's Eagle Mountain Pumped Storage Project (SCH No. 2009011010) Draft Environmental Impact Report.

The U.S. Fish and Wildlife Service's (Service) Carlsbad Fish and Wildlife Office has been informally consulting with the Eagle Crest Company on development of the project since the fall of 2007 and we recognize their efforts to avoid and minimize impacts to Federal trust resources; however, we remain concerned the project may have adverse impacts on threatened desert tortoise (*Gopherus agassizi*) and other sensitive species. We submit the following comments and recommendations for consideration as the project description is refined.

We are very concerned that the proposed action identifies the 500-kV transmission alignment along Eagle Mountain Road (13.5 miles; 200-foot ROW width; 327 acres). We have previously documented our concerns with GEI Consultants, Inc. and the Federal Energy Regulatory Commission (FERC) regarding the direct, indirect, and cumulative effects this proposed alignment may have on the desert tortoise, its designated critical habitat, and recovery efforts within the Chuckwalla Desert Wildlife Management Area. We recommend that the proposed transmission alignment and the proposed location of the 25-ac interconnection collector substation (operated by SCE) be reconsidered and coordinated with adjacent solar energy projects. In the DEIR, the location of the substation under the proposed action conflicts with the location proposed for the Desert Sunlight photovoltaic project DEIS that was released on August 27, 2010 by the BLM. Because these two projects will be tying into the same substation, we recommend that its location be reconciled among the proponents, SCE, and the BLM prior to any decisions. In addition, new transmission lines introduce novel perching and nesting structures for a variety of desert tortoise avian predators, degrades habitat from construction, operation, and maintenance activities, and results in the proliferation of new routes of travel open to the public. Such adverse effects should be avoided to prevent increased predation rates and habitat degradation for desert tortoises. To the maximum extent possible, energy project facilities and associated infrastructure, including but not limited to transmission, substations, and access roads, should be collocated so as to avoid unnecessary loss, fragmentation, and degradation of desert tortoise and other wildlife habitat. We, therefore, recommend that all access and infrastructure to the project site be via Kaiser Road to minimize potential impacts.

To avoid and minimize impacts to migratory birds and resident, migratory, and wintering golden eagles, we recommend the proposed transmission line be built according to applicable guidelines in the Service-approved *Avian and Bat Protection Plan Guidelines* (available at <http://www.fws.gov/migratorybirds>) and a project-specific plan be developed according to these guidelines. We recommend the applicant and FERC coordinate with the Service to determine whether surveys for golden eagles would be appropriate.

Also, project-related and cumulative effects from other projects on habitat connectivity should be addressed in the appropriate section(s) of the DEIR, as the effects of this and adjacent solar energy projects may significantly impact movement of desert tortoises and other species in the project and surrounding areas.

Because of access restrictions to the central project area, the majority of investigations required to characterize the site and evaluate feasibility of project engineering have not been conducted and details specific to project impacts within the central project area have not been articulated in the DEIR, we recommend that any decision approving or disapproving this project be deferred until those data are obtained and reviewed by appropriate permitting agencies.

If you have questions regarding our comments, please contact Jody Fraser of my staff at 760-431-9440 ext. 354 or jody_fraser@fws.gov. A hard copy of these comments will follow.

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