

County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
<b>General Comments</b>				
1.0	General Comment	All	The name of Pacific Wind LLC has changed to Tule Wind LLC. Revise throughout entire document and appendices.	
2.0	General Comment	East County Substation	A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. The open space easements are for the protection of sensitive biological and cultural resources. A separate letter will be sent to SDG&E about the Land Use Jurisdictional rights the County has with the easements, but the DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to vacate the openspace easement for the portions of the 138kV line encroachment. Also See Cultural Resource comment # 109 and biological resource comment #34.1.	
3.0	General Comment	All figures that reference Rough Acres Ranch	Include APNs 611-091-14, 611-090-015, 612-030-15, 612-091-13, 612-091-12, and 612-092-13 as part of Rough Acres Ranch, as currently shown on the project submittal for Tule Wind Farm received by the County of San Diego.	
4.0	General Comment	All figures that reference Jordan Wind Energy project	APNs 612-091-13 and 612-091-12 are shown as part of Jordan Wind Energy, but they are currently shown on the project submittal for Tule Wind Farm received by the County of San Diego.	
5.0	General Comment	CEQA FINDINGS	CEQA requires agencies to make the following findings pursuant to section 15091: (1) that mitigation measures "have been required in, or incorporated into, the project which mitigate or avoid the project's significant impacts"; (2) that such measures are the responsibility of another agency and have been, or can and should be, adopted by that other agency; or (3) that mitigation is infeasible and overriding considerations outweigh the project's significant impacts. ( <i>Federation of Hillside and Canyon Associations v City of Los Angeles</i> (2000) 83 Cal.App. 4th 1252, 1260 (Citing Publ. Resources Code section 21081)). The purpose of these provisions is to ensure that the mitigation measure "will actually be implemented." ( <i>Federation of Hillside and Canyon Associations, supra</i> , 83 Cal.App. 4th 1252, 1261). The County does not believe that all these required findings could be made for several reasons detailed within this letter. In general, the reasons include: (1) lack of technical documentation to substantiate the conclusions in the EIR/EIS, (2) deferral of analysis (whole of the action) (3) deferral of mitigation, and (4) lack of substantiation for significant and unmitigated impacts (Class I).	

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6.0	GENERAL	GENERAL	<p>Pursuant to CEQA, further substantiate ALL Class I, significant and unmitigable conclusions by exploring what the potential mitigation would be and why that mitigation would be infeasible or expand upon why feasible mitigation does not exist. For example, in Section D.3, Visual Resources, Table D.3-7 describes significant and unmitigable impacts associated with the ECO Substation component of the Proposed PROJECT; however, the discussion should also further disclose any potential mitigation measures such as screening or different and less impactful designs and treatments. Currently, the text states that "other than undergrounding the transmission line . . . the impact could not be reduced to below a level of significance." This existing text is referring to an alternative to the Proposed PROJECT which would reduce the impact, rather than potential mitigation measures. Albeit infeasible, in order to make the required CEQA Findings pursuant to section 15093, any potential mitigation measures must be explored further. This information is required to be included in the EIR/EIS pursuant to CEQA Guidelines section 15093 and is necessary for the County to make significance findings pursuant to that section of CEQA.</p>	<p><b>MAJOR ISSUE: RATIONALE FOR CLASS I IMPACTS</b></p>
7.0	GENERAL	GENERAL	<p>Each Class I impacts, the EIR/EIS must include a specific CEQA conclusion which states the implications of that unmitigated impact and the reasons why the project is still being proposed without an alternative design (CEQA Guidelines section 15126(b)).</p>	<p><b>MAJOR ISSUE: CEQA FINDINGS/ RATIONALE FOR CLASS I IMPACTS</b></p>

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8.0	GENERAL	GENERAL	<p>The EIR can rely on subsequent approvals of permits or plans only if there are specific "performance criteria", it is clear that the plan is achievable, and it is clear that the level of significance will be reduced. In <i>Endangered Habitats League, Inc. v County of Orange</i> (Cal.App. 4th Dist. 2005) 131 Cal.App. 4th 777, the court explained: "Deferral of the specifics of mitigation is permissible where the local entity commits itself to mitigation and lists the alternatives to be considered, analyzed and possibly incorporated in the mitigation plan. On the other hand, an agency goes too far when it simply requires a project applicant to obtain a biological report and then comply with any recommendations that may be made in the report." For example, MM BIO-1d requires impact to be mitigated by revegetation pursuant to a future Habitat Restoration Plan. This mitigation simply requires the applicant to obtain reports and then comply with whatever recommendations are made in the reports without the mitigation measure providing specific "performance criteria" to make the plan achievable. In fact, the mitigation measures defers success criteria and monitoring specifications to the future Habitat Restoration Plan. Therefore, it is not possible for the County to make the required finding that this mitigation measure is effective because without more specific details to measure success of the revegetation, it is not clear that the plan is achievable. Other similar examples of mitigation deferral are as follows: MM BIO-4a Dust Control Plan, MM BIO-2b Wetland Mitigation Plan, MM BIO-10b Avian Protection Plan, Conceptual Revegetation Plan, MM TR-1, a Conceptual Traffic Control Plan, MM HYD 5-6 SWMP, and MM HYD-3 Groundwater Study.</p>	<p><b>MAJOR ISSUE: CEQA FINDINGS/MITIGATION DEFFERAL</b></p>

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9.0	GENERAL	GENERAL	<p>The EIS/EIR is required to provide a clear and specific rationale explaining how the measure avoids, minimizes, rectifies, and/or reduces the significant environmental effect. This information is required to be included in the EIR/EIS pursuant to CEQA Guidelines section 15091 and is necessary for the County to make significance findings pursuant to that section of CEQA. For example, Section D.3, Visual Resources, Table D.3-6 presents the mitigation monitoring, compliance, and reporting program for each impact and mitigation measure included in that chapter. However, the text fails to provide factual support and rationale for all the CEQA conclusions/determinations stated. Specifically, each mitigation measure described in this table includes "effectiveness criteria" but these statements merely restate the impact and mitigation measure without providing the needed rationale as to why or how these measures would serve to reduce the impact. Under CEQA, this mitigation measure cannot be found (or relied upon) to mitigate impacts to a less than significant level. Further, when a mitigation measure is found to be "required in, or incorporated into, the project," the measure "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (14 CCR section 15126.4). For example, MM BIO-5b references an "agency-approved plan" for special status plant species compensation. Further, it states that this will occur through plant salvage and relocation and off-site land preservation. The County typically does not accept plant salvage and relocation as feasible mitigation. However, if the Conceptual Revegetation Plan provides evidence that relocation is feasible, such mitigation may be accepted. This information must be included in the EIR in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant.</p>	<p><b>MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE</b></p>
10.0	A. Intro/Overview	Table A-2 Pg. A-19	<p>Add the following County authorizations to the table for each of the following projects:</p> <ol style="list-style-type: none"> <li><b>1. SDG&amp;E:</b> Fire Service Agreement with County, Open Space vacation</li> <li><b>2. Tule:</b> Fire Service Agreement, Plan Amendment Authorization (PAA) General Plan Amendment (GPA), Zoning Ordinance Amendment, groundwater extraction Major Use Permit.</li> <li><b>3. ESJ:</b> Plan Amendment Authorization (PAA) General Plan Amendment (GPA), Groundwater Extraction Major Use Permit.</li> </ol>	

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11.0	Project Description	B.2.1	The Northern most transmission tower is proposed to be located on the substation property, which is not within the County's Land Use Authority. Through conversations with the CPUC the northern most ESJ tower would need to be permitted as a part of the East County Substation. Add 5th/North ESJ Transmission Tower to ECO project description.	
12.0	Project Description B.5.2.5	B.162	The EIR does not adequately address the groundwater extraction permit Major Use Permit P10-014 in all sections of the EIR. The Groundwater Extraction Use is a connected action to the ESJ US Gen-Tie P09-008. Include plot plans and location map of the proposed project along with detailed analysis in each section of the EIR/EIS of the project component. The County has provided additional Cultural and Biological Surveys that cover the impacts caused from installing the water well location driveway.	<b>MAJOR ISSUE: Groundwater extraction permit. CEQA ISSUE: WHOLE OF THE ACTION</b>
13.0	Project Description	B.3.2.4 Water Usage	The DEIR must include substantial evidence of adequate water supply for both operation and construction project components. Please document will serve letters from the Sweetwater Authority and any other water providers as an Appendix to the DEIR.	<b>MAJOR ISSUE: WATER SUPPLY</b>
14.0	Project Description	B.3.2.4 Water Usage	SDG&E: The use of onsite water wells should be prohibited unless adequate CEQA level groundwater investigation is completed to ensure that the local groundwater supply is not impacted.	<b>MAJOR ISSUE: GROUNDWATER SUPPLY ANALYSIS</b>
15.0	Project Description	B.4.2.4 Water Usage	Tule: The water usage section needs to be revised after changes are made from comments to section D.12 Water Resources and comments provided to the Tule Groundwater Investigation dated December 2010 prepared by Geo-Logic Associates.	<b>MAJOR ISSUES: GROUNDWATER SUPPLY ANALYSIS</b>
16.0	B.5.1.2, Location	2nd Paragraph	Replace the word "Site Distance" with "Sight Distance" in two sentences.	
<b>C. Alternatives</b>				
17.0	C. Alternatives	C.5.2.6	The Tule 138kV underground alternative is not clear as to why it was screened out. Is this alternative different from alternatives 2 (C.4.2.2) and 4 (C.4.2.4) because they both propose to underground the 138kV line. How is the C.5.2.6 alternative different? Clarify which 138kV Gen-Tie is not feasible when the other two are feasible. Also explain why a 12% grade prohibits undergrounding.	

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<b>D.2 Biological Resources</b>				
18.0	D.2, Bio	D.2, MM-BIO 1d	MM BIO-1d refers to a Habitat Restoration Plan. This plan (County Conceptual Revegetation Plan) must be provided as evidence of feasible mitigation. If a plan is proposed for mitigation of direct habitat and species mitigation, <u>it must have specific performance standards to be feasible</u> . Therefore, at a minimum, plans must be provided as conceptual plans in the EIR/EIS and reviewed for adequacy by the County of San Diego for impacts within that jurisdiction. Please also see General Comments under Major Issues: Mitigation Deferral.	<b>MAJOR ISSUE: DEFERRAL OF MITIGATION</b>
19.0	D.2, Bio	D.2, MM-BIO 1d	It was previously commented that biological impacts that will be allowed by right (i.e. in ROW) must be considered permanent and be fully mitigated. Revegetation of areas that are considered "temporary" should be revegetated for erosion control purposes only, not as mitigation. Revegetation for temporary impacts to wetland or jurisdictional wetlands should be the only revegetation used for mitigation. While the EIR/EIS has been revised to state that "if restoration of temporary impact areas is not possible to the satisfaction of the permitting agencies, the temporary impacts shall be considered a permanent impact and compensated accordingly", it should be noted that the County will not accept revegetation for temporary habitat impacts for lands within its jurisdiction.	
20.0	D.2, Bio	D.2, MM-BIO 1e	Discussion of Proposed Mitigation Site: In order to demonstrate feasibility of this mitigation measure, the plan for the proposed mitigation for biological impacts for all three projects need to be discussed in the EIR. See ESJ Biological Study for proposed mitigation area to the east of the project site. ECO sub should consider mitigating adjacent to the same area as ESJ has proposed.	
21.0	D.2, Bio	D.2, MM-BIO 1e	MMBIO 1e mitigation ratios should be determined based upon the area of impacts to the specific habitat type. The County allows mitigation for List B & C and Group II sensitive species to be included with habitat mitigation because these species are generally habitat generalists. For the other species List A and Group I, the MM should be specific to the individual species.	

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22.0	D.2, Bio	D.2, MM BIO 1e, 5b and 7h	Habitat Preservation Timing: MM BIO 1e, 5b and 7h: The mitigation must be in place before the impacts occur. Compensatory habitat mitigation includes demonstration that land with similar function and quality is preserved and managed in perpetuity.	
23.0	D.2, Bio	D.2, MM BIO 1e, 5b and 7h	While the EIR/EIS has been revised to include the option of fee payment for habitat mitigation, fee payment would not be accepted by the County for habitat impacts within it's jurisdiction and is considered infeasible mitigation.	<b>MAJOR BIO ISSUE: FEE PAYMENT INSTEAD OF HABITAT DEDICATION</b>
24.0	D.2, Bio	D.2-170	It was previously commented that the EIR/EIS states that the Tule Wind Project would have an adverse but less-than-significant impact on linkages or wildlife movement corridors. However, sufficient information has not been provided to determine whether the Tule project will have a significant effect on wildlife movement. Baseline data and project impact analysis are very weak related to wildlife movement especially for the Tule portion of the project. The EIR/EIS refers to "evidence" that terrestrial wildlife would acclimate to operating wind turbines and move between and around them but no specific references to studies was provided to substantiate this claim. It was also previously commented that Wildlife movement impacts must be analyzed including the potential impacts from down draft created by the turbines as well as turbine separation. The revised EIR/EIS does not include any information regarding potential impacts from down draft nor turbine separation.	
25.0	D.2, Bio	Figure D.2-9	It was previously commented that the bighorn sheep symbol looks like turbine location. The color of the symbol was changed slightly in the revised EIR/EIS but is still confusing. The shape of either symbol should be changed to limit confusion.	
26.0	D.2, Bio	D.2, MM BIO 4a	MM BIO 4a references a Dust Control Plan. This plan must be provided to staff for review as a feasible mitigation/design measure. Please also see General Comments under Major Issues: Mitigation Deferral.	<b>MAJOR ISSUE: MITIGATION DEFERRAL</b>

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27.0	D.2, Bio	D.2-143	MM BIO-5b references an "agency-approved plan" for special status plant species compensation. Further, it states that this will occur through plant salvage and relocation and off-site land preservation. The County typically does not accept plant salvage and relocation as feasible mitigation. However, if the Conceptual Revegetation Plan provides evidence that relocation is feasible, such mitigation may be accepted. This information must be included in the EIR in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant. Please also see General Comments under Major Issues: Required CEQA Findings.	<b>MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE</b>
28.0	D.2, Bio	D.2, MM BIO 7k	MM BIO 7k was removed from the EIR/EIS as a result of a habitat assessment which was performed for the barefoot banded gecko within the Tule project area. Page D.2-156 contains contradictory information. First it states that "suitable habitat may exist within its preferred microhabitat of rocky boulders and outcrops along portions of the project area" and then states "a habitat assessment on Tule Wind Project area by herpetologist Eric A. Dugan in June of 2010 states that the Tule Wind Project does not contain suitable habitat for the barefoot banded gecko". The EIR/EIS should be updated to eliminate this contradiction. If suitable habitat does exist within the project area, surveys should be conducted at this time to determine the potential impacts and proposed mitigation measures to mitigate any significant impacts to that species.	
29.0	D.2, Bio	D.2-48	In the section discussing the turkey vulture, it is stated that "since thorough surveys have been conducted, nesting in the proposed project area <u>may</u> be unlikely". This section should be revised to say that nesting "would" or "would not" be likely based on those previous surveys.	
30.0	D.2, Bio	D.2-3	According to the EIR/EIS, rare plant surveys are still ongoing and the results have not yet been incorporated. These results must be incorporated and analyzed in order to determine whether the project would have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species. The rare plant surveys would help to provide the required technical studies/supporting documentation to base the conclusions of the analysis.	<b>MAJOR ISSUE: DEFERRAL OF ANALYSIS</b>



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31.0	D.2, Bio	D.2-152	<p>In the section discussing the Pocketed Free-Tailed Bat, it was indicated that acoustic surveys for a mine shaft that has roosting potential for this species was not yet available. If this mine shaft is being utilized by bats for roosting, the significance of this impact must be analyzed including the degree to which sensitive bat species will be displaced. Although the EIR/EIS currently lists mitigation measures for the assumed impact to the pocketed free-tailed bat, mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a determination of whether the impact has been mitigated to less than significant must be made once the surveys are complete. The EIR/EIS should be updated accordingly once the acoustic survey is completed.</p>	<p><b>MAJOR ISSUE: DEFERRAL OF ANALYSIS</b></p>
32.0	D.2, Bio	D.2-29	<p>The entire project area was not surveyed. In areas where survey access has been denied there should be a corresponding project redesign or project alternative that eliminates those areas from the project area.</p>	<p><b>MAJOR ISSUE: DEFERRAL OF ANALYSIS</b></p>
33.0	D.2, Bio	D.2, MM BIO 2b	<p>MM BIO-2b references a wetland mitigation plan (Conceptual Revegetation Plan). This plan must be part of the EIR to determine the feasibility of the mitigation. For example the proposed Tule Wind project includes a road that will cross Tule Creek which qualifies as a Resource Protection Ordinance (RPO) wetland. The Tule BTR as well as the DEIR/EIS must quantify all impacts to this RPO wetland. A determination must be made whether the proposed crossing of Tule Creek qualifies under Section 86.604(a)(5) of the RPO. The DEIR/EIS must include findings in accordance with the RPO detailing why there is no feasible alternative to reduce or eliminate impacts to the RPO wetland. Additionally, all RPO impacts must be fully mitigated in accordance with the RPO which requires no net loss of wetlands and mitigation at a 3:1 ratio (1:1 creation and 2:1 restoration/enhancement). Please also see General Comments under Major Issues: Mitigation Deferral. Tule Project:</p>	<p><b>MAJOR ISSUE: MITIGATION DEFERRAL</b></p>

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34.0	D.2, Bio	D.2, Impact BIO 10	Impact BIO 10 and concludes that the Tule portion of the project will result in a Class I (significant unmitigable effect) but the ECO and ESJ portions of the project could be mitigated to less than significant. A portion of this mitigation (MM BIO 10b) relies on the creation of an Avian Protection Plan. This plan must be included as part of the EIR/EIS to determine the feasibility of the mitigation and to make a determination of whether the impact has been mitigated to less than significant. Please also see General Comments under Major Issues: Mitigation Deferral.	<b>MAJOR ISSUE: MITIGATION DEFERRAL</b>
34.1	D.2 Biology	SDG&E ECO 138 kV line	A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. These easements should be plotted on all graphics. The open space easement is for the protection of sensitive biological resources. The DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&E or the County to vacate the openspace easement for the portions of the 138kV line encroachment. The DEIR should quantify the impacts to the biological resources within the easement that are within the right of way and should propose mitigation at a ratio no less than 2:1.	
<b>TULE BIOLOGICAL RESOURCE REPORT</b>				
35.0	Tule BTR	Section 1.4.6.2	In the report, it was indicated that there is a golden eagle nest within 500 feet of a proposed turbine on the project site. More information must be incorporated and analyzed in order for a CEQA finding to be made that impacts to these resources would be mitigated or less than significant. Based on the County Guidelines for Determining Significance, alteration of habitat within 4,000 feet of an active golden eagle nest can only be considered less than significant if a biologically based determination can be made that the project would not have substantially adverse effect on the long term survival of the identified pair of golden eagles. Additionally, a map was not provided showing the potential golden eagle foraging areas in relation to the 10 known golden eagle nests.	<b>MAJOR ISSUE: CEQA FINDINGS/MITIGATION TO LESS THAN SIGNIFICANT RATIONALE</b>
36.0	Tule BTR	Section 2.1.3.2	A confidential map (not for public review) should be provided for staff to analyze the potential impacts to golden eagles. The map should show the 10 known golden eagle nests and the 4,000 foot zone around each of the nests in relation to the proposed impact areas. A map was not provided for staff review.	

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37.0	Tule BTR	Section 2.2.1	<p>The report indicates that temporary habitat impacts will be revegetated to County of San Diego standards. A Conceptual Revegetation Plan should be submitted as mitigation for temporarily impacted habitat. A Conceptual Revegetation Plan was not attached to the report but it was referenced that it is currently being prepared. The Conceptual Revegetation Plan must be part of the EIR to determine the feasibility of the mitigation. Please also see General Comments under Major Issues: Mitigation Deferral.</p>	<p><b>MAJOR ISSUE: MITIGATION DEFERRAL</b></p>
38.0	Tule BTR	Section 2.2.2.2	<p>The report states that the proposed project will result in temporary impacts to bats during project construction. The report should also detail whether the proposed project will have any permanent impacts on bats and explain why or why not. In the revised report, it was indicated that one existing mine shaft that will be impacted by the proposed project is being assessed for bat use. If this mine shaft is being utilized by bats for roosting, the significance of this impact must be analyzed including the degree to which sensitive bat species will be displaced. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination must be made of whether the impact has been mitigated to less than significant.</p>	
39.0	Tule BTR	Section 2.2.4	<p>In the report, it is indicated that temporarily impacted drainages will be returned to their pre-construction state. Details were not provided regarding mitigation for impacted RPO drainages. The analysis must include examination of consistency with RPO and a determination of whether the County's no-net-loss policy for RPO wetlands has been achieved.</p>	
40.0	Tule BTR	Section 2.3.1	<p>The report does not include adequate evidence/data regarding wildlife movement. Wildlife movement impacts must be analyzed including the potential impacts from down draft created by the turbines as well as turbine separation. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination of whether the impact has been mitigated to less than significant must be made.</p>	
41.0	Tule BTR	Section 3.2	<p>Guidelines 3.1 (4) and 3.1 (9) on page 3-2 of the revised report state, "The proposed project shall not result in significant impacts under the following guidelines for the following reasons", but did not provide the reasons. The report should be revised accordingly.</p>	

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42.0	Tule BTR	Section 3.2.1	Survey results are missing for several plant species in the report. Once the survey results are complete, they should be incorporated into the report and a determination of significance made according to the threshold. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a CEQA determination of whether the impact has been mitigated to less than significant must be made.	
43.0	Tule BTR	Section 3.4.2.3	The report indicates that consultation is still ongoing with the USFWS regarding Quino impacts. Once more information is available from consultation with the USFWS, the report should be updated and a CEQA determination of significance made. Mitigation or avoidance, appropriate to the degree of impacts, must be proposed to the extent feasible and a determination of whether the impact has been mitigated to less than significant. The report should also be revised to remove references to how the County has handled Quino mitigation in the past. Impacts to Quino and required mitigation are under the jurisdiction of the USFWS.	
44.0	Tule BTR	Section 3.5	The report was updated to include a portion of Section 86.604(a) of the RPO. Conditions (5)(dd), (5)(ee) and (5)(ff) on page 8 of the RPO should also be listed. The report should also provide a brief discussion under each of the conditions describing how the proposed project meets each of these conditions.	
45.0	Tule BTR	Section 5.2	On page 7-2 of the report, it is stated under guideline 7.1(2) that the project is not located in an area that has been identified by the County or other resource agencies as critical to future habitat preserves. Under the proposed East County MSCP, a portion of the project site has been designated as "area of critical environmental concern". Guideline 7.1(2) should provide a discussion of this designation and detail how the proposed project will not preclude or prevent the preparation of a subregional NCCP.	
46.0	Tule BTR	Section 7.2	Impact BIO 1- MM BIO-1a indicates that per acre mitigation will be provided for habitat impacts within County of San Diego jurisdiction. The report has not been updated to indicate where per acre mitigation will be provided. The report should be updated accordingly.	

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47.0	Tule BTR	Appendix K	The proposed project in the EIR/EIS includes an "unsurveyed area" which consists of reservation lands for which the project proponents do not have legal rights. This unsurveyed portion for which legal rights have not been obtained should not be included as part of the proposed project referenced in the EIR/EIS.	
<b>D.3 Visual Resources</b>				
48.0	D.3 Visual	Page D.3-66	Mitigation vs. APM. Impact VIS-1 concludes that impacts to scenic vistas from trails and pathways would result from the visibility of the 138 kV transmission line. Mitigation is provided in MM VIS-1a and 1b; however, the mitigation is the placement of proposed structures at the "maximum feasible distance" or the placement of the proposed structures to avoid sensitive features. Neither of these mitigation measures are truly effective mitigation measures, rather these are more appropriately considered visual APMs. Furthermore, the inclusion of the term "maximum feasible distance" is inadequate in terms of a mitigation measure but would be appropriate for an APM.	
50.0	D.3 Visual	Visual Simulations, All Kop Figures	In our previous comment letter, the County made several comments as to the validity and composition of the visual simulations. The consultants responded by disclosing the technical challenges in the EIR/EIS; however, this does not explain why each visual simulation does not visually demonstrate the entirety of the development proposal. Any simulation with the transmission line should show the vegetation cleared underneath the lines and simulations for the ECO Substation should include views of the proposed entrance road, water tank and proposed loop-in.	
<b>D.4 Land Use</b>				
51.0	D.4 Land Use	D.4.2.3 Pg. 70	Add GP Policy 2.4 Multiple Rural Use 18.	
52.0	D.4 Land Use	Table D-4.7	This table needs mile posts to determine how much of the 138kV Tie Line is within the Multiple Rural Use (18) area. Update all graphics as well.	
53.0	D.4 Land Use	D.4.2.3 Pg. 70-91	Update the Plan Policies per comments made in Appendix 7 below.	

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54.0	D.4 Land Use	D.4.2.3 Pg. 90	The large Wind Turbine Regulations (6951 ZO) have been updated. A new Policy and Ordinance Update has been Initiated POD 10-007. This Wind Ordinance Amendment will propose changes to the existing Wind Turbine Regulation setback, height, and siting criteria.	
55.0	D.4 Land Use	D.4.3.3 Pgs 105	<b>Impact LU-3: ECO Substation.</b> The East County Substation does not comply with the General Plan Policies of the Current and Draft General Plan or Community Plans. See the comments provided in Appendix 7 Below. One example is that it does not comply with the Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources for the ECO Substation. Revise accordingly.	
56.0	D.4 Land Use	D.4.3.3 Pgs 106	<b>Impact LU-3: Tule Wind:</b> The portions of the Tule project within County jurisdiction does not comply with the existing General Plan Policies and the existing Mountain Empire Subregional Plan. <u>GP MRU-18</u> : It does not comply with the Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources. <u>MESRP Industrial 11</u> : It does not comply with Industrial Policy 11 because it proposes wind turbines that have significant visual impacts. The applicant has indicated that they would apply for a Plan Amendment Authorization in accordance with County Board of Supervisors Policy I-63, which would authorize a General Plan Amendment. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.	
57.0	D.4 Land Use	D.4.3.3 Pgs 106	<b>Impact LU-3: Tule Wind:</b> The portions of the Tule project within County Jurisdiction (Turbines R.1-R-12) does not comply with the Large Wind Turbine Regulations in Zoning Ordinance Section 6951 because the project does not meet the setback and height requirements. The applicant has indicated that they are going to request a Zoning Ordinance Amendment in accordance with Section 7500 et. al. of the Zoning Ordinance. There are no specifics of the request, but the applicant has indicated that they will request to modify the requirements to allow the project as it is proposed. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.	

County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
58.0	D.4 Land Use	D.4.3.3 Pgs 107	<p><b>Impact LU-3: ESJ:</b> The ESJ project within County Jurisdiction does not comply with the existing General Plan Land Use Policy 2.4 Multiple Rural Use (18) because there are significant impacts to resources. The applicant has indicated that they would apply for a Plan Amendment Authorization in accordance with County Board of Supervisors Policy I-63, which would authorize a General Plan Amendment. This section and conclusion needs to be revised based upon this comment. Also see the comments provided in Appendix 7 below.</p>	
59.0	D.4 Land Use	D.4.4: to D.4.7 Alternatives Pgs. 108 to 142.	<p>Revise this section for all project alternatives based upon comments made above about inconsistency between General Plan, Community Plan, and Zoning Ordinance.</p>	
<b>Appendix 7</b>				
60.0	Appendix 7	Table 7-2 Page 7-44 and Table 7-3 Pg. 7-76	<p>The portions of the Tule Wind and ESJ US Gen-Tie Projects within the jurisdiction of the County of San Diego may not be consistent with the existing General Plan Land Use Element Policy 2.4, specifically the Multiple Rural Use (18) category. The policy states that, "...development cannot occur unless the proposed development has been carefully examined to assure that there will be <u>no significant adverse environmental impacts</u>, erosion and fire problems will be minimal, and no urban levels of service will be required." The EIR has identified numerous Class I or significant unavoidable impacts for both projects including, Visual Resources, Cultural Resources, Noise, Air Quality, and Wild Land Fire and Fuels Management.</p>	
61.0	Appendix 7	Table 7-2 Page 7-44	<p>Further analysis should be conducted to determine if the specific Class I impacts are related to the portions or components of the Tule Wind Project that are within the County Jurisdictional areas. The specific portion of the Project subject to the Multiple Rural Use (18) is the 138 kV Generation Tie Line from a bit north of I-8 to the Boulevard Substation. The County does not agree that the Project is consistent with the Existing General Plan Policies. A General Plan Amendment may be required to be consistent</p>	
62.0	Appendix 7	Table 7-3 Page 7-76	<p>The portions of the ESJ US Gen-Tie Project within the jurisdiction of the County of San Diego may need a General Plan Amendment to be consistent with the Multiple Rural Use (18) category.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
63.0	Appendix 7	Table 7-2 Page 7-44-45	Conservation Element Policy 4 and 6 (X-22): The Groundwater Analysis is incomplete at this time see comments provided in Section D-12. If the proposed groundwater extraction from the three wells on Rough Acres do not supply adequate amount of water, the proposed alternatives of Jacumba Service District, Live Oak Springs require a Groundwater Extraction Permit from the County. These permits are not analyzed within this EIR. Revise all sections of the Appendix 7 accordingly.	
64.0	Appendix 7	Table 7-2 and 7-3	GP Update: Delete Policy LU.6-10 - it is not relevant to the project.	
65.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Land Use Policies LU.6-8, 6-9 and 18-1.	
66.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Conservation Element Policies COS 11-1, 11-3, 12-1, 12-2, 13-1, 14-10 and 14-11.	
67.0	Appendix 7	Table 7-2 and 7-3	GP Update: Add a discussion of Safety Element Policies S-3.1, S-3.2, S-3.3, S-4.1, S-8.2, and S-10.5.	
68.0	Appendix 7	Table 7-2 page 7-60 and Table 7-3 page 7-87	GP Update: Delete the discussion of Safety Goal S-4. The analysis should not have a discussion on individual goals, rather the policies and/or implementation measures only.	
69.0	Appendix 7	Table 7-2 Page 7- 67	Boulevard Community Plan: LU Policy 1.3.2 - the Project is not consistent with this policy as currently proposed. The Policy is mislabeled in the draft Plan (1.2.2).	
70.0	Appendix 7	Table 7-2 Page 7-68	Boulevard Community Plan: LU Policy 6.1.2 - the Project may not be consistent with this policy. It needs to be reevaluated.	
71.0	Appendix 7	Table 7-2 Page 7-73	Zoning Ordinance 6951: The Tule Project does not comply with the Large Turbine Regulations within Zoning Ordinance Section 6951. Specifically, the project does not comply with the maximum turbine height of 80 feet and the turbine setbacks. An applicant or County initiated ordinance change would need to be approved to allow for the turbine component of the County portion of the Tule Wind Project.	
72.0	Appendix 7	Table 7-2 Page 7-71 and Table 7-3 Page 7-90	Existing Mountain Empire Subregional Plan: The proposed project may not comply with the existing Mountain Empire Subregional Plan Policy Industrial 11.0.	
<b>D.5 Wilderness and Recreation</b>				
73.0			No Further Comments	
<b>D.6 Agriculture</b>				



County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
74.0			No Further Comments	
<b>D.7 Cultural and Paleo Resources</b>				
75.0	D.7 Cultural	General Comment	All sites must be tested for significance and the analysis must be provided in the EIS/EIR. Any Sites located within the jurisdiction of the County of San Diego must comply with the Resource Protection Ordinance (RPO) and CEQA. It is not adequate to provide preliminary assessments. Significance assessments cannot be made based solely on surface expression. In addition, impact determinations and proposed mitigation must be included in the discussion.	<b>MAJOR ISSUE: DEFERRAL OF ANALYSIS</b>
76.0	D.7 Cultural	General Comment	Provide trinomials for all archaeological sites.	
77.0	D.7 Cultural	General Comment	The mitigation measures for cultural resources should be revised to <u>require</u> a Native American monitor at culturally sensitive locations and during ground disturbing activities.	
78.0	D.7 Cultural	General Comment	All Native American consultation should take place prior to the finalization of the EIR so that it can be determined whether TCPs will be impacted or avoided by the proposed project.	
79.0	D.7 Cultural	Page D.7-13, Paragraph 1	Page D.7-13 does not make sense as it states that CA-SDI-6115 was relocated and then states further on "because no evidence of prehistoric activity was observed, the two previously recorded archaeological sites CA-SDI-2720 and CA-SDI-6511 are not considered historic resources". Indicate what resources for CA-SDI-6155 were relocated in the field (e.g.. the lithic and ceramic scatters) and how the determination of it not being considered historic resources was established. Otherwise, perhaps the first sentence is a typographical error and the paragraph should state that CA-SDI-6115 was NOT relocated. Please correct as appropriate.	
80.0	D.7 Cultural	Page D.7-17	Page D.7-17 states that "five new sites and three isolates were identified during the current field survey" which are listed in Table D.7-4. Table D.7-4 only includes four sites (CA-SDI-19066, CA-SDI-19068, CA-SDI-19069, and CA-SDI-19070) and three isolates (P-37-0129818, P-37-030190, P-37-03091). Please revise the information in Table D.7-4 to include the one missing site (presumably CA-SDI-19067)	

## County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
81.0	D.7 Cultural	Page D.7-19	Page D.7-19 states that site CA-SDI-7063 contains a rock shelter, however, the eligibility evaluation indicates that "based on the extremely sparse nature of the artifact scatters noted at the previously listed sites, it is likely that these prehistoric sites are not potentially eligible for listing on the NRHP and CRHR." The County disagrees with this statement for site CA-SDI-7063 as rock shelters are not a common resource found in San Diego County and are potentially very significant and often sacred to local Native American tribes. The County believes that site CA-SDI-7063 is considered a significant historic property under NRHP and a significant historic resource under CEQA. The site is also likely a "unique" archaeological resource as defined by CEQA. Further review of this resource is needed in the EIR and appropriate mitigation provided to account for project impacts to this significant site.	
82.0	D.7 Cultural	Page D.7-21	Page D.7-21 states that a total of 39 previously recorded sites were found within the 2008 ROW and the updated record search resulted in an additional seven sites within the APE in 2009 (totaling 46 sites). Table D.7-5 shows 47 archaeological sites. Please correct this discrepancy in the data.	
83.0	D.7 Cultural	Page D.7-25	Page D.7-25 indicates that there are 102 total new sites identified within the ROW and APE for the Tule Wind Project and then states that they are listed in Table D.7-6. Table D.7-6 indicates that there are 108 new resources. Please correct this discrepancy in the data.	
84.0	D.7 Cultural	Page D.7-25	Table D.7-6 has no data under column "Potential Eligibility NRHP Status" for site CA-SDI-19851. Revise the table and any sections that use this information for data analysis.	
85.0	D.7 Cultural	Page D.7-25	Table D.7-6 has several temporary numbers (e.g. Tule-BC-01) rather than trinomial numbers. Please revise the table to include the trinomial numbers given when submitted to SCIC and associated text.	
86.0	D.7 Cultural	Page D.7-31	Page D.7-31, first paragraph, remove the term "aboriginal."	
87.0	D.7 Cultural	Page D.7-31	Page D.7-31, remove "historic petro glyph" and replace with "historic carving."	

## County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
88.0	D.7 Cultural	Page D.7-31, paragraph 2	Revise the data as follows: Twelve of these are prehistoric sites (either large or small campsites); one is historic-period Highway 80, one contains both prehistoric and historic components; and one is a historic home site. Also indicate what site CA-SDI-6119 is in this discussion as it is not included in Table D.7-8.	
89.0	D.7 Cultural	Page D.7-32, last paragraph	Revise the data as follows: Of the sixteen previously unrecorded cultural resources, seven were lithic reduction areas (one had a ceramic shard associated with it), two were lithic scatters, one was a ceramic scatter, and there were six isolates (ceramic and lithic).	
90.0	D.7 Cultural	Page D.7-32, last paragraph	Revise the following sentence, "The remaining five newly recorded sites within the ESJ Gen-Tie APE, CA-SDI-19480, -19484, -19485, -19486, -19489, have not been evaluated for their eligibility..."	
91.0	D.7 Cultural	Page D.7-33	Table D.7-8 does not include site CA-SDI-6119 which according to Page D.7-51 will be directly impacted by the proposed project. Revise the table to include CA-SDI-6119 and any associated text.	
92.0	D.7 Cultural	Page D.7-34, first paragraph	Revise the following sentence, "Additionally, the sites are potentially "unique" archaeological resources..."	
93.0	D.7 Cultural	Page D.7-51	Page D.7-51, include information regarding the County of San Diego Guidelines for Determining Significance- Cultural Resources in this section.	
94.0	D.7 Cultural	Page D.7-57, first full paragraph	It is unclear if CA-SDI-6115 was relocated or not (see previous comment). If it was relocated then there should be nine prehistoric sites listed within the ECO Substation Project.	
95.0	D.7 Cultural	Page D.7-57, third paragraph	The County does not agree with the analysis that there would be no indirect impact to the potentially significant, early twentieth century homestead, historic well, and corral with associated artifacts (CA-SDI-7011H). The introduction of a Substation in this area would change the original setting that may add to the significance of the site. This section should be revised to state that there is a potential impact and mitigation must be proposed.	
96.0	D.7 Cultural	Page D.7-59, second paragraph	The County recommends that MM CUL-1B be revised to include that a Native American monitor also be present during all ground disturbing activities at all cultural resource ESAs.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
97.0	D.7 Cultural	Page D.7-60, last paragraph, first sentence	The first sentence states that there are 22 archaeological sites within the presently surveyed project APE and 10 within the ROW that may be determined eligible. It is unclear where these numbers came from as Table D.7-6 indicates 15 archaeological sites within the APE that are eligible and 10 within the ROW that may be eligible. Please clarify.	
98.0	D.7 Cultural	Page D.7-60	This section should evaluate the effects of the eight archaeological sites identified in Table D.7-7, page D.7-32 for the Sunrise-Powerlink Transmission Line Project, which overlaps with Tule Wind project.	
99.0	D.7 Cultural	Page D.7-61, last paragraph	It is unclear what is meant by the "remaining 10 sites within the project APE have not been formally tested." The information in Table D.7-8 indicates that there are 10 archaeological sites (plus CA-SDI-6119 which has been inadvertently left out of the table) and six isolates which total 16 resources. Since the previous paragraph discussed four sites, the remaining sites should equal 7 not 10. Please correct this in discrepancy in the data.	
100.0	D.7 Cultural	Page D.7-68, first paragraph	This section does not include the potentially significant early twentieth-century homestead, CA-SDI-7011H, historic well and corral identified within the ECO Substation project (discussed on Page D.7-19). This resource must be discussed in this section as a potentially adverse impact to a significant historic architectural (built environmental) resource.	
101.0	D.7 Cultural	Page D.7-68, first paragraph	The County does not agree with the statement that the replacement of the wooden poles with higher steel transmission poles would not change the character of the San Diego and Arizona Railroad and Old Highway 80, would not result in a substantial change in the historical significance pursuant to CEQA, nor create a visual impact to the existing setting. Discuss the age of the wooden poles and whether they are associated with the potentially historic resources. If of the same age as the roadway or railroad, the wooden poles may be contributing elements to the significance of the railroad and highway historic character and would need to be evaluated further as a potential impact to these if they were to be removed since they contribute to the historic setting.	
102.0	D.7 Cultural	Page D.7-76	Table D.7-10 should identify ECO-CUL 4 as a Class II or I impact based on the evaluation of impacts to the potentially historic house, well and corral (CA-SDI-7011H) and segments of Old Highway 80 and San Diego and Arizona Railroad.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
103.0	D.7 Cultural	Page D.7-78	Revise the following sentence, "Additionally the site is not a unique archaeological resource as defined by CEQA Statutes Section 21083.2(g), because they do not contain information needed to answer important scientific questions; there is no demonstrable public interest in that information; and they are not directly associated with a scientifically recognized, important prehistoric event."	
104.0	D.7 Cultural	Page D.7-78, paragraph 3	Include the primary numbers for the four historic period archaeological isolates.	
105.0	D.7 Cultural	Page D.7-79, last paragraph	The County believes that this alternative would be less impactful to the built environment since the undergrounding of the lines would not impact the setting of the potentially historic house, well and corral (CA-SDI-7011H) and segments of Old Highway 80 and San Diego and Arizona Railroad. The setting may be a contributing factor in the significance of these resources.	
106.0	D.7 Cultural	Page D.7-82, Impact CUL-4	The County does not agree with the conclusion that the modern project elements would not introduce long-term indirect visual impacts that would materially alter the roadway, railroad, and historic house (CA-SDI-7011H) or that it would not alter its historical significance or eligibility for inclusion in the NRHP or CRHR. Please revise this analysis to substantiate these claims since the setting would be altered which may be a contributing factor in the significance of these resources.	
107.0	D.7 Cultural	Page D.7-83, Impact CUL-4	Impact CUL-4 states that the undergrounding would remove current visual impacts to the railroad and Old Highway 80 by removing poles and lines. This section is counter to the previous information in the EIR on Pages D.7-79 and D.7-82 which states that there are no visual impacts from the poles and lines (current or proposed). The County agrees with the analysis in this section and believes that the other sections should be revised to discuss the visual impact on the setting of these historic resources.	
108.0	D.7 Cultural	Page D.7-89, Impact CUL-1	Include the trinomial for the habitation site described in this paragraph.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
109.0	D.7 Cultural		<p>A portion of the ECO 138 kV Transmission line cuts across a dedicated County Open Space Easement (Recorded # 82-355323) along Mile Posts 6 and 7 on parcel numbers 659-110-20 and 659-110-19. The open space easement is for the protection of sensitive cultural resources. The DEIR/EIS should address the environmental analysis and mitigation that is required in order for SDG&amp;E or the County to avoid and vacate the openspace easement for the portions of the 138kV line encroachment. As discussed in a meeting with representatives for SDG&amp;E on November 30, 2010, the open space easement for CA-SDI-7009, might be impacted by the proposed ECO project. It was decided by SDG&amp;E archaeologist Susan Hector that the easement did not encompass the entire archaeological site and that the open space easement (owned by the County of San Diego) should be enlarged to include the outside significant portions. This information was not included in the DEIR and must be discussed in further detail as a mitigation measure. In addition, a discussion of site CA-SDI-7009 has not been included in the entire DEIR and is a site that will be impacted by the ECO project.</p>	
110.0	D.7 Cultural	Page D.7-91, Impact CUL-1	<p>Include the trinomial for the habitation site described in this paragraph.</p>	
111.0	D.7 Cultural	Page D.7-95 and D.7-97, Impact CUL-4	<p>This impact is incorrectly analyzed as historic artifacts are considered historic archaeology and not part of the built environment as Impact CUL-4 is discussing. Impacts to historic artifacts must be analyzed under CUL-1 throughout the document.</p>	
112.0	D.7 Cultural	Page F-87, second to last paragraph	<p>Include the historic house (CA-SDI-7011H) in this discussion.</p>	
113.0	D.7 Cultural	Pg 7-26	<p>The entire site for ESJ was surveyed and the sites were tested for significance. The ESJ Section needs to be changed to reflect this. A discussion of the significance of the sites for RPO needs to be discussed as evaluated in the report prepared by EDAW (AECOM).</p>	
<p><b>CD.7 Cultural Specific to ESJ Water Extraction Site P10-014</b></p>				

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
114.0	D.7 Cultural	Comment 1: ESJ H2O Permit 10-014	The EIR must include the two identified cultural resources CA-SDI-4455 and P-37-024023 that are within the MUP Water Extraction Permit area. See Cultural Resource report prepared by AECOM Stacey Jordan dated February 2011. These resources must be reviewed for evaluation under the County's Resource Protection Ordinance (RPO). The County believes that CA-SDI-4455 (the village of Hacum) is considered a "unique resource" that is significant under RPO. As such, the site must be avoided. Also, the EIR should indicate that the site should not be used as a staging area due to the high sensitivity of cultural resources in the area.	<b>MAJOR ISSUE: DEFERRAL OF ANALYSIS</b>
115.0	D.7 Cultural	Comment 2: ESJ H2O Permit 10-014	The EIR must analyze sites SDI-4455 and P-37-024023 and determine if impacts will occur from the MUP Water Extraction Permit operations.	<b>MAJOR ISSUE: DEFERRAL OF ANALYSIS</b>
<b>D.8 Noise</b>				
116.0	NOISE		As previously requested, the Final EIR/EIS must include analysis addressing High and Low Frequency Noise Sources (dBC weighted noise analysis) as provided below in Table 4 from the County of San Diego Draft Noise Guidelines. This analysis must be included in order to accurately determine if the project would cause a substantial permanent or periodic increase ambient noise levels in the project vicinity above levels existing without the project. There is sufficient evidence in the field of Noise that a dBC weighted noise measurement exists with Wind Turbines. This potential noise pollution needs to be analyzed to determine if it would affect adjacent or nearby property owners. The DEIR/EIS fails to analyze the project noise impacts in accordance with the CEQA Appendix G Noise section XII.c and d)	<b>MAJOR ISSUE: DEFERRAL OF ANALYSIS - C WEIGHTED NOISE ANALYSIS</b>
117.0	D.8.3.3 Impact Analysis	See location in Figure B-22."	Tule Wind: The concrete batch plant would be subject to the sound level limits within County Code section 36.404 because it is not considered a temporary operation (e.g. it will operate for more than three months).	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
118.0	D.8.3.3 Impact Analysis	Page D.8-18, section ECO Substation	<p>Nighttime construction would result in a significant and unmitigated noise impact. To further support this identified construction noise impact; please show the specific area(s) of noise impact on a figure illustration. Additionally, state that the noise impact is for the operation of construction equipment during night time hour which is not in compliance with Section 36.408 within the County Noise Ordinance. Applicants have stated that locations of nighttime construction activities are unknown; however, additional information is required to disclose the "worst-case scenario" and to substantiate the significant and unmitigated impact. Pursuant to CEQA, it is not adequate to simply state construction activities cannot be mapped and conclude the impact to be unmitigable. Please see previous County comment number X which further explains required information for all Class I, significant and unmitigated impacts.</p>	<p><b>MAJOR ISSUE: CEQA FINDINGS/CLASS I IMPACTS</b></p>
119.0	D.8.3.3 Impact Analysis	D.8.3.3 Impact Analysis	<p>Rather than identifying NOI-1 for blasting as a significant impact, calculations should demonstrate that blasting activities are in compliance with existing regulations (Sections 36.409 and 36.410).</p>	<p><b>MAJOR ISSUE: CEQA FINDINGS/CLASS I IMPACTS</b></p>
120.0	D.8.3.3 Impact Analysis	Page D.8-24, last paragraph	<p>Identify and label the locations of the construction noise impacted boundary lines. Show this in a figure illustration to further support the results on Table D.8-7.</p>	
121.0	D.8.3.3 Impact Analysis	Page D.8-26	<p>MM NOI-2, please identify and label the locations of the affected legally occupied properties. Show the locations where portable noise barriers are required. Quantifiable data is required to support the recommended noise mitigation measures and to justify whether noise levels could be further reduced. CPUC Response: "Table D.8-7 has the noise levels, the HDR noise report has a figure showing locations of homes. Locations of where barriers will be needed are not provided at this time." While the applicants have indicated barrier locations can not be provided at this time, quantifiable data is required to demonstrate the adequacy of mitigation measures. The document must go further and indicate locations that barriers will be required, or update the mitigation measures with the locations or planned areas.</p>	<p><b>MAJOR ISSUE: CEQA FINDINGS/MM RATIONALE</b></p>



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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
124.0	D.8.3.3 Impact Analysis	Page D.8-11, Table D.8-4	Revise table to be consistent with the most up-to-date County Noise Ordinance, section 36.404. S88 as shown within the DEIR Table D.8-4 must be revised. Table D.8-4 must be revised to be consistent with Table 36.404 within the County Noise Ordinance. Please remove S88 from Table D.8-4	
125.0	D.8.3.3 Impact Analysis		Include a noise evaluation for proposed sonic detecting and ranging unit (SODAR). These units depending upon manufacture make a noise that can exceed 89 dB. Provide quantitative data that shows this proposed noise generating unit complies with the County Noise Ordinance, Section 36.404.	
126.0	D.8.3.3 Impact Analysis		Include the following reference Table 4, which is an excerpt from the draft County Noise Guidelines:	

Whenever high or low frequency noise from industrial facilities including gas turbine power plants, transformer substations, and wind turbine systems, **may** exceed the allowable one-hour sound level limits measured at the property line or at any place on the property receiving the noise, the standards specified in Table 4 shall be used.

*The project would generate low or high frequency noise which, together with noise from all sources, would be in excess of the following:*

Table 4.

**Guideline for Determining the Significance of High or Low Frequency Noise Sources**

**MAXIMUM SOUND LEVEL LIMITS IN DECIBELS (dBC)**



ZONE	TIME	dBC
(1) RS, RD, RR, RMH, RRO, RC, RM, A70, A72, S81, S86, S87, S90, S92, RV, RU, and all Village zones (V1-5).	Anytime	The lesser of $L_{C_{90}} = L_{C_{90}} + 5$ or $L_{C_{90}} = 55$
(2) S80, S94, and all commercial zones.	Anytime	$L_{C_{90}} = 65$
(3) S82, M50, M52, M54, M56, and	Anytime	$L_{C_{90}} = 70$

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
		(3) S82, M50, M52, M54, M56, and M58 zones.	Anytime	
		(4) S88 and public lands (see subsections (c) below)	Anytime	
<p>Source:</p> <p>(a) For prominent tones or if the noise is of an intermittent character, the permitted sound level shall be the <math>L_{C_{oa}}</math> sound level standards specified in Table 1 and Table 4 reduced by five (5) dBA or dBC, respectively.</p> <p>(b) One-third (1/3) octave band sound level measurements may be used if determined that the <math>L_{C_{oa}}</math> measurements inadequately characterize the sound. If this approach is used, a five (5) dB increase in any one-third (1/3) octave band above an adjacent band shall be considered a violation of this chapter.</p> <p>(c) S88 zones are Specific Planning Areas which allow different uses. The sound level limits in Table 4 above that apply in an S88 zone depend on the use being made of the property. The limits in Table 4, subsection (1) apply to any property with a residential use. The limits in subsection (2) apply to any property with a commercial, agricultural or civic use. The limits in subsection (3) apply to any property with an industrial use that would be allowed only in an M50, M52, M54, M56, or M58 zone.</p>				
127.0	EIR, Section D.8.10	Section D.8.10, page D.8-59 References.	Please update this section to include the current references for <i>Audible Noise Performance for the Construction Activities Associated with the Energia Sierra Juárez U.S. Gen-Tie Project</i> and the <i>Tule Wind Project Draft Noise Analysis Report</i> dates are not consistent most available version. Please revised accordingly.	
128.0	EIR, Section D.8.11	Table D.8-4	Include the subsection (c) from Table 36.404, County Noise Ordinance. This subsection specifically describes the applicable sound level limits for an S88 zone.	
129.0	EIR, Section D.8.12	Section D.8.3.3. page D.8-32	Under Impact NOI-3, Tule Wind Project Section, the last paragraph (that begins with "In the analysis. . ."), please include a discussion that describes the requirements for "High or Low Frequency Noise (C-weighted requirements)" as referenced within the Table 4 above.	
130.0	EIR, Section D.8.13	Section D.8.3.3. page D.8-32	Under Impact NOI-3, Tule Wind Project Section, Table D.8-9, please revise this table to include a new column with values for Noise level Leq dBA.	
<b>D.9 Transportation and Traffic</b>				

County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
131.0	D.9 Transportation and Traffic	1.2, D.9-7, 2nd paragraph, 2st sentence	"County of San Diego Draft General Plan Mountain Empire Mobility Network" - Please Refer to County Bicycle Transportation Plan: <a href="http://www.sdcounty.ca.gov/dplu/docs/Bicycle_Transportation_Plan.pdf">http://www.sdcounty.ca.gov/dplu/docs/Bicycle_Transportation_Plan.pdf</a> . Also, please remove all references to the City of San Diego's plan.	
132.0	D.9 Transportation and Traffic	MM TRA-1	A conceptual traffic control plan is necessary to address the feasibility of MM TR-1. The plan could be an appendix to the EIR/EIS or Traffic Study. It should address each project component with a diagram of the access routes that the construction traffic would be expected. Nodes of use should be marked such as parking areas and staging areas. Possible road closures and lane closure should be noted. The plan should present a list of measures designed to minimize traffic impacts during construction specific to each project component. The project will be required to apply for a County of San Diego Traffic Control Permit (TCP) for work within or near County ROWs where traffic operations may be affected. A construction and/or encroachment permit may also be required. The TCP will likely include a Traffic Control Plan with traffic measures and details that will be implemented to ensure that traffic operations on public roads (including motorists, pedestrians and bicyclists) during construction are adequately addressed, and may exceed measures found in standard government manuals for traffic control.	<b>MAJOR ISSUE: MITIGATION DEFERRAL</b>
133.0	D.9 Transportation and Traffic	MM TRA-2	During construction, road closures should be avoided to the extent possible and all measures should be taken to avoid closure of a County Circulation Element (CE) road. The conceptual Traffic Control Plan prepared for the EIR/EIS must identify if the construction plan includes any road closures and what traffic measures are need to allow traffic to pass. The impacts of detour routes and closures should be addressed in the EIR/EIS. If CE roads are proposed for closure, a detour route shall be identified and the environmental effects impacts of the detour assessed, including the amount of traffic that will be diverted onto the detour route, the duration and time frame in which the closure would take place.	<b>MAJOR ISSUE: MITIGATION DEFERRAL</b>
134.0	D.9 Transportation and Traffic	Page D.9-87, References	LLG (Linscott, Law, and Greenspan Engineers) 2010 should refer to the most recent study, "Full Traffic Impact Study for the Tule Wind Project (MUP 09-019), September 13, 2010". This study was received and reviewed by the County of San Diego.	

County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
<b>Full Traffic Impact Study for the Tule Wind Project (LLG 2010)</b>				
135.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Transportation Planning Section of the Department of Public Works has reviewed the Full Traffic Impact Study for the Tule Wind Project (MUP 09-019) dated September 13, 2010 and prepared by Linscott, Law, and Greenspan Engineers; however, the report posted online was dated March 26, 2010. The report requires revisions as detailed in the following comments below. The Full Traffic Impact Study for the Tule Wind Project (MUP 09-019) needs to be revised and incorporated into the DEIR.	
136.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. i should note that the County's Guidelines for Significance have been updated as of February 19, 2010.	
137.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Map information in Figures 2 and 3 is not very legible. The revised Full Traffic Impact Study should provide enhanced versions of the two figures.	
138.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Figure 3 has a legend note of existing roads to be improved and new roadways. Section 4.2 (Pg.30) should include a preliminary list of the access roads that the project will improve and/or construct and the project areas that will be served by the access roads. The list should describe the road's status as Circulation Element, County maintained public, or private roads.	
139.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 16 should explain the basis for the estimate that a typical peak construction day would consist of 200 trucks and 125 employees.	
140.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 16 should provide an estimate of the volume of post-construction traffic generated by the proposed project.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
141.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 2 identifies the project will include a temporary 10-acre parking area. The TIS should identify the location of the parking area, during what period the temporary parking area will be used, and what project operations will require such a large parking area.	
142.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	Pg. 26 should note that the project would be a part of cumulative impacts that may not be included in the study area roads. Therefore, mitigation will be payment into the TIF program. The Full Traffic Impact Study can reiterate the post-construction/buildout conditions (10 employees described on Pg. 16) which will be the basis of the project's TIF obligation.	
143.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Full Traffic Impact Study should note that prior to construction that Traffic Control and Truck Route plans may be required due to the large volume of truck traffic.	
144.0	D.9 Transportation and Traffic	Full Traffic Impact Study for the Tule Wind Project (LLG 2010)	The Full Traffic Impact Study should note that construction and encroachment permits will be required from the County and/or Caltrans for any work performed within their respective Right-of-Ways. The permits will also ensure that existing roadway conditions are maintained by the project to address potential road damages due to construction truck traffic.	
<b>D.10 Public Health and Safety</b>				
145.0			No Further Comments	
<b>D.11 Air Quality</b>				
146.0			No Further Comments	
<b>D.12 Water Resources</b>				
147.0	D.12.1, Page D.12-1	2nd Paragraph	Revise from "Tule Wind Project Preliminary Drainage Report Tule Wind Project Stormwater Management Plan (HDR 2010a)" to "Tule Wind Project Stormwater Management Plan (HDR 2010a)"	
148.0	D.12.1, Page D.12-2	2nd Paragraph	Revise from "Tule Wind Project: Preliminary Drainage Report (HDR 2010b)" to "Tule Wind Project CEQA Drainage Study (HDR 2010b)"	

## County of San Diego Comments on the East County Substation Joint EIR/EIS

Comment Number	Section	Subsection	Comment or Issue	Comment Notes
149.0	D.12.1, Page D.12-3	1st Paragraph	Add a discussion as to how the project is complying with Hydromodification requirements for the portions of the project within County jurisdiction, per references "County of San Diego 2010b" and "County of San Diego 2010c"	
150.0	D.12.1, Page D.12-4	3rd Paragraph	Insert the following heading in bold letters prior to discussion regarding the Watershed Protection Ordinance: "San Diego County Code of Regulatory Ordinances, Sections 67-801-67-815, Watershed Protection, Stormwater Management, and Discharge Control Ordinance"	
151.0	D.12.1, Page D.12-5	3rd Paragraph	Watershed Protection Ordinance; Revise date from "January 13, 2010" to "January 8, 2011"	
152.0	D.12.1, Page D.12-6	Impact Analysis	ECO and TULE have not prepared Stormwater Management Plans to substantiate the claims made in IMPACTS HYD- 5-6. The applicant needs to prepare the SWMP and discuss the conclusions in the EIR/EIS. MMHYD-5: A SWMP cannot be a mitigation Measure.	<b>MAJOR ISSUE: MITIGATION DEFERRAL</b>
153.0	D.12.1, Page D.12-7	Impact Analysis	MMHYD-1 is not a Mitigation Measure. It is required already by Law. The impacts could be changed to Class III because of the state requirement to have a SWPPP.	
154.0	D.12.1, Page D.12-8	Water Resources Impact Analysis	Mitigation Measure MM HYD-1, "to prepare a SWPPP" is not mitigation but rather compliance with regulations. Specific mitigation measures for construction activities that could degrade water quality due to erosion and sedimentation should be identified in the SWPPPs and in the Storm Water Management Plan(s). Revise mitigation measure to list specifics from the SWPPPs and SWMPs.	
155.0	D.12.1, Page D.12-9	Water Resources Impact Analysis	Mitigation Measure MM HYD-6, "to prepare a Storm Water Management Plan" is not mitigation but rather compliance with regulations. Specific mitigation measures for creation of new impervious areas that could cause increased runoff resulting in flooding or increased erosion downstream should be identified in the Drainage Study(ies) and not in the Storm Water Management Plan(s). Revise mitigation measure to list specifics from the Drainage Study(ies).	
156.0	D.12.1, Page D.12-10	References	County of San Diego 2010b; Revise date from "January 13, 2010" to "January 8, 2011."	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
157.0	D.12.1, Page D.12-11	References	County of San Diego 2010c; Revise date from "March 25, 2010" to "January 8, 2011."	
158.0	D.12.1, Page D.12-12	References	HDR 2010a; Revise date from "September 2010" to "November 2010."	
159.0	D.12.1, Page D.12-13	References	HDR 2010b; Revise from "Preliminary Drainage Report" to "CEQA Drainage Study" and revise date from "September 2010" to "November 2010."	
<b>Tule Wind Project CEQA Drainage Study (HDR 2010b)</b>				
160.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	The Land Development Division of the Department of Public Works has reviewed the CEQA Drainage Study for the Tule Wind Project (MUP 09-019) dated November, 2010 and prepared by HDR Engineering; however, the report was not posted online. The report requires revisions as detailed in the following comments below. The CEQA Drainage Study for the Tule Wind Project (MUP 09-019) needs to be revised and incorporated into the DEIR.	
161.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Table of Contents: Revise the page numbers to match contents in report. -2.0 Drainage Patterns, revise to Page 5 -3.0 Hydrology, revise to Page 10 -4.0 Crossing Hydraulics, revise to Page 14 -5.0 Conclusion, revise to Page 18 -Tables: Revise page numbers to start Table 1 with Page 10 and Table 7 with Page 17 -Figures: Revise Figure 2 to Page 6	
162.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page 2, Project Description, 5th and 6th paragraphs: Revise the number of wind turbines to 12. Turbine R-7 was eliminated as previously discussed in meeting held on December 15, 2010.	
163.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	Page "2-3", Drainage Patterns: Delete this page since the text here already appears in both pages 2 and 3.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
164.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Page 4, Drainage Patterns, 2nd paragraph:</p> <ul style="list-style-type: none"> <li>• Revise the number of turbines from “six” to “three”. Turbine R-7 was eliminated as previously discussed in December 15, 2010 meeting.</li> <li>• Adjust the square footage and percentage of impervious area if necessary.</li> </ul>	
165.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Page 4, Drainage Patterns, 6th paragraph:</p> <ul style="list-style-type: none"> <li>• Revise from “impervious areas include the area of basin turbine pads” to “impervious areas include the area of six turbine pads”</li> <li>• Adjust the square footage and percentage of impervious area if necessary.</li> </ul>	
166.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Page 5, Drainage Patterns, 2nd paragraph:</p> <ul style="list-style-type: none"> <li>• Revise the number of turbines from “two” to “three”</li> <li>• Adjust the square footage and percentage of impervious area if necessary.</li> </ul>	
167.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Page 11, Table 5, Rational Method System Summary: Add another column to the left to denote “System 1” thru “System 15”. It appears System/Crossings 3.3 and 3.4 are both “System 3” in Appendix F.</p>	
168.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Appendix G, Standard Crossing Plate, Figure G-1: Denote if this template is being used for all crossings that appear in Tables 6 and 7 (pages 12 and 13). Add another template if necessary.</p>	
169.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Exhibits: Add an exhibit that shows all crossings (Tule, McCain 1 &amp; 2, systems 1 thru 15).</p>	
170.0	Tule Wind Project CEQA Drainage Study	Tule Wind Project CEQA Drainage Study	<p>Exhibits and Appendices: The Gen-Tie is part of the project description and is also shown on the Preliminary Civil Construction Plans. Include Basins for Gen-Tie on Exhibits and Appendices as shown on Plot Plan and Preliminary Civil Construction Plans.</p>	

**D.12 Groundwater EIR Comments**



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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
171.0	D.12, Water	3.3, PageD12-27, Paragraph 3	<p>ECO Substation Project: The water demand has not been adequately documented for the ECO Substation Project. The text indicates approximately 30 million gallons is needed during construction. This number needs to be substantiated. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc.. Provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.</p>	<p><b>MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND</b></p>
172.0	D.12, Water	3.3, PageD12-27, Paragraph 3	<p>The ECO Substation reportedly requires 92 acre-feet of groundwater. A list of potential water sources are given (purchasing from a water purveyor and/or drilling wells in the vicinity of ECO substation). Until a specific source of water is identified (and secured) for the project and impacts to groundwater resources from those sources are thoroughly analyzed, the project does not have a viable source of water. This failure to adequately address water supply issues, on its own, constitutes a CEQA procedural violation. (<i>Vineyard Area Citizens, supra</i>, 40 Cal 4th at 435). Moreover, it renders the proposed "no significant impact" finding unsupported by substantial evidence.</p>	<p><b>MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND</b></p>
173.0	D.12, Water	3.3, PageD12-27, Paragraph 3	<p>East County Substation: Evidence must be provided in the DEIR from the Sweetwater Authority to ensure that adequate water is available for construction. This failure to adequately address water supply issues, on its own, constitutes a CEQA procedural violation. (<i>Vineyard Area Citizens, supra</i>, 40 Cal 4th at 435). Moreover, it renders the proposed "no significant impact" finding unsupported by substantial evidence.</p>	<p><b>MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND</b></p>
174.0	D.12, Water	3.3, PageD12-28	<p>MMHYD-3: Preparation of a groundwater study cannot be considered mitigation. The preparation of a groundwater study is required for full disclosure of the potential impacts in the EIR.</p>	<p><b>MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND</b></p>
175.0	D.12, Water	3.3, PageD12-28	<p>MMHYD-3: Documentation of purchased water sources are required to be identified now and disclosed within the DEIR. The 25 million gallons of water from the Sweetwater Authority should be secured now and disclosed within the EIR. All sources of water need to be identified and secured now for full disclosure of the potential impact in the EIR.</p>	<p><b>MAJOR ISSUE: MITIGATION AND ANALYSIS DEFERRAL - WATER DEMAND</b></p>

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
176.0	D.12, Water	3.3, PageD12-28-29	<p>MMHYD-3: Monthly water use of up to 750 gallons of water for the limited landscaping required at the ECO Substation would result in a total water demand of 9,000 gallons per year (0.03 acre-feet per year). This would require a well that pumped at a rate of a fraction of a gallon per minute, which is a negligible amount of groundwater. There is no possibility of a significant direct or cumulative impact to groundwater resources from pumping at this rate. Please include the amount of water being used as negligible as the main reason why impacts to groundwater resources would be less than significant for this water use. Please provide backup documentation to substantiate the 750 gallons per month of landscape irrigation required.</p>	
177.0	D.12, Water	3.3, PageD12-29, Paragraph 3	<p>The Tule Wind project reportedly requires up to 54 acre-feet of groundwater as indicated in the EIR. However, the Groundwater Investigation Report, Tule Wind Farm dated December 2010 prepared by Geo-Logic Associates and submitted to the County on December 7, 2010 indicated that up to 125 acre-feet of groundwater would be needed. This number needs to be clarified and substantiated. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc. An example from a separate project will be provided to show the level of detail necessary to substantiate the water demand calculations. Additionally, please provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.</p>	<p><b>MAJOR ISSUE: CALCULATION OF WATER DEMAND</b></p>

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
178.0	D.12, Water	3.3, PageD12-29, Paragraph 3	<p>MMHYD-3, Tule Wind Project: Two wells are identified, one on the Rough Acres Ranch and one on the Ewiiapaayp Reservation as being proposed for use by the project. Please include the well test results from each of these wells from the Groundwater Investigation prepared by Geo-Logic Associates. The Groundwater Investigation will require revisions to revise its evaluation of potential groundwater impacts. Comments should not be transferred into the EIR until the investigation has been revised. Preliminary estimates of production indicate the well at Rough Acres Ranch could produce at a rate of approximately 50 gpm, and the well at Ewiiapaayp Reservation at a lesser rate. These two wells will not be able to meet the production rate of identified as 124 gpm nor the total amount of groundwater needed (up to 125 acre-feet). Therefore, additional sources of water are necessary to meet the demands of the project.</p>	<p><b>MAJOR ISSUE: GROUNDWATER DEMAND ANALYSIS</b></p>
179.0	D.12, Water	3.3, PageD12-29, Paragraph 3	<p>Tule Wind Project: While Jacumba Community Services District has indicated they can serve ESJ Gen-Tie, there have been no groundwater studies performed to indicate water from their district would be available for Tule Wind or ECO Substation. Additionally, there have been no studies of potential impacts to groundwater from the Live Oak Springs Water Company. As has been previously commented, all water sources for this project need to be identified now and fully disclosed within the EIR. That would include the necessary groundwater investigations to evaluate potential groundwater impacts from these additional sources.</p>	<p><b>MAJOR ISSUE: WATER DEMAND</b></p>
180.0	D.12, Water	3.3, PageD12-29, Paragraph 3	<p>The text indicates that there would be "three" wells used for Tule Wind Project. There are only two wells identified in the text. Please revise to describe the third well.</p>	
<b>Groundwater Investigation Report Tule Wind</b>				
181.0	D.12, Water	Groundwater Investigation	<p>The County Groundwater Geologist has reviewed the Groundwater Investigation Report, Tule Wind Farm dated December 2010 prepared by Geo-Logic Associates and submitted to the County on December 7, 2010. This report is provided as official comment and is attached herein to these comments as an appendices. The report requires revisions as detailed in the following comments below. The Groundwater investigation needs to revised and incorporated into the DEIR.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
182.0	D.12, Water	Groundwater Investigation	<p>Major Project Issue, Additional Water Sources Needed: The groundwater investigation has not identified adequate groundwater to meet the 125 acre-feet of groundwater estimated to be needed for this project. Assuming a production rate of 50 gpm in well 6A, this well could produce approximately 60 acre-feet in nine months if pumped 24 hours a day. The Thing Valley well that was tested based on late test drawdown data, indicates the well will not sustain the 80 gpm rate at which it was tested. While no estimates were given within the report, it does appear that the Thing Valley well could conservatively produce about 20 gpm on a continuous basis for the nine-month period (24 acre-feet). With up to 125 acre-feet of groundwater required for the project, adequate groundwater resources have not been secured for the project with inclusion of these two wells. Additionally, there are complications regarding whether there will be adequate storage capacity for pumping during the evenings and weekends that require further evaluation. Additional wells or other off-site water supplies are still required to be evaluated. The groundwater investigation would be required to be revised to include additional aquifer testing, possible cumulative impacts analysis, and well interference analysis. Pursuant to CEQA, all water sources to meet the groundwater demand of the project must be identified, evaluated, and mitigation measures as necessary be provided now.</p>	<p><b>MAJOR ISSUE: WATER DEMAND</b></p>

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
183.0	D.12, Water	Groundwater Investigation	<p>Well Test Results, Rough Acres Ranch: The executive summary indicates that pumping at 50 gpm showed no evidence of well interference or significant depletion of groundwater in storage within the pumping well and analysis suggests that pumping could be doubled without any significant impact. Based on well testing data collected, the well is not capable of producing 100 gpm. Based on the step-drawdown data shown on Figure 2 of Appendix B, the well when pumped at 60 gpm showed a much greater rate of drawdown. As discussed on page 2 of Appendix B, a rate of 50 gpm was selected because it would allow for ample drawdown without the well running dry during the test. In evaluating the step test data, pumping at 100 gpm would likely result in a dry well after 72-hours of pumping. Please delete all statements throughout the report regarding doubling the pumping rate of the well with no significant effects as the data indicates the well's production capability could not sustain a rate of 100 gpm. The report should only discuss impacts at the rate selected for the constant rate test (50 gpm).</p>	
184.0	D.12, Water	Groundwater Investigation	<p>Well Interference Results, Rough Acres Ranch Well 6a: The well interference results are incomplete and inadequate for County use. Calculations are required to evaluate how much drawdown is anticipated to occur at the nearest offsite well after taking into account the project's pumping rate (50 gpm) for the nine-month construction period. Please include distance-drawdown calculations using the Cooper-Jacob approximation of the equation at distances of 36ft, 100ft, 250ft, 500ft, 1000ft, and the distance to the nearest offsite production well (approximately 2,640ft+-?). Please use a pumping rate of 50 gpm for a nine month period, a transmissivity of 563 feet squared per day (as calculated in the study from the semi-log plot), and a storability of 0.001. This table would be used to make conclusions regarding offsite well interference and whether a significant impact is anticipated to occur. Based on in-house calculations of drawdown, pumping at this rate would result in drawdown of approximately 5.3 ft at 1/2-mile (less than 20 feet and therefore a less than significant impact). Please remove the 5-year projection of drawdown from the report as this analysis is inappropriate for non-residential well tests. Please also include limitations associated with analyses and interpretations of the test data.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
185.0	D.12, Water	Groundwater Investigation	Well Test Results, Thing Valley Well: Please include an estimated sustainable pumping rate for the Thing Valley production well that was tested based on the aquifer testing data collected. Since the well test ceased when drawdown increased, this may be difficult to make absolute assumptions based on quantitative analysis. Therefore, based on professional judgment, please at least include a qualitative analysis to provide an estimated yield.	
186.0	D.12, Water	Groundwater Investigation	Project Description, Water Demand: The water demand has not been adequately documented for this project. In the introduction, the text states that total project groundwater demand will be 65 to 125 af with various calculations for various phases of work. Section 2.4 Water Demand indicates 60 af will be required in 9 months of construction. Please include detailed backup assumptions behind every phase's groundwater demand. This includes road construction, concrete mixing, dust control, post-project water demand, etc. An example from a separate project will be provided to show the level of detail necessary to substantiate the water demand calculations. Additionally, please provide a table which provides a project schedule for each of the phases and the water demand associated with each phase. It is important that the schedule be detailed to note overlapping phases to indicate peak groundwater demand periods for the project.	<b>MAJOR ISSUES: WATER DEMAND</b>
187.0	D.12, Water	Groundwater Investigation	Based on refined water demand estimates, the groundwater investigation needs to evaluate whether the project can meet the overall water demand including peak groundwater demands that will occur when various phases of work overlap.	<b>MAJOR ISSUES: WATER DEMAND</b>
188.0	D.12, Water	Groundwater Investigation	Storage Capacity - On page 3 of the report, it states that pumping rates stipulated are based on the assumption that adequate storage space will be available to pump 24 hours a day, 7 days a week. At a pumping rate of 50 gpm, this would generate 186,000 gallons between 5 p.m. on Friday night to 7 a.m. on Monday morning. Please explain how the project will contain this amount of water over the weekends.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
189.0	D.12, Water	Groundwater Investigation	Section 3.2 Methodology: Six offsite residences are identified but were not mapped nor distances determined between the offsite wells and the pumping well 6A. In order to set a threshold on the amount of pumping allowed within well 6a, the offsite wells need to be mapped, and the distances to each of the offsite wells documented within the report.	
190.0	D.12, Water	Groundwater Investigation	Cumulative Impacts - Please evaluate potential cumulative impacts to groundwater resources based on a sustained production rate of 50 gpm for nine months from well 6a. Please eliminate doubling the pumping rate as an option as this well is not capable of producing water at rates greater than 50 gpm.	
191.0	D.12, Water	Groundwater Investigation	Section 3.5 Significance of Impacts Prior to Mitigation: This section is completely inadequate regarding making final summaries regarding well interference and cumulative impacts. Please see the County Report Formats, Section 3.1.3 and 3.3.3 of details that should be included in this section. Please include a separate heading and summary for cumulative impacts and well interference impacts. Please include the maximum drawdown anticipated to occur at the nearest offsite well after nine months of pumping Well 6a. Please also include a conclusion in regard to Well 6a and the Thing Valley well's long-term production capability and whether these wells will be capable of meeting the project's water demand. If additional wells are needed, please include a summary of the well interference, well production capability, and cumulative impacts from additional wells in this section.	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
192.0	D.12, Water	Groundwater Investigation	<p>Section 3.6 Mitigation Measures and Design Considerations: This section must be revised to indicate that while impacts based on calculated estimated drawdown in offsite wells appears to be less than significant for Well 6a, a Groundwater Mitigation and Monitoring Plan (GMMP) will be developed to ensure groundwater impacts from project pumping are less than significant. A threshold for maximum groundwater production for the project will be included in the GMMP. Additionally, for nearby well users, a threshold for water level decline in well 6 (located 36 feet from Well 6a) will be required to ensure that significant declines in groundwater levels do not extend to existing offsite well users. Should water level thresholds be met, the GMMP will include mitigation measures that include a reduction or cessation in on-site pumping until water levels in the monitoring well rise above the threshold.</p>	
193.0	D.12, Water	Groundwater Investigation	<p>Section 3.7 Conclusions: Please completely revise the conclusions for well interference. No observed drawdown in wells 1/3 and 1/2-mile from the production Well 6a does not provide conclusive evidence of what will occur after pumping for nine months at 50 gpm. Please revise based on calculations of drawdown estimated to occur in offsite wells. Please also revise the cumulative impacts conclusions. There is the potential for depletion in storage within McCain Valley. Please state that groundwater in storage will be reduced to 92% during the 7-year drought period analyzed, far above the 50% depletion level.</p>	
194.0	D.12, Water	Groundwater Investigation	<p>Groundwater Monitoring and Mitigation Plan (GMMP): A GMMP will be developed by the County Groundwater Geologist that will include the monitoring requirements, thresholds, and reporting requirements upon receiving the revised groundwater investigation. A threshold of maximum groundwater production will be set for well 6a of no more than 60 acre-feet of production for construction purposes. Additionally, a drawdown threshold will be determined in monitoring well 6 to ensure impacts to offsite well users will be below the threshold of 20 feet.</p>	



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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
195.0	D.12, Water	Groundwater Investigation	<p>Minor Edits: On pages 11 and 12 (and possibly other locations in text), when discussing a well's production capability, please replace the term "specific yield" to "estimated yield." When discussing the unlined pond on page 12, please remove the statement "and as a result, water infiltrates rapidly into the ground. Please eliminate all discussion and graphics associated with a 5-year projection of drawdown from the report. On page 16, last paragraph of Section 3.3, please eliminate the last paragraph and replace with distance-drawdown calculations to draw conclusions regarding well interference.</p>	
<b>D.13 Geology Minerals</b>				
196.0			No Further Comments	
<b>D.14 Public Services and Utilities</b>				
197.0	D.14 Services	Page D.14-16	<p>CEQA Significance thresholds: The following County Threshold was not included, " Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed." While the EIR/EIS includes Impact PSU-3, this approach is not adequate under CEQA because a threshold or guideline has not been established for this impact. Please also see comments under groundwater/water supply above.</p>	<b>MAJOR ISSUE: WATER SUPPLY</b>
198.0	D.14 Services	Impact PSU-2	<p>The EIR/EIS concludes that impacts to law enforcement are not significant; however, this conclusion is not supported by substantial evidence. The EIR/EIS states that the Proposed PROJECT would not increase the population in the area; thereby, no increase to law enforcement services are anticipated. However, the EIR/EIS should discuss potential impacts to police services/border patrol services that may be necessary to protect the proposed facilities from potential vandalism and other malfeasance.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
199.0	D.14 Services	Impact PSU-2	<p>Impacts to Fire Services and impacts due to increasing the hazards of wildfire are two separate issues under CEQA. Chapter D.14, Public Services and Utilities is inadequate in addressing potential impacts to the provision of fire service for the region with the addition of the Proposed PROJECT. The EIS/EIR concludes that impacts to fire services are not significant. CEQA Guidelines, Appendix G, Section XIII includes the following threshold for impacts to public services, including fire protection: Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?</p> <p>Therefore, the question is whether the local fire district would need to construct new facilities or alter existing facilities to maintain acceptable service ratios, response times or other performance objectives if the Proposed PROJECT were developed. It is unclear whether the conclusion in the DEIR was based on an analysis of this threshold.</p> <p>What additional services and needs would be required for adequate fire protection? Would the fire protection services have adequate equipment or would additional fire fighting supplies be necessary? Does the response time account for ALL the facilities associated with the Proposed PROJECT?</p>	<b>MAJOR ISSUE: FIRE SERVICES</b>
200.0	D.14 Services	Impact PSU-3	<p>The EIR/EIS does not adequately substantiate impacts to water supplies would be impacted to less than significant levels (Impact PSU-3). The mitigation measures defer the analysis of adequate water supply because the measure relies upon future studies and approval. By deferring the identification of adequate water supply, the EIR/EIS does not adequately analysis potential impacts of supplying water to the project site. For example, if groundwater is determined to be inadequate, then the EIR/EIS states water would be trucked in. The environmental impacts to traffic/transportation and air quality associated with those truck trips must be analyzed within the EIR/EIS.</p>	<b>MAJOR ISSUE: WATER SUPPLY</b>

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
201.0	D.14 Services	Impact PSU-3	The analysis of total water supply required for the Proposed PROJECT is inadequate. The EIR/EIS should state clearly the water supply required to serve the entirety of the Proposed PROJECT which would include the construction and operation of ALL components. Then the EIR/EIS would state whether anticipated supplies are sufficient to serve all aspects.	<b>MAJOR ISSUE: WATER SUPPLY</b>
202.0	D.14 Services	Impact PSU-5	The analysis of waste disposal requires compliance with the County's Construction and Demolition Materials Ordinance which requires recycling.	
<b>D.15 Fire Fuels Management</b>				
203.0	D.15 Fire Fuels Management	Impact FF-2: For ESJ and Tule Projects	Impacts FF-2: The DEIR/EIS does not provide adequate mitigation that reduces the projects' impacts to wildland fires below a level of significance. The DEIR/EIS must include mitigation that addresses offsite mitigation and direct mitigation that effectively reduces the projects' impacts to the region. If more mitigation cannot be provided, then a rationale as to why additional mitigation is infeasible must be provided.	<b>MAJOR ISSUE: Unsubstantiated Conclusion</b>
203.1	D.15 Fire Fuels Management	Impact FF-3: For ESJ, ECO, and Tule Projects	Impact FF-3: The DEIR/EIS does not provide adequate mitigation that reduces the projects' impacts to fire fighting capability (FF-3) below a level of significance. The DEIR/EIS must include mitigation that deals directly with fire fighting operations and make an attempt at increasing effectiveness. An example may be developing a rapid response team like some utility companies have for fires near electrical facilities and lines. If additional mitigation cannot be provided, then a rationale as to why additional mitigation is infeasible must be provided.	<b>MAJOR ISSUE: Unsubstantiated Conclusion</b>
<b>D.16 and D.17 Social Economics &amp; Env. Justice</b>				
204.0	D.16-D.18		The County does not have any comments on these sections.	
<b>D.18 Climate Change</b>				

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
205	D.18 Climate Change	NA General Comment	<p>Use of the Proposed Transmission Line for Non-Renewable Energy Projects: The applicant "Sempra Generation" indicated at the public hearings and in this EIR that the proposed transmission line would only be used for transmitting renewable energy. The County concurs with Sempra that the lines should only be used for such purpose because it is foreseeable that the ESJ transmission line could be utilized to transport energy from other nonrenewable resources, such as natural gas. The EIR/EIS concludes the project would have a quantifiable positive effect on the environment over the long-term since greenhouse gas (GHG) and criteria emissions from fuel combustion would be avoided because the project would only transmit clean renewable energy. The EIR/EIS should identify that the project is to only transmit renewable energy <b>as a mitigation measure</b>. This would ensure that the GHG emissions would be mitigated. Failure to implement this mitigation measure could result in increased impacts to the unincorporated County because the emissions from potential additional fossil fuel power plants in Mexico could increase greenhouse gas emissions, affect climate change, and adversely impact air quality and resources in the San Diego County. If not mitigated, the EIR/EIS should evaluate the resulting GHG emissions that could be created by a maximum of 1250 megawatts of fossil fuel based generation.</p>	
<b>F. Cumulative Impacts</b>				

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
206.0	SECTION F, CUMULATIVE ANALYSIS		<p>The County agrees that the degree of specificity for cumulative impacts is less than what is required by CEQA for direct impacts. However, the EIR/EIS does not provide any scientific evidence to support the conclusion that cumulative significant impacts would not occur for certain sensitive resources. For example, regarding cumulative impact BIO-1, the document does not provide any further evidence to support this Class II impact. First, the analysis simply refers to "native vegetation" without defining "native." Certain native types of vegetation that exist within the study area are more sensitive than others; therefore, would result in an increase in severity in impacts. Furthermore, the conclusion for Class II impacts is based upon, "given the largely undeveloped nature of the area, the vegetation communities in this region are not likely to become limited in acreage or extent." Without defining specific types of sensitive native vegetation, the EIR/EIS could not conclude there is enough remaining. Another example s cumulative impact NOI-3, this impact also does not provide supporting evidence to uphold the conclusion that potential cumulative noise impacts would be less than significance. The EIR/EIS text states, "given the expected distances other cumulative projects . . .", without actually measuring and calculating those distances and then concluding the distances too great to cause a cumulative noise increase.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
207.0	SECTION F, CUMULATIVE ANALYSIS	F.2 Biological Cumulative Study Area	<p>Please provide justification for the limits of the biological cumulative study area including how the south and west limits were chosen. Based on staff review, the limit to the south should be the US-Mexico border but including the extension the ESJ power line because there is no other information related to cumulative projects there. To the west, the cumulative impact area could be bound by the residential land uses associated with the communities of Boulevard, Live Oak Spring and the Campo Indian Reservation to the west. Within the revised cumulative study area, the habitat resources are likely to encompass those that are also present in the project area, so that if the impacts that are generated from various sources in this geographical area they would sum up to total the cumulative impacts on those resources. More specific biological resources, especially sensitive faunal resources, may require more specific cumulative study subareas based on their attributes, but due to their reliance on particular habitat types, they are likely to fall within the cumulative study area. The list of projects in the cumulative projects table should be updated if this cumulative impact area captures more than was previously analyzed using the 10 mile radius.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
208.0	SECTION F, CUMULATIVE ANALYSIS		<p>Each resource area's cumulative study area must be well defined in order to adequately assess any potential cumulative impact. Section F.1 sets up the discussion of the cumulative study area <i>but this direction to define and explain each study area as it pertains to each resource is not carried through to each subsection</i>. For example, the biological cumulative impact analysis for temporary and permanent losses of native vegetation (Impact BIO-1) states project direct impacts would be mitigated and less than significant. The project direct analysis breaks up the native habitat into specific types considered sensitive by both the County of San Diego and the Wildlife Agencies. The cumulative analysis does not. The cumulative analysis divides the native habitat into two categories - the native habitat occurring in the eastern portions of cumulative study area and the native habitat that occurs in the western and central portions of cumulative study area. The analysis discounts any impacts in the eastern portion of the cumulative study area as "not likely the same vegetation community types as the Proposed PROJECT." However, the flaw in this analysis is that if the vegetation community types are not the same as the vegetation found in the Proposed PROJECT's study area, then why would this area be included in the cumulative analysis? What is the rationale specific to biological resources (native vegetation impacts) which would require this "eastern" area to be in the cumulative study area? This broad definition of the cumulative study area serves to create an overly expansive assessment area that would essentially dilute the Proposed PROJECT's potential impacts.</p>	
209.0	F.2 Applicable Cumulative Projects and Projections	Page F-4	<p>Please update the references to all Plans and Environmental Documents relied upon for the cumulative analysis. Specifically, SANDAG has an updated RCP to reference.</p>	
210.0	F.4		<p>For the same reasons described under significant, direct impacts, all Class I impacts should also be further substantiated, mitigation explored and alternatives which reduce that impact be identified.</p>	
211.0	F.3.2	Page F-29	<p>It appears that there are two different conclusions for the same impact to special status wildlife species. Please clarify.</p>	
212.0	F.3.6 Cumulative	Page F-87, second to last paragraph	<p>Include the historic house (CA-SDI-7011H) in this discussion.</p>	

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Comment Number	Section	Subsection	Comment or Issue	Comment Notes
213.0	F.3.6 Cumulative	Page F-84	<p>The cumulative analysis section for cultural resources is wholly inadequate. Please refer to sample provided as an attachment for the minimum requirements needed to comply with CEQA and RPO. The section should also be reviewed for NEPA compliance. The industry standard for cumulative analysis of cultural resources is at a minimum reviewing the projects in the area, the number of sites within a one mile radius that may be impacted by these projects, the types of sites (prehistoric, historic, built environment), the number of sites that have been mitigated for impacts, the number of sites impacted by projects in the area which cannot be mitigated (requiring overriding considerations), and any landscapes or districts that will be impacted.</p>	