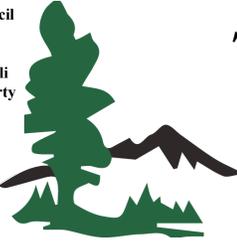


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# The Coalition To Protect America's National Parks

*Voices of Experience*

ELECTRONIC SUBMISSION – NO HARD COPY TO FOLLOW

November 3, 2016

Jerry Perez, California State Director  
Bureau of Land Management  
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Subject: Eagle Crest Energy Gen-Tie and Water Pipeline Right-of-Way Project

Dear Mr. Perez,

I am writing to you on behalf of over 1,100 members of the Coalition to Protect America's National Parks (Coalition). Our membership is composed entirely of retired, former, or current salaried employees of the National Park Service (NPS). As a group, we collectively represent more than 30,000 years of national park management experience. The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System. We count among our membership former NPS employees of Joshua Tree National Park, who, like us, are quite concerned about the proposed Eagle Crest Energy Gen-Tie and Water Pipeline Right-of-Way Project (Gen-Tie Project) and the associated Eagle Mountain Pumped Storage and Hydroelectric Project (Pumped Storage Project).

We believe both the Pumped Storage Project and its associated Gen-Tie Project will have significant unmitigatable impacts to Joshua Tree National Park and its wildlife and groundwater resources. The Coalition requests that the Bureau of Land Management (BLM) prepare a full Environmental Impact Statement (EIS) for the interdependent Gen-Tie and Pumped Storage Projects to analyze and evaluate their direct, indirect and cumulative impacts on Joshua Tree National Park (JOTR) wildlife, water resources, air quality, night skies, wildlife corridors and cultural resources. This document should include a new look at a variety of alternatives that do not impact sensitive resources, including a no action alternative.

## **INTRODUCTION**

To begin, the proposed Gen-Tie Project has been identified as an interdependent and critical component of the larger Pumped Storage Project. The Pumped Storage Project would be located less than two miles from JOTR and be surrounded by national park federally designated wilderness on three sides.

The BLM has chosen to evaluate the Gen-Tie Project in the Eagle Crest Energy Gen-Tie and Water Pipeline Environmental Assessment and Draft California Desert Conservation Area Plan Amendment (Gen-Tie EA), which is "tiered" to the Eagle Mountain Pumped Storage and Hydroelectric Project Final Environmental Impact Statement (Pumped Storage EIS), issued by the Federal Energy Regulatory Commission (FERC) on January 30, 2012.

On June 19, 2014, FERC published an "Order Issuing Original License" for the Pumped Storage Project. By tiering the interdependent Gen-Tie EA to the Pumped Storage EIS, BLM has reopened the Pumped Storage EIS to public scrutiny in regard to whether that document has stale or inadequate resource data. The issue is pertinent to the discussion of tiering because a great deal of the data in the Pumped Storage EIS, especially in regard to the Central Project Area, was recycled from the earlier Eagle Mountain (Landfill) EIS, which makes it more than 20 years old. This is clearly not what is meant by the "high quality" data referred to by the National Environmental Policy Act (NEPA) Section 1500.1: "The information must be of high quality. Accurate scientific analysis, expert agency comments and public scrutiny are essential to implementing NEPA."

On July 21, 2014, the Department of Interior (DOI) submitted a Request for Rehearing and Stay to FERC expressing serious concerns about the Pumped Storage Project, stating that it "threatens to adversely impact Park (Joshua Tree National Park) resources, resulting in both immediate and long term negative consequences for the preservation and management of the Park."

Specifically, the DOI and National Park Service (NPS) outlined the Pumped Storage EIS's deficiencies and the project's violations of NEPA, which included failing to obtain adequate baseline data and conduct surveys of resources in the project area; inaccurately characterizing the effects of the project on Desert bighorn sheep, failing to address the effects of the project's brine ponds on birds; inadequately addressing effects associated with the treating and disposing of acid mine drainage and failing to give equal consideration to the enhancement of fish and wildlife values, including habitat values.

Thus, it is the Coalition's contention that the BLM has fundamentally failed to take a "hard look" at the impacts of the proposed Gen Tie Project and conduct a proper analysis because much of the data related to the Gen-Tie EA as it tiers off stale and inadequate data in the original Pumped Storage EIS. Moreover, the Coalition maintains that it is not adequate to simply state, as the BLM has done, that they have considered information and analyses from the recently released Desert Renewable Energy Conservation Plan (DRECP) and the DOI Request for Rehearing and Stay in the current Gen-Tie EA, but they must demonstrate how they have incorporated that analysis, and to what extent. To put it succinctly, BLM has failed to demonstrate which sections and what parts and aspects of these documents are referenced, how they relate to the proposed Gen Tie Project, and the decision making on this issue.

Moreover, we believe FERC's dismissal of the valuable and critical input from knowledgeable and informed DOI and NPS staff and scientists about the deficiencies of the Pumped Storage EIS, and FERC's failure to use updated baseline information to accurately evaluate impacts, demonstrates their failure to fully comply with the requirements of the NEPA by not appropriately using accurate and updated information and data to fully disclose to the American public the potential environmental impacts of the Pumped Storage Project, including direct and indirect impacts to JOTR.

Additionally, we maintain that the BLM has not integrated or truly analyzed the high quality scientific data in the DOI's Request for Rehearing letter and that merely stating that this information had been considered does not meet NEPA's standards. To remedy these deficiencies, the Coalition requests that BLM prepare a full and sufficient EIS for the entire project, including its associated Gen Tie Project, and

expand the range of alternatives in the new EIS to include a comprehensive action alternative, and a full and accurate "no action" alternative.

## **ALTERNATIVES**

The Coalition contends that the Gen-Tie EA has failed to fully consider the reasonable and feasible range of alternatives. For example, during the December 2015 public scoping period for the Gen-Tie EA, public comments included - among others - a request for BLM to:

- Consider alternative locations for energy storage and transmission technologies that would not impact JOTR and other desert resources.
- Establish an independent set of objectives that does not unreasonably limit the analyses of reasonable and feasible alternatives, including alternative sites and alternative methods of storing energy. These alternatives should include comprehensive alternative configurations and routes for pipelines and transmission lines.
- Include a full and accurate No Action Alternative due to potential significant and un-mitigatable impacts to JOTR.

The Coalition contends that contrary to BLM's own policies, the Gen-Tie EA does not fully examine all reasonable and feasible alternatives, nor fully acknowledge the potentially significant un-mitigatable environmental impacts to JOTR (regardless of FERC's 2015 denial of the NPS's Request for Rehearing and Stay which highlighted that the Pump Storage EIS insufficiently analyzed baseline and fundamental resource issues, as well as the BLM ambiguous statement in the Gen-Tie EA that this information has been considered). Therefore, it is inadequate to tier the Gen-Tie EA from the Pumped Storage EIS and we request a full and comprehensive EIS be developed for the entire project.

## **RESOURCE IMPACTS**

The Gen-Tie EA also fails to adequately evaluate the project's potential impacts to unique and threatened wildlife species, including: Golden eagle, Desert bighorn sheep and Desert tortoise.

**Golden Eagle:** The Gen-Tie EA notes that there is an abundance of bird life within the project area, including numerous nesting sites for Golden eagles. However, the BLM has failed to follow its own Instructional Memo for complying with the Bald and Golden Eagle Protection Act.

On July 13, 2010, the BLM enacted Instruction Memorandum No. 2010-156 (IM) to provide agency direction for complying with the Bald and Golden Eagle Protection Act (when preparing NEPA analyses), including its implementing regulations (i.e., September 11, 2009, Eagle Rule, 50 CFR parts 13 and 22) for Golden eagles, as well as to identify steps that may be necessary to ensure environmentally responsible authorization and development of renewable energy resources.

In accordance with BLM's IM, the following potential impacts must be considered in the NEPA document when evaluating a project:

- Consider eagle habitat as part of the affected environment whether breeding territories / nests, feeding areas, roosts, or other important Golden eagle use areas are located within the analysis area. The analysis area should be determined on an individual project-specific basis, and should be made in coordination with the U.S. Fish and Wildlife Service (FWS).

- Conduct a direct and indirect effects analysis on eagles using the best available demographic, population, and habitat association data to analyze impacts to Golden eagles or their habitat, then include the following within the analysis area determined for the action / authorization, including: 1) The potential direct and indirect impacts to individual birds and their habitat (e.g., direct mortality, destruction of eggs, nests, individual breeding territories, communal roosts, migration corridors, fragmentation of habitat, reduction in habitat patch size, disturbance from human presence, noise, commotion, etc). 2) The potential direct and indirect impacts, if any, to the local or regional eagle population and their habitat. 3) The potential short-term and long-term effects of the project on Golden eagle populations and their habitat.
- Conduct an analysis of cumulative effects for Golden eagles if the NEPA analysis indicates that the project would cause direct or indirect impacts to the Golden eagle. The cumulative effects analysis must be completed using appropriate geographic and temporal boundaries and the best available information. Normally this would be at a broad scale. The analysis will not be speculative, and the appropriate scale of analysis will be determined on a project-specific basis, and may deviate from what the FWS has recommended in interim guidance if substantiated with a rationale documented in the project's administrative record.
- Establishing Best Management Practices (BMPs) that avoid or minimize the possibility of the unintentional take of eagles are expected by agencies, industries, or companies in coordination with the FWS, and apply these BMPs to projects where appropriate as a condition of the right-of-way grant until Advanced Conservation Practices (ACPs) are developed and implemented.
- An Avian Protection Plan (APP) shall be prepared if the proposed project has the potential to impact Golden eagles or their habitat. The APP will be required by the BLM as a condition of the right-of-way grant. The APP will be developed by the applicant, in coordination between the FWS and the BLM, to evaluate options to avoid and minimize the project impacts. The APP must address siting, operations, and monitoring.
- Coordination with the FWS should occur early and throughout the project planning process regarding Golden eagles and their habitat. All projects must document and include as part of the administrative record any and all written correspondence from the FWS indicating whether or not the project, as proposed, is or is not likely to take Golden eagles. Correspondence must also address whether or not the FWS considers the development of an APP an option for the project as proposed, or if an alternative project proposal should be considered. This coordination must be completed as early in the process as possible and incorporated into the NEPA document for the project. If FWS considers an APP to be an option for the project, a letter of concurrence must be sought and received from the FWS that addresses the adequacy of the APP. The letter of concurrence should be included in the administrative record. It is anticipated that assessment of operational impacts would be ongoing and additional mitigation may be required post construction.

The Coalition contends that the Gen-Tie EA fails to comply with the requirements spelled out in the IM and that the Golden eagle analysis in the EA is not clear, the inconsistencies are not explained, there is limited methodological data, and the APP produced for the Pumped Storage Project in May 2016 is not included. There is only one letter documented from the FWS on the subject (which is not likely to be the complete or even representative record of correspondence with FWS). There are few other records referenced and the data is presented with conditional verbiage, indicating uncertainty about the specific

impacts. Therefore, it is our conclusion that the data and analysis for Golden eagles in the Gen-Tie EA are fundamentally inadequate.

Lastly, the BLM statistics presented in the Gen-Tie EA related to avian impacts from transmission lines reference a study that found 13 avian fatalities over a period of two-years. This fact suggests that transmission lines have minimal impact on avian species when the reality is they have great impacts.

For example, the U.S. Fish & Wildlife Service (FWS) has found that across the nation, avian collisions and electrocution by power lines, is far greater than suggested by the BLM. Therefore, BLM's data doesn't corroborate with the true impacts that the FWS has found across the nation regarding collisions and electrocution by power lines. The FWS estimates somewhere between 12 and 64 million birds killed annually at power lines from both electrocution and collisions.

(<https://www.fws.gov/migratorybirds/pdf/management/lossetal2014powerlines.pdf>)

It is apparent that the accuracy of the evaluation of potential impacts to Golden eagles is questionable. To clarify and fully evaluate potential impacts to Golden eagles the Coalition requests that a new and complete analysis be completed by preparing a new EIS.

### **Desert Bighorn Sheep:**

The BLM acknowledges that the project area is located within BLM's Joshua Tree National Park Desert Bighorn Sheep Wildlife Habitat Management Area (Pumped Storage EIS p. 141). Other Desert bighorn sheep populations in the project vicinity include the Little San Bernardino Mountain population, located north of I-10 west of the Gen-Tie Project, and the populations of the Chocolate, Orocopia, and Chuckwalla mountains, south of I-10. The movement of individuals between these populations contributes to gene flow and promotes genetic diversity of the meta-population. The construction of barriers between these populations, including both I-10 and the Metropolitan Water District's canal, reduce this gene flow and could reduce fitness for populations that are isolated from the meta-population (Epps et al., 2005)."

BLM goes on to cite Divine and Douglas (1996), who conducted a two-year radio telemetry study of the Eagle Mountain Desert bighorn sheep population. This report provides maps showing locations of ewes and rams for the entire study period with locations mapped by season. Based on radio telemetry, Divine and Douglas (1996) identified two distinct ewe populations in the Eagle Mountains: one near the project area, and one about 15-miles to the southwest. During the study, these populations did not mix, and rams generally occupied the area between the two ewe populations (Pumped Storage EIS p. 141).

But in its analysis, the Gen-Tie EA fails to integrate high quality scientific data from the DOI's Request for Rehearing and Stay letter under the heading, "The FEIS's Analysis of Project Effects on Bighorn Sheep is Fundamentally Flawed" (Request for Rehearing, p. 9). BLM simply stating that this information has been considered in the Gen-Tie EA isn't sufficient. BLM must show how that information has been added to both the analysis and the disclosure of impacts presented in the Gen-Tie EA, and they have fundamentally failed to do so. BLM continues to downplay the impacts of project's construction and operation on bighorns for both the Pumped Storage and Gen-Tie Projects, as well as the significance of the migratory pathway between JOTR's nearby Coxcomb Mountains and the Eagle Mountains, and the related impacts from development.

Clearly, BLM must take a harder look at the proposed project's impacts to Desert bighorn in a new subsequent, comprehensive EIS.

### **Desert Tortoise:**

The Gen-Tie EA also fails to adequately evaluate the impacts of the proposed project to Desert tortoise. The data and analysis in the Gen-Tie EA are inadequate for the both the specific and the cumulative impacts assessments. The EA fails to analyze the importance of the region and project area for Desert tortoise, particularly in terms of the landscape scale effects to Desert tortoise migration and population connectivity.

Specifically, because of the imprecise estimates of Desert tortoise, the number of individuals that may be moved along the linear utility corridors is unknown. This uncertainty is related to the failure to conduct adequate surveys and analyses of the region and project area. Additional study and analysis should be conducted throughout the region and project area to more accurately identify how many tortoise may be affected by the proposed action.

Furthermore, in the 2015 JOTR Eagle Mountain Boundary Study, the NPS stated that for the Boundary Study area - which encompassed portions of both the Pumped Storage and Gen-Tie Projects - there is "known and modeled habitat for the Desert tortoise within and surrounding the study area, especially on the eastern and western ends."

Additionally, "there is important habitat for the Desert tortoise along the eastern end of the project area that is pinched between the project (Boundary Study) area and the Desert Sunlight Solar Farm (Nussear 2009). This area is one of the few remaining landscape scale north-south connections for Desert tortoise habitats found within Joshua Tree National Park (Pinto Basin) and the Upper Chuckwalla Valley, Upper Pinto Wash, Pinto Mountain and Chemehuevi Critical Habitat Units, and adjacent Desert Wildlife Management Areas. The protection and restoration of this corridor is necessary to the conservation of the Desert tortoise."

The Boundary Study goes on to state that, "Map 4-12: Desert Tortoise Habitat - Study Area shows a narrow corridor of occupancy between the mine area and low potential habitat to the southeast. This area is of great interest with respect to the regional conservation of Desert tortoise as it is the main link between highly protected habitats in Joshua Tree National Park and habitats south of I-10. This area was described in detail by the biological opinion written by the FWS for the Desert Sunlight Solar Farm Project (Desert Sunlight) depicted in Map 4-12: Desert Tortoise Habitat - Study Area."

With the Gen-Tie EA failing to fully evaluate and address potential direct, indirect and landscape scale migratory impacts to the Threatened Desert tortoise, the Coalition requests BLM prepare a new EIS.

### **Brine Pond Relocation and Birds:**

The Gen-Tie EA points out that the project's brine ponds will be relocated in order to better protect Desert tortoise habitat; that the BLM has consulted with the FWS and FERC regarding this issue. It states that the brine ponds will be relocated to a site in an already disturbed area that was once the trailer park for the town of Eagle Mountain and that relocating the brine ponds will result in a reduction of impact to Desert tortoise habitat of 47.7 acres. Of these 47.7 acres of Desert tortoise habitat, 12.2 acres are located on BLM-managed lands. The newly relocated brine ponds will be entirely on private land.

While the relocation of the brine ponds may benefit Desert tortoise, there is general concern that this relocation may have an adverse impact to avian species and that the current amount of scientific data and

analysis that are present in the Gen-Tie EA are insufficient, leading to the conclusion that the BLM has failed to take a “hard look” at the potential impacts of this significant change to the project footprint. This concern is underscored by the fact that the NPS brought up the potential impacts of the brine ponds on avian species as a deficiency in the Pumped Storage EIS in their Request for Rehearing letter.

Finally, the Desert Center region area lies under the Pacific Flyway, a major thoroughfare for migrating birds. Bird data (at *eBird.org*: <https://ebird.org/ebird/explore>) for the area related to endangered, special status or rare species must be included and analyzed in a subsequent EIS as that data demonstrates that the Desert Center area has 254 species, approximately the same number of species as the BLM’s Big Morongo Canyon Preserve, which is designated as an Area of Critical Environmental Concern (ACEC) and an Important Bird Area (IBA). The article, “The eBird Enterprise: An Integrated Approach to the Development of Citizen Science” by Sullivan et al. in the journal *Biological Conservation*, underscores the validity of eBird data and methodology: “Management agencies and conservation organizations are beginning to recognize that eBird provides invaluable year-round data on species distribution and abundance, at wide range scales, but also with fine spatial and temporal resolution” (38-39).

## **CUMULATIVE IMPACTS**

The Coalition believes that the cumulative impacts analyses presented in the Gen-Tie EA are fundamentally inadequate, perfunctory, and do not meet the standards required by the NEPA or the Council on Environmental Quality.

As previously mentioned, we contend that the BLM simply stating that it has “considered” the DRECP data and the information related to the DOI Request for Rehearing and Stay, does not signify that this information has been fully incorporated, analyzed and truly evaluated in the NEPA planning process. Rather, it is clear from our review of the documents that there are significant omissions, and that there are actually references where the Gen-Tie EA contradicts some of the information found in those specified documents.

We contend that this section is inadequate in the following ways:

- 1) The geographic scope for the analysis of cumulative impacts for terrestrial and threatened and endangered species is far too narrow.
- 2) Foreseeable development along the I-10 corridor, such as the 368 Transmission Corridor and Paradise Valley Development, have not been considered and need to be considered in terms of the cumulative impacts to a variety of wildlife species and their movement corridors, such as Desert tortoise.
- 3) The geographic scope and cumulative analysis of water resources is far too narrow.

Clearly, when assessing these deficiencies from the project wide context, the aforementioned lead to the conclusion that there is an inadequate analysis of cumulative impacts for both the Gen-Tie and Pumped Storage Projects.

The CEQ states the following regarding the geographic scope of cumulative impacts analyses ([https://ceq.doe.gov/current\\_developments/CEQ\\_Regs\\_and\\_Guidance\\_Programmatics.html](https://ceq.doe.gov/current_developments/CEQ_Regs_and_Guidance_Programmatics.html)):

For a project specific analysis, it is often sufficient to analyze effects within the immediate area of the proposed action. When analyzing the contribution of this proposed action to cumulative effects however, the geographic boundaries of the analysis almost always should be expanded. These expanded boundaries can be thought of as differences in hierarchy or scale. Project specific analyses are usually conducted on the scale of counties, forest management units or installation boundaries, whereas cumulative effects analyses should be conducted on the scale of human communities, landscapes, watersheds and airsheds. (p. 12).

It goes on to stipulate that:

A useful concept in determining appropriate geographic boundaries for a cumulative effects analysis is the Project Impact Zone and that “For a proposed action or reasonable alternative, the analyst should:

1. Determine the area that will be affected by that action. That area is the Project Impact Zone.
2. Make a list of the resources within that area that could be affected by the proposed project.
3. Determine the geographic areas occupied by those resources outside of the Project Impact Zone. In most cases, the largest of these areas will be the appropriate area for the analysis of cumulative impacts.
4. Determine the affected institutional jurisdictions, both for the proposing agency and other agencies or groups. (p.14)

It stipulates further:

For land based effects, an appropriate regional boundary may be a “forest or range,” a watershed, an ecological region or socioeconomic region. (p.16).

[https://ceq.doe.gov/publications/cumulative\\_effects.html](https://ceq.doe.gov/publications/cumulative_effects.html)

However, the Gen-Tie EA ignores these directives. Instead, when describing how it's geographic scope of CESA's (Cumulative Areas of Evaluation) was determined, BLM states in the EA:

The CESA for terrestrial resources would be lands above the Chuckwalla Valley Aquifer and Pinto Basin Aquifer, which includes portions of Joshua Tree National Park. This broad area was identified to address the potential for subsidence related to groundwater withdrawal to cumulatively effect terrestrial plants and wildlife. Other project effects would also be limited to this geographic area.

The CESA (Cumulative Impacts Study Area) for other resources, including geological resources and soils; terrestrial and threatened and endangered species; cultural; socioeconomics; and air quality and noise, is that portion of the Chuckwalla Valley and I-10 corridor sufficient to encompass all Eagle Crest Project facilities, as well as construction and operation effects. (Gen-Tie EA, p. 128)

Failure to apply CEQ requirements when conducting cumulative impacts analyses is a significant flaw in the Gen-Tie EA, further justifying the need for BLM to prepare a new comprehensive EIS.

## Groundwater Resources:

For terrestrial resources and water, the Gen-Tie EA states that the analysis includes “lands above the Chuckwalla Valley Aquifer and Pinto Basin Aquifer, which includes portions of Joshua Tree National Park.” Given the following potential impacts of groundwater depletion and impacts to sensitive receptors, the Coalition believes that the CESA should actually be a much larger area.

Furthermore, the Coalition contends that the BLM stating that it has considered information in the Pumped Storage EIS and the DRECP, does not constitute an actual analysis and evaluation of this information, particularly when the Gen-Tie EA presents information and methodology that countermands or does not integrate these other sources. Such is the case with cumulative impacts here, because what the Gen-Tie EA claims is the CESA for groundwater impacts is in reality a more localized and project specific geographic area. This CESA should be expanded in a subsequent EIS due to the following consideration about potential groundwater impacts and information:

The question here is why does the CESA only extend to the north and not include the entirety of the Chuckwalla Valley Groundwater Basin and Palo Verde Groundwater Basin? The facts regarding the hydraulic connectivity of groundwater systems in the area, the potential for impacts, and their relationships to Colorado River recharge are found in an Argonne National Laboratories report on water resources for the Riverside East Solar Energy Zone (A Groundwater Model to Assess Water Resource Impacts at the Riverside East Solar Energy Zone- Argonne- Dec. 2013- <http://blmsolar.anl.gov/sez/ca/riverside-east/groundwater/downloads/Riverside-East-Groundwater-Report.pdf>). The assessment indicates:

- Groundwater flows from northwest to southeast from the Chuckwalla Valley Groundwater Basin through the Palo Verde Groundwater Basin and into the Colorado River. Furthermore, both these Basins replenish the Colorado River. (2,3)
- Allocations of water from the Colorado River are managed by a complex array of compacts, federal laws, court decrees and contracts that comprise, “The Law of the River.”(3)
- Accounting methods developed by the US Geological Survey determine static groundwater levels in contributing Basins that replenish the Colorado River. The Chuckwalla Valley and Palo Verde Groundwater Basins contribute to the replenishment of the Colorado River. Accounting surface elevation is between 238 and 240 feet in the Chuckwalla Valley system. If groundwater elevations go below the accounting surface elevation, then subsequent groundwater withdrawals are considered Colorado River extractions and infringe on water rights (3,4)
- According to the Argonne Study, there are 88 wells in the Riverside East Solar Energy Zone Project area and that during wet and dry years, these wells pulled between 4,400 to 5,700 acre feet/year. (p.8)
- The Transient Model put forth in the Argonne Laboratory report on the hydrologic properties of the Riverside East Solar Energy Zone estimates the impacts of solar build out in that zone, and its impact on groundwater withdrawal. The high water demand scenario states there will be withdrawals of 16,898 acre feet/year, the medium scenario is 8,450 acre feet/year. The low scenario estimates 672 acre feet/year for photovoltaic facilities, but states that this estimate is only for operations. Therefore,

it can be assumed that the withdrawals from the Chuckwalla Valley and Palo Verde Groundwater Systems will be considerably more than that considering construction as well as operations, even assuming the low scenario is accurate.

- For the Medium Water Withdrawal Scenario, Argonne National Laboratories states that, “Although the drawdown is less than that seen in the high-water-demand scenario, there could be impacts on phreatic vegetation in areas that experience large drawdowns as a result of the pumping for the medium-water-demand scenario.” (23)

Again, the Gen-Tie EA fails to adequately evaluate potential impacts to groundwater resources in association with the project, and a new comprehensive EIS must be prepared.

### **Terrestrial, Threatened and Endangered Species:**

The CESA for terrestrial, threatened and endangered species is defined as, “that portion of the Chuckwalla Valley and I-10 corridor sufficient to encompass all Eagle Crest Project facilities, as well as construction and operation effects.” (p.128).

The Coalition argues here the area described is really a Project Impact Zone (PIZ) and not a CESA. A PIZ is defined by the Council for Environmental Quality Regulations on NEPA as, “the area that will be affected by the action.” But in determining the appropriate scope and geographic area for the CESA, the CEQ also states that the analyst must also consider the following:

Determine the geographic areas occupied by those resources outside of the Project Impact Zone. In most cases, the largest of these areas will be the appropriate area for the analysis of cumulative impacts.

This clearly has not been done for terrestrial, threatened and endangered species such as Desert bighorn sheep, Golden eagle, Desert tortoise and/or a wide variety of other species. For example, a bighorn sheep CESA should include any areas with meta-populations that are directly or indirectly impacted by the project action, as well as an overview about how the proposed action will affect the long term persistence of bighorn in the California Desert District.

An appropriate Desert tortoise CESA, is not merely the area encompassing Eagle Crest facilities, but a much larger one that considers the latest, high quality scientific information about landscape scale tortoise connectivity in the region, and would definitely be a larger geographic area.

For example, the Coalition believes that the appropriate CESA for Desert tortoise should be the Chuckwalla Desert Tortoise Critical Habitat Area that is defined by the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO), a landscape level plan whose primary goal is to protect the Sonoran Desert ecosystem and iconic species like the Desert tortoise.

### **Failure to Consider Cumulative Impacts to Wildlife Corridors along the I-10 for a Wide Variety of Species such as the Desert Tortoise:**

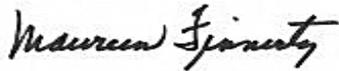
The CEQ regulations require the consideration of cumulative impacts in NEPA documents and a cumulative impact “results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person

undertakes such other actions (Taking a Harder Look at Direct, Indirect and Cumulative Impacts- Murray Feldman-2010-*Rocky Mountain Mineral Law Foundation*).

Here, the Coalition argues that the cumulative impacts analysis is perfunctory and does not consider all reasonably foreseeable projects, such as the 368 Transmission Corridor and Paradise Valley Development that may, in conjunction, with the proposed project, create significant, un-mitigatable impacts on wildlife corridors for avian, terrestrial and threatened and endangered species like the Desert tortoise along the I-10 corridor. Therefore, these must be included in a subsequent comprehensive EIS.

In closing, the Coalition to Protect America's National Parks thanks the BLM for the opportunity to provide comments on the Gen-Tie EA and urges them to conduct a full and comprehensive EIS to better protect Joshua Tree National Park and reveal the true impacts of the proposed project and associated hydroelectric plant.

Sincerely,



Maureen Finnerty  
Chair, Coalition to Protect America's National Parks

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cc: David Smith, Superintendent, Joshua Tree National Park  
Laura Joss, Pacific West Regional Director, National Park Service