

## 3.9 Land Use / Public Services

This section of the Final Environmental Impact Report (EIR) evaluates the consistency of the proposed Eagle Mountain Pumped Storage Project (Project) with applicable plans and policies that govern land use in and around the Project area. The discussion focuses on the proposed Project's compatibility with existing and planned land uses, both on-site and off-site, as well as public services. Project compatibility with the proposed Eagle Mountain Landfill is examined in depth as an issue that was raised in scoping. In consultation with the Bureau of Land Management (BLM), the potential need for a plan amendment to the California Desert Conservation Area Plan (CDCA) is emphasized and analyzed, as well.

### 3.9.1 Regulatory Setting

The following federal, state, and local laws and policies apply to land uses and public services. The proposed Project will be constructed and operated in conformance with all applicable federal, state, and local laws, ordinances, regulations, and standards (LORS).

Portions of the Project site are located on private lands which are not subject to federal or state land management requirements. Other portions of the Project site are located on federal land which is managed by the BLM and therefore subject to the LORS of the agency. Land jurisdiction refers to federal, state, and local government administrative authority as well as land ownership. Landownership for the Project boundary and surrounding area is shown on Figure 3.9-1.

In addition, the following is a summary of relevant land use plans, policies, and projects identified that may influence the final design, construction, operation, and management of the Project.

#### 3.9.1.1 Federal

**Bureau of Land Management, Federal Land Policy and Management Act (FLPMA) 1976 The California Desert Conservation Area (CDCA) Plan 1980 as amended** directs the management of the public lands of the United States. In Section 601, Congress required the preparation of a comprehensive long-range plan for the CDCA. The purpose of this plan was to establish guidance for the management of the public lands by the California Desert administered by the BLM.

The proposed Project is located within the CDCA, a planning area under the management jurisdiction of the BLM; whereas, the public lands surrounding the Project site and crossed by the transmission line and water pipeline are managed by the BLM. The Project site and surrounding area is located within the 25-million-acre CDCA, of which approximately 12 million acres are public lands. Pursuant to the FLPMA, the BLM is directed to prepare Land Use Plans to provide guidance, with public input, on how the public lands are to be managed. The CDCA Plan (CDCAP, 1980) provides Land Use Plan guidance for the CDCA.

The Central Project Area, where the reservoirs and powerhouse are located, is included within one of six concurrent CDCA plan amendments – the NECO Public lands west of the Kaiser lands are managed as MUC-Limited public lands east of the Kaiser Specific Plan boundary are managed according to MUC-Moderate guidelines (Figure 3.9-2).

The CDCA Plan identifies designated utility corridors targeted for transmission lines, pipelines, and related structures such as substations and compression stations. If segments of the final alignment of the transmission line fall outside this corridor, an amendment to the CDCA Plan may be necessary. Routes within the defined corridor and on BLM-managed lands require authorization of a right-of-way (ROW) grant from the BLM. Figure 3.9-2 identifies the current BLM MUCs relative to the Project and the BLM utility corridor. Figure 3.9-2 maps the BLM utility corridor at a width of 2 miles, however, the actual width may be as wide as 5 miles.

**Joshua Tree National Park (JTNP) and Wilderness Area** was established first as a national monument in 1936 and later changed to a national park in 1994. Also at this time, an additional 234,000 acres of land were added as the Eagle Mountain Wilderness Area. The Wilderness Area designation allows only non-motorized, non-mechanized activities to occur within its boundaries, with minimal trail creation and maintenance. The JTNP and Wilderness Area encompasses nearly 792,000 acres of land of which approximately 700,000 acres have been designated “Wilderness.”

The part of the JTNP located within approximately 1.5 to 3 miles of the proposed Project area (Central Project Area) is designated by the National Park Service (NPS) as a Natural Environment and Wilderness Subzone. Lands within this Natural Environment Subzone are managed to maintain the natural resources and processes that are unaltered by human activity except for approved developments essential for use and appreciation such as park roads, picnic areas, and backcountry parking areas. The majority of this area is designated as a Wilderness Subzone and no development is allowed (NPS, 1986). The proposed Project will not directly or indirectly impact park or wilderness lands.

**Areas of Critical Environmental Concern (ACEC)** are designated to protect specific natural, historic, and cultural resources and are managed by the BLM. Alligator Rock ACEC is located south of Desert Center and south of Interstate 10 (I-10). Neither the proposed transmission line route nor Project activity will affect the Alligator Rock ACEC.

**The Chuckwalla Desert Wildlife Management Area (DWMA)** is a special management area prescribed as part of the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO), principally for the protection of the desert tortoise. A segment of the Project’s proposed transmission line will route through the DWMA, as shown in Figure 3.6-1.

### 3.9.1.2 State

State lands held or managed by the state of California in the Project study area include mineral interest lands where the underlying mineral interest is held by the California State Lands Commission, but the surface ownership is privately held.

The Metropolitan Water District of Southern California (MWD) holds fee-owned ROWs and properties within the proposed Project boundary. Therefore, the MWD is a responsible agency per the state CEQA Guidelines §15381. The MWD has discretionary approval power for the Project based on review and approval of design plans as they relate to crossings of the MWD ROW.

### 3.9.1.3 Local

**Riverside County General Plan – Eastern Riverside County Land Use Plan.** The Project site and surrounding area are located within Riverside County’s Desert Center Planning Area, a part of Riverside County’s overall General Plan. Within the Desert Center Planning Area, Riverside County has established the Eagle Mountain Policy Area. The Policy Area encompasses the Kaiser mine and townsites described in Specific Plans #305 and #306 respectively, and includes land uses specific to the town development and proposed landfill.

Local government jurisdiction of non-federal lands includes Riverside County, which has plans and controls land uses within their jurisdictional boundaries through the development of land use planning and zoning ordinances. The Project study area lies within Riverside County’s Desert Center Land Use Planning Area. The vast majority of the planning area is classified as “Rural Open Space” and zoned as Natural Assets.

Within the Desert Center Land Use Planning Area, Riverside County has established two specific Policy Areas. Policy Areas are specific geographic districts that contain unique characteristics that merit detailed attention and focused policies. The Eagle Mountain Policy Area encompasses the Project site, proposed landfill, and the Eagle Mountain townsite. Outside this specific policy area boundary, “Rural Open Space” dominates the Riverside County land use designation, with the exception of an area of “Rural Open Space-Mineral Resources” to the north/northwest of the Central Project Area.

Local land use policies and zoning codes do not apply to the Project site, due to the overriding “Federal Power Reserve” land designation. When an application for a license (or a preliminary permit) is first filed, pursuant to Section 24 of the Federal Power Act (FPA), any lands included in the Project power site are “reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.” (*See* 16 U.S.C. §818.) If FERC issues a license for the Project, the authority to create or enforce a zoning ordinance cannot be exercised in a way by a local government agency (in this case county of Riverside) that could conflict with the federal determination made under the FPA that the

development of the Project – subject to the terms and conditions of the License – is in the public interest (see *First Iowa Hydro Elec. Coop. v. Federal Power Commission*, 328 U.S. 152 (1946)).

#### 3.9.1.4 Private Lands

**The Desert Center Policy Area** encompasses currently undeveloped land located adjacent to and north of the small, unincorporated community of Desert Center. The terminus of the proposed transmission line and substation are included within this Policy Area.

Private lands in the study area consist of a few residential/undeveloped parcels, some commercial area near Desert Center, scattered agricultural areas, and property owned by the MWD and Kaiser Eagle Mountain, LLC (Kaiser). The transmission line and water pipeline routes will cross some of these private land holdings.

#### 3.9.1.5 Other Projects within the Project Vicinity

**Renewable Energy and Transmission Line Projects.** Several solar energy projects are being proposed in the vicinity of the Project area. One in particular, proposed by First Solar, Inc., abuts the Project area to the east, and would encompass approximately 7,000 acres of land.

The Blythe Energy Project Transmission Line has been recently completed and was energized in May 2010. Other transmission line projects are proposed and/or have been approved, but are not yet built, including Southern California Edison's (SCE) Devers-Palo Verde No. 2 (DPV2) Project, and the Desert Southwest Transmission Line Project, both of which will extend from the city of Blythe to the Devers substation near Palm Springs roughly paralleling the I-10 corridor.

**Landfill Project – Riverside County Eagle Mountain Policy Area.** Pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA) and Riverside County Ordinance 555, Reclamation Plan No. 107 was approved by Riverside County for reclamation of the Eagle Mountain Mine. The East Pit and its adjacent overburden dumps were developed to their current limits prior to 1976 and are therefore largely exempted from reclamation. In conjunction with Specific Plan No. 252 for the proposed landfill (later repealed and updated with Specific Plan #305), Kaiser submitted an amendment to Reclamation Plan No. 107 that proposes some reclamation activity to occur concurrently with the landfill development (Kaiser Eagle Mountain, LLC, 1990). The amended Reclamation Plan will not be in effect until the land exchange between the BLM and Kaiser is effectuated. At this time of this writing (June 2010), the land exchange between the BLM and Kaiser is in litigation, and has not been effectuated, therefore, it appears that the 1976 Reclamation Plan No. 107 is still in effect.

**Eagle Mountain Mine.** The Central Project Area occupies a portion of the Eagle Mountain Mine. This mine facility began operations in 1948 to extract iron ore from these deposits. During the life of the mining operation, 940 million net tons of rock were mined from the pits. With the closure of Kaiser Steel Company's Fontana, California steel mill, the Eagle Mountain Mine lost

its principal market, forcing the mine's closure as well (Mine Reclamation Corporation, 1997). Ore crushing and concentrating facilities were subsequently dismantled and the mining equipment sold. The rail line which was used to transport ore from the mine site to the Fontana mill has been inactive since 1986 (Mine Reclamation Corporation, 1997), and would require substantial reconstruction for reoperation.

Currently, Kaiser sells rock and aggregate from the Eagle Mountain Mine site. The value of these sales has varied from year to year. However, the significant cost of shipping the rock by truck has prevented Kaiser from capitalizing on this asset (Kaiser, 2012)

Kaiser has expressed an interest in finding a third-party that would be interested in potentially acquiring iron ore and other mineral resources present on the Kaiser property. Kaiser's annual report for 2011 indicates that there is no assurance that Kaiser will be able to successfully consummate an Eagle Mountain iron ore mining transaction or opportunity (Kaiser, 2012). The actual amount, type and quality of the iron ore cannot be determined without further exploratory testing and not all of the ore reserves may be economically recoverable. In addition, certain permits and consents would likely be required prior to the resumption of large-scale extractive mining (Kaiser, 2012). A substantial portion of the Eagle Mountain Mine Site is subject to the lease and option with Mine Reclamation Corporation for the proposed Landfill project. Therefore, the area that could be available for large scale iron ore mining may be limited to those areas outside of the landfill area. As of June 2013, no application has been filed with the Riverside County Planning Department to re-open iron ore mining at the Eagle Mountain Mine Site. Because no plans have been developed to re-open the mine, the resumption of large scale iron mining is not considered to be a 'probable future project.'

The Project, if approved, would restrict mining within the Project boundary during the period of the FERC license. Aggregate mining could continue in the West End property (outside of the proposed Project boundary). In addition, iron ore mining could be resumed in areas outside of the Project boundary.

### **3.9.2 Existing Conditions**

**Town of Eagle Mountain.** Eagle Mountain is a 460-acre townsite owned by Kaiser. It is located in the vicinity of the Project site, but is not proposed to be part of the Project. The town was developed by Kaiser Steel Corporation to house mine workers and consists of 250 single-family dwellings, a store, café, two churches, a school, a post office, and other related features. After the mine closed, the town became largely vacant. A state-run correctional facility once utilized some of the features, but has since been relocated. The townsite is fenced with controlled access and is currently vacant except for a few dwellings still reportedly occupied by Kaiser Ventures employees. The townsite is serviced by public utilities, and a wastewater treatment plant is located southeast of the town.

The proposed Project consists of three principal components: (1) Central Project Area, (2) Water Pipeline Corridor, and (3) Transmission Line Corridor. The following sections discuss land use

issues as they relate to these three Project components. While the majority of surrounding lands are publicly owned, undeveloped and managed by the BLM, a number of specific land uses do exist. These are described below and shown on Figure 3.9-3.

**Central Project Area.** The Central Project Area is defined by the Applicant's proposed hydroelectric features (Figure ES-1), including the reservoirs, connecting tunnels and underground powerhouse, electrical switchyard, water treatment plant, and ancillary facilities. The area consists of mountainous, rocky terrain that has been disturbed extensively as a result of past mining activity. Open pits, tailings piles, and remnant tailings ponds exist on-site. Remnants of the structures associated with the previous mining, including railhead, haul roads, and ore processing/refining facilities still exist within the Central Project Area, though most of the ore processing and refining facilities have been removed.

As part of the iron ore mining process, four principal areas were excavated between 1948 and 1982. The four excavated open pits are named the East Pit, Central Deposit, Black Eagle-North Pit, and the Black Eagle-South Pit. Each pit extends approximately 1 to 2 miles in length and is aligned in an east-west orientation (Kaiser and MRC, 1991). During the mining operation significant amounts of overburden were removed, much of which can be seen adjacent to the pits.

The Central Project Area occupies only a portion of the acreage encompassing the Eagle Mountain Mine area. Kaiser has proposed to develop much of the area between the two quarries proposed as Upper and Lower reservoirs for this Project, as a landfill. Additionally, approximately 3,500 acres of public land within this area are proposed to be exchanged for off-site private lands to support the landfill project in the mine area. The Project boundary will include nearly 1,059 acres of federal land managed by the BLM. (If the proposed BLM land exchange with Kaiser is executed, 676 acres of the Project features will be on federal lands.) Recent (2002) Management Plan amendments changed the BLM Land Management Classifications governing public lands west of the landfill from "Moderate" guidelines to "Limited." The BLM reports that this was done in order to protect and better manage habitat for the desert tortoise (M. Bennett, BLM, personal communication with Rick Suttle, 2008).

The Central Project Area also contains land where the state of California holds a 100 percent mineral interest on 467 acres managed by the State Lands Commission. These lands are located in portions of Section 36, Township 3 South, Range 14 East, SB B&M (Figure 3.1-7).

**Water Pipeline Corridor.** Water for the proposed Project will originate from three wells located in the Chuckwalla Valley approximately 11 miles from the Project site. Water from the wells will be conveyed to the Lower Reservoir via pipeline extending alongside existing roads and MWD transmission line corridor within a new 60-foot pipeline ROW.

Land uses adjacent to the corridor consist primarily of undeveloped desert land. The southern third of the route crosses several private parcels with inactive agricultural fields that appear to be remnant jojoba fields. The remainder of the route consists of undeveloped federal land managed by the BLM. As the route approaches the Eagle Mountain area, it crosses the Colorado River Aqueduct (CRA) before entering the Project boundary. The pipeline will be constructed using an open-cut method, except for the crossings of the CRA and State Route 177, where it will be tunneled (Figure 3.9-3).

**Transmission Line Corridor.** The Project's proposed double circuit 500 kilovolt (kV) transmission line route will be located almost entirely on public lands managed by the BLM. Exceptions include private lands within the Project boundary owned by Kaiser, and a small crossing of land owned by MWD as the route crosses the existing CRA and transmission lines. The transmission line will require a 200-foot wide corridor for construction, operation and maintenance. The route extends approximately 13.5 miles from the Project switchyard south-southeast to a new interconnection substation that will interconnect with the DPV2 Transmission Line located outside the Desert Center community.

The transmission line exits the Project switchyard, and extends south to a point on the west side of the sweeping approach curve of the Eagle Mountain Rail Line. At this point, the route turns southeast, and continues in a southeasterly direction to a location adjacent to existing SCE 161kV wood pole transmission lines. Here, the line turns southeast to parallel the existing transmission lines and access road, crossing the MWD metal tower structures and passing to the east of the Metropolitan Water District's Eagle Mountain Pumping Plant. Most of this route segment from the mine to the pumping plant is located on public land managed by the BLM, except for a small parcel of land around the CRA and Aqueduct Road owned by the MWD. This segment is undeveloped except for a number of unpaved access roads, the paved Aqueduct Road, and existing transmission lines.

East of the Metropolitan Water District's Eagle Mountain Pumping Plant the transmission line route crosses over a pass in the small hills near the Eagle Mountain Rail Line. At this point it turns southwest for a short distance before turning south to parallel the existing Eagle Mountain Road. The route continues to parallel Eagle Mountain Road for approximately 3 miles, then turns southeast and continues for another 2.5 miles to the proposed substation.

Land use in the location of the new substation is undeveloped desert; (rural open space as designated in Riverside County's General Plan, 2003). South of the site low density residential exists as a part of the Desert Center community. The proposed substation site will be developed adjacent to the planned DPV2 Transmission Line. Both facilities lie within the designated Utility Corridor identified by the BLM (Figure 3.9-2).

**Lake Tamarisk and Desert Center Communities.** The small communities of Lake Tamarisk and Desert Center are located approximately 9 and 10 miles southeast of the Central Project Area

along the Kaiser Road. Lake Tamarisk consists of approximately 70 single family dwellings, an executive golf course, a recreational vehicle park, undeveloped lots (150), a staffed county fire station, and two small lakes.

Desert Center is located at the junction of I-10 and State Route 177. Desert Center consists of a few small single-family dwellings, a mini market, café, and bar. The community included gas stations at one time, but those are now closed. Public facilities include a county fire station, branch library, post office, and several churches.

Both communities, as well as the Eagle Mountain townsite, are accessed by Kaiser Road, and State Route 177 which connects to I-10 at Desert Center.

**Roads, Utilities, Airports, and Miscellaneous Facilities.** The principal transportation network in the study area includes I-10 and State Route 177. Local paved roads include the Kaiser and Eagle Mountain roads, and the interstate frontage road (Ragsdale Road) that connects them. Kaiser Road provides direct access to the Project site and proposed landfill. Eagle Mountain Road is open to the public between I-10 and the Metropolitan Water District's Eagle Mountain Pumping Plant, at which point the road stops at the closed gate to the pumping plant; there is no through access to the proposed Project site through the pumping plant. North of the pumping plant a small paved road follows the CRA and a paved frontage road connects Desert Center to the Eagle Mountain Road/I-10 interchange. Other transportation resources in the study area include unpaved roads and off-road-vehicle (ORV) trails. The Eagle Mountain Rail Line, which once serviced the Kaiser Iron Ore Mine operation, also runs through the area from I-10 north to the Project site. This facility is proposed to be reconstructed and re-opened as part of the proposed landfill project.

Several existing transmission lines cross through the study area. A 230 kilovolt (kV) electrical transmission line (MWD line) crosses the Coxcomb Mountains from the northeast and continues to the Metropolitan Water District's Eagle Mountain Pumping Plant and through the Eagle Mountains to the south. A 160 kV transmission line, owned by SCE, runs southeast from the Eagle Mountain townsite to the community of Blythe located approximately 50 miles to the east. South of I-10 the 500 kV DPV21 Transmission Line parallels the Interstate. Plans exist for additional transmission lines within the BLM-designated utility corridor that follows I-10. These include a second transmission line (the DPV2, approved but not yet built) and a 230kV transmission line from Blythe to the Julian Hinds substation located several miles west of the Desert Center community.

Two small airports exist in the vicinity. A single private landing strip is located to the south of the Eagle Mountain townsite and west of Kaiser Road. This airstrip is infrequently used and does not appear on the Airport/Facility Directory. The Project's proposed 500kV transmission line will route within 2 miles of this private landing strip. Desert Center Airport is a larger development located approximately 10 miles southeast of the Central Project Area, accessed



from State Route 177. The Desert Center Airport is a privately owned property located southeast of State Route 177 (Desert Center-Rice Road) and north of I-10 in the Desert Center community, in unincorporated Riverside County. The owner has proposed to develop a 400-acre road racing facility that includes three race tracks (designed for automobile and other motor vehicle racing), and will ultimately include a two-story, 16,200 square foot clubhouse, an administration building, garages, a scoring/timing tower, pit lanes, fueling facilities, and open parking areas, including transporter truck parking areas, within the 1,100-acre property that includes Desert Center Airport. The facility is open to members and their guests. The Desert Center Airport is not a public-use airport, and activity levels are very low.

A small disposal site operated by Riverside County is located west of Kaiser Road between Desert Center and Eagle Mountain. This facility provides solid waste disposal for the small communities in the area.

The CRA lies about 1 mile south of the proposed Lower Reservoir. The CRA runs in a northeast-to-southwest direction and transitions from open channel to the north and east to underground tunnel from 1 mile north of Kaiser Road to the Metropolitan Water District's Eagle Mountain Pumping Plant approximately 2 miles south of Kaiser Road.

No natural surface water resources exist in the study area. Water for residential, commercial and agricultural use is obtained from local wells.

Some limited resource gravel extraction exists in the study area. Several small gravel pits are located between Eagle Mountain and Desert Center, and Kaiser Ventures, LLC (Kaiser) has stated that it still operates a limited rock products business from the Kaiser Mine.

**Fire Protection.** The site would be serviced by the Lake Tamarisk Fire Station Number 49, located in Lake Tamarisk, California. This is a unit of the Riverside County Fire Department.

**Police Services.** The Riverside County Sheriff's Department serves the unincorporated areas of Riverside County.

**Schools/Parks.** The closest school, the Eagle Mountain Elementary School, serves grades K-8 in the Desert Center Unified School District. Enrollment in the Eagle Mountain Elementary School has been declining in recent decades, since the mine closed in 1983 and again when the prison in the Eagle Mountain townsite closed in 2003 (Figure 3.9-5).

**Public Services.** Riverside County Service Area (CSA) 51 consists of the communities of Desert Center, Lake Tamarisk, and Eagle Mountain. CSA 51 provides water, sewer, and trash disposal to these communities.

Increased demand for these services from the proposed Project is expected to be small. No on-site work camp or housing will be used. Non-local construction workers will live off-site in existing units within several Project-region options as described in Section 3.11.

### **3.9.3 Potential Environmental Impacts**

#### **3.9.3.1 Methodology**

The methodology used for impact analysis involved a comparison and assessment of the proposed Project to relevant land use objectives and policies, surrounding land uses, and site features including agricultural resources. The analysis was conducted through a combination of document review, field visits and communication with resource agency staff. Potential Project impacts to land use relate to the significance of the Project's construction activity, dust, noise, traffic, and visual quality. Long-term impacts may result if the Project's construction, operation and maintenance would preclude or conflict with existing land uses.

#### **3.9.3.2 Thresholds of Significance**

The State Water Resources Control Board concludes that the Project may have significant impacts on land use and/or public services if it does any of the following:

#### **Land Use Planning**

- (a) Physically divide an established community
- (b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and/or
- (c) Conflict with any applicable habitat conservation plan or natural community conservation plan

#### **Public Services**

- (a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection; police protection; schools; parks; other public facilities

#### **3.9.3.3 Environmental Impact Assessment**

##### *Construction and Operation of the Transmission Line and Substation*

Construction of the proposed transmission line and substation would not displace any existing developed land uses as the entire route and both terminal facilities are located on undeveloped

desert land. The proposed transmission line has been located to take advantage of existing roads for construction access, and is almost entirely on public lands administered by the BLM.

The route crosses BLM lands managed for “Limited” and “Moderate” MUC designations as part of the NECO Plan, including crossing approximately 6 miles of NECO’s Desert Wildlife Management Area. After exiting the Central Project Area, most of the route lies within two designated BLM utility corridors identified in the NECO plan, with the exception of an approximately 5-mile segment located between the two corridors (Figure 3.9-4). This segment was located to take advantage of existing road access, and to minimize additional construction impacts on wildlife resources and cultural resources (the historic Desert Training Center). Coordination with the BLM staff will be required to determine if a deviation from an established utility corridor may be granted after a review of environmental considerations. A ROW granted by the BLM would be required in order to use the proposed transmission line corridor. As discussed in detail below, an amendment to the CDCA Plan also may be required.

The proposed transmission line and substation will cause short-term impacts as a result of construction activity, noise, dust, and traffic. This will be most noticeable with the substation construction for nearby residences of Desert Center. As such, construction access to/from the substation site will be from the Eagle Mountain Road exit and follow the Frontage Road east to the site, in addition public noticing stating hours of operation for construction near the Desert Center community and along State Route 177 will commence 2 weeks prior to construction activities.

The long-term land use-related impact associated with operation of the transmission line and substation will be the permanent change from undeveloped desert to lands reserved for utilities (Table 3.9-1). Except for the tower locations, land within the ROW will remain undeveloped after construction.

The proposed transmission line will cross transmission lines owned and operated by the MWD, as well as the CRA. Design of these crossings will be approved by the MWD prior to construction.

Approximately 25 acres would be required for the new interconnection substation. The site would not interfere with any existing development and is located on undeveloped desert public land managed by the BLM. A planned transmission line (DPV2) is expected to be constructed across this location, to which the substation will connect.

The California Public Utilities Commission, California Department of Health Services, and SCE have all concluded that public concern about possible health hazards from the delivery and use of electric power (via electronic and magnetic fields) is based on data that give cause for concern, but which are still incomplete and inconclusive and in some cases contradictory. (See California Public Utilities Commission, *EMF Design Guidelines for Electrical Facilities*, July 21, 2006, California Department of Health Services – Environmental Health Investigations Branch,

*Electric and Magnetic Fields Long Fact Sheet, 2000, and the Southern California Edison, Electro Magnetic Field Frequently Asked Questions, 2010).*

The California Department of Education School Facilities Planning Division has published a School Site Selection and Approval Guide. This guide addresses school locations in relationship to high voltage electrical transmission lines. The guide states,

Electric power transmission lines maintained by power companies may or may not be hazardous to human health. Research continues on the affects of electromagnetic fields (EMF) on human beings. However, school districts should be cautious about the health and safety aspects relating to overhead transmission lines. School districts should take a conservative approach when reviewing sites situated near easements for power transmissions lines.

In consultation with the State Department of Health Services (DHS) and electric power companies, the Department has established the following limits for locating any part of a school site property line near the edge of easements for high-voltage power transmission lines:

1. 100 feet from the edge of an easement for a 50-133kV (kilo volts) line
2. 150 feet from the edge of an easement for a 220-230kV line
3. 350 feet from the edge of an easement for a 500-550kV line

The proposed transmission line for the proposed Project is in excess of 2,500 feet from the Eagle Mountain School at the closest point. Therefore, no EMF mitigation is needed for the Eagle Mountain School. It is not known what portion of the town of Eagle Mountain will be re-occupied if and when the Eagle Mountain Landfill project is constructed. However, the Project's transmission corridor is at least 500 feet from the closest point of the historic extent of the Eagle Mountain townsite. Therefore, no additional mitigation is needed for EMF.

### **Construction and Operation of the Water Pipeline**

The Project's pipeline construction will create short-term impacts related to construction activity, traffic, noise, and dust. Public noticing stating hours of operation for construction near the Desert Center community and along State Route 177 will commence 2 weeks prior to construction activities. Further, potential impacts from water pipeline construction will be minimized or avoided by (1) grading out the sidecast to meet existing grades; (2) minimizing disturbance, construction timing to avoid seasonal rain, and maintaining surface contours and natural function of washes crossed; and (3) use of existing access roads, when feasible, thereby avoiding new ground disturbance.

Long-term land use-related impacts associated with the water pipeline corridor construction will be the permanent change from undeveloped desert to lands reserved for utilities.

The proposed water pipeline will cross undeveloped desert and some previously farmed lands. In spring 2009, inventories indicate that all affected farmed lands are not presently in active use for agriculture (Figure 3.4-2). The open-cut, sidecast construction method proposed for the pipeline would cause temporary impacts to any active cropland. After pipeline installation and settling of restored surface soils, farming activity can be resumed over the pipeline. Pipeline construction will follow BMPs identified in the Erosion Control Plan (*see* Section 12.2). Construction-related impacts to farmed lands have been minimized through placement of the route adjacent to the road and transmission line ROWs.

The pipeline will cross State Route 177 and the CRA. Pipelines will be tunneled underneath the road and aqueduct. (Based upon final engineering design coordination with the MWD, it is possible that the water pipeline will cross over the CRA rather than tunneling beneath it.) Coordination with the California Department of Transportation and the MWD will be required to secure encroachment permits and identify reinforcing requirements and other safety measures. Development and ROW permits will also be required from the BLM.

**Table 3.9-1. Summary of Transmission and Water Pipeline Land Use Features**

Item/Feature	Length (miles)	Number or Acres	Remarks
<b>TRANSMISSION LINE</b>			
Total Length	13.5		
Number of Towers		54-68	Steel Lattice Towers, 1,000' - 1,200' Spans*
ROW	200 feet		
Staging/Laydown Areas		2	Within Project Boundary and Substation Zone**
Substation/Switching Station		(25) acres	New Station to connect with SCE DPV2 Line
<b>PIPELINE</b>			
Total Length	15.3		Includes main route and spurs
ROW	60 feet***		Pipeline diameters = 12", 18" & 24"
Construction Disturbance Width	25 feet +/-		
Abandoned Farmland Crossed	4	29	60' ROW over 4-mile length
Active Farmland Crossed	0	0	
<p>* Exact quantities and placement of structures and facilities depends on final design.  ** Laydown areas (2-3 acres each) included within proposed substation and Project boundary to avoid additional impact.  ***Long-term ROW for water pipeline will likely be ~ 25'</p>			

### *Local Land Use Policies*

The proposed Project would not conflict with any land use plan of an agency having jurisdiction over the Project. Local land use policies and zoning codes do not apply to the Project site, due to

the overriding “Federal Power Reserve” land designation. However, as with all projects in Riverside County, the Applicant will be required to pay development impact fees. The payment of these fees will insure that acceptable response times and service ratios are maintained for public services.

*CDCA Plan*

Public lands under the BLM’s jurisdiction within the CDCA have been designated geographically into four Multiple Use Classes (MUC). Public lands are assigned a MUC according to the allowable level of multiple uses. Class “C” (controlled use) designation is the most restrictive and is assigned to wilderness areas; Class “L” (limited use) lands are managed to provide lower-intensity, carefully controlled multiple uses while ensuring that sensitive resource values are not significantly diminished; Class “M” (moderate use) lands are managed to provide for a wider variety of uses such as mining, livestock grazing, recreation, utilities, and energy development, while conserving desert resources and mitigating damages that permitted uses may cause; and Class “I” (intensive use) provides for concentrated uses of lands and resources to meet human needs (BLM and CDFW, 2002). A complete description of the BLM’s MUC designations can be found in the CDCA Plan.

The Project will occupy 2,364.0 acres of land in total (Table 3.9-2). Land ownership of the various features of the Project includes patented or privately owned lands (52 percent of the Project site) not directly under the BLM stewardship. The rest are lands managed by the BLM under the “Limited” Class “L” MUC designation or Class “M” moderate use MUC-designation.

**Table 3.9-2 Summary of Land Ownership within the Project Boundary**

Land Owner	Water Supply Line Acreage	Transmission Line Acreage	Central Project Area Acreage	Total Acreage	Percent
Bureau of Land Management	84.80	537.41	73.84	696.1	29.4%
Private Lands (Subject to Land Exchange with BLM)	22.00	35.68	379.01	436.7	18.5%
State	0.00	0.00	0.00	0.0	0.0%
Private – MWD	24.69	38.56	4.62	67.9	2.9%
Private – other ownership	120.78	0.16	1042.46	1163.4	49.2%
<b>Total Project Acreage</b>	<b>252.3</b>	<b>611.8</b>	<b>1499.9</b>	<b>2364.0</b>	<b>100.0%</b>

The Class “M” land use category may allow electrical generation plants in accordance with federal, state, and local laws subject to approval of the BLM.

The BLM has stated that the proposed Project will not require an amendment to the CDCA Plan. In a letter dated August 23, 2010 from the John Kalish, Field Manager, BLM, Palm Springs South Coast Field Office to Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission (FERC), the BLM said that a plan amendment could be required if the proposed Project requires placement of transmission lines outside of designated utility corridors identified

in the CDCA Plan. However, the proposed 500 kV transmission line for this proposed Project is within designated utility corridors “E” and “K” under the CDCA Plan with the exception of several short segments. At this time, no plan amendment is necessary as these short transmission line segments, located outside of designated utility corridors, would not substantially conflict with the goals, policies, and process described in the CDCA Plan energy development section. Any substantial change in the alignment for the proposed 500 kV line for the proposed Project, however, would necessitate further review.

The Applicant has submitted a SF-299 ROW application to the BLM for ROW across BLM managed lands within the proposed Project boundary. If the lands exchanged for the proposed landfill project return to federal ownership, the Project will require a ROW on an additional approximate 437 acres. The BLM will determine what terms and conditions are required as a part of the FERC license to grant a ROW.

The BLM is a federal agency and is subject to NEPA requirements, but is excluded from CEQA requirements or conformance. Therefore, the BLM will rely upon the FERC EIS as the mechanism for evaluating the proposed Project Application.

#### *Existing and Proposed Land Uses in the Central Project Site*

Implementation of the proposed Project will result in a change in the use of land within the Central Project Area from a former large-scale iron mine to a pumped storage hydroelectric facility. Additionally, this Project could be operating in conjunction with the proposed Eagle Mountain Landfill. The key components of the proposed Project include the Upper and Lower reservoirs, water conveyance tunnels, the powerhouse, the access tunnel, the cable tunnel and shaft, brine pond, the switchyard, the transmission line, the water supply line, and several access roads.

The proposed Project layout has been modified to eliminate conflicts with existing and proposed land uses. Construction staging and lay-down areas have been relocated to a parcel southwest of the Lower Reservoir and outside of the proposed landfill to eliminate conflict with the proposed landfill truck marshalling and railyard facilities. Low voltage cables from the underground powerhouse have been routed through the underground powerhouse access tunnel to avoid conflicts with landfill Phase 3. Water treatment facilities have been relocated further from the CRA to address concerns of the MWD regarding the proximity of the brine ponds to the CRA. As the Project progresses into the design phase, the Project layout will be designed to accommodate the landfill as configured.

BLM-administered lands surrounding the Upper Reservoir will largely be unaffected and serve as a buffer element. An access road to the Upper Reservoir that currently crosses public lands will be utilized by the proposed Project for construction and operation. Minor improvements to the access road will not conflict with the BLM’s “Limited” MUC designation for the area.

The major change in land use that would occur with Project implementation is the inundation of a portion of the Central Pit and the East Pit to form the Upper and Lower reservoirs of the Project. These reservoirs are located in Sections 28, 29, 35, and 36, Township 3 south, Range 14 east, SB B&M, and encompass maximum surface areas of approximately 157 acres for the Upper Reservoir and 107 acres for the Lower Reservoir. Road access to both reservoirs will be fenced and gated to prevent unauthorized access. Recreational use of the reservoirs is infeasible due to rapid fluctuations in water levels. The reservoirs are outside the area planned to be used by the landfill project for waste disposal during Phases 1 through 4 of the landfill operation (Figure 3.9-4).

The Project's water conveyance tunnels and powerhouse will be located entirely underground. While these tunnels pass beneath the boundaries of the proposed landfill, the subsurface shafts will not interfere with the proposed landfill operations. The only exposed structure between the two reservoirs is a surge chamber with a restricted orifice entrance located above grade. The surge tower will not interfere with landfill operations.

Other project structures that will be located at surface level include the portal to the main access tunnel, and the Project switchyard. The switchyard is located on an area of 500 by 800 feet (9.2 acres) and will be surrounded by a security fence. A storage warehouse building and an administration building will be located near the main access tunnel portal (Figure 3.9-4). These structures are located outside of the active landfill area, and do not conflict with the function of the landfill.

Access roads in the Central Project Area consist of roads to reach the dams at the Upper Reservoir, both inlet/outlet structures, the upper surge chamber, and the access tunnel portal. The road to the access tunnel portal and the storage and administration area will be paved and originate from a junction with the existing Kaiser Road and extend south of the Eagle Mountain townsite to the proposed administration area. The road is approximately 3 miles in length and has been aligned to prevent conflict with existing land uses in the Eagle Mountain townsite.

#### *Operational Compatibility with the Eagle Mountain Landfill*

Plans for the Eagle Mountain Landfill project have been developed by Mine Reclamation Corporation and others to use portions of the previous Eagle Mountain Mine site for a municipal waste landfill serving Southern California urban areas. The proposed Eagle Mountain Pumped Storage Project has been formulated with the assumption that the landfill will exist, as currently proposed by the landfill developers.

Land use compatibility issues considered in this Final EIR include potential interference with implementation of landfill mitigation measures, construction timing, landfill operations and permitting, potential impacts of reservoir seepage on the landfill lining system, conflicts with specific project features and related ancillary facilities, use of mine tailings, and conflicts with methane gas from the landfill.



## Effects of the Proposed Project on Mitigation Measures for the Landfill Project

During the examination of proposed Project impacts to terrestrial biological resources and threatened and endangered species, the Biological Assessment (BA; RECON, 1992) and Biological Opinion (BO; USFWS, 1992) for the Eagle Mountain Landfill and Recycling Center were reviewed and considered. The Landfill BA discussed conservation measures to mitigate impacts to federally listed and other special-status biological resources. The Landfill BO discussed conservation measures for the federally-listed desert tortoise and desert pupfish. Table 3.9-3 identifies conservation measures set forth as part of the landfill project for federally- and state-listed species, as well as other candidate or other special-status species (Landfill BA: Pages 41-86; Landfill BO: Pages 3-26) and a discussion of the potential effects of the proposed Project on those measures.

**Table 3.9-3. Project Compatibility - Mitigation and Compensation Measures Required for the Landfill Project and the Eagle Mountain Pumped Storage Project**

Species	Landfill Mitigation / Compensation Measure		Potential for Conflicts as a Result of Pumped Storage Project
	Number	Summary of Measure	
Desert Pupfish	BO – R&P 1 and 2, BO-T&C 33, 34, 35, 36, 37	Monitoring of rail line activities and pupfish populations at Salt Creek drainage; habitat compensation in the event of a rail accident in pupfish habitat ; construction- and maintenance-related protection measures to avoid impacts to desert pupfish	The referenced segment of the Salt Creek drainage is in Imperial County, approximately 40 miles south of any component of the pumped storage Project
Desert Pupfish	BO-T&C 29, 30, 31, 38, 39, 40	Contingency plan for spills and other spill-related issues	Pertains to areas within the landfill that are outside the footprint of the pumped storage Project
Desert Pupfish (and other species)	BO-T&C 32	Worker Environmental Awareness Program	This will be a requirement for both projects, and the WEAP for the pumped storage project will not affect the WEAP for the landfill project.
Desert Tortoise	BA – 1, BO – R&P 2, BO-T&C 15, 16 , 17 and 24	Raven monitoring and control activities	The pumped storage project also has a raven monitoring and control plan (MM TE-5), and will have no effect on the landfill's operations or implementation of its own plan. The projects may have opportunities to work cooperatively in concert to achieve raven control goals and, to this end, it is anticipated that data could be shared to maximize the effectiveness of the raven program. ECE's monitoring will account for other projects in the vicinity, including, but not limited to, the landfill project.

Species	Landfill Mitigation / Compensation Measure		Potential for Conflicts as a Result of Pumped Storage Project
	Number	Summary of Measure	
Desert Tortoise	BA-2, BO-T&C 4 and 18	Railway surveys and clearance	Pertains to the railroad line that will serve the landfill project, and that is not related to or affected by the pumped storage project.
Desert Tortoise	BA-2, BO – R&P 1 and 2, BO-T&C 3, 5, 6, 7, and 8	Train monitoring and construction of a potential barrier/culvert system on the railway to protect tortoises	Pertains to the railroad line that will serve the landfill project, and that is not related to or affected by the pumped storage project.
Desert Tortoise	BA–2, BO – R&P 2, BO-T&C 24	Monitoring tortoise and raven populations adjacent to the railroad for railroad effects	Only the northern portion of the railroad ROW overlaps the pumped storage project transmission line ROW. The latter will be constructed prior to the railroad upgrades and use. As such, any impacts from transmission line construction and operations activities will be part of the statistical baseline for the landfill railroad monitoring program.
Desert Tortoise	BA-3, BO-T&C 18	Pre-construction surveys on Eagle Mountain Road	Pertains to both projects and neither project's surveys will limit the others ability to comply with its survey requirements.
Desert Tortoise	BA-3, BO-T&C 1	Compensation for lost habitat	Pertains to both projects and neither project's habitat compensation will limit the others ability to comply with its compensation requirements.
Desert Tortoise	BA-3, BO – R&P 1, BO-T&C 8, 9, 10, 11, 12, 13, and 14	Construction of a potential barrier/culvert system on Eagle Mountain Road to protect tortoises.	This measure pertains to use of the Eagle Mountain Road for regular truck traffic to the site. Segment of this road will be used by the pumped storage project to access the transmission line corridor during construction, but all other traffic for the pumped storage project will utilize Kaiser Road rather than Eagle Mountain Road. For long-term operations, the pumped storage project will not generate significant traffic, and for long-term, this requirement would only pertain to the landfill.
Desert Tortoise	BA-3	Removal of tortoises from Eagle Mountain Road.	Pertains to both projects and neither project's tortoise monitoring and relocation (if needed) will limit the others ability to comply with its requirements.
Desert Tortoise	BA-3, BO-T&C 25 and 26	Worker Environmental Awareness Program (WEAP)	This will be a requirement for both projects, and the WEAP for the pumped storage project (see MM BIO-4) will not affect the WEAP for the landfill project.
Raven		Monitor the raven population along Eagle Mountain Road	The pumped storage project transmission line ROW will be constructed prior to the landfill upgrade and use of Eagle Mountain Road. As such, any impacts from transmission line construction and operations activities will be part of the

Species	Landfill Mitigation / Compensation Measure		Potential for Conflicts as a Result of Pumped Storage Project
	Number	Summary of Measure	
			statistical baseline for the landfill railroad monitoring program.
Multiple Species	BO-4	Tipping fee for each ton of non-hazardous waste deposited at the landfill	This measure applies to landfill operations and is completely unrelated to the pumped storage project which will not have any waste disposal function.
Desert Tortoise	BO- R&P 3; T&C 28 and 29	Establish a contingency plan in the event of a train derailment or spill; spill-related conditions	The pumped storage project will not involve railroad operations.
Desert Tortoise	BO-T&C 19, 20, 21, 22, 23, 27	Construction-related protection measures, tortoise translocation; designation of an authorized biologist and field contact representative	This will be a requirement for both projects, and the tortoise monitoring and protection measures for the pumped storage project will not affect these measures for the landfill project.
Desert Tortoise	BO-R&P 2, T&C 24	Long-term desert tortoise monitoring program	This will be a requirement for both projects, and the long-term tortoise monitoring and protection measures for the pumped storage project will not affect these measures for the landfill project. There may be opportunities for the two projects to share survey data.
California Leaf-nosed Bat and Townsend's Big-eared Bat	C. 1. a. and b.	Monitor the population on and around the East Pit adit; alter the mine adit of the East Pit to maintain bat utilization of the mine adit.	The mine adits are located adjacent to the Central Project Area (APEIS: Page 3-29). The pumped storage project does not propose to use or otherwise disturb these features. In order to insure that the project does not impact bats, the pumped storage project intends to conduct pre-construction surveys for bats, and develop a mitigation plan to avoid roosting and foraging impacts (see MM BIO-15) if needed.
Foxtail Cactus	C. 2. a.	Salvage and transplant individual cactus plants	At the time when the BA was published, this species was FWS Category 2 species and a BLM sensitive species. It is now only a CNPS List 4 species and is no longer a BLM sensitive species. It is protected by the California Desert Native Plants Act. As such the pumped storage project will salvage all individuals that could be injured by construction (see PDF BIO-2). This is consistent with the landfill measure.
Orocopia Sage	C.2.b.	Avoid plants	All Orocopia sage are well south of the pumped storage project, near the Salton Sea and Coachella Canal, and this measure applies to the landfill railroad in areas far south of any component of the pumped storage project.
Nelson's	D.	The landfill will remove	The pumped storage project will also provide

Species	Landfill Mitigation / Compensation Measure		Potential for Conflicts as a Result of Pumped Storage Project
	Number	Summary of Measure	
Bighorn Sheep		<p>water sources and 994 acres of native, bighorn sheep habitat. Mitigation will include the construction of new, permanent water sources away from the mine site, maintenance of 644 acres of native habitat around the periphery of the landfill, and an employee training program. Domestic sheep would be excluded from the site, firearms would only be permitted for approved individuals, and dogs would be restrained. Mitigation also included a baseline study to determine home ranges of ewes currently using the site (Divine and Douglas 1996)</p>	<p>a water source for sheep. No pumped storage project facilities in the Central Project Area will occur in native habitat, so the pumped storage project will not affect the landfill's preservation of native habitat. The pumped storage project also has an employee environmental awareness program that excludes firearms and unrestrained dogs (see MM BIO-1, MM BIO-4, and MM BIO-16).</p>

### Landfill Construction Timing

The timing of construction of the proposed landfill project is not known at this time. Under present conditions, construction of the pumped storage Project is very likely to be completed before the start of the landfill project and construction of facilities required to support landfill operations. On the current schedule, construction of the pumped storage Project is scheduled to begin 2 years after site access is obtained and to be fully completed with 4 years from the start of construction. On the basis of the analysis below, it is concluded that the pumped storage Project is likely to be built and operational prior to initiation of landfill construction at Eagle Mountain, and that the construction periods for the two projects are not likely to overlap or create any conflicts.

If all approvals for the landfill were resolved in 2012, then construction of support facilities for the landfill could begin when designs were finalized, and commercial landfill operations could theoretically begin as early as 2016. However, this is an unlikely scenario based upon the recent Ninth Circuit Court decision remanding the legal dispute for further review, review of current and projected demand for landfill capacity in southern California, and the recent opening of the Mesquite Regional Landfill. Therefore, as discussed in greater depth below, it is highly unlikely

that the landfill project and the proposed Eagle Mountain Pumped Storage Project construction periods will overlap.

One component of the landfill proposal is an exchange of lands between Kaiser and the BLM. On September 25, 1997, BLM issued a Record of Decision approving the land exchange between itself and Kaiser, which was appealed to the IBLA. On September 20, 1999 the IBLA issued an order denying the appeal and affirming the land exchange. This decision was subsequently appealed to the District Court who decided that “The subject land exchange and grants of rights of way and reversionary interest are set aside and the Defendants are enjoined from engaging in any action that would change the character and use of the exchanged properties...” until they complied with the changes requested by the decision. (*Donna Charpiet et al., v. United States Dept. of Interior et al.*, ED CV99-0454 RT (Mcx) (Sept. 20, 2005); *Nat’l Parks and Conservation Assoc., v. Bureau of Land Mgmt, et al.*, ED CV 00-0041 RT (Mcx) Sept. 20, 2005).

This case was appealed to the Ninth Circuit Court of Appeals, and oral argument was heard on December 6, 2007. A decision on the case was published November 10, 2009, and the case was remanded for further proceedings consistent with the Ninth Circuit opinion. Kaiser elected to seek U.S. Supreme Court review of the Ninth Circuit Court decision, but on March 28, 2011 the U.S. Supreme Court denied Kaiser’s request to further review the Ninth Circuit Court decision. Kaiser has stated that the “adverse federal litigation jeopardizes the viability of the current landfill project. In addition, such decision may adversely impact the agreement to sell the landfill project to the Los Angeles County Sanitation District” (Kaiser, 2011). Kaiser is, “in the process of determining the best means of addressing the deficiencies identified by the U.S. Ninth Circuit Court of Appeals through the BLM. We [Kaiser] refer to this process... as a “fix”... This fix process would ultimately include the federal courts reviewing the adequacy of the fix. A fix through the BLM and the likely court review would take several years once the fix is formally initiated” (Kaiser, 2011).

On October 31, 2011 Mine Reclamation LLC, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for Central District of California, Riverside Division, bankruptcy case number 6:11-bk-43596 . According to Form 8-K filed by Kaiser Ventures with the Security and Exchange Commission, dated October 31, 2011, Mine Reclamation will continue to operate its business as a “debtor in possession” under the jurisdiction of the Bankruptcy Court and in accordance with the applicable provisions of the Bankruptcy Code, Rules and orders of the Bankruptcy Court. Kaiser Ventures LLC owns approximately 84.247 percent of Mine Reclamation. In a press release issued on October 31, 2011, Mine Reclamation stated that “the future of the [Eagle Mountain] site and its potential for job creation and funding for Riverside County and the future for Kaiser’s retired steel workers are all more uncertain than ever.”

Approval of the landfill is contingent upon Kaiser being the fee owner of the property (*see* Development Agreement No. 64 Section 2.2; California Integrated Waste Management Board

resolution 1999-624 (revised); and California Integrated Waste Management Board, Board Meeting Summary December 14-15, 1999). Therefore, until the land exchange is effectuated, the landfill is not a formally approved operation.

In the event that the land exchange is confirmed and all the necessary landfill approvals are issued, construction of the landfill could commence. A timeline for the start of construction is unknown, but is unlikely to occur before 2015 under the most optimistic scenario (based on a 2-year time period to execute the “fix”). Based on the experience of the Mesquite Regional Landfill, construction could take 3 years before the landfill would be ready to accept waste. Therefore, landfill operations are unlikely to commence prior to 2018.

Construction and operation of the Eagle Mountain Landfill may be further delayed due to lack of demand for additional landfill capacity in southern California at this time. The Mesquite Regional Landfill (MRL) was ready to accept waste in 2009. The MRL has capacity for approximately 600 million tons of solid waste, and up to 100 years of operation at a maximum of 20,000 tons per day. In 2009, when the MRL became operational, the Los Angeles County Sanitation District’s projections indicated there was between 10,000 and 16,000 tons per day of excess landfill capacity in Los Angeles County. Although this means there is no immediate need to export trash to the MRL, the Sanitation Districts are proposing to conduct a 300-tons-per-day operation at the MRL. The projections continue to show excess landfill capacity in Los Angeles County until late 2013, when the Puente Hills Landfill is scheduled to be closed. According to the projections, there may still be some excess capacity at other landfills in 2013. However, there could be an overall shortfall of 4,500 tons per day by 2013 (Sanitation Districts of Los Angeles County, <http://www.mrlf.org/index.php?pid=101>, accessed February 18, 2009).

If the entire 4,500 tons per day potential shortfall from Los Angeles County is transported to the MRL facility, there would still be capacity for an additional 15,500 tons per day from other sources at the MRL facility. Therefore, there is enough capacity at the MRL facility to serve southern California’s waste disposal needs for decades to come. For these reasons, construction of the proposed landfill is unlikely to commence in the foreseeable future.

### **Landfill Operations**

In the event that the land exchange is confirmed and all the necessary landfill approvals are issued, construction of the landfill could commence. The landfill was initially designed to be constructed in phases over a period of many decades. Construction and operation of each phase of the landfill is designed to progress from west to east. During the first four phases, little to no overlap occurs between the landfill disposal areas and lands required for the proposed pumped storage Project except for use of the primary access road into the site. As described in Section 12.8, minor overlaps between the proposed Project and the landfill project will be rectified through minor adjustments in the proposed Project layout so that landfill capacity will be maintained. Minor modifications of the layout of the proposed Project will not result in any

additional environmental impacts. For example, the Upper Reservoir dam toe may extend slightly into Phase 1 of the Landfill (Figure 3.9-4). The dam axis can be adjusted during final project planning and design to avoid any potential for conflict. This adjustment would generally be to the north (upstream) of the currently proposed dam axis a distance of 150 to 200 feet. The “footprint” of the Upper Reservoir area would not be increased.

The pumped storage Project will use the Central and East Pits to store water, areas that are not proposed to be used during Phases 1 through 4 of the landfill. The powerhouse and water conveyance tunnels will be underground and will not affect landfill construction or operations.

A proposed Phase 5 of the landfill – projected to commence in about year 84 of operations – does include overlapping uses in the vicinity of the East Pit which would form the Lower Reservoir for the pumped storage Project (*see* Section 12.8). However, the landfill was approved by Riverside County for a 50-year operation, and Phase 5 is not a part of the county-approved landfill project.

### **Landfill Use of the East Pit**

The Eagle Mountain Pumped Storage Project’s use of the East Pit does not exclude the East Pit’s use as a landfill in perpetuity. In the event that, at some future date many decades from now, decision-makers determine that the landfill use of the East Pit has greater social or economic value than the proposed Project’s use of the East Pit, the water could be drained and the East Pit used as a component of the landfill.

The Solid Waste Facility Permit for the Eagle Mountain Landfill (Permit 33-AA-0228, issued January 14, 2000) specifically approved Phases 1 through 4 of the landfill, with 1,864 acres for disposal (Table 3.9-4 Landfill Project Phasing). Phase 5 of the landfill was not included in this permit.

**Table 3.9-4 Landfill Project Phasing**

<b>Phase</b>	<b>Life Span (years)</b>	<b>Acres</b>	<b>Net Waste Volume (million tons)</b>
1	23	319	83
2	11	312	71
3	31	703	195
4	19	534	121
<b>Total (Phases 1 – 4)</b>	<b>84</b>	<b>1868</b>	<b>470</b>
<i>Phase 5</i>	39	239	238

*Sources:* Eagle Mountain Landfill and Recycling Center EIS/EIR and California Integrated Waste Management Board, Board Meeting Summary December 14-15, 1999.

Riverside County approved Development Agreement No. 64 with Mine Reclamation Corporation, and others, for development of the Eagle Mountain Landfill. This development agreement states that, “in no event that the term of this Agreement be extended beyond November 30, 2088” (78 years from now). Therefore, the development agreement only allows for development of Phases 1 through 4. Phase 5 would not be scheduled to occur until year 84, at least 6 years after Development Agreement No. 64 expires.

Mine Reclamation’s lease of the landfill site from Kaiser expires in 2088, prior to the time when Phase 5 would be scheduled for development. Therefore, landfill use of the East Pit is proposed only in a future, and speculative, phase.

### **Potential Impacts to the Landfill Liner**

The Eagle Mountain Pumped Storage Project will involve storing water in the central and east mine pits and moving water between the two reservoirs through underground tunnels to generate power and to refill storage in the Upper Reservoir (East Pit).

Studies by GeoSyntec (1996) indicate that the natural groundwater flow is initially to the south from the area of the central pit. Those studies also indicated that because of fractures in the bedrock, seepage will occur, particularly if the reservoir is not treated to control the rate of seepage. Therefore, the proposed pumped storage operations may artificially raise groundwater levels in this local area. In the case of consistently high reservoir levels and efficient interconnectivity of bedrock fractures to the south, there is likelihood that this groundwater could exit on the hillside south of the Upper Reservoir rather than staying beneath the existing ground surface and the landfill. With the landfill proposed to be constructed south (down-gradient) of the Upper Reservoir, this groundwater could potentially encounter the lining of the landfill.

The potential and timing for groundwater to migrate to the southern slope is dependent on the local hydraulic conductivity of the rock and Project operations. Assuming a hydraulic conductivity of 650 feet per year, suggested by GeoSyntec’s work, it appears that seepage could



intersect the southern slope under long-term steady-state assumptions. The fact that the reservoir will be filled and drained on a weekly basis will have a dampening effect on the rate of seepage.

The following project design feature (PDF GW-1) will be undertaken to determine the actual potential for seepage and to control its rate from the Upper Reservoir:

- The Upper Reservoir (East Pit) will be thoroughly investigated during final design of the pumped storage Project to identify a program for seepage control. This investigation will include geologic mapping to identify the locations and extent of faults, cracks, fractures, and discontinuities in the rock formations and subsurface explorations to characterize the hydraulic conductivity of the rock formations. The mapping will identify locations that will tend to be the areas where seepage into the bedrock will be most pronounced. A seepage model will then be developed to characterize the flow patterns and potential seepage rates through the bedrock with the Upper Reservoir at its maximum normal pool (Elevation 2,485).
- Based on the above studies, a seepage mitigation program is proposed. This program includes:
  - Curtain grouting beneath the footprints of the two Upper Reservoir dams (foundation grouting typically is performed for dam safety reasons as a means of uplift control)
  - Grouting and/or shotcrete treatment of the surface features identified in the reservoir as likely locations for seepage to concentrate
  - Installation of monitoring wells and piezometers so that seepage amounts and flow patterns can be detected and understood
  - Installation of seepage recovery well(s) to capture seepage and prevent significant quantities of water from encountering the landfill liner
  - Other measures, such as impervious blanketing on portions of the reservoir bottom and sides, may also be used depending on results of detailed studies during design

The Eagle Mountain Pumped Storage Project Applicant has planned the Project with the assumption that the water conveyance tunnels for the Project will be concrete-lined throughout, except for the steel-lined penstock and draft-tube tunnels. This was assumed primarily for hydraulic efficiency reasons. However, these liners will effectively block seepage from occurring. Final tunnel design will need to carefully consider water pressures acting on the tunnels in both directions when the tunnels are fully pressurized for hydroelectric operations and when they are dewatered for inspection. The final designs for the tunnels and associated tunnel linings will assure that no potential will exist for water from the Project to cause uplift loads on the landfill liner system.

## **Compatibility of Specific Features and Ancillary Facilities Interferences**

If both of the projects are constructed, there will be a number of potential compatibility or interference issues that will need to be addressed during the design and construction phases. A Technical Memorandum (*see* Section 12.8) has been prepared for the Applicant and submitted to the State Water Board, addressing the issues of compatibility with the landfill and describing the features of the pumped storage Project that have been adjusted in order to eliminate possible conflicts with the landfill. These measures are summarized in PDF LU-4. For assessment of these issues and development of mitigation measures, it is assumed that the pumped storage Project will be constructed before the landfill project and that these measures to maintain compatibility of the two projects will be implemented by the pumped storage Project rather than the landfill developer.

According to the Site Development Plan, Prepared for Mine Reclamation Corporation by C-M Engineering Associates, Drawing 2 of 43, Feb 1994, updated October 27, 1997, the truck marshalling and rail yard facilities for the landfill are located on the east end of the mine site (*see* Section 12.8). In the Draft License Application (DLA), the applicant had indicated that construction staging and lay-down areas would be located close to the truck marshalling and rail yard. These areas, which are required for pumped storage Project construction, have been relocated to a parcel southwest of the Lower Reservoir and outside of the proposed landfill (*see* Section 12.8).

The DLA showed the low-voltage cable connection from the powerhouse to the Eagle Mountain switchyard as an above-ground line. The transmission lines connecting the transfer station and the switchyard were originally placed above ground through Phase 3 of the landfill project. The line would have extended from the top through a vertical cable shaft, above ground to the switchyard. Eagle Crest Energy (ECE) now intends to route the low-voltage cables from the underground powerhouse through the underground powerhouse access tunnel (*see* Section 12.8). The transmission cables would only be located above ground from the access tunnel portal near the Lower Reservoir, along the north rim of the reservoir and adjacent to the proposed water pipeline from the reverse osmosis treatment plant to the Lower Reservoir. The current proposed transmission line alignment was inadvertently drawn through a portion of Landfill Phase 4. The current alignment of the transmission line from the access tunnel portal to the switchyard can be modified to avoid Phase 4 of the Landfill, with little impact on the Project. This revised alignment will be developed during final project planning and design, and discussed with Kaiser to be sure of compatibility.

The water treatment facilities have also been relocated from the originally proposed location to address concerns raised by the MWD regarding proximity of the ponds to the CRA. The proposed Final License Application (FLA) pumped storage layout (*see* Section 12.8) aligns transmission lines within the access tunnel down to near the Lower Reservoir inlet structure.

Here the lines will run up through a shaft to the ground surface and then continue on to the Eagle Mountain switchyard as overhead transmission lines (*see* Section 12.8).

Existing and proposed roads within the landfill can be utilized by both projects if construction were to occur simultaneously requiring close coordination and communications between the projects, but, as discussed previously, it is very unlikely that both projects will be constructed on the same schedule.

### **Potential Conflicts with Other Landfill Facilities and Rock Resources**

The landfill haul roads along the perimeter of the Project area could be used to move equipment for pumped storage construction and as construction access roads. The existing internal access road running through the northern portion of landfill Phases 2 and 3 may be used to access the pumped storage surge tank and shaft until the north perimeter maintenance road is completed.

The staging, storage, and office/administrative areas for the pumped storage Project construction are proposed to be located to the southwest of the Lower Reservoir, in close proximity to the landfill project's proposed administration buildings. South of this area, is the proposed desalination area. This area is an abandoned section of the Eagle Mountain townsite. The proposed water treatment plant and brine disposal area will be accessed using existing roads from the abandoned town and crossing over the Eagle Mountain Railroad track system will not be required.

Kaiser's uses rock resources within the area of section 36, T 14E, R3N. There are no proposed Project facilities planned to be located on or near this area.

There is an estimated 9 million cubic yards of fine tailings on the site. The Report of Waste Discharge (ROWD) for the landfill states that Kaiser needs 1.7 million cubic yards of that material for construction of the landfill liner.

According to the ROWD, other rock resources on-site include 25 million cubic yards of overburden, 50 million cubic yards of coarse tailings, 500,000 cubic yards of alluvium (within the footprint of the landfill), and 28 million cubic yards of excavated bedrock, providing extensive quantities of rock material for daily cover.

For bottom lining of the reservoirs for seepage, the Applicant will use a portion of the fine tailings not utilized by the landfill, coupled with residual materials from tunnel boring, and other materials processed on-site that provide sufficiently low permeability, or combinations of all three.

Potential for conflicts with Kaiser's proposed mining operations are discussed in Section 3.1. Kaiser has expressed interest in resuming iron ore mining in the proposed Project area, since the price of iron ore has increased in recent years. In the event that the proposed Project is approved

and constructed, the East and Central pits would be inaccessible for iron ore mining for the life of the Project. The Black Eagle North and Black Eagle South pits would remain accessible for mining. The two Black Eagle pits are estimated to hold approximately 72,773,000 tons of recoverable iron ore (Kaiser, 2010a). As described by Impact 3.1-3, there are no current permitted plans to resume large scale iron mining at the Project site. However, the proposed Project will coordinate with the Eagle Mountain mine owner/operator to ensure the Project will not interfere with mining rights outside of Project boundaries. The owners of the mine site property intend to develop the mine site as a regional landfill and have not applied to for permits to re-open the mines as an iron mine, although some small scale rock quarrying is ongoing. Ore reserves within the Project boundary, constituting a small percentage of the available iron ore on the site, will not be accessible for the life of the Project, including a portion of CSLC mineral reserves. Iron ore and other rock resources in the mine site outside the Project boundary will remain accessible for mining. This impact would be *less than significant* and no mitigation is required.

### **Methane Gas from Eagle Mountain Landfill**

The proposed landfill will have an active gas extraction system installed to collect landfill gases. The collection system is quite extensive, with 1,200 extraction wells located approximately 300 feet apart over the cover for active continuous gas removal. These extraction wells will penetrate the full extent of the waste layers in the landfill. Lateral pipelines will connect these wells and convey the collected gases to a blower building. With this type of system, it is highly unlikely that landfill/methane gas would escape from the landfill and cause any concern to the pumped storage Project.

The proposed Project's tunnels are at sufficient depth (between 100 feet and 1,500 feet below surface) and distance from the landfill waste, that there should be no significant risk of methane migration into these facilities. Methane is lighter than air, so it is highly unlikely that landfill gas would be forced to such depths given the extraction system proposed for the landfill.

### Environmental Impact Assessment Summary:

#### **Land Use and Planning**

- (a) *Would the Project physically divide an established community?* No. The Project will have no physical effect on any established community.
- (b) *Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* No. The Project will not conflict with any land use plan of an agency with jurisdiction over the Project. As noted in the Regulatory Setting section above, Riverside County land use policies and zoning codes do not apply to

the Project site, due to the overriding “Federal Power Reserve” land designation. Pursuant to Section 24 of the FPA, any lands included in the Project power site are “reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.” (*See* 16 U.S.C. §818.) If FERC issues a license for the Project, the authority to create or enforce a zoning ordinance cannot be exercised in a way by a local government agency that could conflict with the federal determination that development of the Project – subject to the terms and conditions of the License – is in the public interest.

- (c) *Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?* No. Such plans do not exist for the Project area. A segment of the proposed transmission line will cross a Desert Wildlife Management Area, which, while not conflicting with a Habitat Conservation Plan / Natural Community Conservation Plan, is recognized as a potentially significant adverse impact that requires mitigation.

### **Public Services**

- (d) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: Fire protection? Police Protection? Schools? Parks? Other Public Facilities?* No. Because no new housing construction is anticipated, it is expected that existing regional public services (water, sewer, waste) will meet the Project-related workforce population. The Project will pay Development Impact Fees to insure that there are adequate public services.

**Impact 3.9-1 Short-term Construction Impact from Transmission Line and Interconnection to Substation.** The proposed transmission line and substation will cause short-term impacts as a result of construction activity, noise, dust, and traffic, this impact would be considered *potentially significant and subject to the mitigation program* (PDF LU-1, PDF LU-2, and PDF LU-5). This will be most noticeable with the substation construction for nearby residences of Desert Center. As such, construction access to/from the substation site will be from the Eagle Mountain Road exit and follow the Frontage Road east to the site. In addition public noticing stating hours of operation for construction near the Desert Center community and along State Route 177 will commence 2-weeks prior to construction activities.

**Impact 3.9-2 Operational Impact from Transmission Line and Interconnection to Substation.** This impact is considered *less than significant*. Long-term land use-related impacts associated with the transmission line/substation construction will be the permanent change from undeveloped desert to lands reserved for utilities. Except for the tower locations, land within the ROW will remain

undeveloped after construction. The transmission line will be in excess of 500 feet from any school, day care, or other sensitive receptor, so no health impacts from EMF are anticipated.

**Impact 3.9-3 Short-term Construction Impacts from the Water Pipeline Corridor.**

Construction of the water pipeline will cause short-term impacts as a result of construction activity, noise, dust, and traffic, this impact would be considered *potentially significant and subject to the mitigation program* (PDF LU-1, PDF LU-2, PDF LU-3, and PDF LU-5).

**Impact 3.9-4 Operational Impacts from the Water Pipeline Corridor.** This impact is *less than significant*. Long-term land use-related impacts associated with the water pipeline corridor construction will be the permanent change from undeveloped desert to lands reserved for utilities.

**Impact 3.9-5 Local Land Use Policies.** The proposed Project would not conflict with any land use plan of an agency having jurisdiction over the Project. Local land use policies and zoning codes do not apply to the Project site, due to the overriding “Federal Power Reserve” land designation. This impact is considered *less than significant*.

**Impact 3.9-6 CDCA Plan Amendment for Utility Right-of-Way.** Based upon review of BLM’s CDCA plan amendment criteria and required determinations, it appears that the Project is consistent with all criteria, and that a determination in favor of adopting a plan amendment can be made, if a plan amendment is needed. However, the BLM has determined that a plan amendment is not needed. Therefore, this potential impact is determined to be *less than significant*.

**Impact 3.9-7 Existing and Proposed Land Uses in the Central Project Site.** Implementation of the proposed Project will result in a change in the use of land within the Central Project Area from a former large-scale iron mine to a pumped storage hydroelectric facility. Additionally, this Project could be operating in conjunction with the proposed Eagle Mountain Landfill. The Project layout has been modified to eliminate conflicts with existing and proposed land uses. This impact is *potentially significant and subject to the mitigation program* (PDF LU-4, PDF LU-5, and MM LU-2).

**Impact 3.9-8 Landfill Construction Timing.** The pumped storage Project is likely to be built and operational prior to initiation of landfill construction at Eagle Mountain. Construction periods for the two projects are not likely to overlap or create any conflicts. Therefore, this impact is determined to be *less than significant*.

**Impact 3.9-9 Landfill Operations.** The proposed Eagle Mountain Pumped Storage Project will use the Central and East Pits to store water, areas that are not proposed to be used during Phases 1 through 4 of the landfill. The powerhouse and water conveyance tunnels will be underground and will not affect landfill construction or operations. Therefore, this impact is determined to be *less than significant*.

**Impact 3.9-10 Landfill Use of the East Pit.** The Eagle Mountain Pumped Storage Project's use of the East Pit does not exclude the East Pit's use as a landfill in perpetuity. In the event that, at some future date many decades from now, decision-makers determine that the landfill use of the East Pit has greater social or economic value than the proposed Project's use of the East Pit, the water could be drained and the East Pit used as a component of the landfill. Therefore, this impact is determined to be *less than significant*.

**Impact 3.9-11 Potential Impacts to the Landfill Liner.** Seepage from the Upper Reservoir could potentially encounter the lining of the landfill. Therefore, this potential impact is determined to be *potentially significant and subject to the mitigation program*. Mitigation measures to address this impact are PDF GW-1 [Groundwater Seepage] and MM GW-5 [Seepage Recovery Wells], described in detail in Section 3.3 Groundwater.

**Impact 3.9-12 Compatibility of Specific Features and Ancillary Facilities Interferences.** On the basis of the analysis presented above, this impact is *potentially significant and subject to the mitigation program* (PDF LU-4 and PDF LU-5). Design adjustments have been made to avoid interference with proposed landfill components, so that the proposed pumped storage Project does not conflict with construction or long-term operation of the proposed landfill project's specific features and ancillary facilities.

**Impact 3.9-13 Potential Conflicts with Other Landfill Facilities and Rock Resources.** On the basis of the analysis presented, it is concluded that the proposed pumped storage Project does not significantly conflict with construction roads, other operational components, or use of rock and fine-tailings resources at the mine site. Therefore, this impact is determined to be *less than significant*.

**Impact 3.9-14 Methane Gas from Eagle Mountain Landfill.** Based upon the analysis set forth, it is concluded that methane gas produced by the proposed landfill will not be affected in any way by the proposed pumped storage Project. Therefore, this potential impact is determined to be *less than significant*.

**Impact 3.9-15 Impact to Public Services.** This impact is considered *potentially significant and subject to the mitigation program*. Because no new housing construction is anticipated, it is expected that existing regional public services will meet the Project-related demand for services. However, to insure that there is no impact to public services, the Project will pay Development Impact Fees. Payment of development impact fees is listed as in the mitigation program as MM LU-1. The payment of these fees will ensure that acceptable response times and service ratios are maintained for public services. The proposed Project will cross the CRA and transmission lines owned by the MWD, used to provide power for the operation of the CRA. Therefore, the proposed Project has the potential to impact services provided by the MWD.

### **3.9.4 Mitigation Program**

The mitigation program includes project design features (PDFs) and mitigation measures (MMs). Project design features are design elements inherent to the Project that reduce or eliminate potential impacts. Mitigation measures are provided to reduce impacts from the proposed Project to below a level of significance, where applicable. As appropriate, performance standards built have been into mitigation measures.

As mentioned under Regulatory Settings, LORS are based on local, state, or federal regulations or laws that are frequently required independent of CEQA review, yet also serve to offset or prevent certain impacts. The proposed Project will be constructed and operated in conformance with all applicable federal, state, and local LORS.

Implementation of the proposed hydroelectric facility within the Central Project Area will have no significant effect on existing or future land uses. If and when the proposed landfill project becomes a reality, coordination between owners will facilitate compatible final designs and operation.

Due to the proximity of the Project's substation to Desert Center and pipeline construction across private property, the following project design features will be included:

**PDF LU-1. Construction Access.** Construction access to/from the substation site will be from the Eagle Mountain Road exit and follow the Frontage Road east to the site. The Contractor will be responsible for monitoring construction access points.

**PDF LU-2. Construction Notice.** Two weeks prior to beginning construction, notices shall be posted locally stating hours of operation for construction near the Desert Center community and along State Route 177.

**PDF LU-3. Pipeline Construction.** Impacts from water pipeline construction will be minimized or avoided by: (1) grading out the sidecast to meet existing grades; (2) minimizing disturbance, and construction timing to avoid seasonal rain, and maintaining surface contours and natural function of washes crossed; and (3) use of existing access roads, when feasible, thereby avoiding new ground disturbance.

**PDF LU-4. Coordination with Adjacent Projects.** The Project layout has been modified to eliminate conflicts with existing and proposed land uses. For example, construction staging and lay-down areas have been relocated to a parcel southwest of the Lower Reservoir and outside of the proposed landfill to eliminate conflict with the proposed landfill truck marshalling and railyard facilities. Low voltage cables from the underground powerhouse have been routed through the underground powerhouse access tunnel to avoid conflicts with landfill Phase 3. Water treatment facilities have been relocated further from the Colorado River Aqueduct (CRA) to



address concerns of the Metropolitan Water District of Southern California (MWD) regarding the proximity of the brine ponds to the CRA.

These efforts, including coordination to eliminate conflicts with the existing Eagle Mountain Mine operations outside of Project boundaries, will continue during the final design and construction of the proposed Project. Because several large and complex projects are proposed in the same general area (including the landfill project and several proposed solar energy projects), detailed coordination will occur as the Project progresses in order to eliminate conflicts of facility locations, supporting infrastructure, designs, permits, and operations. The Licensee will be required to have regular Project coordination meetings with the owners of the Eagle Mountain Mine, the landfill project, the adjacent solar projects, MWD, and any other interested landowners and Project developers during construction of the Project. As the Project progresses into the design phase, the Project layout will be designed to preserve landfill capacity in Phases 1 through 4.

**PDF LU-5. Public Outreach Program.** The Licensee will hold public meetings in the Project area to brief the public on Project activities and to hear and respond to comments. These meetings will be held quarterly in the Project area during engineering and construction and annually during Project operation for the life of the Project.

### **Mitigation Measure**

**MM LU-1. Development Impact Fee.** Prior to the start of commercial operation the Licensee shall pay to Riverside County the required Development Impact Fee for the Project area in accordance with Riverside County Ordinance 659, as amended through 659.7 and Chapter 4.60 of the Riverside County Code (Development Impact Fees).

**MM LU-2 Coordinate with MWD.** The Licensee will submit design plans for proposed Project facilities which may affect MWD facilities to the MWD for its review and approval for any Project component that may affect MWD facilities or rights-of-way. MWD's approval will be contingent on review and approval of design plans. MWD will also be notified of the construction of Project features that may affect MWD facilities or rights-of-way and will have an opportunity to observe construction of such features.

### ***3.9.5 Level of Significance after Implementation of Mitigation Program***

**Impact 3.9-1 Short-term Construction Impact from Transmission Line and Interconnection to Substation.** The proposed transmission line and substation will cause short-term impacts as a result of construction activity, noise, dust, and traffic, and will be most noticeable with the substation construction for nearby residences of Desert Center. As such, construction access

to/from the substation site will be from the Eagle Mountain Road exit and follow the Frontage Road east to the site, in addition public noticing stating hours of operation for construction near the Desert Center community and along State Route 177 will commence 2 weeks prior to construction activities. Implementation of PDF LU-1, PDF LU-2, and PDF LU-5 will result in a *less than significant impact*.

**Impact 3.9-2 Operational Impact from Transmission Line and Interconnection to Substation.**

This impact is considered *less than significant*. Long-term land use-related impacts associated with the transmission line/substation construction will be the permanent change from undeveloped desert to lands reserved for utilities. Except for the tower locations, land within the ROW will remain undeveloped after construction. The transmission line will be in excess of 500 feet from any school, day care, or other sensitive receptor, so no health impacts from EMF are anticipated.

**Impact 3.9-3 Short-term Construction Impacts from the Water Pipeline Corridor.**

The Project's pipeline construction will create short-term impacts related to construction activity, traffic, noise, and dust. These impacts would be considered *less than significant* with implementation of PDF LU-1, PDF LU-2, PDF LU-3, and PDF LU-5 which require construction access to/from the substation site will be from the Eagle Mountain Road exit and follow the Frontage Road east to the site, in addition, public noticing stating hours of operation for construction near the Desert Center community and along State Route 177 will commence 2 weeks prior to construction activities. Further, potential impacts from water pipeline construction will be minimized or avoided by (1) grading out the sidecast to meet existing grades; (2) minimizing disturbance, construction timing to avoid seasonal rain, and maintaining surface contours and natural function of washes crossed; and (3) use of existing access roads, when feasible, thereby avoiding new ground disturbance.

**Impact 3.9-4 Operational Impacts from the Water Pipeline Corridor.** This impact is considered *less than significant* and no mitigation required.

**Impact 3.9-5 Local Land Use Policies.** All development projects in Riverside County are subject to development fees. Adherence to this payment (listed within the mitigation program as MM LU-1) would not change the level of significance which is *less than significant*.

**Impact 3.9-6 CDCA Plan Amendment for Utility Right-of-Way.** This impact is considered *less than significant* and no mitigation required.

**Impact 3.9-7 Existing and Proposed Land Use Conflicts in the Central Project Area.** None of the facilities or structures of the Project are anticipated to have a significant adverse effect on existing land uses and land use impacts would be *less than significant* with incorporation of the mitigation program (PDF LU-4, PDF LU-5, and MM LU-2).

**Impact 3.9-8 Landfill Construction Timing.** This impact is considered *less than significant* and no mitigation required.

**Impact 3.9-9 Landfill Operations.** The pumped storage Project will use the Central and East Pits to store water, areas that are not proposed to be used during Phases 1 through 4 of the landfill. This impact is considered *less than significant* and no mitigation required.

**Impact 3.9-10 Landfill Permitting.** The Eagle Mountain Pumped Storage Project's use of the East Pit does not exclude the East Pit's use as a landfill in perpetuity. This impact is considered *less than significant* and no mitigation required.

**Impact 3.9-11 Potential Impact to the Landfill Liner.** Mitigation measures proposed to control and recover seepage from the pumped storage Project's reservoirs (PDF GW-1 and MM GW-5) would result in *less than significant* impact.

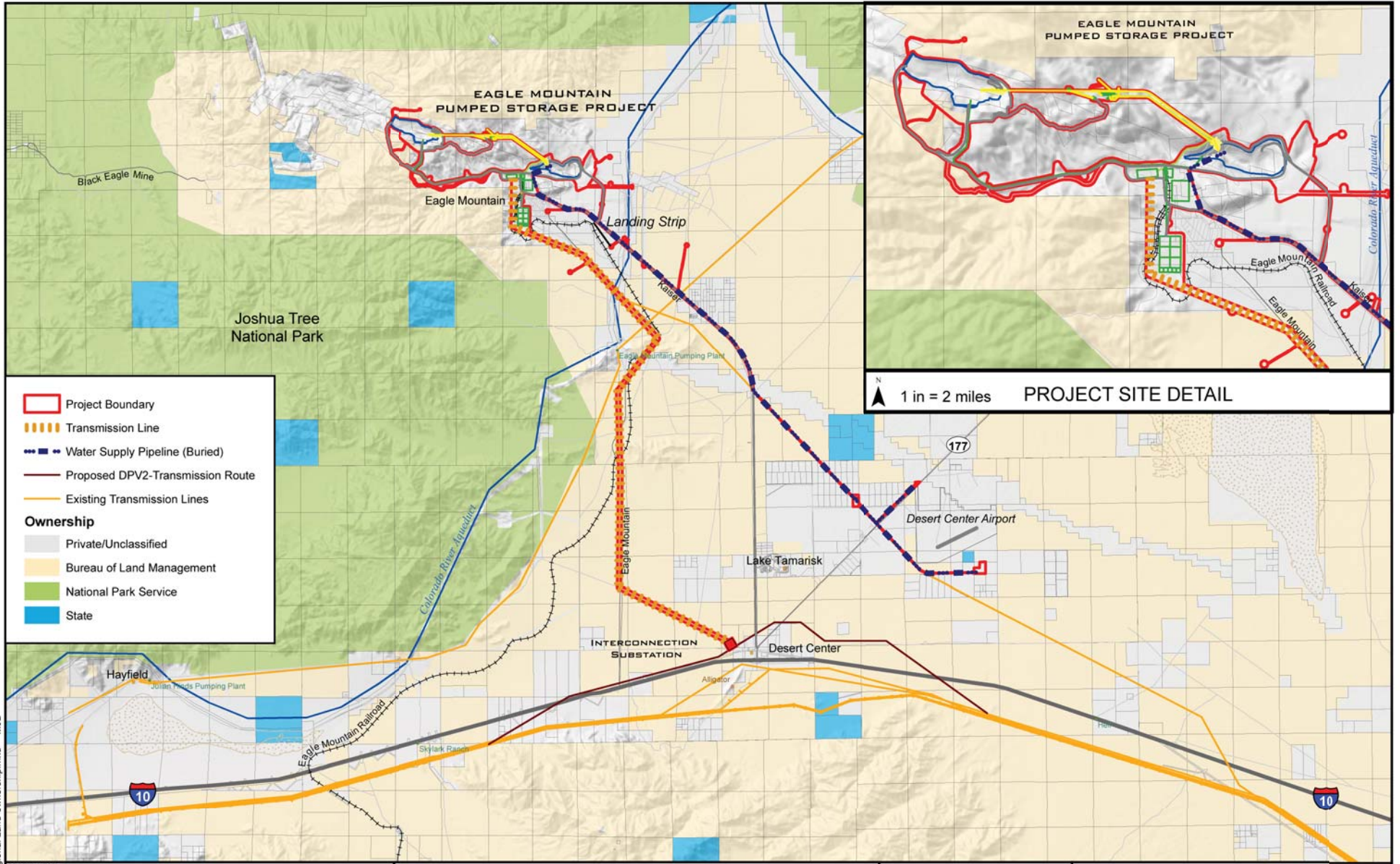
**Impact 3.9-12 Compatibility of Specific Features and Ancillary Facilities Interferences.** With adherence to PDF LU-4 and PDF LU-5, potential impacts would be *less than significant*.

**Impact 3.9-13 Potential Conflicts with Other Landfill Facilities and Rock Resources.** This impact is determined to be *less than significant*, and no mitigation is required.

**Impact 3.9-14 Methane Gas from Eagle Mountain Landfill.** This impact is determined to be *less than significant*, and no mitigation is required.

**Impact 3.9-15 Impact to Public Services.** This impact is considered *less than significant* with the application of the mitigation program (MM LU-1 and MM LU-2). The payment of these fees will insure that acceptable response times and service ratios are maintained for public services. Coordination with the MWD, including MWD approval of design of the transmission and CRA crossings, will insure the proposed Project does not interfere with the operation and the service provided by the MWD.

No residual impacts to land use or public services would occur with Project implementation.



04-Jun-2010 Figure 3.9-1 Regional Land Ownership.mxd MJD

SOURCE:  
Ownership- BLM



Environmental Impact Report  
prepared for State Water Resources Control Board  
by GEI Consultants, Inc.

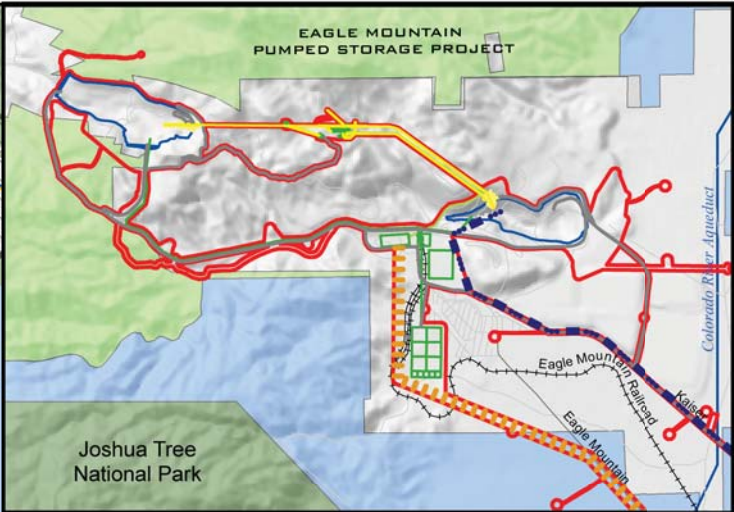
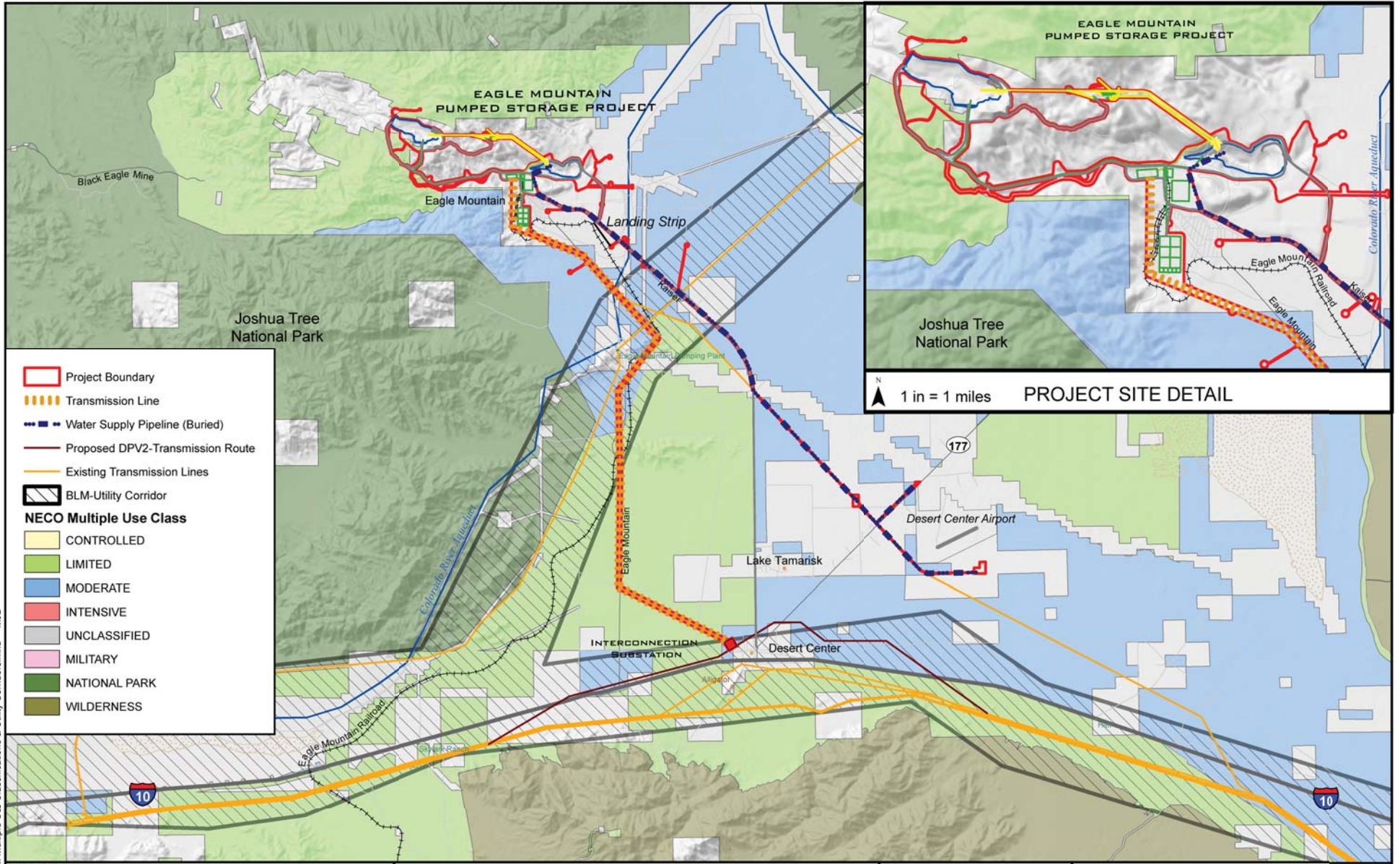
Eastern Riverside County, California



REGIONAL LAND  
OWNERSHIP

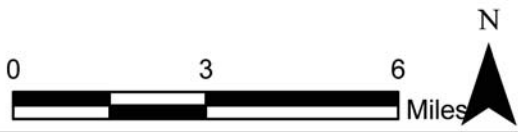
July 2013

Figure 3.9-1



04-Jun-2010 Figure 3.9-4 BLM Multiple Use Classifications & Utility Corridors.mxd MJD

SOURCE:  
NECO MUC- BLM



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by GEI Consultants, Inc.

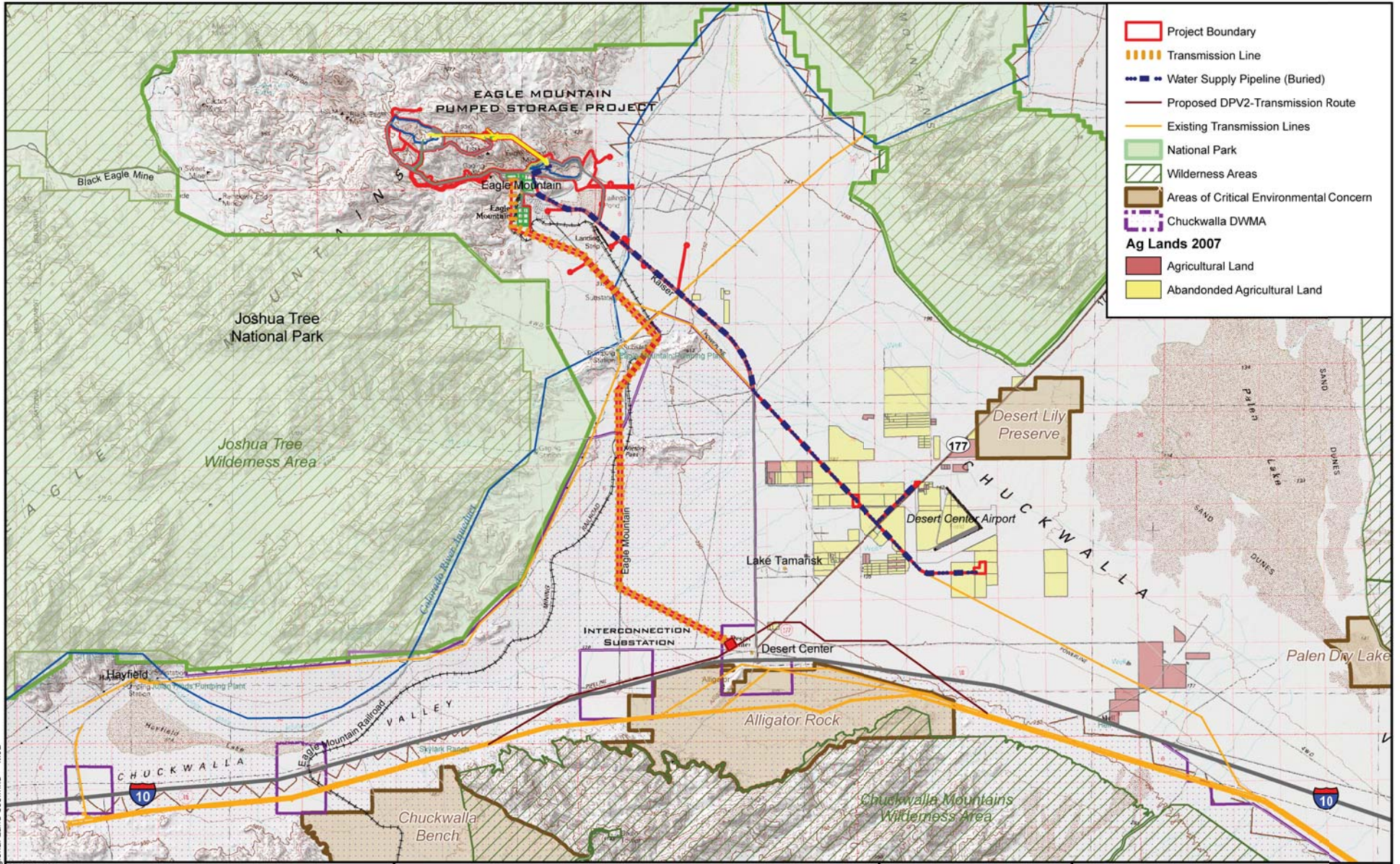
Eastern Riverside County, California



**BLM MULTIPLE  
USE CLASSIFICATIONS  
& UTILITY CORRIDORS**

July 2013

Figure 3.9-2



04-Jun-2010 Figure 3.9-2 Regional Land Use.mxd MJD

SOURCE:  
Open Space- BLM  
Ag Lands- Field investigation 2007



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by GEI Consultants, Inc.

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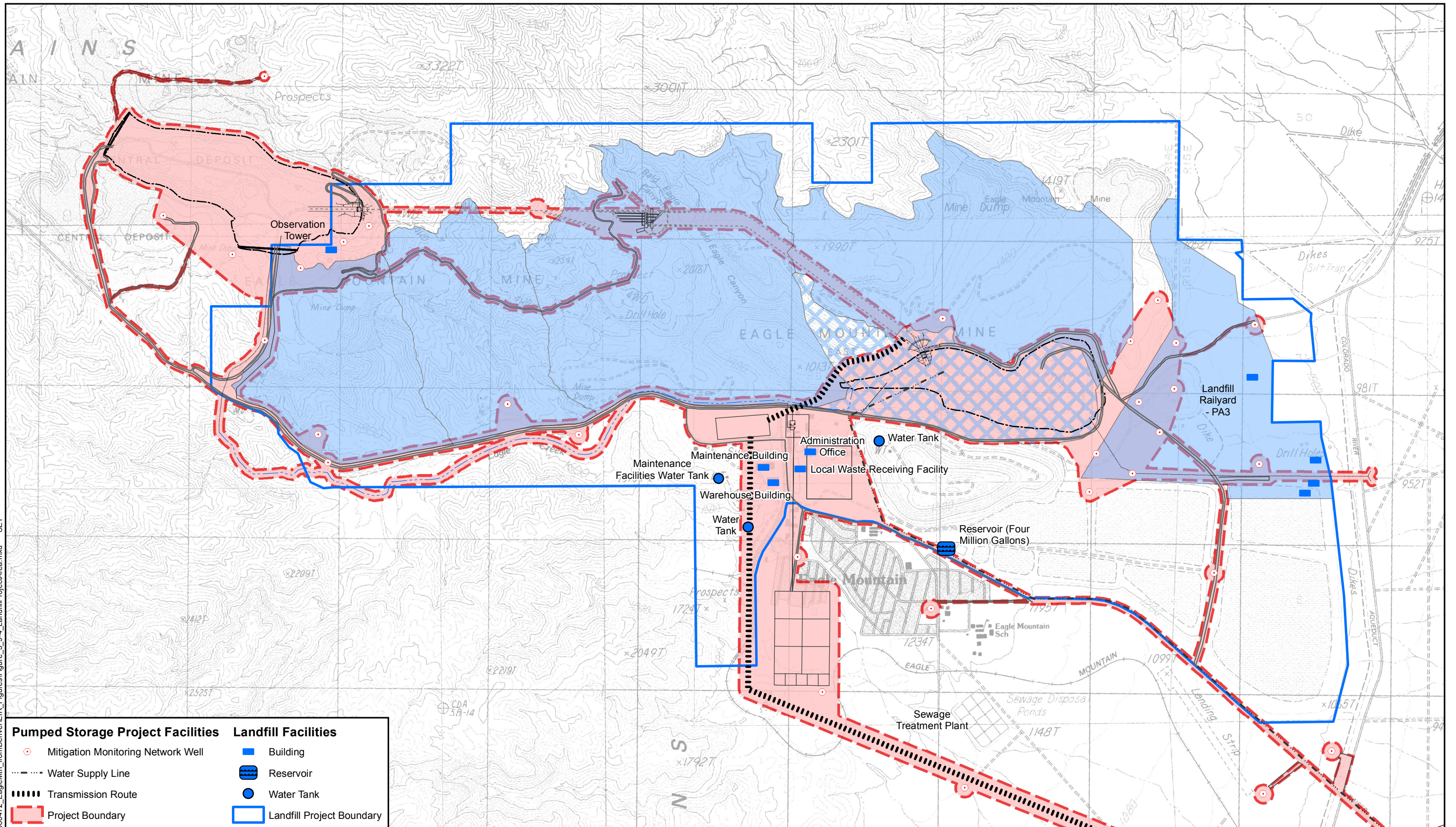


REGIONAL LAND USE

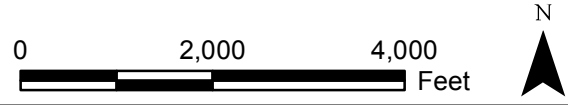
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Figure 3.9-3

8-Feb-2012 Z:\Projects\080472\_Eagle\Mn\_fromDenver\EIR\_Figures\Figure\_3\_9-4\_LandfillProjectArea.mxd SET



Pumped Storage Project Facilities	Landfill Facilities
Mitigation Monitoring Network Well	Building
Water Supply Line	Reservoir
Transmission Route	Water Tank
Project Boundary	Landfill Project Boundary



Source: Landfill Features from Eagle Mountain Landfill and Recycling Center Site, Report of Disposal Site Information, Site Development Plan, Prepared for Mine Reclamation Corporation by C-M Engineering Associates, Drawing 2 of 43, Feb 1994, updated 10/27/97.

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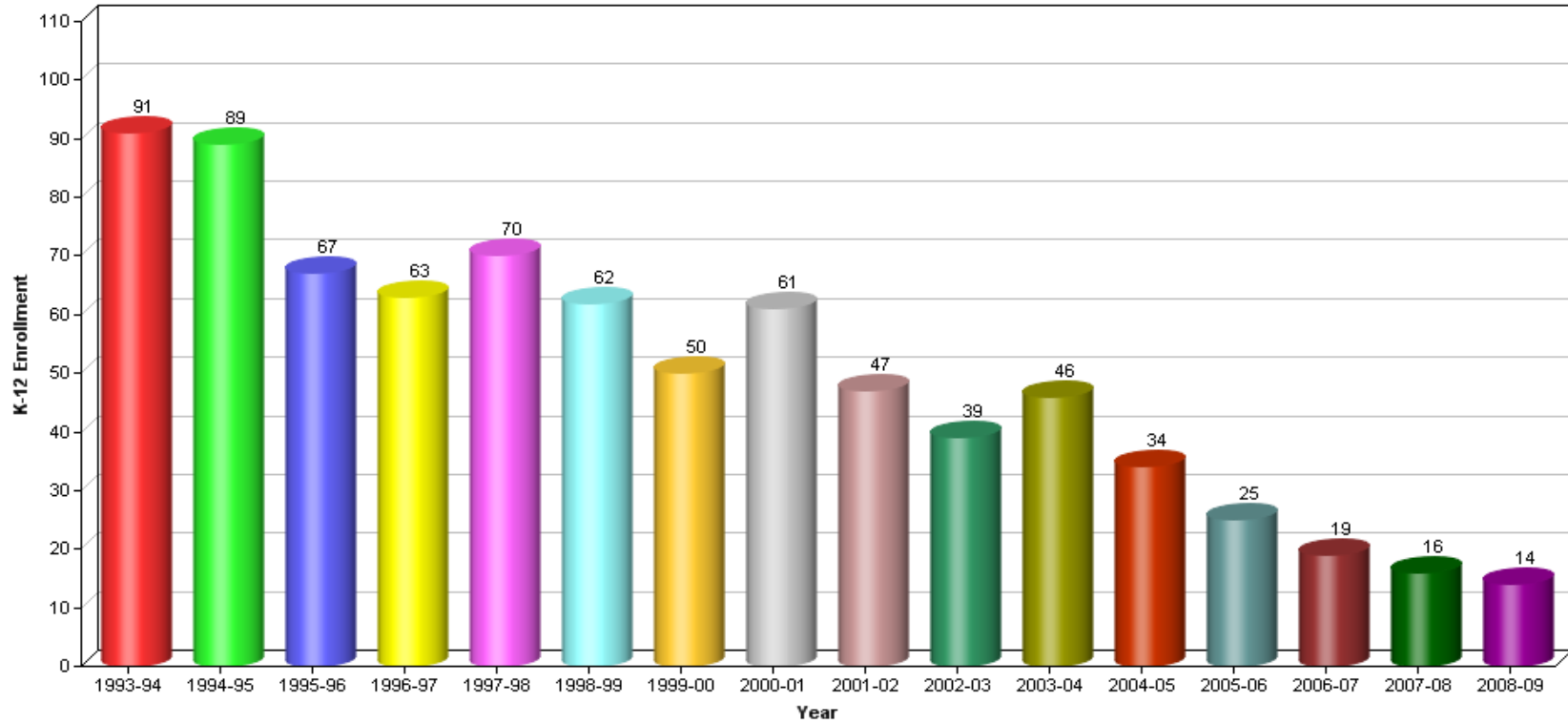
Eastern Riverside County, California



OVERLAY OF LANDFILL PROJECT  
(1997 UPDATE) AND PUMPED  
STORAGE PROJECT (DEIS)

July 2013

Figure 3.9-4



**Figure 3.9-5. K-12 Public School Enrollment, 3367041-Desert Center Unified School District**

Source: California Department of Education, Educational Demographics Office <http://www.cde.ca.gov/index.asp> Accessed April 18, 2010.