

Attachment 2



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W1834
Sacramento, CA 95825
www.ca.blm.gov

In Response Reply To:
CACA 47658 (P) CA-930

July 5, 2007

Bret Lane
Vice President, Environmental, Safety & Facilities
Chief Environmental Officer
San Diego Gas & Electric Company
8330 Century Park Court, CP 338
San Diego, CA 92123-1530

Dear Mr. Lane:

Your letter dated May 17, 2007, to the Bureau of Land Management's (BLM) California State Office requested clarification regarding the existing federal rights-of-way interests through Anza-Borrego Desert State Park (ABDSP) in San Diego County.

Your letter stated that San Diego Gas & Electric (SDG&E) sought confirmation of three specific points. Your points are highlighted below in verbatim excerpts from your letter and BLM's responses follow.

"1. **That continuing federal interests exist within portions of the transmission corridor through the ABDSP, which generally follows the route of the existing transmission line;... ."**

The United States reserved to the federal government an interest in land in the form of a 100-foot-wide corridor running through portions of the ABDSP. This federal interest was retained in the 1920's through the 1940's when federal lands were patented to the State of California and various private parties, with a reservation to the United States, its licensees and permittees, for the right to use the land located within 50 feet of the center line of the transmission line right-of-way held by SDG&E's predecessor, for power purposes. This continuing federal interest extends to those lands that were in federal ownership, not otherwise reserved, and for which patents were issued containing the above referenced reservation.

The BLM is reviewing information regarding potential federal interests in lands within ABDSP that were once held as California State School lands, and which contain segments of the transmission line in question. A final determination regarding the federal interests in these lands has not yet been made.

The BLM agrees that the federal interest correlates to the centerline of the existing transmission line location. All the parties affected by the transmission line location should work together to correct any necessary patents/records to accurately reflect the true location of the transmission line on the ground.

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“2. **That the nature of these federal interests are the same for the portions of the transmission corridor located both west and east of the Narrows substation; and... .”**

The interest that the federal government reserved in patents to the State of California and various private parties was not based on the location of the Narrows substation. The reservation to the United States was noted in patents both west and east of the Narrows Substation. As such, even though the initial owner of the transmission line sold its interest in the transmission line to separate energy companies, creating a boundary based on ownership of the transmission line, that ownership boundary does not affect the continuing reserved interest of the United States.

“3. **That the BLM retains jurisdiction and authority to issue rights-of-way over those areas of continuing federal authority, including for the existing transmission line and (should the CPUC approve the route through the ABDSP) the Sunrise Project... .”**

The patents to the State of California and various private parties reserved to the United States, its permittees or licensees, the right to use the lands within 50 feet of the centerline of the transmission line right-of-way held by SDG&E's predecessor, for power purposes. When the Federal Energy Regulatory Commission ceased management of the transmission line, the BLM became, and remains, the successor agency to manage this continuing federal interest through the ABDSP.

The Federal Land Policy and Management Act (FLPMA) provides BLM the jurisdiction and authority to issue a right-of-way for the existing 69 kV transmission line. In regards to the proposed Sunrise Powerlink Project, FLPMA also would allow BLM to grant a ROW for this project, assuming that other requirements are met (e.g., CPUC's approval of a Certificate of Public Convenience and Necessity for the project, the granting of a ROW is consistent with the decision(s) contained in Final Environmental Impact Statement/Environmental Impact Report, BLM's Record of Decision, and other internal review processes). This response, however, is in no way to be interpreted as an indication of what BLM's decision might be on a right-of-way application for the Sunrise Powerlink Project.

We hope these responses provide the information requested. Our BLM point of contact on this project is Duane Marti, and he is available here at the State Office, 2800 Cottage Way, Sacramento, CA 95825, and his telephone number is (916) 978-4675.

Sincerely,

/s/ Mike Pool

Mike Pool
State Director

cc: Mr. Bradly Torgan, California Dept. of Parks and Recreation
Ms. Billie Blanchard, California Public Utilities Commission

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