UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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SEP 10 2012

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USDA Forest Service
c/o POWER Engineers, Inc.
731 Ball Road, Suite 100
Anaheim, CA 92805

Lynnette Elser
BLM California Desert District
c/o POWER Engineers, Inc.
731 Ball Road, Suite 100
Anaheim, CA 92805

Subject: Final Environmental Impact Statement for the Barren Ridge Renewable Transmission Project, Kern and Los Angeles Counties, CA (CEQ # 20120263)

Dear Mr. Seastrand and Ms. Elser:

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

The EPA reviewed the Draft Environmental Impact Statement and provided comments to the United States Forest Service on October 25, 2011. We rated the DEIS as *Environmental Concerns– Insufficient Information* (EC-2), primarily due to potential direct and indirect impacts to water resources, and air quality cumulative impacts associated with the multitude of large-scale renewable energy projects proposed in the Tehachapi and Mojave desert areas. We also asked for a final determination of the geographic extent of jurisdictional waters in the project area and consideration of quad or three circuit tower alternatives that would minimize the need for additional right-of-way impacts.

We appreciate the efforts of the U.S. Forest Service, Bureau of Land Management, Los Angeles Department of Water and Power, and its consultants to respond to our DEIS comments, and we commend the applicant, State, and federal agencies for developing alternatives and additional substantial mitigations that support an environmentally preferable outcome. The EPA continues to support the Project purpose to provide adequate transmission capacity for renewable energy facilities. We also support the Project objectives of minimizing adverse environmental impacts by maximizing the use of an existing utility corridor and appropriate siting of infrastructure. We note that the FEIS includes additional mitigation measures or General Practices to address our concerns with impacts from noise and air quality. Further, we acknowledge changes in the FEIS to address our recommendations regarding environmental justice, updates on the ongoing Endangered Species Act consultation, as well as updates to mitigation measures for biological resources. We also appreciate the expanded discussion regarding the potential use and visual impacts of lattice and tubular steel towers, in response to our comments.

The response to our request that the findings of the Army Corps of Engineers' Jurisdictional Delineation be included and discussed in the FEIS was that this process is independent and separate from NEPA; that a Jurisdictional Determination requires an approved route, as well as completion of the final design;

and that it will be completed in accordance with relevant statutory and regulatory requirements (p. R-198). The EPA strongly encourages the integration of NEPA with the Clean Water Act Section 404 process, to streamline permitting and to align the alternatives analyses of these processes. In the interest of avoiding unnecessary delays and facilitating the development of the most environmentally sound transmission line projects, we encourage the USFS and the BLM to view these other regulatory requirements as an integral part of the NEPA process.

Lacking an approved Jurisdictional Determination regarding U. S. water, the EPA disagrees with the response to comments that the current Water Resources analysis is sufficient to make a decision of an environmentally preferred and lowest impact alternative (and *Least Environmentally Damaging Practicable Alternative* under the Clean Water Acts section 404(b)(1) Guidelines (40 CFR Part 230)). The EPA recommends that the Record of Decision include the results of an approved jurisdictional determination. The 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.

We appreciated the inclusion of a three circuit alternative that would utilize the existing right-of-way without the need for an additional 200 foot wide ROW. As acknowledged in the response to comments, this would align with the BLM's and the USFS's objectives to minimize utility corridor footprints. This is especially important in the Angeles National Forest, due to the extent of existing utility ROWs and the requests for new utility ROWs.

We appreciate the opportunity to review the FEIS for the Barren Ridge Renewable Transmission Project. When the Record of Decision is signed, please send one copy to the address above (mail code: CED-2).

Please note that starting October 1, 2012, EPA Headquarters will not accept paper copies or CDs of EISs for official filing purposes. Submissions on or after October 1, 2012, must be made through the EPA's new electronic EIS submittal tool: *e-NEPA.* To begin using *e-NEPA*, you must first register with the EPA's electronic reporting site - https://cdx.epa.gov/epa_home.asp. Electronic submission does not change requirements for distribution of EISs for public review and comment, and lead agencies should still provide one hard copy of each Draft and Final EIS released for public circulation to the EPA Region 9 office in San Francisco (Mail Code: CED-2). If you have any questions, please contact me at (415) 972-3521, or have your staff contact Scott Sysum at (415) 972-3742 or sysum.scott@epa.gov.

Sincerely,

Cornell Dinney

For Kathleen Martyn Goforth
Manager
Environmental Review Office (CED-2)
Communities and Ecosystems Division