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

SEP 13 2010

Mr. Greg Thomsen
Bureau of Land Management
California Desert District Office
22835 Calle San Juan de los Largos
Moreno Valley, CA 92553

Subject: Final Environmental Impact Statement and California Desert Conservation Area Plan Amendment for the Proposed Chevron Energy Solutions Lucerne Valley Solar Project, San Bernardino County, California [CEQ# 20100033]

Dear Mr. Thomsen,

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) and California Desert Conservation Area Plan Amendment (CDCAPA) for the Proposed Chevron Energy Solutions Lucerne Valley Solar Project (Project). Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act (CAA).

EPA reviewed the Draft Environmental Impact Statement (DEIS) and CDCAPA on May 20th, 2010. We rated the DEIS as *Environmental Concerns – Insufficient Information* (EC-2), primarily due to a lack of information regarding site hydrology, concerns regarding possible impacts to water resources, impacts to biological resources and special status species, and the scope of the EIS's cumulative impacts analysis. In addition, noting that the DEIS indicated that transmission line reconductoring might be necessary in order for the project to reach maximum output, EPA advised that any transmission line upgrades required for the project would be considered similar and connected actions and should be analyzed in the EIS as project components.

We appreciate the efforts of BLM, the applicant, and its consultants to discuss and respond to our DEIS comments, and we commend the applicant, State, and federal agencies for working together to develop alternatives and mitigations that support environmentally preferable outcomes. In particular, we are pleased to see that the FEIS indicates that compensatory mitigation for desert tortoises will be made at a 2:1 ratio per Department of Fish and Game regulation. EPA is also pleased to see that the BLM Preferred Alternative identified in the FEIS does not require the modification of the site's natural drainage in order to provide water to the

vegetated screen area as is proposed in Alternative 4. EPA supports the maintenance of natural site drainage where ever feasible.

We note that BLM has completed and incorporated a hydrology study for the project as an appendix to the FEIS. This analysis provides answers to many of EPA's questions and concerns regarding site hydrology and possible hydrologic impacts of the proposed action. We commend BLM for its efforts to reduce the impacts that the proposed project may have on site hydrology and hydrologic function; however, we request additional information regarding one related measure. The FEIS states that the fencing to be installed around the perimeter of the proposed project site would be designed such that it would wash away in severe storm events and require replacement. The ROD and response to comments on the FEIS should provide additional details regarding the design of perimeter fence; in particular, a discussion of the magnitude of storm event that would be expected to cause the fence, or segments of it, to wash away, and the potential for adverse impacts resulting from damaged or dislodged fence segments.

In response to EPA's comments, the FEIS states that no upgrades to transmission or distribution lines would be required and that the proposed project, "if approved, would be limited to the capacity available on the local distribution line" (p. N-60). Despite this assertion, the FEIS also states that, although it is assumed that "reconductoring" of the existing transmission lines would require no disturbance, "if additional transmission facilities are required, separate environmental review for those facilities would be conducted." (p. 2-13) As stated in our comments on the DEIS, should additional transmission upgrades be required in order to support the full generative capacity of the proposed project, those upgrades would, under the National Environmental Policy Act, be considered similar and connected actions to the proposed project and should be analyzed in conjunction with the proposed project in an EIS. Unless BLM intends to revise or supplement the EIS to disclose and evaluate the environmental impacts of upgrading or constructing additional transmission facilities, we recommend that the Record of Decision (ROD) specifically limit the proposed project to the capacity available on the existing 33-kV transmission line.

In addition, EPA remains concerned with the permanent loss of 18 acres of desert wash communities and the long term impacts this loss may have on habitat productivity and function on the site and surrounding areas. We recommend that further consideration be given to options for avoiding or reducing impacts to these sensitive communities. Furthermore, the potential danger posed by flash flooding at the site is not covered in much detail in the FEIS. We understand that study is ongoing regarding this subject and we recommend that the results of that study be included in the response to comments on the FEIS and in the ROD. Lastly, we understand that consultation with the US Army Corps of Engineers regarding the identification and delineation of any Waters of the U.S. on the project site is ongoing. EPA recommends that the results of that consultation also be included in the response to comments and the ROD.

We are available to discuss all recommendations provided. Please send two hard copies and one CD ROM copy of the ROD to us when it is filed with our Washington D.C. office. If you have any questions, please contact me at 415-972-3521, or contact Carter Jessop, the lead reviewer for this Project. Carter can be reached at 415-972-3815 or jessop.carter@epa.gov.

Sincerely,

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

Enclosures: EPA Detailed Comments

Cc: Jim Abbott, Bureau of Land Management, California State Office
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