**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION IX**
**75 Hawthorne Street**
**San Francisco, CA 94105**

August 17, 2006

John Kalish
Bureau of Land Management
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Subject: Draft Environmental Impact Statement (DEIS) for the Devers-Palo Verde No. 2 Transmission Line Project (CEQ# 60181)

Dear Mr. Kalish:

The U.S. Environmental Protection Agency (EPA) has reviewed the DEIS referenced above. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

In order to increase California's transmission import capability and to reduce energy costs, the California Public Utilities Commission (CPUC) and the Bureau of Land Management (BLM) are proposing a new 230-mile 500 kV line from the Harquahala Substation in Arizona to Southern California Edison (SCE)'s Devers Substation in California. This route is parallel to the SCE Devers-Palo Verde No.1 (DPV1) Transmission Line which was constructed in 1982. BLM approved the Devers-Palo Verde No.2 (DPV2) Transmission Line Project in 1988, and in 1989, BLM granted the Right of Way (ROW) for the transmission line. The majority of the proposed 500 kV line would be constructed within this ROW. The ROW for the Devers-Harquahala segment is located within a relatively undeveloped portion of the Sonoran Desert that is characterized by a diversity of sensitive and unique types of native vegetation communities, including ephemeral streams, desert washes, and riparian habitat.

We note that the environmentally preferred alternative, the Harquahala Junction Switchyard Alternative, is likely not feasible as the timing for negotiations of lease renewals for the corridor with the Morongo Band of Mission Indians would delay construction and operation of the West of Devers segment. Therefore, the Devers-Valley No. 2 Alternative appears most likely to be the alternative implemented to allow concurrent construction with the Devers-Harquahala segment. This alternative would have additional impacts to biological resources, visual resources, and wilderness and recreation as a result of implementation. Regardless of the alternative selected, we have concerns regarding the clarity of the NEPA document and the project's potential indirect and cumulative impacts to the desert ecosystem as well as cumulative air impacts. These concerns would be greater with the selection of the Devers-Valley No. 2

Alternative. Based on these concerns, we have rated the DEIS as EC-2, Environmental Concerns - Insufficient Information (see enclosed "Summary of Rating Definitions").

We appreciate the opportunity to review this DEIS and your additional answers to our questions during our review. When the FEIS is released for public review, please send (1) copy to the address above (mailcode: CED-2). If you have any questions, please contact me at 415-972-3988 or Summer Allen, the lead reviewer for this project. Summer can be reached at 415-972-3847.

Sincerely,

/S/ Connell Dunning for

Duane James, Manager
Environmental Review Office

Main ID # 4721
Enclosure: Detailed Comments

**National Environmental Policy Act Analysis**

NEPA documents should be "concise and clear" (40 CFR Part 1500.2 (b)). The Alternatives proposed and the interrelationship of concurrent projects in the Draft Environmental Impact Statement (DEIS) are difficult to understand for those not intimately involved with the project. In particular, it is difficult to determine what components and segments actually make up the Proposed Project and how these components relate to other projects in the area such as the Desert Southwest (DSW) Transmission Project. Although the DEIS for the DSW Transmission Project analyzed the potential for combining the DPV2 and the DSW lines, this option is not discussed here.

*Recommendations:*

The Final Environmental Impact Statement (FEIS) should more clearly define the Proposed Project and all associated segments. It should clearly explain the relationship of this project with other transmission lines or facilities in the area such as the DSW Transmission Project, the Devers-Palo Verde No. 1 Transmission Line Project and the Arizona Public Service TS-5 Project. More information should be included in Appendix F regarding the Record of Decision for the DSW project and the potential for a shared Right of Way (ROW).

**Cumulative Impacts**

The document notes that the project will cross approximately 102.2 miles of a relatively undeveloped portion of the Sonoran Desert, permanently converting 13.6 acres of prime farmland (p. G-34). The Cumulative Project List on pages F-3 through F-18 includes 107 projects, which include industrial uses, transportation, commercial and residential uses, and public facilities. In particular, we note that over the past few years, EPA has seen a substantial increase in plans for housing projects in Maricopa County, covering over 100,000 acres. With this growth, there will be a marked increase in houses, supporting businesses, and automobiles. The document's analysis of cumulative impacts to habitat and vegetation does not appear to account for this growth. This is of particular concern in that riparian habitats have higher species richness and densities of wildlife than any other desert habitat, with 75 species of birds likely in the area (p. D.2-16/7) and 14 endangered, threatened, and/or candidate wildlife species (p. D.2-20). In addition, the Kofa National Wildlife Refuge is located in western Maricopa County and southern La Paz County.

Although no formal jurisdictional delineation has been done, ephemeral drainages and desert washes are a large part of the ecosystem (p. D.2-227). The project will cross many small and a few large ephemeral washes as well as the Colorado River (p. D.2-3) and increased sedimentation in Waters of the U.S. may result (p. F-31). In addition, it is unclear if the towers in the floodplain (categorized under Impact H-6) are below the Ordinary High Water Mark or otherwise within Clean Water Act (CWA) jurisdiction.

*Recommendations:*
The FEIS should include more information regarding the potential cumulative impacts to habitat and vegetation from the proposed project in addition to the other planned growth in the area. It should more clearly evaluate the potential need for a CWA Section 404 permit. It should consider that if a CWA Section 404 permit is needed, consistency with the CWA Section 404(b)(1) Guidelines will be required, in that the Least Environmentally Damaging Practicable Alternative (LEDPA) is the permittable alternative. Therefore, adequate mitigation should be included to the greatest extent possible. The FEIS should also determine the CWA jurisdiction, if any, that applies to the towers placed in the floodplain.

**Air Quality**

There are substantial, ongoing air quality issues in the project area. Table D.11-3 notes the following: the Phoenix-Mesa area of Arizona is classified as nonattainment for 8-hour ozone, and serious nonattainment for Particulate Matter less than 10 microns in diameter (PM10) under the Federal standards for air quality; the Mojave Desert Air Basin is classified as serious nonattainment for PM10; the Salton Sea Air Basin is classified as serious nonattainment for 8-hour ozone and PM10; and the South Coast Air Basin is classified as severe nonattainment for 8-hour ozone, serious nonattainment for carbon monoxide (CO), serious nonattainment for PM10 and nonattainment for Particulate Matter Less Than 2.5 Microns in Diameter (PM2.5).

The impacts analysis in the DEIS assumes application of the Applicant Proposed Measures (APM) for air quality, as listed in Table D.11-13. These measures include maintenance of diesel engines, dust suppressants, and emissions credits. We appreciate the efforts to reduce emissions as a result of the project but have additional mitigation measures that we would like to see included in project planning to reduce Diesel Particulate Matter (DPM) and other pollutants.

*Recommendations:*
The FEIS should address the feasibility of implementing additional air quality-related mitigation to reduce emissions of DPM and other pollutants from construction. The Air Pollution Control Districts may be able to recommend specific mitigation measures that could be implemented with this project.

EPA recommends that the following measures for diesel equipment be added to the APMs:

a) not idle for more than ten minutes;
b) not be altered to increase engine horsepower;
c) include particulate traps, oxidation catalysts and other suitable control devices on all construction equipment used at the construction site;
d) use ultra low sulfur diesel fuel with a sulfur content of 15 parts per million (ppm) or less or other suitable alternative diesel fuel.