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**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Executive Office

**SUBMITTAL DATE:**  
July 24, 2006

**SUBJECT:** Lake Elsinore Advanced Pumped Storage Project (LEAPS)

**RECOMMENDED MOTION:** That the Board of Supervisors receive and file the update on the Lake Elsinore Advanced Pumped Storage Project (LEAPS).

**BACKGROUND:** On April 18, 2006, the Board directed the Executive Office to continue updating the Board of Supervisors on the LEAPS project. At the same meeting, the Chairman of the Board of Supervisors was authorized to sign a letter to the Federal Energy Regulatory Commission (FERC) containing the County's coordinated response to the Draft Environmental Impact Statement on the LEAPS project. To date, the County has not formally received a response from FERC.

Departmental Concurrence

(Continued)

Tina Grande, Senior Management Analyst

**FINANCIAL DATA**

Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
Annual Net County Cost:	\$ 0	For Fiscal Year:	2006/2007

**SOURCE OF FUNDS:**

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**APPROVE**

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent
- 
- 

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.31 on 4/18/06; 2.1 on 3/21/06; 3.2 on 11/15/05; 3.4 on 3/15/05; 3.25 on 3/30/04; 3.67 on 12/27/01; and 3.81 on 12/19/00

District: 1

Agenda Number:

2.1

On June 7, 2006, the County of Riverside received a Revised Notice of Preparation of a Draft Environmental Impact Report from Elsinore Valley Municipal Water District (EVMWD) on LEAPS and the Talega-Escondido/Valley-Serrano 500 kV Interconnect (TE/VA Interconnect) project.

Attached is the County of Riverside's response to EVMWD. It includes the original response to FERC, a cover letter with additional comments by the Riverside County Flood Control and Water Conservation District, and a letter of response by the Planning Department.

The Executive Office will continue to work with the Planning Department on monitoring this project and report to the Board of Supervisors on a quarterly basis.

*Executive Office  
County of Riverside*



*Larry Parrish  
County Executive Officer*

July 6, 2006

Mr. Greg A. Morrison  
Director of Legislative and Community Affairs  
Elsinore Valley Municipal Water District  
31315 Chaney Street  
Lake Elsinore, CA 92531

Re: Revised Notice of Preparation of a Draft Environmental Impact Report (State Clearinghouse Number 2004091057)

Dear Mr. Morrison:

Thank you for providing the County of Riverside the opportunity to review and comment on the Revised Notice of Preparation Report (Revised NOP) on the proposed Lake Elsinore Advanced Pumped Storage Project (LEAPS) Draft Environmental Impact Report (Draft EIR).

Attachment A provides a copy of the County of Riverside's comments, dated April 11, 2006, to the Federal Energy Regulatory Commission (FERC) responding to the LEAPS Draft Environmental Impact Statement (Draft EIS). The Riverside County Board of Supervisors approved this response on April 18, 2006. In summary, county departments found that the Draft EIS lacked the necessary project detail, which limited the opportunity to fully evaluate the project impacts related to public safety, transportation, water quality, flood infrastructure, social services, land use, and recreation.

The County of Riverside recommended to FERC that an EIS/EIR be prepared and circulated to address the issues identified in the April 11, 2006 letter. To date, the County of Riverside has not received a reply from FERC regarding this request.

Absent this response, the County of Riverside requests that EVMWD address the County of Riverside's comments in its EIR. In addition to the comments contained in the April 11, 2006 letter, the Riverside County Flood Control and Water Conservation District has provided the following additional comment:

"The transmission alignment alternative no. 2 as shown in figure 2 appears to be located within the District's adopted West Elsinore Master Drainage Plan (MDP). The construction of this transmission line may impact the proposed and/or existing MDP facilities. A copy of the West Elsinore MDP map can be viewed

online at [www.floodcontrol.co.riverside.ca.us/mdp.asp](http://www.floodcontrol.co.riverside.ca.us/mdp.asp). To obtain further information on the MDP, please contact Art Diaz of the Planning Section at 951.955.1345."

The County Planning Department has also provided additional comments, included in Attachment B, which should be addressed in the Draft EIR.

FERC staff has communicated that the transmission line alignment may be modified. Does the NOP reflect the new alignment? If not, if the alignment is changed will EVMWD re-circulate the NOP? The alignment may have important impacts related to biological, recreational and visual resources. The County of Riverside requests clarification on this issue as soon as possible.

The County of Riverside also requests that copies of the Draft EIR be provided directly to the Riverside County Planning Department, attention: Kathleen Browne and to this office, Riverside County Executive Office, attention: Tina Grande. If you have any questions, please contact Ms. Grande at 951.955.1110 or [tgrande@rceo.org](mailto:tgrande@rceo.org).

Sincerely,



Katherine Gifford  
Principal Management Analyst

cc: Supervisor Bob Buster, First Supervisorial District  
Wendy Kolk, First Supervisorial District  
Gary Christmas, Executive Office  
Tina Grande, Executive Office  
Juan Perez, Transportation  
Kathleen Browne, Planning  
Ron Goldman, Planning  
Paul Frandsen, Regional Park and Open Space District  
Suzanne Holland, EDA  
Tracey Hobday, Fire  
Chief Tom O'Keefe, Fire  
Teresa Tung, Flood Control and Water Conservation District  
Steve Stump, Flood Control and Water Conservation District  
File



**Board of Supervisors**

District 1	<b>Bob Buster</b> 951-955-1010
District 2	<b>John F. Tavaglione</b> 951-955-1020
District 3	<b>Jeff Stone</b> 951-955-1030
District 4	<b>Roy Wilson</b> 951-955-1040
District 5	<b>Marion Ashley</b> 951-955-1050

April 11, 2006

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20246

**RE: Project No. 11858-02: Lake Elsinore Advanced Pumped Storage Project (LEAPS)  
Environmental Impact Statement (Draft EIS)**

Dear Secretary Salas:

By action of the Riverside County Board of Supervisors on April 18, 2006, this Board is forwarding a response on the proposed Lake Elsinore Advanced Pumped Storage Project (LEAPS) Draft Environmental Impact Statement (Draft EIS). The LEAPS project and its associated transmission lines are located in a rapidly growing area of Riverside County and are of significant concern to this Board and the citizenry it represents. County departments reviewing the EIS found that the document's lack of specificity regarding the project severely limited the opportunity to evaluate the project, its impacts, and proposed mitigation measures. Based on the information provided, County departments identified project impacts related to public safety, transportation, water quality, flood infrastructure, land use and recreation. Additional issues may be raised as additional studies are conducted and the project is better defined.

As LEAPS is a federal project, the County's comments on the EIS are critical to addressing local project impacts. The County is vitally concerned with the process by which the EIS is prepared and the responsiveness of FERC in addressing concerns raised in this correspondence. This correspondence identifies the County's concerns with the EIS process to date. Each department expressed its concern that it was difficult to provide detailed comments because so many studies were deferred to future stages of the project. FERC's response to these comments should, therefore, be comprehensive and detailed so as to provide the information requested so that impacts and proposed mitigation can be fully evaluated prior to any licensing of the project.

**Procedural Issues:**

A central issue is that a Draft EIS/Environmental Impact Report (EIR) document was not prepared. It has been indicated that the Elsinore Valley Municipal Water District (EVMWD) will prepare the EIR, circulate it for comment, and will certify the EIR. However, Jim Fargo, with FERC, has explained that the EIR will **only** be used by the Santa Ana and San Diego Regional Water Quality Control Boards in issuing 401 certification for the project. This Draft EIS is, therefore, critical for evaluating traffic, habitat, fire, dam inundation and other environmental issues. Given the very limited discussion in many critical areas, the County

recommends that the Draft EIS be rewritten as an EIS/EIR and re-circulated for review and comment. Comments provided in this correspondence give additional guidance on issues that should be more fully addressed in the EIS/EIR.

This Board is also concerned with the public hearing process conducted by FERC on the EIS. On April 5, 2006, an overflow crowd attended the only FERC-conducted public hearing on the EIS in Riverside County. Many people were forced to stand outside the main room or the building and were unable to hear the proceedings. It is recommended that an additional public hearing be held in the local area, at a site that can accommodate all interested parties.

#### **Draft EIS Adequacy:**

Following are County department comments on the Draft EIS:

#### **Planning Department Comments:**

The Riverside County Planning Department found that the proposed environmental measures listed on pages 2-12 through 2-16 were inadequate. Planning staff concluded that neither avoidance nor minimization of impacts was considered. Mitigation measures that were listed focused on rectifying potential impacts through future studies and development of plans or programs. Planning staff identified the following specific issues:

1. The Executive Summary states that due to limited subsurface data, Commission staff has significantly increased the co-applicant's cost estimate in several areas because they do not think that the cost estimate properly accounts for the site-specific geological and groundwater conditions. If this is the case, the magnitude of the effects on the environment cannot be determined at this time because the future data may effect the duration of construction.
2. No further geotechnical studies are provided to determine whether soils excavated during construction of the powerhouse will qualify for use in the construction of the upper reservoir main dam or perimeter embankment.
3. The Draft EIS suggests that impacts on land uses and aesthetic resources will be mitigated by balancing excavation and fill materials onsite. Whether a balance can be achieved cannot be determined without further testing of subsurface soils.
4. The Draft EIS notes that clay may be imported from the Alberhill area but does not analyze the impacts resulting from additional truck traffic required to import and/or export soils, noise impacts to surrounding residents, air quality impacts, etc.
5. The Draft EIS fails to identify and quantify the subsurface impacts on project components that may result from the active faults within the project location.
6. The Draft EIS indicates that potential adverse effects on residents during construction will be addressed by acquiring and demolishing multi-family residences nearest the proposed powerhouse site. If necessary, does the project propose to use eminent domain to acquire properties? If so, this should be disclosed in the Draft EIS. What other mitigation is proposed to reduce construction noise, traffic, and other related impacts resulting from construction of the powerhouse and other facilities?

7. Photographic simulations identifying potential project impacts from the pump station and transmission lines to visual resources should be included in the Draft EIS to help determine whether avoidance or minimization of impacts are achieved.
8. The Draft EIS describes impacted areas for locating the switchyard/substation as including a 25- to 50-acre area. This type of ambiguity permeates the Draft EIS. Ballpark figures are given as to the acreages affected by construction laydown areas during development of the powerhouse, the upper reservoir, the intake/outlet tunnels, and acreages affected during construction of the transmission lines or upstream detention basin. The absence of a detailed plan limits the ability of reviewers to completely assess the potential impacts resulting from the project and the adequacy of mitigation measures.
9. Due to the lack of specificity in the EIS, it is impossible to determine what impacts will result from the daily lowering of the surface level of Lake Elsinore. A more detailed study of the lake shore and properties that adjoin it is needed to ensure that property values, land uses and access points are protected.

#### **Transportation Department Comments:**

The Riverside County Transportation Department concluded that the project may have very substantial effects on the local roadway system; however, it was difficult to determine what specific impacts would be since the traffic summary was very abbreviated, difficult to follow, and inadequate. The many general statements regarding traffic made it difficult to provide a thorough analysis of impacts and needed mitigation.

The LEAPS project is expected to add a very significant amount of truck traffic to the roadway system during the construction period. The EIS indicates that the proposed project will generate 288 truck loads per day to haul material from the bottom to the upper reservoir site, over a time frame of 256 days. The EIS references a potential for 76 truck trips in one hour to haul construction material, which would create significant impacts on the adjacent street system (Grand Avenue) from an operational and safety standpoint.

**A comprehensive traffic study should be prepared and submitted to the County prior to finalizing the EIS so that the Transportation Department can complete its review of the EIS.**

The Transportation Department further recommended the following mitigation measures and actions:

1. Prior to granting a license, a Traffic Management Plan that is subject to Riverside County Transportation Department approval should be developed to accommodate truck traffic on County roads such as Grand Avenue. The Plan should include but not be limited to:
  - a. Designating truck haul routes.
  - b. Providing truck time-of-day operational restrictions.
  - c. The use of flagmen or traffic directors to create safe breaks in traffic.
  - d. The establishment of a public information component which includes a notification process for local residents and a hotline for truck traffic complaints.

Once the requested Traffic Management Plan is completed additional mitigation may be needed.

2. The level of truck activities is substantially above and beyond what the adjacent County roads are designed to accommodate. The project should conduct pavement testing before and after construction. The applicant should agree to enter into an agreement with the Riverside County Transportation Department to provide funding to mitigate project-level impacts which cause pavement deterioration, which may include pavement reconstruction of Grand Avenue and other routes. The agreement should also include provisions for additional maintenance during the construction period.
3. The project should be required to fund a traffic signal to be located at the adjacent major intersection of Grand Avenue and Ortega Highway (SR 74).
4. The additional truck traffic on Ortega Highway (SR 74) would create significant operational, capacity and safety impacts, although the EIS states that it would not experience a drop in Level of Service. The project should be required to construct truck turnouts, a truck climbing lane, and/or other safety improvements on the impacted areas of the Ortega Highway. The Ortega Highway already experiences significant traffic safety and operational challenges, which will be exacerbated with the addition of such truck traffic.
5. The applicant of the project should be required to construct safety improvements along Grand Avenue, including shoulder widening to accommodate the truck traffic activities and potential widening at intersections to accommodate truck turns.
6. The project should contribute on a fair share basis to the impacts to the Regional Transportation Network by participating in the County's Transportation Uniform Mitigation Fee (TUMF) program.

**Riverside County Flood Control and Conservation District Comments:**

The Riverside County Flood Control and Water Conservation District (District) noted that the EIS should also address maintenance responsibilities for the proposed flood control structures. Also, while the intent of the proposed project is to re-circulate the lake's water to power the turbine, impacts to the lake's level should also be studied, consistent with the Lake Management Plan and the Local Cooperative Agreement.

The District recommended the following mitigation measures and actions:

1. A major portion of the proposed project is located within the District's preliminary Lakeland Village Master Drainage Plan (MDP) boundary. The proposed alignment for the powerhouse and the inlet/outlet structure may be in potential conflict with one of our proposed facilities. Figure 4 shows the powerhouse to be constructed approximately 200 feet underground. Therefore, the powerhouse would most likely not impact our MDP facility. However, the issue of right-of-way and easement for future operation and maintenance of the MDP facility needs to be addressed in the DEIS. In addition, the intake/outlet structure may be in potential conflict with one of our proposed drainage facilities outlets downstream of the intersection of Grand Avenue and Adelfa Street into Lake Elsinore. The DEIS should address potential impacts to proposed MDP facilities in the project area. To obtain more information on the MDP, please contact Art Diaz of the District's Planning Section at 951.955.1345.

2. The inlet/outlet structure proposed for Lake Elsinore should ensure that its design prevents disturbance of sediments in the bottom of the lake to the satisfaction of the City of Lake Elsinore and the Santa Ana Regional Water Quality Control Board. Nutrients bind to the fine sediments and re-suspension will worsen the eutrophication Lake Elsinore is currently experiencing.
3. The imported water provided to Lake Elsinore should be considered supplemental water for the purposes of Regional Board Order R8-2004-0037. As such, the addition of such water should not introduce Total Phosphorus or Total Nitrogen in excess of the respective TMDL Load Allocations assigned to Supplemental Water discharges to Lake Elsinore. Total Phosphorus offsets for supplemental water discharges should not be allowed unless the Board Order R8-2004-0037 required 35% in-lake Total Phosphorus load reductions have been achieved by in-lake nutrient treatment and removal projects. Plans for importation of water should be reviewed by the Lake Elsinore San Jacinto Watershed Authority (LESJWA).
4. The proposed reservoir/dam could potentially impound flood waters during the rainy season. Design of the reservoir/dam should accommodate the flooding and normal operating volume.
5. On page 3-32, the EIS states: "Structures and possibly residences in the city of Lake Elsinore would be inundated up to 14 feet for Morrell Canyon reservoir." The report concludes that the proposed project would be classified as having a "high downstream hazard potential" and create an "unavoidable adverse effect in the unlikely event that either the dam or dike fails." Due to the lack of specificity in the EIS, it is impossible to determine the full impact from the dams, however, the EIS shows downstream areas as including an elementary school and child care center, as well as critical roadways to the region.

Project licensing should not occur until there is sufficient project design to determine the boundaries of the dam inundation area and assurances are secured that potential impacts can be mitigated. Precise inundation maps and flows resulting from a potential dam/dike break should be provided to the Riverside County Fire Department, Office of Emergency Services so that these plans can be reviewed for compliance with local and state regulations.

#### **Fire Department Comments:**

The Riverside County Fire Department determined that the LEAPS project would have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of construction activity, population and amplified traffic management.

To mitigate these impacts, the Fire Department recommended the following mitigation measures and actions:

1. The project should mitigate a portion of impacts by participating in the Fire Protection Impact Mitigation Program.
2. The project applicant should prepare a traffic management plan to be reviewed by the County Fire Department. This plan would establish communications and guidelines to

allow uninhibited movement of emergency vehicles on identified roadways utilized by the project.

3. All buildings located in Riverside County should be required to have an approved access and be constructed in accordance to Riverside County Ordinance Nos. 460 and 461, subject to County Fire Department approval.
4. All water mains and fire hydrants providing fire flows should be constructed in accordance with the appropriate sections of Riverside County Ordinance No. 460 and/or 787, subject to review and approval by the Riverside County Fire Department.
5. The project is located within the "Hazardous Fire Area" of Riverside County as shown on a map on file with the Clerk of the Board of Supervisors. Any building constructed within this area should comply with the special construction provisions contained in Riverside County Ordinance No. 787, subject to the approval by the Riverside County Fire Department.
6. Prior to approval of any development plan for lands adjacent to open space areas, a fire protection/vegetation management (fuel modification) plan should be submitted to the Riverside County Fire Department for review and approval.

**Riverside County Regional Park and Open Space District, and Economic Development Agency Comments on Recreation:**

The EIS was reviewed by the Riverside County Parks and Open Space District and Economic Development Agency (EDA). Both departments are involved in developing recreational programs in Riverside County. Comments on the recreation component are as follows:

1. The Draft EIS largely ignores local or community recreation issues. Powerhouse tours and a botanical garden will have little net benefit for local residents impacted by this project. To meet local recreation needs, it is recommended that the 30-acre recreation site (sports park) be fully developed, subject to design approval by EDA. The project proponent should be required to establish an endowment to support the on-going park and recreation operations and maintenance (O&M) costs. Construction costs for a fully developed sports park is estimated at \$11 million. The O&M cost is estimated at \$175,000/year. An endowment of \$3 million would provide long-term funding for O&M.
2. The Draft EIS provides insufficient funding for the lake fishery program. This funding should be raised to at least \$50,000/year.
3. To participate in the economic revitalization of the lakefront, the project should be required to secure, renovate, and fund a lakeside park facility of 10-15 acres on Grande Avenue. The Naval Academy, if available, would be a good site with historic importance that could serve as a community center with various agencies, programs, and meeting rooms for the public. Revitalizing this center should begin with the initiation of the LEAPS project, rather than being deferred to end of construction. O&M funding would be needed for this project as well.
4. The EIS indicates that transmission lines would be moved to accommodate hang gliding activities. The Draft EIS should describe the types of improvements that will occur at the top or bottom of the hill to meet the needs of this sport.

### **Department of Public Social Services Comments:**

The EIS does not address potential impacts from the proposed construction site on displaced persons currently living in the area. It may be necessary to contract with a local motel provider to provide temporary housing for displaced persons or to utilize General Relief to assist eligible persons. The EIS should describe mitigation measures due to impacts to displaced persons from the project. Given the complexity of this issue, the project applicant should work directly with the Department of Public Social Services to develop plans to address this issue, months in advance of construction.

### **Environmental Programs Department Comments:**

The Environmental Programs Department reviewed this project in relationship to the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP). The WRCMSHCP is a Habitat Conservation Plan approved by the US Fish and Wildlife Service and the California Department of Fish and Game, which authorizes incidental take for listed species covered by the plan. The WRCMSHCP establishes a network of reserves and wildlife corridors benefiting the species covered by the plan, and allows public and private development projects to proceed in accordance with the terms of the Plan.

EPD had the following comments:

1. It appears that the project may impact state and federally listed threatened and/or endangered species. As the joint powers authority charged with implementing the WRCMSHCP, the Western Riverside County Regional Conservation Authority (RCA) should be the lead commenting agency on this project in relationship to the WRCMSHCP. Since public agencies generally are not subject to the County's jurisdiction and thus are not required to obtain permits from the County, participation in the WRCMSHCP for incidental take coverage could come through direct contact with the RCA as a Participating Special Entity. In order to become a Participating Special Entity, compliance with the WRCMSHCP and any necessary mitigation obligation would be negotiated between the project proponent and the RCA. Alternatively, the project proponent may obtain any necessary incidental take authorization pursuant to Section 7 of the federal Endangered Species Act.
2. The location description of the project is too vague to accurately determine the potential impacts on reserve assembly; however, this project would invariably include property that is within cell criteria areas, and so has the potential for affecting potential reserves and/or corridors. These include proposed Core Reserve Area 1, the proposed extension of Core Area 2, and proposed Constrained Linkages 1, 2 and 9. A specific review of the detailed project location would need to be done in order to accurately determine the exact acreages impacted.
3. The biological survey information provided addresses some of the species covered in the WRCMSHCP; however, several species habitat assessments or focused surveys were not included. Some of the narrow endemic and Criteria Area plant species required by the Plan were not included. A thorough impact analysis on Riverine and Riparian habitats that would be impacted was not adequate.
4. This project will require 401 Certification issued by the Santa Ana and San Diego Regional Water Quality Control Boards, and as such, this project would require

analysis under CEQA. In order to be compliant with CEQA, any CEQA documentation (EIR) prepared would need to address project impacts to the WRCMSHCP.

**Conclusion:**

The purpose of the National Environmental Protection Act (NEPA) and preparation of a Draft EIS is to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment [40 CFR 1500.1(b)]. Federal agencies shall to the fullest extent possible:

“(f) Use all practicable means consistent with the requirements of the Act [NEPA] and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions on the quality of the human environment.”

The Draft EIS fails to meet this standard. Based on the information provided in the Draft EIS, the LEAPS project has the potential to significantly impact rapidly developing areas of Riverside County. The proposed transmission lines cross vistas of countywide importance. The Draft EIS relies on a tiered approach that, at this juncture, provides little detail regarding a complex and multi-faceted project. To address the issues identified in this letter, it is recommended that an EIS/EIR document be prepared and circulated.

The Board further requests that the County be notified of all any additional hearings and be provided future reports prepared for this project, so that County staff has the opportunity to review and coordinate on project-related impacts to County activities. Prior to any licensing, an agreement should be executed between the County and the applicant, which lays out requirements for reporting activities, infrastructure construction, and cost-recovery for County staff time spent reviewing and overseeing project compliance with county ordinances and regulations.

If you have any questions regarding these comments or for future correspondence, please contact Jennifer Sargent, Senior Management Analyst, Riverside County Executive Office, at 951.955.1110, or [jsargent@rceo.org](mailto:jsargent@rceo.org). We wish to acknowledge the County's appreciation for the assistance that Jim Fargo and other FERC staff have provided in this process. We look forward to your response to these critical issues.

Sincerely,



\_\_\_\_\_  
Bob Buster, Chairman  
Riverside County Board of Supervisors

cc: Juan Perez, Transportation  
Kathleen Browne, Planning  
Ron Goldman, Planning  
Paul Frandsen, Regional Parks and Open Space District  
Suzanne Holland, EDA  
Tracey Hobday, Fire  
Chief Craig Anthony, Fire  
Teresa Tung, Flood Control and Water Conservation District  
Steve Stump, Flood Control and Water Conservation District  
Dean Deines, EO  
Katherine Gifford, EO  
Jennifer Sargent, EO

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**

*Tony Carstens · Agency Director*

**Planning Department**

*Robert C. Johnson · Planning Director*

June 28, 2006

Elsinore Valley Municipal Water District  
ATTN: Mr. Greg A. Morrison  
31315 Chaney Street  
P. O. Box 3000  
Lake Elsinore, CA 92531-3000

**RE: Revised Notice of Preparation of a Draft Environmental Impact Report for the Lake Elsinore Advanced Pumped Storage (LEAPS) and Talega-Escondido/Valley-Serrano 500-kV Interconnect (Te/Vs Interconnect) Project (SCH No. 2004091057)**

Dear Mr. Morrison:

Thank you for providing the County of Riverside Planning Department the opportunity to review and comment on the revised Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Lake Elsinore Advanced Pumped Storage (LEAPS) and Talega-Escondido/Valley-Serrano 500-kV Interconnect (TE/VS Interconnect) Project (hereafter "Project").

**Background:**

The Federal Power Act (hereafter "FPA") provides for federal regulation and development of water power and resources and contains provisions detailing the Federal Energy Regulatory Commission's (hereafter "Commission") authority to license and condition such projects. The Commission must give equal consideration to energy conservation; the protection, mitigation of damage to, and enhancement of fish and wildlife, including related spawning grounds and habitat; protection of recreational opportunities; and preservation of other aspects of environmental quality.

Therefore, to ensure environmental quality, the FPA requires that projects be adapted to a comprehensive plan for: improving or developing a waterway for the use or benefit of interstate or foreign commerce; improving and using water-power development; adequately protecting, mitigating and enhancing fish and wildlife, including related spawning grounds and habitat; beneficial public uses, including irrigation, flood control, water supply and recreational purposes. This comprehensive plan must contain conditions that adequately and equitably protect, mitigate damages to, and enhance fish and wildlife affected by the development, operation and management of projects and must be based on recommendations received from relevant federal and state agencies and Indian tribes affected by the project.

**Environmental Review:**

The federal equivalent of an EIR is an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (NEPA). As Lead Agency, the Commission circulated the federal environmental document for public review and comment in February 2006. Similar to the California Environmental Quality Act (CEAQ), the purpose of the NEPA process and preparation of an

EIS is to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment [40 CFR 1500.1(b)]. As stated, Federal agencies shall to the fullest extent possible:

(f) Use all practicable means consistent with the requirements of the Act [NEPA] and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions on the quality of the human environment.

Pursuant to NEPA, mitigation of impacts and enhancement of resources must be considered for all impacts, whether or not the impacts are significant. All relevant, reasonable mitigation measures that could improve the project are to be identified and included in the project. The Council on Environmental Quality (CEQ) defines mitigation to include:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

However, although NEPA requires that federal agencies "consider" the potential significant adverse environmental impacts of their "major" actions as described in an EIS and include a discussion of all reasonable alternatives and appropriate mitigation measures, the Lead Agency has no mandatory duty to act on these measures even though they are feasible. The fundamental objective of preparing a NEPA document does not itself mandate particular results, but simply prescribes the necessary process in which potential adverse environmental effects of the proposed action are adequately identified and evaluated by first accurately identifying the relevant environmental concern.

This brings up the most substantive aspect of CEQA provisions, which forbids agencies from approving projects with significant adverse impacts when feasible alternatives or feasible mitigation measures can substantially lessen such impacts.

Staff has reviewed the NOP for the Draft EIR being prepared pursuant to CEQA Statutes and Guidelines by the Elsinore Valley Municipal Water District, as Lead Agency, and request that the following environmental issues be addressed in the Draft document:

1. The Draft EIS identifies the purpose of the action as the need to provide additional power generation during peak energy demand periods utilizing reliable renewable energy resources opposed to convention sources (i.e., coal). However, the Project Description Section of the NOP is not sufficiently detailed for reviewers to adequately identify the scope of the proposed project unless they have previously read the Draft EIS. Also, there are a number of discrepancies when compared to project components identified in the EIS. For example: surface area of the upper reservoir is described as appropriately 100 acres, this was described in the EIS as approximately 76 acres and 80 acres, depending on the alternative. Furthermore, the NOP identifies that the three potential powerhouse locations will contain "two or more" reversible pump-turbine units, a 500 MW "or greater" advanced pumped storage hydroelectric facility and the construction of "two or more" new 500 kV

electrical substations, switchyards and other ancillary and appurtenant facilities associated with the transmission lines.

Overall, the deficiency in the scope of the Project impacts the reviewer's ability to evaluate the analyses of potential effects on the quality of the environment throughout the document as a whole. This tiered approach provides little detail regarding a complex and multi-faceted project. Ballpark figures are given as to the acreages affected by construction laydown areas during development of the powerhouse, the upper reservoir, the intake/outlet tunnels, acreages affected during construction of the transmission lines or upstream detention basin. If this type of broad approach is used to address the scope of the Project, then mitigation measures need to identify potential impacts as a result of the findings from future studies and mitigation said impacts appropriately.

Please clearly outline project components in the Draft EIR, unless this draft document is intended as a Program EIR and subsequent environmental documentation is to be provided for each aspect of the Project.

2. The description of the Co-Applicant's proposal in the EIS lacks substantive relevant information upon which the Lead Agency can base a fully informed and well-considered decision before taking a major action pursuant to CEQA alternatives analysis. It appears that neither avoidance nor minimization of impacts has been considered but that the mitigation measures identified focus on rectifying potential impacts resulting from project implementation through future studies and development of plans or programs. There is insufficient scientific data available relative to geotechnical subsurface conditions at the Morrell Canyon and Santa Rosa powerhouse locations to ensure that decision-makers have taken a "hard look" and considered every significant aspect of the environmental consequences and reasonable before approving the Project. This lack of relevant information supports the Commission's Staff Alternative and revised mitigation measures; however, Planning also staff recommends that the Draft EIR address the full scope of impacts resulting from Project implementation.
3. As stated in the Executive Summary of the Draft EIS, due to limited subsurface data, Commission staff has significantly increased the co-applicant's cost estimate in several areas because they do not think that the cost estimate properly accounts for the site-specific geological and groundwater conditions. If this is the case, the magnitude of the effects on the environment cannot be determined at this time because the future data may effect the duration of construction, which, as a result, can significantly impact the analysis under:
  - Traffic/Circulation -- No geotechnical studies are provided to determine whether soils excavated during construction of the Co-Applicant's proposed powerhouse at Santa Rosa will qualify for use in the construction of the upper reservoir main dam or perimeter embankment. Thus, the reviewer cannot ascertain whether it will be necessary to import clay soils from the location in Alberhill. This effects the analysis of impacts resulting from additional truck traffic required to import and/or export soils, noise impacts to surrounding residents and sensitive receptors, air quality, land use and planning, aesthetics, etc.
  - Land Use and Planning – Subsurface impacts on Project components resulting from active faults within the Project location need to be identified, quantified and reasonable alternatives chosen to lessen impacts to people and the environment.

- Land Use and Planning – Potential adverse effects on residents during construction are addressed by stating that the multi-family residences nearest the proposed powerhouse site will be acquired and demolished. Staff understands that the FPA gives acquisition and/or eminent domain authority to the Commission but alternative mitigation should be included to address adverse impacts on said residences since the City of Lake Elsinore is currently processing and approving urban development within the location of the proposed Project.
- Aesthetics – Potential Project impacts to visual resources have been identified in the Draft EIS as significant. Staff requests that photographic simulations of the major Project components during construction and operation be included in the Draft EIR so that reviewers can determine whether avoidance or minimization of said impacts is achieved and/or whether further mitigation measures is required.
- Recreational Resources -- Alternative mitigation measures, which address impacts to and the enhancement of recreational resources, need to be identified and included in the Draft EIR. It appears that the Draft EIS included mitigation of recreational resources by construction of a botanical garden and provision of powerhouse tours; however, these measures were only in conjunction with the Co-Applicant's alternative. Mitigation measures identified in the Draft EIR need to include enhancing the quality of the local environment throughout the duration of the construction and operation of the Project.

Thank you for the opportunity to review and comment on the above NOP. We look forward to receiving a copy of the Draft EIR and other documents associated with this Project. If you should have any questions regarding these comments, please contact Kathleen Browne at (909) 955-4949.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT  
Robert C. Johnson, Planning Director

  
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Kathleen Browne, Special Projects