

**FINAL APPLICATION FOR LICENSE
OF MAJOR UNCONSTRUCTED PROJECT**

**WOOD CONSULTANT
TECHNICAL MEMORANDUM**

**LAKE ELSINORE
ADVANCED PUMPED STORAGE PROJECT
FEDERAL ENERGY REGULATORY COMMISSION
PROJECT NUMBER 14227**

Applicant:

THE NEVADA HYDRO COMPANY, INC.

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February 2019



Technical Memorandum

To: David Kates
From: Scott Crawford
Tel: (951) 369-8060
Date: 2/5/2019

Project No. **185540727**

Subject: Action Items in Response to FERC Request for Additional Information (January 22, 2019)

Wood Environment and Infrastructure Solutions, Inc. (Wood) prepared this technical memorandum in response to the additional information request from the Federal Energy Regulatory Commission (FERC) in their letter of January 22, 2019. In this letter, FERC requested additional information regarding the following studies and plans previously submitted to FERC in association with its evaluation of the Lake Elsinore Advanced Pumped Storage project (LEAPS) (Project No. 14227)

- Revised Habitat Assessments (Study 9)
- Quino Checkerspot Butterfly Surveys (Study 9)
- Vegetation Mapping Study Plan (Study 18)
- Fire Study Plan (Study 28)
- Recreational Use Study (Study 22)

The following includes a status update of each action item above, including a general scope of work and schedule.

1.0. Study Discussion

1.1. Revised Habitat Assessment (Study 9)

In its June 15, 2018 letter to the Nevada Hydro Company (Nevada Hydro), FERC required Nevada Hydro to conduct updated habitat assessments for federally listed species and the California spotted owl, a state listed species, after consultation with appropriate agencies. Nevada Hydro's September 13, 2018 filing indicated that based on revised habitat mapping, suitable habitat for federally listed species and the California spotted owl has not changed. In Schedule A of its January 22, 2019 letter, FERC requested additional documentation of agency consultation on the

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need for revised habitat assessments as the filing, did not include any indication that the required agency consultation took place.

Agency Consultation

USFWS – Contact was made in December 2017 to discuss sensitive species issues. Dr. Jefferey Ackley, a USFWS Fish and Wildlife Biologist, was contacted to discuss the results of the previous surveys conducted for the LEAPS project (2001 to 2005) and to discuss the revised habitat assessment based on the latest project design. The purpose of the discussion was to identify areas where focused surveys for sensitive species would occur once the FERC License was issued. Based on the revised mapping, Dr. Ackley identified golden eagle as the only sensitive species that was not adequately surveyed in the past (protocol surveys conducted during 2001 to 2005). His main concern was for golden eagle surveys, since nesting season typically starts in the winter and he wanted to ensure that we discussed our project with the USFWS designated eagle expert Thomas Dietsch.

In January 2019, Thomas Dietsch was contacted regarding Golden Eagle Surveys. Mr. Dietsch stated that helicopter surveys would be the best way to conduct a winter survey, but if that is not feasible, he recommended following the Golden Eagle Inventory and Monitoring protocols in Pagel et al. 2010. He also stated that he would not provide any recommendations for who could preform the surveys or even provide a recommendation for a local helicopter company to use for the surveys. Since the FERC comment letter didn't require protocol-level surveys for golden eagle until after the FERC License has been issued, golden eagle surveys will be delayed until after spring 2019.

In addition to the recommendation for conducting golden eagle surveys, USFWS staff recommended that Nevada Hydro conduct protocol-level surveys within suitable habitat for all species that were previously surveyed (protocol surveys conducted during 2001 to 2005). Those species include least Bell's vireo (conducted in 2018), coastal California gnatcatcher (conducted in 2018), arroyo toad (conducted in 2018), Quino checkerspot butterfly, southwestern willow flycatcher, red-legged frog, spotted owl, golden eagle, sensitive bats, and sensitive plants.

A winter survey for golden eagles was completed the first week of February at the request of USFWS to complete a winter survey prior to any spring surveys. One golden eagle was observed within one mile of the northern transmission line, southeast of the Lake Sub-Station. Also, several potential nesting areas were mapped.

Wood will conduct a pre-protocol survey meeting with the USFWS and CDFW to discuss conducting protocol surveys that were mentioned above immediately following the issuance of the FERC license. Once the consultation meeting has been completed, the meeting minutes will

be prepared and submitted to FERC for review. We are anticipating that on-going consultation with the appropriate regulatory agencies will continue throughout the protocol-level survey season (typically from March to July, depending on the species).

The USFS was contacted to gain access to areas that were affected by the Holy Fire (South Main Divide Road - northwest of SR-74). These areas were severely burned during the recent fire and now the large amount of rain has significantly impacted the dirt access roads along the ridgeline of the Cleveland National Forest. On February 1, 2019, Darrel Vance was emailed to gain access to the northern portion of the forest to document the extent of the burn area in relation to suitable habitat for sensitive plant/wildlife species. Mr. Vance is on a personal leave of absence and we were directed to contact either Robert Chavez or Nathan Sill. Both individuals were sent the same email requested access. We have not received any contact from either Mr. Chavez or Mr. Sill.

During one of the golden eagle winter surveys, USFS representative Jason Gentile was stopped by Wood biologist Mike Wilcox in the field and was asked a few questions about access to the forest. Mr. Wilcox requested access to the portions of the forest that were behind locked gates. Mr. Gentile indicated that the portion of South Main Divide Road that is northwest of SR-74 is within the burn area and has not been cleared for access. He also indicated that the road will likely be impassible for several months due to the extensive erosion caused by the recent rain events.

1.2. Surveys for Quino Checkerspot Butterfly (Study 9)

In addition, FERC's June 15, 2018 letter required Nevada Hydro to conduct surveys for *Plantago erecta* and use by the Quino checkerspot butterfly within the proposed project area that was affected by recent fires.

FERC noted in Schedule A of its January 22, 2019 letter that Nevada Hydro's September 13, 2018 filing did not include a schedule for completing the butterfly surveys. A protocol Quino checkerspot butterfly survey will be completed during the 2019 flight season (which official starts in February 2019 this year). Surveys are scheduled to begin on February 27th based on current weather conditions. Surveys require a minimum of 6 weeks to complete. A report should be completed within two weeks following the last survey. A total of 10 weeks will be required to complete the protocol survey. Thus, the report will be submitted mid-May 2019.

1.3. Vegetation Map Study Plan (Study 18)

In Schedule A of its January 22, 2019 letter, FERC noted that the revised vegetation maps filed on September 13, 2018 were of limited value because they do not show the geographic location of the individual maps or outline the location of proposed project features (tower locations, access roads, etc.). Wood will revise the vegetation maps and provide an index map showing the location

of the 87 individual maps in relation to the project layout and show the location of proposed project features on the maps. This revision will be completed in roughly the first week of March 2019.

1.4. Recreational Use Study (Study 22)

In Schedule A of its January 22, 2019 letter, FERC noted that the study plan provided in Nevada Hydro's September 13, 2018 filing lacks a number of important details needed to ensure that the data collected is sufficient for its analysis. On November 1, 2018, HNC met with the USFS to discuss several issues regarding the LEAPS Project, including the Recreational Plan. On December 12, 2018, NHC had a follow-up teleconference meeting to further discuss the Recreation Plan. Jacob Rodriguez, a USFS Representative provided three separate examples of projects addressing recreational impacts in National Forests across the United States the same day. The following Recreational studies were provided: Little Crow Restoration Project in Naches District Okanogan-Wenatchee National Forest (State of Washington), Kiowa-San Cristobal Wildland Urban Interface Project in the Carson National Forest (State of New Mexico), and Uniontown South Project in Hoosier National Forest (State of Indiana). In addition, Mr. Rodriguez also provide some specific recreational information regarding the Cleveland National Forest. These reports were reviewed, but none of them contain a specific scope of work to calculate the amount of recreational use within the National Forest. They all provide a detailed description of the active uses and how each proposed project would impact those recreational uses but did not identify a way to sample how often the use was utilized or during what time of year. Each use was analyzed based on the type of use being impacted and the length of time the proposed project would take to complete.

Due to the government shut-down, USFS was not available for further discussion for several months. Based on preliminary comments in November 2018, Mr. Rodriguez was concerned that the proposed plan did not have enough sampling days over the length of an entire year. Mr. Rodriguez was most recently contacted on February 18th by phone and by email to identify project specific methods to gather recreation use data.

Therefore, the Recreational Use Study will be revised to include an observation sampling schedule and specific methods for data collection in the field. Wood will work directly with the U.S. Forest Service, Cleveland National Forest staff to revise the Recreational Use Study to ensure that the data collected from the recreation use study is suitable for FERC to use in their analyses of potential project effects. The revised Recreational Study Plan will include the following elements: (1) a sampling schedule for the recreation use observations that will extent for a full 12-month period; (2) methods used to estimate recreation use in the area will be based on point counts at selective high-use areas, such as the hang-glider take-off area, hiking trails, mountain biking trails, and picnicking areas within the vicinity of the project site; (3) a sample data collection sheet for



the recreation use observations that allows you to record information on recreation activity type, group size, and observed length of stay; (4) proposed methods to survey the area for the presence of recreation sites, including roads, trails, campsites, day use areas, and any other location where recreation use occurs (either formally or informally); and, (5) a sample data collection sheet for recording the characteristics of the recreation sites that includes site type, length of trail or road segment(s), size, and a condition class evaluation.

The new plan will include documentation of consultation, including copies of any comments and recommendations, and a description of how the Forest Service's comments are accommodated by the plan. Wood will provide the Forest Service a 30-day review period to comment and provide recommendations on the plan. If the Forest Service disagrees on specific elements of the study plan, then we will justify our position using specific, detailed information, to enable FERC staff to resolve and disagreements. Wood expects this revision to be completed within 30 days, assuming the Forest Service is available to discuss these issues.

1.5. Fire Study Plan (Study 28)

In Schedule B of its January 22, 2019 letter, FERC noted that the project is in an area that has historically been impacted by wildfires, where wind patterns potentially exacerbate wildfires that do occur, and where residential development has occurred along the border of the Cleveland National Forest. In its June 15, 2018 letter, FERC requested Nevada Hydro to develop a fire study plan in consultation with the Forest Service. In Schedule B of its January 22, 2019 letter, FERC noted that, the study plan provided in the September 13, 2018 filing did not appear to have been developed in consultation with the Forest Service and noted that the Forest Service could provide important information to assist in developing the study plan.

Wood initially contacted the USFS in August of 2018 to request comments on the general scope of work/content of the draft Fire Study Plan. Darrell Vance responded on November 19, 2018 referencing preliminary screening comments that USFS provided NHC, but otherwise had no additional comments regarding changes to the Fire Study Plan. He did request that the Fire Study include a map of the entire project site and not be confined to the proposed upper reservoir. The proposed transmission line alignment is a much larger concern for fire response activities. Mr. Vance also provided additional comments from Cleveland National Forest Chief Brian Rhodes, who requested additional information regarding the Holy Fire be considered in the Fire Study but did not require any additional changes to the plan itself.

During the preparation of the Fire Study, USFS was contacted in December 2018, but staff was furloughed during the government shutdown. Mr. Jacob Rodriguez was contact in February 2019 and provided a revised draft of the Fire Study Plan and he is still in the process of responding to

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specific questions that Wood provided to complete the study. The Draft Fire Study Plan has been completed with placeholders for discussions related to firefighting operations. Following the correspondence with Mr. Rodriguez, Wood will add in necessary information and finalize/submit the completed draft Fire Study to FERC. The revised fire plan will be completed well before June 30, 2019, assuming Forest Service availability. Wood will include copies of any comments and recommendations, and a description of how the Forest Service's comments are accommodated by the Fire Study. If the Forest Service disagrees on specific elements of the Fire Study, then we will justify our position using specific, detailed information, leaving it to FERC staff to resolve any remaining disagreements.

2.0. Conclusion

Based on the January 22, 2019 Request for Additional Information and Comments on Study Plans from FERC, two deadlines were identified: 90-days from date of letter (April 15, 2019) and June 30, 2019. Two of the action items requested by FERC are due within 90-days of the request. These include Study 18 and 22. The remaining two studies under Study 9 and Study 28 are all due on June 30, 2019. Each will be completed well before these deadlines, as noted above.

If you have any questions regarding this response, please contact me at (951) 369-8060 ext. 105 or at scott.crawford@woodplc.com.

Sincerely,

**Wood Environment & Infrastructure
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Scott Crawford
Biology Group Manager

