

1. Introduction

1.1 Legal Requirements for Recirculating or Supplementing a Draft EIR/EIS

California Environmental Quality Act (CEQA). Under CEQA, recirculation is required when significant new information changes the EIR in a way that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.” New information may include changes in the project or environmental setting as well as additional data or other information. The CEQA Guidelines provide the following four examples of “significant new information” that trigger recirculation:

- (1) A disclosure that a “*new significant environmental impact* would result from the project or from a new mitigation measure proposed to be implemented.”
- (2) A disclosure that a “*substantial increase in the severity of an environmental impact* would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.”
- (3) A disclosure that a “*feasible project alternative or mitigation measure* considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.”
- (4) “The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

Recirculation of the Draft EIR results from the first two items above, as well as from the requirement to provide a meaningful opportunity to comment on certain route modifications that do not result in new significant impacts.

National Environmental Policy Act (NEPA). Under NEPA (40 CFR 15029(c)(1)), a Supplement to an EIS is required when there are significant new circumstances or information relevant to the environmental concerns related to the proposed project or its impacts. In this case, the new information involves changes to the “connected actions” analyzed in the Draft EIR/EIS and route revisions (“reroutes”) proposed by SDG&E in comments on the Draft EIR/EIS.

1.2 Analysis Included in this Recirculated Draft EIR/Supplemental Draft EIS

The Recirculated Draft EIR/Supplement Draft EIS (RDEIR/SDEIS) includes the components described below.

1.2.1 New and Revised Analysis of the La Rumorosa Wind Project

In December 2007, Sempra Generation (Sempra) submitted to the U.S. Department of Energy an Application for Presidential Permit, defining a 1,250 MW wind project in Mexico, transmission lines into the U.S., and a new substation located northeast of the town of Jacumba. The Draft EIR/EIS analyzed a “connected action” and “indirect effects” of a 250 MW wind project in Mexico, a transmission line,

and the “Jacumba Substation.” However, these components are described differently by Sempra, and the wind project considered in the Draft EIR/EIS was much smaller than the actual project defined by Sempra. As a result, Section 2 of this document presents new analysis of the Sempra project, still in the category of a “connected action” to the Sunrise Powerlink, and as “indirect effects” of the Sunrise project. The analysis of the Jacumba Substation and the SCE Rumorosa Wind Project that was included in the Draft EIR/EIS is presented in Appendix 1 to this Recirculated Draft EIR/Supplemental Draft EIS.

1.2.2 Description and Analysis of Transmission Line Route Revisions

In comments on the Draft EIR/EIS, SDG&E modified several segments of the Proposed and Alternative transmission line routes. Some of these reroutes would affect new landowners, change the potential effect on already-affected landowners, or change the environmental impact of the route described in the Draft EIR/EIS. This document describes 13 reroutes in Section 3.

1.2.3 Other Modifications to the Draft EIR/EIS

After publication of the Draft EIR/EIS, changes in the impact analysis have been made in a few areas where new or more severe significant impacts have been identified in comments or based on new information. This has occurred in three areas:

- Cultural resources in the Central Link of the Proposed Project, along the Campo North Option, and in the Interstate 8 Alternative (underground segment in Alpine Boulevard).
- The analysis of the San Diego Community Power Project (SDCPP, or ENPEX) was a part of the New In-Area All-Source Generation Alternative and two potential sites were identified in a feasibility study. In the Draft EIR/EIS, the visual and biological resources analyses did not consider both sites, so analysis is added for these sites where there is the potential for more severe significant and unmitigable (Class I) impacts.
- Expansion of temporary workspace required for the Interstate 8 Alternative between the Imperial Valley Substation (MP I8-0) and the BCD Alternative (MP I8-40).

Section 4 presents modifications to impact analysis for these subjects.

1.2.4 Revision of Components of the Environmentally Superior Alternatives for Northern and Southern Transmission Line Routes

Section 5 describes the Environmentally Superior transmission line routes in both the northern and southern areas. The Northern Environmentally Superior Route has been modified to add consideration of an additional underground segment in the Santa Ysabel Valley, and to incorporate several route revisions described in Section 3 of this document. Comments were received indicating that the permission legally required to extend the proposed transmission line through the Campo reservation as proposed by the Interstate 8 Alternative would not be granted. The Southern Environmentally Superior Route has therefore been modified to avoid all tribal lands, following the BCD Alternative and BCD South Option, and to incorporate route revisions suggested by SDG&E and the U.S. Forest Service. In addition, Section 5 addresses other combinations of transmission line alternatives that were suggested in comments on the Draft EIR/EIS by SDG&E and the Utility Consumers’ Action Network (UCAN).

1.3 Analysis Not Included in this Recirculated Draft EIR/Supplemental Draft EIS

Some comments on the Draft EIR/EIS suggested that a recirculated/supplemental Draft EIR/EIS would be required for reasons beyond those listed in Section 1.2 above. The CPUC and BLM have evaluated all comments on the Draft EIR/EIS and determined that other requests for recirculation are not valid because they do not trigger the CEQA or NEPA requirements defined in Section 1.1 above. The Final EIR/EIS will present a response to each comment requesting recirculation, explaining why this action was not required under the law. Those comments and brief explanations are summarized in this section.

In all, six commenters suggested recirculation of the Draft EIR/EIS for reasons not addressed in this document. These requests were from the City Attorney of San Diego, the Rincon and La Jolla Tribes, Powers Engineering (Bill Powers), the Mussey Grade Road Alliance (MGRA), and the Conservation Groups (Center for Biological Diversity and the Sierra Club). Their requests and the rationale for not including these issues in the recirculated/supplemental document are summarized as follows:

The **City Attorney of San Diego**, Michael J. Aguirre, requested that the Draft EIR/EIS be recirculated to revise the scope of the project to include the Full Loop (future 500 kV expansion) as a part of the “whole of the action,” to include analysis of an aggressive in-basin solar rooftop initiative as a project alternative, to address significant air quality impacts that were not adequately evaluated, and to include feasible mitigation for greenhouse gas (GHG) emissions including offsite mitigation. These issues are not included in the Recirculated/Supplemental Draft EIR/EIS for the following reasons:

- **A reasonable range of alternatives was considered in the Draft EIR/EIS.** The City Attorney suggested that an aggressive in-basin solar rooftop initiative be considered as an alternative to the Proposed Project in the EIR/EIS. The In-Basin Renewable Generation Alternative selected for analysis in the EIR/EIS is a reasonable and feasible alternative, and is one of a range of reasonable alternatives considered. The EIR/EIS is not required to consider all feasible alternatives. Recirculation of the Draft EIR/EIS for this reason is not required.
- **Air quality analysis will be refined in the Final EIR/EIS.** The City Attorney suggested that GHG emissions were not fully accounted for in Impact AQ-4 in the Draft EIR/EIS. Additional GHG emissions created by the Proposed Project and alternatives will be evaluated in Impact AQ-4 in the Final EIR/EIS as suggested. As Impact AQ-4 was a significant, unavoidable (Class I) impact in the Draft EIR/EIS, and the inclusion of additional incremental emissions will not raise the level of impact disclosed in the Draft EIR/EIS, recirculation of the Draft EIR/EIS for this reason is not required. The Conservation Groups suggested that the Draft EIR/EIS did not adequately disclose the impacts associated with the project’s contribution to GHG emissions. To the contrary, the Draft EIR/EIS presents a complete discussion of greenhouse gas emissions in Section D.11, Air Quality. Recirculation of the Draft EIR/EIS for this reason is not required.
- **Greenhouse gas offsets will be addressed as feasible mitigation in the Final EIR/EIS.** While mitigation measures to reduce or offset GHG impacts were considered for the Proposed Project and alternatives, none were available at the time of the Draft EIR/EIS that could fully mitigate the GHG impacts (i.e., result in no net increase of GHG). The CPUC presently recommends that a cap-and-trade program should eventually be used to cost-effectively reduce GHG emissions from the electricity sector, but allowances and offset programs for carbon trading in California are still in the developmental phase (as found by CPUC in Rulemaking R.06-04-009). Providing offsets for GHG pollutants was considered as an EIR/EIS mitigation strategy, but was not considered to be adequate

to reduce impacts to less than significant levels because it was a relatively untested strategy at the time of publication of the Draft EIR/EIS. However, because of the rapidly changing GHG technical and policy landscape, the Final EIR/EIS will consider new GHG offset programs. New GHG mitigation will be included in the Final EIR/EIS, so recirculation Draft EIR/EIS for this reason is not required.

The **Rincon and La Jolla Tribes and Bill Powers** requested recirculation based on inadequate analysis of the future 500 kV expansion and lack of consultation with the Tribes and the Bureau of Indian Affairs (BIA). Further analysis of the future 500 kV transmission lines is not included in the Recirculated Draft EIR/Supplemental Draft EIS for the following reasons:

- **The “Full Loop” was sufficiently analyzed in the Draft EIR/EIS.** Contrary to suggestions by the City Attorney of San Diego, Bill Powers, and the Rincon and La Jolla Tribes that impacts of the Full Loop were not analyzed, analysis of the future 500 kV expansion was included in the Draft EIR/EIS in Sections D.2.18, D.3.11, D.4.11, D.5.11, D.6.11, D.7.15, D.8.11, D.9.11, D.10.11, D.11.11, D.12.11, D.13.11, D.14.11, and D.15.13 of Volumes 2 and 3 of the Draft EIR/EIS. In addition, as explained in Section B.2.7.2, “ ... approval of the SRPL [Sunrise Powerlink] would not result in automatic approval of the potential future expansions to the SRPL and all future 230 or 500 kV lines would require new applications by SDG&E, followed by preparation of project-level environmental documents and separate approvals from the CPUC prior to permitting and construction.” Project-level environmental documents would require consideration of alternatives and consultation with the Rincon and La Jolla Tribes and the BIA. The analyses of the future 500 kV transmission expansion are adequate to disclose the impacts of such a future corridor to the public and the decisionmakers evaluating the Sunrise Powerlink Project.

The **Mussey Grade Road Alliance** requested recirculation of the Draft EIR/EIS based on the changed conditions of the environment since the October 2007 fires in the project area, particularly the areas that were burned both in the 2003 and 2007 fires that are now subject to biological “type conversion.” This issue is not included in the Recirculated Draft EIR/Supplemental Draft EIS for the following reasons:

- **The October 2007 fires did not change the environmental baseline of analysis.** Although the fires of last fall did temporarily change the environmental setting of the region, especially in terms of biological resources and visual resources, the majority of the burn areas are expected to recover with similar habitat values, and eventually they will look similar to how they did before the fire. Given that the purpose of the EIR/EIS is to define the potential effects of the proposed transmission line and its alternatives, the change in conditions in the fire area was not considered to alter the impact analysis presented in the Draft EIR/EIS.

MGRA suggested that the Draft EIR/EIS be recirculated to allow for new biological surveys to be conducted in the aftermath of the 2007 fires, particularly in those areas that were burned both by the 2003 and 2007 fires to assess the susceptibility of those areas to biological type conversion. Type conversion is addressed in Section D.2.5 of Volume 1 and Section G.14 (Impact F-6) of Volume 5 of the Draft EIR/EIS, and is identified as a significant, unavoidable (Class I) impact in both cases. Type conversion is largely a cumulative problem: it depends on the time since the last fire (ignited by any source), on the number of other ignitions from all other sources, and on such things as land use policy changes and road-building. ~~Since power line fires generally make up only 1% of ignitions, and high voltage lines make up about 3% of these, and because few of these fires are large~~ Because the wildfire ignition rate of high-voltage transmission lines is small, because Santa Ana wind conditions occur only on a few days per year, and because the likelihood of any given fire potentially caused by the project to occur in a recently burned area is also small, it would

be unduly burdensome to carry out a detailed analysis of potential type conversion as a result of the project, because the probability of it occurring is small, and depends on a number of complex, cumulative factors. Furthermore, the impacts of type conversion are poorly defined, and any study of this type would be speculative. The Draft EIR/EIS acknowledges that type conversion is a potential impact of the project, and it would be significant and unavoidable should it occur. Mitigation Measure B-3a, Weed Control Plan, would help reduce the colonization of weeds in the project areas post fire. Further biological surveys to identify potential impacts of type conversion are unwarranted, and recirculation of the Draft EIR/EIS for this reason is not required.

The **Conservation Groups** also requested that the Draft EIR/EIS be recirculated to consider the impacts of the October 2007 fires, to provide sufficient species surveys and to redesign alternatives based on adequate surveys, to disclose how alternatives will impact permitting under Multiple Species Conservation Plans (MSCP), and to address the full extent of GHG impacts. GHG impacts are addressed above; the other issues are addressed in the following paragraphs.

- **Biological surveys are adequate, and conservative assumptions were made in the Draft EIR/EIS.** The approach to biological surveys was developed by the CPUC and BLM in consultation with the U.S. Fish & Wildlife Service. The accuracy of the biological surveys carried out by SDG&E and the CPUC/BLM for the Proposed Project and alternatives was limited by the following factors:
 - Both the CPUC/BLM and SDG&E had difficulty gaining permission to access private properties along the 300 miles of alternative routes and for approximately five miles of the Proposed Project route (in the Central Link).
 - Exceptionally dry weather conditions in 2007 made the results of some surveys (i.e., Quino checkerspot butterfly and special status plants) either inconclusive or questionable.
 - Exceptionally dry weather conditions in 2007 prevented arroyo toad surveys from being conducted in several areas that contained suitable habitat; the species was assumed to be present in these cases.
 - Survey areas did not always include all of the proposed impact areas (e.g., access roads and staging areas that occur outside of the 200-foot PSA) because, in most cases, these areas were not known at the time of the surveys.
 - Some of the protocol surveys had to be started too late in the season to meet the full protocol, either because of the time-intensive process of developing alternative routes or because access was not granted until too late in the season to begin the surveys on time.

In recognition of these limitations, the CPUC, BLM, and the Wildlife Agencies decided on the following course of action: (1) surveys would be performed on public lands and private lands where permission to access was obtained (surveys were conducted for all properties for which ROE permission was granted up until publication of the Draft EIR/EIS); (2) the CPUC/BLM and SDG&E would continue to aggressively pursue rights to enter private properties (via letters and follow-up court action), and as many surveys as possible would be performed once access was obtained; (3) efforts concerning the pursuit of access would be documented; and (4) where access was not possible, other information such as regional habitat assessment models and air photos would be used to identify suitable habitat for each species, species would be assumed to be present (where appropriate), and mitigation would be developed based on that assumption (i.e., the worst case scenario). Where species are assumed to be present and impacted, pre-construction surveys would be required that would determine the presence or absence of species, and the mitigation required may be reduced or eliminated based on the results of these surveys. The survey information contained in the Draft EIR/EIS is based on a good-faith effort to obtain

accurate information about biological resources. Where there is uncertainty about the presence of sensitive species, the most conservative assumptions of harm were made, and mitigation measures requiring pre-construction surveys were applied. An adequate range of alternatives was considered in the Draft EIR/EIS even if alternatives based on multiple years of complete biological surveys were not included, and CEQA does not require an EIR to consider all feasible alternatives. Recirculation of the Draft EIR/EIS for this reason is not required.

- **Consistency with MSCPs will be addressed in the Final EIR/EIS.** In response to the Conservation Groups' and others' comments on consistency with MSCPs, additional information will be provided in the Final EIR/EIS that shows the relationship of the Proposed Project and alternatives with the boundaries of the various regional habitat conservation plan areas, and the designated or proposed preserve areas within each plan. There is no change in any impact classification level as a result of this new information.

As discussed in the analysis of impacts to wildlife corridors for the Proposed Project on Draft EIR/EIS pages D.2-142, 143 and other locations of the Draft EIR/EIS for project alternatives, construction and operation/maintenance of transmission lines is not expected to result in significant impacts to wildlife movement since wildlife can move under and around the towers, (although it is noted that potential significant impacts to Peninsular bighorn sheep movement may occur). Therefore, consistency with wildlife corridor integrity objectives of MSCPs would be maintained.

Impacts to species covered under the adopted and draft MSCP plans must be adequately analyzed and mitigation must be identified sufficient to maintain or not preclude the County's take authorization for the species under these plans. Impacts to listed and sensitive species are analyzed in their respective sections of the Draft EIR/EIS and mitigation is provided to ensure that impacts do not reach the level that the County's take authorization would be jeopardized by the project. Recirculation of the Draft EIR/EIS for this reason is not required.