

**CALIFORNIA STATE LANDS COMMISSION**

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**PAUL D. THAYER, Executive Officer**

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**Contact Phone: (916) 574-1865**

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January 23, 2007

Billie Blanchard, CPUC  
Lynda Kastoll, BLM  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

Dear Billie Blanchard and Lynda Kastoll:

**SUBJECT: SDG&E Sunrise Powerlink Project – Notice of Second Round Scoping Meetings**

This letter is sent in response to your request for comments pertaining to the Notice of Second Round Scoping Meetings (Project Notice) for the Sunrise Powerlink Project.

Maps included in the Project Notice indicate the proposed locations of new substations and the preferred and alternate routes for the transmission lines. There are several State-owned school land parcels that lie in the vicinity of the proposed routes. However, without a more precise description of the proposed lines, the California State Lands Commission (CSLC) cannot determine if any of the proposed alternatives cross any of these school lands.

The CSLC requests that legal descriptions for the route selected be provided, and advises you that the applicant will be required to obtain authorization from the CSLC before any proposed activity or development will be permitted on State lands. If you have any questions regarding the lease application/authorization process, please call me at (916) 574-1865.

Thank you for this opportunity to comment on the Second Round Scoping Meetings for the Sunrise Powerlink Project.

Sincerely,

A handwritten signature in black ink that reads "Jim Porter". The signature is written in a cursive, flowing style.

**JIM PORTER**  
Public Land Management Specialist

cc: Marina Brand, DEPM  
Barbara Dugal, LMD  
Dave Plummer, LMD

**NATIVE AMERICAN HERITAGE COMMISSION**

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January 30, 2007

Ms. Billie Blanchard

**CALIFORNIA PUBLIC UTILITIES COMMISSION**

c/o Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

Re: San Diego Gas & Electric (SDG&E) Sunrise Powerlink (SRPL) Project; SDG&E Application with Environmental Assessment (A.05-12-014, consolidated with A.06-08-010) also for a Certificate of Public Convenience and Necessity (CPCN); application to the U.S. Department of the Interior/Bureau of Land Management for Right-of-Way Grant; San Diego County & Imperial County, California

Dear Ms. Blanchard:

Thank you for the opportunity to comment on the above-referenced document. We write you as the lead agency for the above-referenced project under California law. We also address this letter to the federal Bureau of Land Management (BLM) as the federal lead agency because under the signed, State CPUC/BLM Memorandum of Agreement, a Joint Draft and Final EIR/EIS will be prepared to comply with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Also, this Commission helps facilitate Tribal Consultation with federal agencies under NEPA and under Section 106 of the National Historic Preservation Act. The processes in preparing and commenting on these documents provides this Commission and California Native American tribes (both federally-recognized and non federally-recognized) the opportunity to assess the energy corridor routes, the 'areas of potential effect (APEs)' in order to determine their possible or potential impact on cultural resources.

Since we meet monthly with San Diego/Imperial counties tribes we are aware of their frustration over the lack of information and inadequate consultation regarding the federal energy corridors that the above-referenced project represents. Therefore, we urge the lead federal agency, BLM, the El Centro BLM – CA 670 Office to be 'pro-active' in providing tribes adequate opportunity for consultation on the proposed/alternative energy corridor routes. Currently the Native American Heritage Commission is assisting the project archaeological and environmental contractors in identifying cultural resources that are known to the Commission in its Sacred Lands File Inventory.

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The National Environmental Policy Act (NEPA) has a similar provision. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

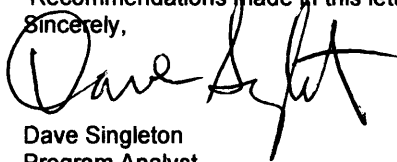
√ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.

- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) directly or through a contractor for:
  - \* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on a list that is appropriate to the location of the energy corridor proposed route or alternative route to get their input on potential project impact (APE).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked burial sites in their mitigation plans. We wish to point that many Native American burial sites are not listed as 'dedicated' cemeteries or included in the list of "Indian Cemeteries," published by the Bureau of Indian Affairs (BIA) or other public agencies. Many Native American burial grounds in California are unmarked and known only to family members or are the result of historic hostile action.
  - \* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
- √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
- √ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 653-6251 if you have any comments about the concerns and Recommendations made in this letter.

Sincerely,



Dave Singleton  
Program Analyst

Cc: Carrie L. Simmons, Archaeologist  
BLM – EI Centro



# California Regional Water Quality Control Board

## San Diego Region



**Arnold Schwarzenegger**  
Governor

**Linda S. Adams**  
Acting Secretary for  
Environmental  
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

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February 23, 2007

In reply refer to:  
**SWPU:CEQA:gibsd**

Aspen Environmental Group  
235 Montgomery Street, Suite 935  
San Francisco, CA 94104-3002

ATTN: Billie Blanchard, CPUC  
Lynda Kastoll, BLM

**Subject: Comments on Notice of Second Round of Scoping Meetings on Alternatives to the Proposed Sunrise Powerlink Project.**

On January 29, 2007 the San Diego Regional Water Quality Control Board (Regional Board) received and reviewed the subject document. Under Division 7 of the California Water Code (Porter-Cologne Act), the Regional Board is a State agency responsible for preserving, enhancing, and restoring water resources in the area of the proposed project. The primary concerns and mandates of the Regional Board are the protection of water quality standards; these include numeric and narrative water quality criteria, beneficial uses; and the State's antidegradation policy. Water quality criteria for inland surface waters are identified in the Water Quality Control Plan for the San Diego Basin (9). The antidegradation policy states that any water quality degradation will be consistent with the maximum benefit to the people of the State; will not unreasonably affect existing and potential beneficial uses of such waters; and will not result in water quality less than described in the Basin Plan.

The proposed project has the potential to adversely impact water quality and beneficial uses during construction as well as over the life of the project. Thus it is paramount that short term and long term impacts of the project are a primary consideration in the ultimate selection of the Project alternative(s) during this and subsequent reviews.

As a responsible agency under the California Environmental Quality Act (CEQA) for this project, the Regional Board has reviewed this notice and will review and comment on subsequent CEQA documents related to the project. The Regional Board will rely upon these environmental reviews and documents in reviewing any Clean Water Act section 401 Water Quality Certification (401 certification) applications for the project. Thus, the Regional Board needs the CEQA documentation and review process to thoroughly address water quality and hydrologic impacts at this time in order to recommend

certification(s) for wetlands impacts associated with the project and to avoid requiring a focused EIR or other documentation at a later time.

The Regional Board has the following general questions/concerns regarding the Project, as presented in the Notice:

1. Construction, operation, and maintenance of access roads, tower alignments, and associated facilities all have the potential to result in discharges of pollutants or cause erosion and sedimentation to Waters of the State. The CEQA review process and documentation must thoroughly address all of the anticipated impact(s) to water quality and beneficial uses from all aspects of the project including the post construction operation and maintenance of access roads, facilities, tower alignments, etc and the measures (avoidance, BMPs, etc) that will be taken to prevent discharges of waste to Waters of the State.
2. The Regional Board is concerned that certain of the proposed project alignments appear to selectively target public lands including some purchased to be set aside to offset or mitigate impacts from development elsewhere in the region. This appears to shift the burden of the project from the chief beneficiaries (home owners and businesses) to public and preserved lands. To the extent practicable, the alignment selected should include a better balance in the distribution of impacts.
3. The documents prepared and the review process should provide additional detail to support the recommendation to remove the existing Southwest Powerlink (SWPL) alignment alternative. The Notice repeatedly states that risk of fire is a reason to consider other alternatives, but it is unclear from the Notice why this part of the region along the SWPL is more fire prone than the other proposed alternatives.
4. Also provide further explanation regarding the elimination of the Valley-Rainbow Devers Miguel via Imperial County Alternative.

Where there is a fill to Waters of the U.S. or waters of the state, the project proponent must demonstrate that efforts were made to avoid and minimize any impacts, prior to mitigating for any remaining fill. Alternatives that include the use of existing pathways are the best way to avoid such impacts. In this context, the Regional Board makes the following recommendations:

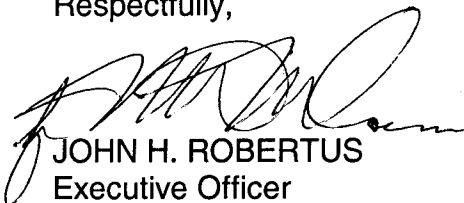
1. The Regional Board recommends that the preferred alternative should be the I-8 Alternative on I-8 alignments with the West Forest Alternative. This would utilize an existing publicly owned transportation corridor through National Forest, rural unincorporated county, and tribal lands and would seem to avoid or minimize additional impacts to otherwise pristine areas of the region.

2. If the Central Link alternative is selected that includes crossing Santa Ysabel Valley, then the route in Santa Ysabel should follow the 78/79 corridor to minimize impacts to the Santa Ysabel Open Space Preserve as well as to Santa Ysabel Creek and its tributaries.
3. The Regional Board strongly recommends that SDG&E reject the Route D Alternative, SDG&E Route Segment C, and SDG&E Route Segment BC.
4. Where impacts cannot be avoided or further minimized, the Regional Board encourages SDG&E to consider establishing a mitigation bank, for all cumulative and future impacts from their projects.
5. The Project environmental review and documentation should identify the appropriate mitigation that will be proposed for Project impacts that cannot be avoided rather than leaving that issue and its associated costs for later resolution during the permitting phase of the Project. Since some of the impacts to water quality, beneficial uses, wetlands habitats and existing public resources including public parklands, open space preserves, existing mitigation areas, etc. will be permanent and potentially significant, these impacts should be mitigated at a higher than usual ratio and a permanent mitigation and maintenance program should be established to ensure the success of the mitigation sites both in terms of structure (acreage) and functionality.

Please continue to include our agency in all future correspondences regarding this project. We are available to discuss the project and our comments in detail. For questions or comments, please contact Mr. David Gibson at (858) 467-4387.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

Respectfully,



JOHN H. ROBERTUS  
Executive Officer

JHR:mpm:cmc

cc:  
State Clearinghouse  
Office of Planning and Research

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