



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 25, 2010

Mr. Justin Seastrand
USDA Forest Service
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301

Subject: Final Environmental Impact Statement for the Tehachapi Renewable
Transmission Project, Kern, San Bernardino, and Los Angeles Counties, CA
(CEQ # 20100377)

Dear Mr. Seastrand:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Tehachapi Renewable Transmission Project (Project). Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA provided comments on the Draft Environmental Impact Statement (DEIS) on April 6, 2009 and rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see attached “Summary of EPA Rating System”). Given the complex nature of this proposed 173 mile transmission line, and the variety of landscapes, land uses, and habitat areas that would be affected, we identified concerns with the proposed alternative due to aquatic and biological resource impacts from access roads, and recommended the maximum helicopter construction on National Forest Service (NFS) Lands alternative. EPA also recommended project alignment modifications, and raised air quality, environmental justice, and weed management concerns.

We also reviewed the Supplemental DEIS (SDEIS) and submitted comments on June 14, 2010. We rated the SDEIS as EC-2. We expressed concerns about the potential for increased impacts to biological and aquatic resources resulting from increased erosion, sedimentation, habitat fragmentation, and the spread of invasive species.

We appreciate the efforts of the Forest Service and its consultants to discuss and respond to our DEIS and SDEIS comments. EPA continues to support the Project purpose to provide adequate transmission capacity for renewable wind energy sources. We also support the Project objectives of minimizing adverse environmental effects by maximizing the use of existing transmission line right of way, and appropriate siting of infrastructure. We note that the FEIS includes additional discussion of the Project’s consistency with the environmental goals of the Renewable Energy Transmission Initiative (RETI) and an

updated air quality section reflecting the latest air quality standards, thresholds, and State Implementation Plans. Further, we acknowledge changes in the FEIS to address our recommendations regarding environmental justice as well as revegetation plans and mitigation of non-native vegetation communities. We also appreciate the clarifications regarding local noise policies and the technical nuances between lattice and tubular steel towers in response to our comments.

While many of our concerns have been resolved, the FEIS remains insufficient because it does not fully disclose the Project's potential impacts and identify appropriate mitigation measures. The FEIS does not provide sufficient information on the aquatic resources at risk nor project-related impacts to wetlands and other waters of the United States. In our previous comments, we asked for a final determination of the geographic extent of jurisdictional waters in the Project area and demonstration of compliance with Clean Water Act (CWA) Section 404. While requests for these determinations have been made, we understand the final jurisdictional determinations for each segment have yet to be completed. To demonstrate compliance with EPA's 404(b)(1) Guidelines (40 CFR Part 230), the Applicant must comprehensively evaluate a range of alternatives to ensure that the "*preferred*" alternative is the *Least Environmentally Damaging Practicable Alternative* (LEDPA).

We recommend the Record of Decision (ROD) be updated to include results from the approved jurisdictional determinations. The revised ROD should include a robust discussion of all avoidance and mitigation measures proposed for the Project, an outline of the requirements of a compensatory mitigation plan, and a commitment to timely implementation of a wetland/riparian mitigation plan to ensure no temporal loss of the affected habitat. The plan should describe contingency measures that would be implemented should the initial plan fail to meet specified goals, and specify who will be responsible for implementing the contingency measures. If avoidance and mitigation measures cannot be determined because final engineering site design is not yet complete, we recommend delaying construction of the Project until these issues have been fully vetted.

Further, while we recognize the additional information provided in the FEIS on emission reduction programs as well as the detailed responses to comments on our general conformity concerns, we reiterate our recommendation that the Forest Service and Southern California Edison pursue greater source control measures in the event offsets cannot be purchased. We were also pleased to see additional discussion of the health related impacts due to air pollution; however, we reiterate our recommendation that the ROD should include a commitment to advanced notification to sensitive receptors of potential health risks and any exposure avoidance measures they should consider during construction periods.

With respect to the tradeoffs between air quality and biological impacts associated with transmission tower installation, EPA believes the Forest Service has struck an acceptable balance in the preferred alternative (at pg. 4-39 of FEIS), which relies on a combination of 99 towers installed by helicopter and 66 towers installed by land access. EPA remains concerned regarding potential impacts of construction during wet conditions when soils and aquatic systems may be more vulnerable to erosion. We support the

decision to limit construction during wet weather; however, we also encourage further consideration of seasonal closures in locations impacted by the recent Station Fire that are most susceptible to erosion, as a tool to avoid and minimize erosion, sedimentation, and adverse impacts on water quality.

We note that a number of the mitigation measures described in the FEIS were not included in the ROD. We recommend that all mitigation measures, including specific success criteria, be fully adopted in a revised Record of Decision. In addition, these mitigation measures should be included as conditions in construction contracts and any other approvals, as appropriate, to minimize adverse environmental impacts to the extent possible. A revised ROD should also include justification for any mitigation measures not adopted.

We appreciate the opportunity to review this FEIS for the Tehachapi Renewable Transmission Project. If you have any questions, please contact me at (415) 972-3521, or contact Tom Plenys of my staff at 415-972-3238 or plenys.thomas@epa.gov.

Sincerely,

/S/

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosures:
Summary of EPA Rating System

Cc: Mr. John Boccio, California Public Utilities Commission