



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011



In Reply Refer To:
FWS-ERIV-08B0101-11TA0011

OCT 27 2010

Mr. Paul Murphey
Division of Water Rights
California State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812

Subject: Comments on the Draft Environmental Impact Report for the Eagle Crest Energy Pumped Storage Project (State Clearinghouse No. 2009011010)

Dear Mr. Murphey:

This correspondence responds to the California State Water Resources Control Board's Notice of Completion and Availability of the Eagle Crest Energy Company's Eagle Mountain Pumped Storage Project (SCH No. 2009011010) Draft Environmental Impact Report (DEIR). The Carlsbad Fish and Wildlife Office of the U.S. Fish and Wildlife Service (Service) initially responded to this notice via electronic mail on October 7, 2010; minor revisions to the content are contained herein.

We have been informally consulting with the Eagle Crest Company on development of the subject project since the fall of 2007 and recognize their efforts to avoid and minimize impacts to Federal trust resources; however, we remain concerned the project may have adverse impacts on the desert tortoise (*Gopherus agassizii*), listed as a threatened species by the State and Federal governments, and other sensitive species. We submit the following comments and recommendations for consideration as the project description is refined.

We are concerned that the proposed action identifies the 500-kV transmission alignment along Eagle Mountain Road (13.5 miles; 200-foot ROW width; 327 acres). We have previously documented our concerns with GEI Consultants, Inc. and the Federal Energy Regulatory Commission (FERC) regarding the direct, indirect, and cumulative effects this proposed alignment may have on the desert tortoise, its designated critical habitat, and recovery efforts within the Chuckwalla Desert Wildlife Management Area and adjoining areas. We recommend that the proposed transmission alignment and the proposed location of the 25-acre interconnection collector substation [operated by Southern California Edison (SCE)] be reconsidered and coordinated with adjacent solar energy projects. In the DEIR, the location of the substation under the proposed action conflicts with the location proposed for the Desert Sunlight photovoltaic project draft environmental impact statement that was released on August 27, 2010, by the Bureau of Land Management (BLM). Because these two projects will

be tying into the same substation, we recommend that its location be reconciled among the proponents, SCE, and the BLM prior to any decisions. In addition, new transmission lines introduce novel perching and nesting structures for a variety of desert tortoise avian predators, degrades habitat from construction, operation, and maintenance activities, and results in the proliferation of new routes of travel open to the public. Such adverse effects should be avoided to prevent increased predation rates and habitat degradation for desert tortoises. To the maximum extent possible, energy project facilities and associated infrastructure, including but not limited to transmission, substations, and access roads, should be collocated to avoid unnecessary loss, fragmentation, and degradation of desert tortoise and other wildlife habitat. We, therefore, recommend that all access and infrastructure to the project site be via Kaiser Road to minimize potential impacts.

To avoid and minimize impacts to migratory birds and resident, migratory, and wintering golden eagles, we recommend the proposed transmission line be built according to the Avian Power Line Interaction Committee recommendations (available at [http://www.aplic.org/SuggestedPractices2006\(LR-2watermark\).pdf](http://www.aplic.org/SuggestedPractices2006(LR-2watermark).pdf)) and the Service-approved *Avian and Bat Protection Plan Guidelines* (available at <http://www.fws.gov/migratorybirds>). A project-specific plan should be developed that is consistent with these guidelines. We recommend the applicant and FERC coordinate with the Service to determine whether surveys for golden eagles would be appropriate.


Also, project-related and cumulative effects from other projects on wildlife movement and habitat connectivity should be addressed in the appropriate section(s) of the DEIR, as the effects of this and adjacent solar energy projects may significantly impact movement of desert tortoises and other species in the project and surrounding areas.

Because of access restrictions to the central project area, the majority of investigations required to characterize the site and evaluate feasibility of project engineering have not been conducted and details specific to project impacts within the central project area have not been articulated in the DEIR, we recommend that any decision approving or disapproving this project be deferred until those data are obtained and reviewed by appropriate permitting agencies.

If you have questions regarding our comments, please contact Jody Fraser of my staff at 760-431-9440 ext. 354 or jody_fraser@fws.gov.

Sincerely,



 Kennon A. Corey
Assistant Field Supervisor

Mr. Paul Murphey (FWS-ERIV-08B0101-11TA0011)

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