

## **1.4 Agency Actions**

### **1.4.1 Federal Agency Actions for Transmission Lines**

#### **1.4.1.1 U.S. Department of Energy**

Construction of either or both of the proposed 230 kV transmission lines would require DOE to issue a Presidential permit to Sempra Energy Resources and/or Baja California Power, Inc. DOE's decision must consider whether or not the action is consistent with the public interest, including consideration of environmental and electric reliability issues. Thus, DOE is responsible for compliance with NEPA and will act as the lead federal agency for NEPA compliance.

DOE must also consider whether the proposed construction of transmission facilities by SER and BCP and the export of electric energy to Mexico for start-up and other purposes would impair the sufficiency of electric power supply within the U.S. or would impede or tend to impede the coordinated use of the U.S. power supply network. Based on these considerations and on compliance with NEPA, DOE could grant Presidential permits and electricity export authorizations to export electrical energy if it is determined that:

1. Sufficient generating resources exist such that the exporter could sustain the export while still maintaining adequate generating resources to meet all firm supply obligations, and
2. The export would not cause operating parameters on regional transmission systems to fall outside of established industry criteria.

#### **1.4.1.2 Bureau of Land Management (BLM)**

In order for the proposed actions to be implemented, SER and BCP must secure rights-of-way from the Bureau of Land Management of the Department of the Interior, the agency which manages the involved federal lands. Because the BLM has jurisdiction over the land in which the rights-of-way are proposed and is a federal agency with special expertise with relation to land use, biological, cultural resource, visual, and other environmental issues, the BLM is a cooperating agency under NEPA. The BLM will review this EA to determine if the action is consistent with the California Desert Area Conservation Plan (1980), as amended; the Federal Land Policy and Management Act of 1976; and the BLM's mission to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

#### **1.4.1.3 International Boundary and Water Commission (IBWC)**

The mission of the IBWC is to apply the rights and obligations which the Governments of the United States and Mexico assume under the numerous boundary and water treaties

and related agreements, and to do so in a way that benefits the social and economic welfare of the peoples on the two sides of the boundary and improves relations between the two countries. IBWC has review authority over actions that may affect the international border area. When NEPA review of the action is complete, IBWC may review the project to ascertain that there would be no change in drainage patterns at the international border, that boundary markers are not impacted, and that the action would not be detrimental to the environment. IBWC may then issue a permit or a letter of concurrence to the federal lead agency for the action.

#### **1.4.1.4 U.S. Army Corps of Engineers (USACE)**

According to current project plans, the proposed transmission lines would require placing steel lattice towers in non-wetland waters of the United States under the jurisdiction of the USACE. A permit will be required from the USACE to allow this work under Section 404 of the Clean Water Act. Processing of the Section 404 permit will require certification by the Regional Water Quality Control Board under Section 401 of the Clean Water Act.

### **1.4.2 Other Agency Actions for Transmission Lines**

#### **1.4.2.1 State Historic Preservation Office (SHPO)**

The SHPO consults with appropriate Federal agencies in accordance with the National Historic Preservation Act (NHPA) on Federal undertakings that may affect historical properties, and the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to such properties. Although DOE is the federal lead agency for NEPA purposes, BLM, as the “on-site” agency, has coordinated both the BLM and DOE responsibilities under the National Historic Preservation Act. If the undertaking would result in adverse effects, the BLM would consult with SHPO and other consulting parties on ways to resolve the adverse effects.

#### **1.4.2.2 California Public Utilities Commission (CPUC)**

The segment of existing SDG&E 230 kV transmission line that is presently on wooden poles near the Imperial Valley Substation will be relocated and placed on steel monopoles in order to provide clearance for the BCP transmission line to pass under the 500 kV Southwest Power Link. Prior authorization is being obtained from the CPUC to allow the relocation. The CPUC has indicated that they intend to use this EA as a California Environmental Quality Act (CEQA) document, provided all CEQA-related requirements are satisfied.

### **1.4.3 Federal Agency Action Related to Applicants' Projects**

#### **1.4.3.1 Federal Energy Regulatory Commission (FERC)**

The natural gas to fuel the TDM, EBC, and EAX electric generating turbines will be provided by a new pipeline system extending from an existing El Paso Natural Gas Company pipeline in Ehrenberg, Arizona, in the U.S. to an existing pipeline in Baja California, Mexico, crossing the international border at Algodones, Mexico. The Mexican portion of the pipeline is under construction. The U.S. portion of the pipeline is a proposal by North Baja Pipeline, LLC, (NBP) a wholly owned subsidiary of PG&E Gas Transmission Holdings Corporation. NBP has applied to the FERC for a Certificate of Public Convenience and Necessity, pursuant to the Natural Gas Act, to construct and operate a new interstate pipeline and ancillary facilities [Docket No. CP-01-22-000], and for a Presidential Permit to construct and operate facilities at the international border for the exportation of Natural Gas [Docket No. CP-01-23-000]. FERC issued the Draft Environmental Impact Statement/Environmental Impact Report and Draft Land Use Plan Amendment for the North Baja Pipeline Project (FERC/EIS-0132D) in July 2001.