

KEN CALVERT
42ND DISTRICT, CALIFORNIA

WASHINGTON OFFICE:
2205 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0542
(202) 225-1986
FAX: (202) 225-2004

DISTRICT OFFICE:
400 SOUTH VICENTIA AVENUE
SUITE 125
CORONA, CA 92882
(951) 277-0042
FAX: (951) 277-0420



UNITED STATES
HOUSE OF REPRESENTATIVES

November 30, 2017

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:

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INTERIOR, ENVIRONMENT AND RELATED AGENCIES

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APPROPRIATIONS LIAISON TO HOUSE INTELLIGENCE
COMMITTEE

ENERGY AND WATER DEVELOPMENT

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The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

RE: Lake Elsinore Advanced Pumped Storage Project
Project Number 14227-003
Request for additional studies with regard to the Nevada Hydro Company's October 2, 2017 Final License Application

Dear Secretary Bose,

On October 2, 2017, the Nevada Hydro Company, Inc. filed a Final License Application with the Federal Energy Regulatory Commission (FERC) for the proposed Lake Elsinore Advanced Pumped Storage Project (LEAPS project).

As you know, in 2007, Nevada Hydro submitted an application to FERC for the same project. FERC ultimately denied licensing the project in 2011. To date, opposition to the project has come from a variety of stakeholders, including the City of Lake Elsinore, the County of Riverside, Elsinore Valley Municipal Water District, Lake Elsinore & San Jacinto Watersheds Authority, and the Pechanga Band of Luiseño Indians, among others. Many of these stakeholders were not notified of the revival of the project prior to the Notice of Intent to File License Application submitted by the Nevada Hydro Company, Inc. on June 1, 2017. Without sufficient collaboration or notification, I remain concerned that there has not been due diligence to ensure community support of the LEAPS project. As such, I respectfully request further study on a variety of items as requested by local stakeholders in the enclosed letters dated November 13, 2017, and November 22, 2017.

Encouraging energy stability has been a top priority during my time in Congress. However, I believe in the case of the LEAPS project, further due diligence must be conducted to ensure that local stakeholders are able to completely review the proposed project and assess the impact on their community. I appreciate your consideration of this request.

Sincerely,

A handwritten signature in blue ink, reading "Ken Calvert".

KEN CALVERT
Member of Congress

cc: City of Lake Elsinore
County of Riverside
Elsinore Valley Municipal Water District
Pechanga Band of Luiseño Indians
Lake Elsinore & San Jacinto Watersheds Authority

Lake Elsinore & San Jacinto Watersheds Authority

City of Lake Elsinore • City of Canyon Lake • County of Riverside
 Elsinore Valley Municipal Water District • Santa Ana Watershed Project Authority

FILED
 SECRETARY OF THE
 COMMISSION

November 13, 2017

ORIGINAL

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FEDERAL ENERGY
 REGULATORY COMMISSION

Secretary Kimberly D. Bose
 Federal Energy Regulatory Commission
 888 First Street, NE
 Washington, D.C. 20426

Dear Secretary Bose:

This letter is in response to a solicitation of comments to request additional studies for the Lake Elsinore Advanced Pumped Storage (LEAPS) Project No. P-14227-003. The Lake Elsinore and San Jacinto Watersheds Authority (LESJWA) has a significant interest in the project and its potential impacts to Lake Elsinore. LESJWA is a joint powers authority formed in 2000 as an umbrella agency consisting of five member agencies. Our mission is to implement projects and programs to rehabilitate and improve the San Jacinto and Lake Elsinore Watersheds and the water quality of Lake Elsinore and Canyon Lake, in order to preserve agricultural land, protect wildlife habitat, protect and enhance recreational resources, and improve surface and subsurface water quality, all for the benefit of the general public.

As the lead agency in the construction of many Lake Elsinore improvements such as the aeration/mixing system, island well improvements, recycled water nutrient removal, and the recycled water pipeline benefiting the lake, the proposed LEAPS project may result in significant benefit or major detrimental impacts to the long term sustainability of the lake and the surrounding communities. Under previous FERC license submittals, some studies have been conducted under the EIR work completed for the project prior to 2004. However, much of the analysis and mitigation is incomplete or very conceptual in nature. We would suggest the following additional analysis and updated scientific studies be conducted by the project proponent before approval of LEAPS hydroelectric application by FERC.

- 1) What are the environmental impacts of the lake water level fluctuations to the 14 mile lake shoreline as a result of the pumping out and releasing of water into the lake from the project?
- 2) What are the water quality impacts to the Lake of the project? Particular concern exists with the resuspension of nutrients from the lake sediments back into the lake water column which could further exacerbate nutrient releases resulting in increased algal blooms and subsequent fish kills. Early designs had indicated minimal impact but no detailed flow modeling of the LEAPS intake or discharge points have been conducted. Additionally possible oxygenation injection from the LEAPS project had also been discussed in earlier LEAPS documents but no formal analysis had been conducted on the resulting oxygen levels on the lake quality from the pump out and discharge of flows to the lake.
- 3) What are the impacts of the project to the lake fishery? The health of the lake ecosystem thrives on a good balance of different types of fish. Some type of fish such as shad feed on zooplankton in the lake which in turn helps control green algae growth. Other fish are sport game fish that are added to the lake to promote recreation and help control the shad populations. Previous LEAPS documents indicated a likely \$20,000 game fish stocking program; however, details are lacking on the type of fish, the number of fish, the frequency of the stocking or adequacy of this budget to accomplish this.

Concerns remain with the impacts on fish populations particularly during the transferring of lake water to the upper reservoir of LEAPS.

- 4) How does the project plan on complying with the Riverside County Multi-Species Habitat Conservation Plan that was officially approved by local, State, and Federal agencies? Since the project would overlie public properties of the lake body and the forest, one-to-one mitigation vs. take must be planned for.
- 5) How does the project meet the Army Corps of Engineers 404 permitting compliance? As part of the Lake Elsinore levee project, construction of the levee included ACOE permits and mitigation that included 300+ acres of wetlands in the back basin of Lake Elsinore that uses lake water to remain viable.
- 6) How and where will water be purchased and delivered to the lake to ensure its operation? The lake currently is largely dependent on the inflow of natural storm runoff to make up for any loss in lake elevation resulting from evaporation. Although recycled water is being added, the volume added each year is inadequate to make up for the loss due to evaporation. Even with projected increases of recycled water flow due to surrounding development and resulting increased wastewater flows from the EVMWD wastewater treatment plant, there is no obligation that EVMWD must deliver all recycled flows to the lake. With climate change impacts and anticipated increasing drought cycles, advanced wastewater treatment options are being explored by EVWMD to meet its long term water supply needs within their service area. Consequently, additional water supplies would need to be purchased and delivered in order to operate the LEAPS project.

If potable water, treated or untreated, is provided by a local water agency, EVMWD, WMWD, or EMWD, the purchases could have a major cost impact on the water agencies based on the MWDSC imported water allocations and increased penalty rates when these allocations are exceeded. Although the purchase and addition of more water to stabilize the lake levels for LEAPS operation could have a profoundly positive impact, there is little guarantee that the additional water is available for purchase by the LEAPS operators. Further, with increasing demands on available water for potable needs in Southern California, the availability of such water for the operation of the LEAPS project or for the project impact mitigation is questionable.

- 7) What are the firefighting implications of proposed new above-ground power lines traversing forest land from the LEAPS pumping facility to power substations? If lake or storage lake water is used, how is the loss of such water accounted for and how is it paid for?
- 8) On Sept. 6th, a comment letter from Congressman Ken Calvert to FERC was transmitted expressing concern that if the 2007 EIS for LEAPS was denied by FERC in 2011, why would a 2017 EIS be considered for approval for FERC license filing? Please explain how this concern is addressed.

If you have any questions regarding these requests for additional study or responses, please contact Mark Norton at (951) 354-4221 or via email at mnorton@sawpa.org.

Sincerely,



Mark Norton PE, LEED AP
LESJWA Authority Administrator

Document Content(s)

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COUNTY OF RIVERSIDE

Juan C. Perez

Assistant CEO – TLMA Director
Transportation and Land Management Agency



Patricia Romo
Director of Transportation
Transportation Department

Charissa Leach
Assistant Director of TLMA
Community Development

Mike Lara
Building Official
Building and Safety Department

Hector Viray
Deputy Director of TLMA
Code Enforcement Department

November 22, 2017

**The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426**

RE: Project No. 14227 Nevada Hydro Company Inc., Lake Elsinore Advanced Pump Storage (LEAPS)

Dear Ms. Bose:

The County of Riverside Transportation Land Management Agency (TLMA) is in receipt of the aforementioned proposal and would like to take this opportunity to provide our comments to the proposed project. The Nevada Hydro Company Inc. (hereafter cited as the "Applicant") proposes to construct, operate, and maintain a 500 megawatt Lake Elsinore Advanced Pump Storage (LEAPS) project with 32 miles of 500 kV transmission lines and 170 high voltage steel towers located in Orange, Riverside, and San Diego Counties, California.

On August 29, 2017, the Riverside County Board of Supervisors approved Policy Item 3.4 in opposition to the proposed LEAPS project. The Board action cites significant concerns related to the inadequacy of the environmental studies; lack of community outreach; major public impacts associated with water quality; dam safety issues; wild fire dangers; visual and public safety impacts from transmission lines; and disturbance of sensitive habitat areas. In addition to opposition letters sent by concerned citizens, protests were registered from city, state, and county agencies which include, but not limited to: California Department of Fish and Wildlife, California Water Resources Control Board, Pechanga Band of Luiseño Indians, Southern California Edison, U.S. Representative Ken Calvert-42nd Congressional District, City of Lake Elsinore, Elsinore Valley Municipal Water District, Center for Biological Diversity, Sierra Club, San Bernardino Valley Audubon Society, Glen Eden Corporation, Sycamore Creek Community Association, Horsethief Canyon Ranch Community Association, The Retreat Community Association, and Terramor at Temescal Valley.

On September 29, 2017, the Federal Energy Regulatory Commission (FERC) issued approval to accept a draft license application for the LEAPS project without further review or public scoping. In granting the approval, FERC noted that in processing the final license application, if necessary, additional review and public scoping would occur.

On October 11, 2017, Nevada Hydro representative Rex Wait spoke to the Temescal Valley Municipal Advisory Council (MAC) community about the project and announced a 60-day public comment period to request additional studies for the LEAPS project. The deadline for the request of additional studies is **December 1, 2017**.

In reviewing the prepared Environmental Impact Study (EIS) referred to as the Environmental Impact Report (EIR) - Chapter 5 – “Environmental Impact Assessment Summary”, TLMA has significant concerns with the format and analysis of the proposed EIR as crafted by the Applicant. While it is accurate that CEQA allows the use of an EIS to take the place of a separate EIR pursuant to CEQA, this is only appropriate when the EIS satisfies the stricter CEQA requirements in addition to the applicable NEPA requirements. Here, the Applicant appears to utilize a 2007 EIS (Final Environmental Impact Statement for Hydropower License – Lake Elsinore Advanced Pumped Storage Project, FERC Project No. 11858) as well as the Draft, Recirculated, and Final Sunrise EIR/EIS (San Diego Gas & Electric Company Application for the Sunrise Powerlink Project) from 2008. First and foremost, the 2007 EIS was crafted as part of the original LEAPS project, which was ultimately dismissed from FERC in 2011. Questions therefore remain as to whether or not the Final 2007 EIS was ever certified by FERC at all. Further, it was clearly not allowed to effectively “stand in” for the EIR from the State Water Board, given the Board denied the Applicant’s submittals multiple times, finding that the provided documentation did not adequately analyze the LEAPS project’s environmental impacts pursuant to CEQA. Given the majority of the environmental setting and analysis in this EIR appears to simply be a summary of those prior documents, with no new substantive analysis or mitigation measures to offset the multitude of significant environmental impacts, as required under CEQA, it is unclear as to how this collective document meets the spirit or the letter of the law for such a massive project. **TLMA therefore believes and requests that a new updated EIR must be completed for the proposed project and that the documents be revised to adequately analyze the LEAPS project’s environmental impacts under the California Environmental Quality Act (CEQA), in addition to any Federal EIS requirements.**

The use of the prior 2007 EIS, coupled with tiering from an entirely separate project from 2008, with no updated studies or analysis for what amounts to be a brand new application is entirely inappropriate under CEQA. For one, all of the provided baselines appear to be from these significantly older documents. For example, the environmental setting section provides a number of documents referenced in the creation of the setting; however, the vast majority of those citations are to reports that are all greater than ten years old. The same argument holds true for the various technical reports. One only has to look at the table of contents for the biological resources reports to see all of the provided reports are from 1992 to 2007. Upon review of the EIR’s analysis, it is clear that the outdated analysis and studies from these prior documents appears to be the core support of what is now being proffered as a suitable EIR for this new project. TLMA believes this inadequate and outdated analysis culled from different impact reports that are greater than 10 years old, does not provide sufficient detail and reasoned analysis under CEQA to illustrate the depth of the potential physical environmental impacts that will be caused by the proposed LEAPS project, and thus calling into serious question the sufficiency of the *required* mitigation measures to help offset those significant impacts. As such, the analysis and baseline studies all need to be updated and the EIR recirculated for public review.

Leaving aside the entire inadequacy of the proposed EIR as discussed prior, several additional areas of specific concern which have been raised within the incomplete EIR document but may also fall within the privy of other jurisdictional agencies and/or departments within the County of Riverside have not been fully addressed or analyzed. These sections of concern are as follows:

- A. Section 5.1 – LEAPS – Aesthetics (Visual Resources)
- B. Section 5.3 – LEAPS – Air Quality
- C. Section 5.4 – LEAPS – Biological Resources
- D. Section 5.5 – LEAPS – Cultural Resources
- E. Section 5.8 – LEAPS – Water Resources
- F. Section 5.9 – LEAPS – Land-Use Planning
- G. Section 5.11 – LEAPS – Noise
- H. Section 5.15 – LEAPS – Transportation and Traffic
- I. Assembly Bill 52 – Tribal Consultation Process

Section 5.1 – LEAPS – Aesthetics (Visual Resources)

The LEAPS project proposal to construct, operate, and maintain a 500 megawatt Lake Elsinore Advanced Pump Station, 32 miles of 500 kV transmission lines and 170 high voltage steel towers will create permanent visual impacts within Riverside County. The highest visual impact would be located along DePalma Frontage Road and Interstate-15 Freeway (Figure 5.1.1-10). The impacts of these large transmission towers in very close proximity to a major interstate highway route, and on existing established communities, needs to be thoroughly addressed.

Section 5.3 – LEAPS – Air Quality

The LEAPS project's Air Quality analysis, even if based on old analysis from the prior EIS, is woefully inadequate to illustrate the level of regional and localized air quality impacts that may occur. It is unclear how the values in the analysis were derived and the lack of any illustration as to how the mitigation measures will reduce the impacts is insufficient given the size of the project. Furthermore, the greenhouse gas (GHG) and climate change discussion under Impact AQ-4 is entirely insufficient in order to allow meaningful public review of this potential impact. As it stands, the analysis merely states that if the "LEAPS were to obtain its pumping load from natural gas and/or coal-fired power plants, the power produced for the pumped storage facility would cause a significant GHG impact" yet if its obtained from renewable energy, allegedly it would be fine. Given the significant changes in the case law as to the level of discussion and analysis required as part of the GHG analysis under CEQA, this analysis needs to be redone prior to the Final EIR.

Section 5.4 – LEAPS – Biological Resources

The Biological Resources section within the EIR indicates construction activities which would result in temporary or permanent losses of native vegetation. It is our understanding that this project is not a covered facility under Riverside County's Multiple Species Habitat Conservation Plan (MSHCP). A separate Section 7 Consultation and biological assessment by the US Fish and Wildlife Service will therefore likely be required. Exhibit "E" of the Environmental Impact Report, (Fish, Wildlife, and Botanical Resources), states that "the most recent field surveys for the LEAPS project area were conducted over a decade ago in 2006..." (Page 75) and that "In 2017, Nevada Hydro conducted a desk review to update the potential occurrence of listed plants and wildlife and designated critical habitat..." (Page 74). This lack of current surveys and updated environmental assessments points to the need to prepare a new updated EIR that fully analyzes impacts to biological resources.

Section 5.5 – LEAPS – Cultural Resources

It is unclear, given the number of direct impacts that may occur to identified cultural sites, as to why meaningful consultation with the impacted Native American Tribes has not occurred. In fact, the analysis under Impact CR-3 specifically acknowledges that "following Tribal consultation" a significant impact may remain or it may be mitigated to less than significant. California Assembly Bill 52 (AB52) requires tribal consultation early in the CEQA process to ensure that local and Tribal governments, public agencies, and project proponents are provided with project information early on in the process. The intent of tribal consultation under AB52 is to establish a meaningful consultation process between California Native American Tribal governments and lead agencies, so Tribal resources can be identified, and culturally appropriate mitigation monitoring program can be considered by the decision-making body of the lead agency. This impact should be addressed now, with appropriate mitigation incorporated into the project, instead of effectively deferring this analysis to a later date.

Section 5.8 – LEAPS – Water Resources

The Water Resources section, particularly as it relates to the lake fluctuations and the amount of water needed for initial filling of the upper reservoir, lacks sufficient detail to illustrate the level of impact that may occur. Nor does it illustrate how and why the proposed various mitigation measures would actually reduce the impacts to less than significant. Further, the EIR states that while 5,500 acre-feet of water would be required for the start of the project, that water would be obtained from "recycled water sources available to the EVMWD and/or EMWD" and therefore "effects on local potable

water supplies would be negligible.” It is our understanding that the Applicant is currently in a lawsuit with the Elsinore Valley Municipal Water District (EVMWD). Further, the analysis does not appear to provide any support that this level of recycled water – particularly today – would be available to the Applicant. Additionally, the size of this project triggers the need for a Water Supply Assessment, in accordance with California Law, based on the amount needed just to fill the upper reservoir alone. Yet the analysis does not include any analysis to show that this volume of water is available for the LEAPS project, nor does it calculate the proposed volume of water needed for construction or other operational losses.

Section 5.9 – LEAPS – Land-Use and Planning

The Land-Use and Planning section of the EIR addresses several aspects related to public notification mailers, advertisements, venue notices, etc. to address any and all notifications to affected property owners. Upon further review, the documents provided do not have any property information or Assessor Parcel Number (APN) of the exact locations associated with the project. In order to fully address and assess land-use planning impacts, this information would need to be provided. TLMA requests a copy of all parcels or APN’s involved to fully assess the project.

Section 5.11 – LEAPS – Noise

The area surrounding the proposed LEAPS project includes single-family residential receptors to the north and east, and single family and multi-family residential receptors to the west. Butterfly Elementary Visual and Performing Arts Magnet School is also to the west of the project site. In reviewing the proposed mitigation for noise, TLMA requests a noise study be prepared to address the permanent and temporary noise disturbances related to the project. The noise study should address the following concerns and provide mitigation for the following:

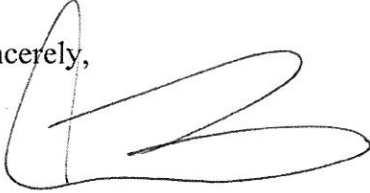
1. A detailed Operations Plan to address mitigation for all permanent and temporary noise(s) related to the project;
2. The location of all blasting operations associated with the project and mitigation measures therein;
3. The location of all construction noise, traffic and proposed mitigation measures, including but not limited to: temporary sound walls and/or acoustic blankets, construction operations/traffic, and any other noise-suppression techniques associated with the project.

Section 5.15 – LEAPS – Transportation and Traffic

The Transportation and Traffic section of the EIR indicates that the construction of the project would impact traffic and cause road and lane closures that would temporarily disrupt traffic flow. The proposed measure also indicate a Traffic Impact Study (TIS) would be prepared to address trip reduction, alternative routing and alternative transportation modes available for workers. The TIS would also address timing of heavy equipment and building material deliveries, debris removal, potential street and/or land closures, signing, lighting, and traffic control device placement in order to reduce impacts on roadways during peak hours. Given the potential significant impacts to County maintained roads and communities within unincorporated Riverside County, TLMA requests that the TIS report be prepared and circulated for review prior to completion of the Final EIR to allow an opportunity for public and agency comment.

The comments provided in this letter further illustrate the concerns that the Board of Supervisors and County staff have with the inadequacy of the environmental studies prepared for this project. We will be available to discuss our concerns further with Commission staff, please do not hesitate to contact me at 951-955-6742 should the Commission desire to discuss these comments in more detail.

Sincerely,



Juan C. Perez, P.E., T.E.
Assistant CEO – TLMA Director
Transportation and Land Management Agency

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



ITEM
3.4
(ID # 5135)

MEETING DATE:

Tuesday, August 29, 2017

FROM : SUPERVISOR KEVIN JEFFRIES:

SUBJECT: SUPERVISOR KEVIN JEFFRIES: Riverside County Opposition to Renewal of
LEAPS Application before FERC [1st District]

RECOMMENDED MOTION: That the Board of Supervisors direct the Executive Office and our federal lobbyists to draft a letter of opposition to the renewal of the LEAPS application currently being considered by FERC.

ACTION: Policy


Supervisor Kevin Jeffries 8/15/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 17/18	

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

The Lake Elsinore Advanced Pumping System (LEAPS) was originally proposed as far back as 1988 by the Elsinore Valley Municipal Water District (EVMWD), who later joined with Nevada Hydro Company, Inc. as the financial and development partner. This partnership has since been dissolved, and EVMWD recently brought to the 1st District's attention that Nevada Hydro Company has now unilaterally re-filed an application for the two-pronged LEAPS project without their support:

1) The advanced pumping station, for which a dam would be built in the mountains above Lake Elsinore. At night, when energy costs are low, up to 10% of the volume of the lake would be pumped up the hill and into the reservoir, and during the day, when energy prices are high, the water would be released through a hydro-electric facility, generating power on its way back into the lake. That power would then be sold on the open market.

2) 32 miles of 500 kV transmission lines and 170 high-voltage steel towers, running from San Diego County across the Cleveland National Forest, into Temescal Valley, and through the RCA's Multi-Species Habitat Conservation Areas.

After significant local opposition to the project and concerns about the inadequacy of the environmental studies produced by Nevada Hydro Company, the Federal Energy Regulatory Commission (FERC) dismissed their application in 2011.

On May 31, 2017, the Nevada Hydro Company ("Nevada Hydro") filed a Notification of Intent to File License Application ("NOI") with the Federal Energy Regulatory Commission ("FERC") for its proposed Lake Elsinore Advanced Pumped Storage ("LEAPS") Project, FERC Project No. 14227.

In resubmitting their application, Nevada Hydro Company is no longer associated in any way with EVMWD, and has no other local partners. They have not reached out to any planning staff in Riverside County or the 1st District Supervisorial Office, and have thus far refused to respond to multiple inquiries from our office and a request to attend MAC meetings in the areas impacted by this project.

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

They have specifically asked FERC not to require them to do new scoping meetings and to allow their never-approved EIR from 2009 to stand as is, despite the many changes in development through the 15 corridor, the increased fire dangers in the Cleveland National Forest, and the application now before the California Public Utilities Commission by Southern California Edison for transmission lines that would overlap with the LEAPS lines through portions of the Temescal Valley.

For these reasons, it is requested that the Executive Office work with our federal lobbyists and express to FERC and our Congressional and US Senate delegation the opposition of Riverside County to the renewal of the LEAPS application, and should FERC choose to allow the application to move forward, that they require a full new environmental study, scoping meetings, and cooperation with Riverside County throughout the application process.

Impact on Residents and Businesses

Approval of the LEAPS project could lead to major public impacts, including lake water quality, dam safety issues, wildfire dangers, visual and public safety impacts from transmission lines, and disturbance of sensitive habitat areas.