



September 15, 2023

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Via email: control-silverpeak@montrose-env.com

Re: Notice of Preparation of an Environmental Impact Report for the Control-Silver Peak Project Proposed by Southern California Edison (SCH 2023080399)

Friends of the Inyo, on behalf of our over 1,000 members, submits these comments in response to the California Public Utilities Commission's (CPUC) notice of preparation (NOP) of an environmental impact report (EIR) for Southern California Edison's (SCE) proposed Control-Silver Peak Project (Project). Friends of the Inyo is a grassroots non-profit organization based in Bishop, California. Our mission is to protect and care for the land and water of the Eastern Sierra. Over our 36-year history, we have actively engaged with land and water management agencies in the Eastern Sierra, including the Bureau of Land Management (BLM), United States Forest Service (USFS), and the project applicant, SCE.

SCE proposes to rebuild portions of two existing single-circuit 55 kilovolt (kV) subtransmission lines (Control-Silver Peak 'A' and 'C' circuits). The Project would also include replacing some subtransmission structures and related actions at interconnected facilities "to remediate identified discrepancies as part of SCE's Transmission Line Rating and Remediation (TLRR) program."¹ The proposed Project is located in Inyo and Mono counties on private lands, lands owned by the Los Angeles Department of Water and Power, and lands managed by the Inyo National Forest and

¹ August 2023 CPUC Notice of Preparation of an Environmental Impact Report for the Control-Silver Peak Project Proposed by Southern California Edison

BLM's Bishop Field Office and Ridgecrest Field Offices. The CPUC is the California Environmental Quality Act (CEQA) lead agency.

Based on the geographic extent and type of work proposed, SCE divided the Project into five segments. From the NOP, the segments are:

- Segment 1: This segment consists of portions of the existing Control-Silver Peak 'A' and 'C' 55 kV circuits, spanning from the Control Substation near the City of Bishop to where the Proposed Project alignment intersects U.S. Highway 395 (U.S. 395). This segment is approximately 3.4 miles long and located entirely in Inyo County. In Segment 1, the existing overhead groundwire (OHGW) installed on poles along one of the two pole lines would be removed and optical groundwire (OPGW) would be installed on those existing poles.
- Segment 2: This segment consists of portions of the existing Control-Silver Peak 'A' and 'C' 55 kV circuits, spanning from the point where the alignment intersects U.S. 395 near the City of Bishop to the point where the two pole lines merge north-northeast of the U.S. 395 crossing. This segment is approximately 1.4 miles long and located entirely in Inyo County. The work along Segment 2 would include rebuilding the existing subtransmission poles and conductor (maintaining a configuration of two single-circuit pole lines) and installation of OPGW and OHGW on the new poles. Per SCE's 2021 Proponent's Environmental Assessment (PEA), 49 poles would be removed and 25 new ones would be installed.
- Segment 3: This segment consists of portions of the existing Control-Silver Peak 'A' and 'C' 55 kV circuits spanning from the eastern end of Segment 2 to the Fish Lake Valley Metering Station just west of the California- Nevada border and approximately 2 miles east of the community of Oasis. This segment is approximately 37.3 miles long and is located in both Inyo and Mono counties. Work in Segment 3 would include removing and rebuilding existing subtransmission poles and conductors and installing OPGW on the new poles. One of the existing single-circuit pole lines along this segment would be removed and the remaining single-circuit pole line would be rebuilt into a new double-circuit pole line. Per SCE's 2021 PEA, 1,505 poles that are 24 to 63 feet tall would be replaced with 674 new poles that would be up to 82 feet taller. Depending

on location, the poles would be a mix of "equivalent" wood poles, tubular steel poles (TSP), and H-frame TSPs.

- Segment 4: This segment consists of the Zack Tap portion of the existing Control-Silver Peak 'C' 55 kV circuit, which spans from Segment 3 north of the City of Bishop to the Zack Substation. This segment is approximately 16 miles long and is located in both Inyo and Mono counties. In Segment 4, two poles would be replaced and the existing conductor and third-party infrastructure (if present) would be transferred to the replacement poles that would be up to 16 feet taller.
- Segment 5: This segment consists of the Deep Springs Tap of the existing Control-Silver Peak 'A' 55 kV circuit, which spans from Segment 3 south to the Deep Springs Substation. This segment is approximately 2.4 miles long and is located in Inyo County. In Segment 5, eight poles would be replaced and the existing conductor and third-party infrastructure (if present) would be transferred to the replacement poles that would be up to 16 feet taller.

The proposed Project includes approximately 38 staging and construction laydown areas (CLA) that would be used for vehicle and equipment parking, helicopter landing zones, materials storage, construction trailers, construction equipment, portable sanitation facilities, and storage of steel/wood poles, reels of wire, hardware, insulators, cross arms, signage, fuel, and waste materials for salvaging, recycling, or disposal. The staging areas may have nighttime security lighting. SCE proposes to return staging and CLAs to their preconstruction condition at the completion of the project.

Construction work areas would be accessed via existing dirt and paved roads and/or approximately 7.5 miles of 14± feet wide overland access routes. Some existing roads may be improved to facilitate access.

Per the NOP, the CPUC has identified the following objectives for the proposed Project:

Objective 1: Remediate or otherwise address identified discrepancies in SCE's Control-Silver Peak 'A' and 'C' 55 kV circuits, such that these facilities meet the clearance standards in CPUC's General Order (G.O.) 95 and meet North American Electric Reliability Corporation Facility Ratings.

Objective 2: Eliminate or reduce any safety hazards (e.g., wildfire) posed by SCE's existing infrastructure that does not meet standards in G.O. 95.

Objective 3: Maintain existing interconnections between SCE, Valley Electric Authority, and NV Energy, providing system redundancy, reliability, and operational flexibility.

Objective 4: Maintain acceptable service reliability for customers served through area substations interconnected with Control-Silver Peak 55 kV circuits 'A' and 'C' (e.g., Control, Zack, White Mountain, and Deep Springs substations).

Comments

We have reviewed the NOP and SCE's 2021 PEA and offer the following comments and recommendations for the preparation of the draft Environmental Impact Report (DEIR):

Coordinated CEQA and NEPA

The proposed Project will require permits, consultation, special use authorizations, and right-of-way grants from the US Army Corps of Engineers (USACE), US Fish and Wildlife Service (USFWS), USFS, and BLM. These actions all require National Environmental Policy Act (NEPA) review and the preparation of an environmental impact statement (EIS). The proposed Project will also require permits or review from the California State Water Resources Control Board and Regional Water Quality Control Board, California Department of Fish and Wildlife (CDFW), the California State Historic Preservation Officer (SHPO), and the tribal communities whose traditional lands are crossed by the Project.

Due to the intertwined nature of the required permits for the implementation of the proposed Project that are subject to both CEQA and NEPA, we strongly recommend a joint EIR/EIS be prepared for the proposed Project. A joint EIR/EIS will provide a streamlined approach for the CEQA/NEPA review and enable a coordinated and cohesive approach to agency consultation, impact analysis, and development of mitigation measures. A joint EIR/EIS will benefit tribal governments, state and federal agencies, and stakeholders engaged in the project by reducing duplicative review efforts that separate siloed CEQA and NEPA reviews would require.

Biological Resources

The proposed Project ranges from the Eastern Sierra to the western Great Basin. The Segments span from Owens Valley, north up the Chalfant Valley, and east over the White Mountains to the Fish Lake Valley at the California/Nevada border. Elevations range from around 4,000 feet in the valleys to over 10,000 feet in the White Mountains. Ecosystems within the Project area run the gamut from the iconic Mountain Big Sagebrush Shrubland in the valleys to montane woodland forests, including Bristlecone

pinos. The project crosses several riparian corridors, including the Owens River, Silver Creek, and Wyman Creek.

Biological resource surveys for sensitive plant and wildlife resources were conducted in May and June 2017 and 2018 by Arcadis U.S.² Additional fieldwork for summer blooming sensitive plant species was done in September 2017 and 2018. A 100-foot radius was surveyed around each pole location and a 150-foot wide corridor (75-foot wide on each side of the centerline) was surveyed for the entire alignment. The proposed Project has the potential to have significant adverse impacts to:

- Candidate, sensitive, and special status species
- Riparian and sensitive natural communities
- State or federally protected wetland
- Resident native and migratory species movements and migratory corridors and use of nursery sites

Given that the proposed Project has the potential to adversely impact special-status species, the biological resources surveys must adhere to wildlife agency-approved, species-specific protocols to provide thorough and accurate results that support impact analysis and identification of appropriate mitigation measures for each species. The DEIR must address both direct impacts from the proposed Project and cumulative impacts on special-status species, sensitive habitats, and connectivity. The DEIR must, at a minimum, include avoidance, minimization, and compensatory mitigation measures for species and habitats the Project will adversely impact. The biological resource best management practices and mitigation measures contained in the DEIR must be fully compliant with CDFW, USFWS, BLM, USFS, and USACE recommendations to ensure consistency with all permitting requirements. We recommend avoidance and minimization measures be exhausted, with concurrence by trustee and responsible wildlife agencies, before compensatory mitigation options are considered.

Resurvey Required

Over five years have passed since the field surveys were completed. During the intervening years, the project area has experienced years of drought followed by record-breaking winter precipitation. The pandemic brought intensified recreational use including off-highway vehicle (OHV) use and distributed camping. Further, the past year's extreme weather conditions have damaged roads and caused mass surface disturbances, which may require more intensive access road development and construction site preparation than was

² Arcadis U.S., Inc (Arcadis). 2019a. TLRR Sensitive Species and Habitat Report: Control-Silver Peak 55 kV Subtransmission Line Project. Prepared for SCE. June.

contemplated by SCE when they filed their application in 2021. These climatic, geomorphologic, and use changes to the area can reasonably be expected to impact species occurrence and status. For these reasons, we recommend the biological resource field surveys be completed again to reconfirm the 2017 – 2018 results and to identify any changes in the status and distribution of sensitive biological resources.

Senate Bill 149 - Fully Protected Species

Senate Bill 149 recently revised California's statute for fully protected species and requires that take must be avoided to the maximum extent possible. If take cannot be avoided to the maximum extent possible, then a project applicant must fully mitigate that take, ensure that all further measures necessary to satisfy the conservation standard of Section 2805(d) of the Fish and Game Code are in place, and provide for monitoring and adaptive management.

Desert bighorn sheep, bald eagle, and golden eagle are CDFW fully protected species that have the potential to occur in the proposed Project area. Desert bighorn sheep have been observed in the proposed Project site and Silver Canyon and surrounding area provides suitable habitat. Given that the Project site provides suitable habitat for these fully protected species, complete protocol-level surveys must be performed to ensure that take will be avoided to the maximum extent possible.

Bi-State Distinct Population Segment (DPS)

The Bi-State DPS discussion and analysis in the 2021 PEA is outdated. In 2022, the federal court ordered the U.S. Fish and Wildlife Service to reinstate the 2013 proposal to list the Bi-State DPS as threatened and to issue a new final listing decision.³ The Bi-State sage-grouse is also a USFS Region 4 Sensitive Species and the proposed Project traverses proposed critical habitat for the Bi-State DPS greater sage-grouse.⁴ The DEIR must include an analysis of potential impacts from the proposed Project to Bi-State DPS of greater-sage grouse and provide avoidance and minimization measures to avoid take.

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<https://www.federalregister.gov/documents/2023/04/27/2023-08848/endangered-and-threatened-wildlife-and-plants-threatened-status-for-the-bi-state-distinct-population>

4

<https://cecgis-caenergy.opendata.arcgis.com/datasets/CAEnergy::critical-habitat/explore?location=37.702850%2C-118.322490%2C11.74>

Applicant Proposed Measures

SCE has included Applicant Proposed Measures (APM) in their 2021 PEA. We recommend the following:

BIO-Gen-1 General

We caution against relying on translocation as an appropriate mitigation approach. CDFW is on the record for not generally supporting the use of "relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful."⁵

BIO-AVI-5 Burrowing Owl

The APM proposed disturbance buffers of 300 feet (91.4 meters) are inconsistent with CDFW's recommended buffers for burrowing owls.⁶

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

The Nesting Bird Management Plan must be consistent with CDFW guidelines.

BIO-MAM-1 Desert Bighorn Sheep

The proposed "Limited Operation Period" is insufficient to avoid adverse impacts to this fully protected species. We request the following revision:

Limited Operating Period. ~~SCE shall avoid construction~~ Construction activities are prohibited within one-mile of bighorn sheep lambing areas during the lambing period February 1 – May 30, and from identified water sources during the dry summer months, between May 1 – Sept 30, ~~in specific project areas~~ (63 FR 13135 and USFWS 2000). This measure does not apply to emergencies.

Cultural Resources

The proposed Project spans an extremely diverse natural setting from Bishop Creek to Fish Lake Valley including extremely rugged terrain as it ascends and descends the

⁵ <https://ceqanet.opr.ca.gov/2022010271/Attachment/S94hFW>

⁶ California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

White Mountains. In terms of cultural resources, the Project is similarly diverse, spanning a wide range of cultural groups ranging from the Holocene, some 7,500 years ago, to the Owens Valley Paiute, to the miners and ranchers of the 19th and 20th centuries.

Cultural Resources studies were conducted between November 27, 2018 and July 18, 2019. The PEA states, "the APE was surveyed using transects spaced no greater than 15 meters apart. Transect spacing was reduced to between 3 and 5 meters when archaeological sites or isolates were observed in order to adequately define the character of the cultural material." Slopes greater than 40% were excluded from the survey, as were scattered areas such as gravel pits, which were heavily disturbed. The PEA states that the proposed Project has the potential to pose significant adverse impacts to cultural resources. Our areas of concern with the cultural resources analysis include the following:

- CSP Project Area / Area of Potential Effects
- Field Survey
- Resource Definitions
- National Register of Historic Places / California Register of Historic Resources Eligibility
- Applicant Proposed Measures
- White Mountain City Area of Critical Environmental Concern
- Site CA-INY-1384/H
- Tribal Consultation for the Cultural Resources Analysis
- Effects Analysis

CSP Project Area / Area of Potential Effects

The cultural resources section in Chapter 5 confusingly mixes references to the Project Area and the Area of Potential Effects (APE), neither of which are adequately defined. The Cultural Resources APE map (Figure 5.5-1) includes polygons labeled as "previously surveyed," "surveyed for SCE project," "other," and "unknown." The scale of the map is such that only the "Surveyed for SCE Project" polygon is visible. It is entirely unclear what is meant by "unknown" relative to the project APE and the map also depicts portions of the APE that diverge from the transmission line itself which adds to the confusion. The cultural resources analysis needs to better define the CSP project area and clarify whether the direct and indirect areas of potential effect occupy the same footprint of the CSP project area.

The cultural resources analysis refers to both a Direct Area of Potential Effects and an Indirect Area of Potential Effects. Neither area is defined other than in terms of geographical extent. Section 5.5.1.7.1 states that "the direct APE for archeological resources for the Project measured 1,588.8 acres". In contrast, Section 5.5.1.7.2.1.1 states that "a ½-mile radius was established from the outside edge of the Project

corridor to form the Indirect APE." The description of the cultural resources survey coverage does not add any clarity as Section 5.5.1.7.1.2.2 states that the cultural resources survey covered 1,917.9 acres. The document does not explain why the cultural resources survey covered an area larger than the direct APE. The 329.1 acre discrepancy between the survey and the direct APE is too small to represent any significant portion of the indirect APE.

It is difficult to assess whether those areas adequately encompass the scope of where direct and indirect effects could occur without a clear definition of direct and indirect areas of potential effects. In 2019, the D.C. circuit court ruled in *National Parks Conservation Association v. Semonite* that direct effects, as described in Section 110(f) of the National Historic Preservation Act (NHPA), are not limited to physical effects⁷ but rather are the product of causality rather than physicality: "this means that if the effect comes from the undertaking at the same time and place with no intervening cause it is considered 'direct' regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.)" (see attached Advisory Council on Historic Preservation Memo). Further, in response to *National Parks Conservation Association v. Semonite*, the Office of Government Counsel (OGC) redefined indirect effects as those "caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable (ACHP Memo). The cultural resources analysis for the DEIR needs to consider direction from the courts, the Office of Government Counsel, and the Advisory Council on Historic Preservation in defining areas of direct and indirect effects. Tribal consultation should also be undertaken to further define areas of direct and indirect effects. Additional cultural resources surveys may be necessary to fully cover the direct APE and provide the data necessary to prepare the DEIR.

Field Survey

A total of 1,917.9 acres were subject to pedestrian survey for the Project. Of these, 1,830.1 acres (95%) were surveyed using standard transects. A total of 65.3 acres (3%) could not be surveyed within the White Mountains, primarily due to slope exclusion. The presence of slope exclusions from cultural resources surveys is concerning. While slope exclusions are a safety issue, they are also predicated upon the notion that cultural resources are uncommon on steep slopes. That notion is less accurate in historic mining areas such as the White Mountains where historic-period mining sites are regularly encountered on slopes greater than 40%. The DEIR will

⁷ Advisory Council on Historic Preservation (2019) Memorandum RE: Recent Court Decisions regarding the meaning of "direct" in Sections 106 and 110(f) of the National Historic Preservation Act.

need to consider whether ground-disturbing work could occur on those excluded slopes and outline the measures that would be taken to ensure that cultural resources are not impacted.

Resource Definitions

The cultural resources analysis is broken down into archaeological sites and built environment resources. Neither resource type is effectively defined. While Tables 5.5-1 and 5.5-2 provide thumbnail descriptions of the cultural resources analyzed for the Project, those descriptions do not clarify the difference between archaeological sites and built environment sites. For example, Table 5.5-1 includes White Mountain City, a mixed component site that includes remnants of 20+ buildings and structures including cabins, a mill, a possible smelter or ore roasting furnace, and arrastras) and FS Site 05045302546, a site described as a cabin and refuse scatter. Table 5.5-2, while mostly depicting linear features such as roads and transmission lines, also includes Roberts Ranch (CA-INY-6725), a site that includes a cabin and remnants of a smelter. The analysis must better explain the delineation of archaeological sites and built environment resources.

National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) Eligibility and Evaluations

Section 5.5.3 states, "Management of cultural resources not eligible for listing in the NRHP or CRHR is not required (36 CFR 800 and Section 15065.5[c][4] of the CEQA Guidelines [as amended])." CUL-1 similarly states the Cultural Resources Management Plan (CRMP) "shall define and map all known NRHP and CRHR-eligible properties within 100 feet of the project Area of Potential Effects." These statements are a throwback to the early 1970s when the National Historic Preservation Act was deemed to apply only to sites eligible to or already listed on the National Register of Historic Places. Following the issuance of Executive Order 11593 in 1973, "the principle that agencies must treat unevaluated sites as being potentially eligible for the National Register has become a fundamental pillar of historic preservation practice in the United States" (nps.gov). It is well understood in the CRM community that the NHPA and its regulations do not only apply to properties determined to be eligible for the NRHP.

Tables 5.5-1 and 5.5-2 include columns for NRHP/CRHR Eligibility Recommendation. The abbreviations in these tables (RNE and A/1) are not defined. Presumably, "RNE" stands for "Recommended Not Eligible." The tables do not address whether these findings have been concurred upon by SHPO. It is established cultural resources practice that ground-disturbing work (other than archaeological testing) requires SHPO consultation and concurrence on findings of Not Eligible to the National Register of Historic Places or agreed upon avoidance

and/or mitigation measures. Tribal consultation too is an important part of eligibility determinations for pre-contact sites. Did SHPO and tribal consultation occur for the sites listed in these tables?

Applicant Proposed Measures

WEAP

Cultural resources sensitivity training needs to include participation and presentations by the tribal community.

CUL-1 thru CUL-9

Provisions for tribal monitoring need to be included in all Applicant Proposed Measures for any ground-disturbing work that may directly or indirectly affect pre-contact archaeological sites, tribal cultural resources, and any other sites identified during tribal consultation as being of tribal interest. A childcare stipend should be included for tribal monitors who are also parents.

CUL-1

This measure states, "Mitigation and treatment plans for unanticipated discoveries would be reviewed by the appropriate Native Americans and approved by the BLM, and the Office of Historic Preservation (OHP) prior to implementation." The word "appropriate" here is concerning as it begs the question of who gets to define appropriate? The sentence also excludes the Inyo National Forest from review. Agencies need to undertake tribal consultation per their established protocols and agreements without consideration of the Applicant's sense of who is or isn't appropriate.

CUL-9

This measure states "If the qualified archaeologist determines that the find may be significant, and if avoidance of the find is determined to be infeasible, the archaeologist shall notify the lead agencies and shall follow the procedures established for the treatment and mitigation of unanticipated discoveries in the Cultural Resource Management Plan (CRMP), in consultation with the lead federal and state agencies." CUL-1 makes clear that CRMP procedures for inadvertent discoveries would be developed through tribal consultation. The reporting measures under CUL-9 must include tribal notification and consultation for inadvertent finds.

White Mountain City Area of Critical Environmental Concern (ACEC)

Section 5.11.1.2.1.6 describes the White Mountain City ACEC as encompassing 820 acres in Deep Springs Valley and being designated to "protect prehistoric cultural resource values along Wyman Creek, and the ruins of the historic White Mountain

City." Cultural resources in the ACEC range from pre-contact sites to the remnants of White Mountain City, a mining camp from the 1860s, and the irrigation ditch that provides water to Deep Springs College. The Project would bisect the ACEC from west to east.

Other than mentioning its presence and acreage, the document does not address the proposed Project's consistency with the ACEC or potential Project impacts to the ACEC. The ACEC has a 1% surface disturbance cap. Given the existing road network through the ACEC and the myriad SCE poles located in it, that cap would appear to have already been exceeded. Nor does the document address direct visual effects to both the pre-contact and historic period sites of the ACEC. National Register Bulletin 42 states that Integrity of Setting and Feeling are critical elements in the Criterion A historical significance of mining sites.

Regarding Integrity of Feeling, Bulletin 42 states, "the sites of historic mining activity often evoke a strong sense of feeling when viewed by contemporary observers . . . The feeling of a deserted historic mine can help reflect the character of the boom and bust cycles of mining regions. The loss of this feeling of isolation and abandonment due to encroaching modern development can diminish the integrity of a mining property" (NPS Bulletin 42: 21). Further, tribal consultation needs to be undertaken to identify the potential for direct and indirect adverse effects to the pre-contact sites of the ACEC. Given the "potentially significant" impacts described in Table 5.3-1, the potential that the visual and audible impacts of the Project could erode the integrity of cultural resources, and the potential exceedance of the disturbance cap, the line should be rerouted entirely around the ACEC. These potential impacts and inconsistencies with the ACEC must be addressed in the DEIR.

Site CA-INY-1384/H

Section 5.5.4.1.3.1 states that two burials have been identified at site CA-INY-1384/H at a relatively shallow depth of 60-90 cm. Effects to the site are described as "significant and unavoidable." The Section does not explain why the line cannot simply be rerouted to avoid the site. The PEA does not state whether these burials are Native American or Euro-American, nor for that matter, whether they are human. The "/H" at the end of the site's trinomial suggests that the site is a mixed component with both pre-contact and historic period elements.

We recommend archaeological testing to determine whether subsurface archaeological deposits including burials could be affected by the proposed Project. If subsurface deposits are not present, the Section argues that "impacts to 14-001384/CA[1]INY-1384/H will be less than significant" with the application of

Applicant Protection Measures laid out in CUL-1, CUL-2, and CUL-5. CUL-1 and CUL-2 lay out a program of archaeological monitoring and sensitivity training, while CUL-5 simply repeats the notion that if subsurface deposits are absent, the Project can proceed without effect. These measures do not add up to effective protection for the resource. Archaeological testing is itself an impact to archaeological sites and requires mitigation measures. If the burials are Native American, then tribal consultation must be undertaken regarding the extent of the site, the effects of the proposed construction, the potential for adverse visual or audible effects, and the scope of necessary tribal monitoring.

Tribal Consultation for the Cultural Resources Analysis

Tribal consultation for the cultural resources survey and analysis for the Project needs to directly engage with the tribes to identify individuals possessing "knowledge of cultural resources within or adjacent to the proposed area." Additionally, tribal consultation must be undertaken across the board regarding areas of potential effects, effective buffering around archaeological and tribal cultural resources, and the potential for the Project to adversely affect archaeological and tribal cultural resources.

Effects Analysis

Table ES-1 includes two lines that note significant impacts to cultural resources despite the application of the Applicant's Proposed Measures. Section 5.5.4.1.1.1 states that a combination of project redesign and archaeological monitoring for eight resources would reduce impacts to "less than significant." For five resources, the Section hopefully states that negative results from proposed archaeological testing may potentially reduce impacts to less than significant. For two resources (historic period transmission lines), the Section stipulates Historic American Engineering Record (HAER) documentation, presumably as a mitigation measure. However, the Section notes that "HAER documentation would not reduce impacts to less than significant and impacts would be significant and unavoidable." The document does not address additional measures to mitigate impacts to the transmission line, an omission that must be addressed in the DEIR.

As noted above, archaeological testing is itself an impact to an archaeological site. Simple testing is not an effective mitigation for any impacts other than the actual test units. For sites where testing does not suggest the presence of subsurface archaeological deposits, the surficial impacts to the resource also need to be analyzed and potentially mitigated. That analysis must be addressed in the DEIR.

Tribal Cultural Resources (TCRs)

Section 5.18.1.1 states, "On November 12, 2019, SCE sent letters of inquiry to the nine Native American individuals and organizations that the Native American Heritage Commission identified as contacts who may have knowledge of cultural resources within or adjacent to the proposed area. As of April 2, 2020, no responses have been received." The NAHC is only one source of information regarding potential tribal consultants. As noted above, the NAHC's tribal contact list is, at best, incomplete and is often out of date – for example, Monty Bengochia, the THPO of the Bishop Paiute Tribe included as one of those nine consultants, has passed away since the Tribal Cultural Resources Section was drafted.

Section 5.18.1.2. claims "there are potential TCRs within the CSP Project area" though "formal consultation has not yet confirmed nor identified these resources." The lack of that consultation is reflected both in the impact questions which are drawn from the CEQA Environmental Checklist without being informed by tribal consultation, as well as in the responses to those which simply state, "impact to be determined by CPUC. The CPUC will consult with eligible tribes under PRC Section 21080.3.1 once the application is complete. Impacts on TCRs are not addressed in this PEA because under AB 52, the CPUC must identify these resources during consultation." Impacts cannot be adequately addressed absent tribal consultation. For the preparation of the DEIR, more effective tribal consultation including in-person meetings and field visits is a vital necessity.

Cumulative Impacts

The DEIR must comprehensively analyze the direct and indirect cumulative impacts of past, present, and reasonably foreseeable activities that adversely impact the region's biological and cultural resources. The analysis must also include the cumulative impacts to habitat connectivity and tribal cultural landscapes. The DEIR must provide mitigation measures for any adverse impacts. Furthermore, this analysis should not be limited to examining just other transmission projects, such as SCE's Ivanpah Control transmission project, but should analyze the cumulative impacts of other regional land development projects including highway improvements. We note the PEA list of cumulative projects in Section 7.1.1 is limited to those within just 2 miles of the proposed Project and does not provide a rationale for that limited distance. Per CEQA Guidelines Section 15130(b)(2), we request the DEIR define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used. We recommend the geographic scope and methodology for the cumulative impact analysis be developed in consultation with state and federal resource agencies.

Growth Inducing Impacts

If implemented, the proposed Project would upgrade an existing transmission line, improve existing access roads, clear construction staging areas and CLAs, and create some temporary access routes. Both the modernized transmission poles and the construction access have the potential to result in growth inducing impacts.

The rapid renewable energy development on public lands and the pervasive need for transmission in California and Nevada raises questions about the future use and expansion of the Control Silver Peak line given its proximity to areas potentially suitable for utility scale renewable energy development. The capacity of existing substations should not be considered a limitation for future growth since it is common for utility scale generation projects to build or upgrade substations. The DEIR should fully address the potential for the Control Silver Peak line to support or be upgraded to support utility scale renewable energy development in the region, including Fish Lake Valley, Chalfant Valley, and adjoining areas of Nevada.

These roads and construction areas will be attractive to recreational OHV users, which can cause short and long-term harm to biological and cultural resources. The proposed Project area is vulnerable to surface disturbances, and post-construction restoration of these areas can be challenging. The DEIR should address the potential for increased recreational use of the proposed Project area and adjoining lands due to improved access routes.

Alternatives Analysis

Highway 6 Route Alternative

Sections 6.1.1.4.1 and 6.1.1.7.1 argue that this Alternative could have greater short term potential impacts to biological and cultural resources compared with the CSP Project due to the greater distance that would occur under the Alternative and thus the greater number of surface disturbances and construction duration. That claim is at best hypothetical. Nowhere in the document is any information given regarding biological or cultural resources surveys in support of the Highway 6 alternative. Those surveys would need to be completed and potential effects to biological and cultural resources analyzed before the Alternative can be dismissed for its potential to affect cultural resources. If anything, the Highway 6 alternative would benefit biological and cultural resources by removing lines and future resources impacts to sensitive species and the White Mountain City ACEC.

Rebuild Existing Single-Circuit Pole Lines Alternative

Table 6.2.1 claims this alternative "would have more widespread impacts to biological and cultural resources than the proposed action. Chapter 6 argues that O&M work would be more prevalent under this alternative but then states, "The impacts would be no more localized or widespread." The analysis appears contradictory and designed in favor of the proposed action. SCE already has biological and cultural resources BMPs in place for work on existing transmission lines and the alternatives analysis itself states that the work would not be more widespread than the current condition. Additional consideration must be given to developing alternatives and their potential impacts and benefits to biological and cultural resources in the DEIR.

Conclusion

Thank you for the opportunity to provide comments on the NOP for the DEIR for SCE's proposed Control-Silver Peak Project. Please notify us of any stakeholder meetings and when the DEIR is available. We look forward to continued engagement in this proceeding.

Sincerely,



Wendy Schneider
Executive Director