



COUNTY OF RIVERSIDE

Juan C. Perez

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Deputy Director of TLMA
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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,

A handwritten signature in black ink, appearing to read 'Juan C. Perez', with a large, stylized flourish extending to the right.

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:

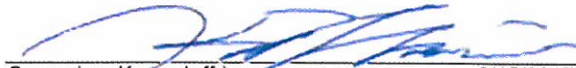
Tuesday, August 29, 2017

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

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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.