

Lauren Coartney

From: Brett Jolley <BJolley@herumcrabtree.com>
Sent: Thursday, March 03, 2011 4:01 PM
To: ECOSUB; catulewind@blm.gov
Cc: Laura Cummings
Subject: Comments of JAM Investments, Inc. re East Co. Substation, etc.
Attachments: image001.png; 20110303155039579.pdf

Dear Mr. Fisher and Mr. Thomsen:

Attached please find the comments of JAM Investments, Inc. re the East County Substation/Tule Wind/Energia Sierra Juarez project EIR/EIS. These comments will also be sent in hard copy via U.S. Mail. Please confirm receipt of this message and please feel free contact me with any questions about these comments.

Regards,



BRETT S. JOLLEY

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Brett S. Jolley
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March 3, 2011

VIA U.S. MAIL AND E-MAIL

Iain Fisher, CPUC/Greg Thomsen, BLM
c/o Dudek
605 Third Street
Encinitas, CA 92024
E-mail: ecosub@dudek.com
E-mail: catulewind@blm.gov

Re: Comments of JAM Investments, Inc. on East County Substation/Tule Wind/Energia Sierra Juarez Gen-Tie Projects Joint DEIR/DEIS

Dear Mr. Fisher and Mr. Thomsen:

This office represents JAM Investments, Inc. ("JAM") which is beneficially interested in the proposed San Diego Gas & Electric Co. ("SDG&E") ECO Substation/Tule Wind Project ("Project"). Specifically, JAM owns several adjoining parcels in San Diego County (the "Property") shown on **Exhibit A** (original proposed BCD Alternative route for SDG&E Sunrise Powerlink Project) which could be directly affected by the Project.

The purpose of this letter is to comment on the Joint Draft Environmental Impact Report/Draft Environmental Impact Statement ("DEIR/DEIS") for the ECO Substation/Tule Wind/Energia Sierra Juarez Gen Tie Projects. JAM previously submitted comments on the ECO Substation/Tule Wind Project NOP/NOI on February 3, 2010. JAM hereby incorporates those previous comments on the NOP/NOI into its comments on the DEIR/DEIS – which comments to do not appear to be addressed in the DEIR/DEIS.

Sunrise Powerlink Project Mitigation for JAM Property

As JAM previously pointed out, CPUC/BLM adopted Mitigation Measure WR-2a for the SDG&E Sunrise Powerlink Project. MM WR-2a mitigates significant impacts to wilderness and recreation resources (and avoids unnecessary condemnation of private property). The mitigation measure shortens the overall Sunrise Powerlink project route by 0.56 miles and avoids the Property as follows:

WR-2a. Develop a reroute for the BCD Alternative Revision to reduce effects on recreation. SDG&E shall relocate the overhead 500 kV transmission line along the southern boundary of JAM properties as shown in Figure E.2.1-1b to shorten the route and minimize effects on BLM land, Forest land, and private property. This reroute and its ground-disturbing components shall avoid Back Country Non-Motorized land use zones of the Cleveland National Forest, while also minimizing towers and disturbance on private property. SDG&E shall submit a memo to the CPUC for review and approval that documents its attempts to fine-tune the location of the BCD Alternative Revision, as well as the submittal of final construction plans for review and approval at least 120 days prior to the start of construction.¹

See, Final Mitigation Monitoring, Reporting, and Compliance Program for the Sunrise Powerlink Transmission Project dated November 10, 2009, at p. 99² and BLM Record of Decision for the Sunrise Powerlink Transmission Project at Appendix A p. D-35, incorporated herein by reference.³

The proposed re-route submitted by SDG&E as part of the Sunrise Powerlink Project approval accomplished this task by re-routing the power lines to the south of the JAM Property. See excerpt contained at **Exhibit B**. And Figure E.2.1-1b of the Sunrise Powerlink Final EIR showing this re-route (identified as MM WR-2b re-route) is attached hereto as **Exhibit C**. This mitigation has been implemented as shown on the Sunrise Powerlink Project Segments Map dated November 2009.⁴ This document is found in full at **Exhibit D** and an enlarged excerpt showing the MM WR-12a re-route south of the JAM Property is shown at **Exhibit E**.

Relationship of Mitigation Measure WR-2a to the DEIR/DEIS

According to the Project Location Map published by CPUC⁵ the Tule Wind project boundaries will abut the JAM Property and may overlap the MM WR-2a re-route. The DEIR/DEIS prepared for the Project identifies Impact WR-1 (Construction

¹ The Final EIR for the Sunrise Powerlink Project includes a typographical error, referring to this mitigation as Mitigation Measure WR-2b. But the decisions and Mitigation Monitoring Plans identify the mitigation as Mitigation Measure WR-2a. Therefore, the Sunrise Powerlink EIR's discussion of Mitigation Measure WR-2b is apt and relevant to understanding adopted MM WR-2a.

² http://www.cpuc.ca.gov/environment/info/aspensunrise/mmcrp/mmcrp_main.pdf

³ <http://www.cpuc.ca.gov/environment/info/aspensunrise/rod.pdf>

⁴ http://www.cpuc.ca.gov/environment/info/aspensunrise/mmcrp/att_A_project_segments_map.pdf

⁵ <http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ProjectLocationMap.pdf>

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activities would temporarily reduce access and visitation to wilderness or recreation areas) and Impact WR-2 (Presence of a project component would permanently preclude recreational activities). There is no specific discussion in the DEIR/DEIS as to how Impacts WR-1 and WR-2 may affect the JAM Property or MM WR-2a.

Accordingly, the EIR/EIS must address the Project's relationship to and cumulative impacts with the Sunrise Powerlink Project, as well as sufficiently mitigate impacts to the JAM Property consistent with the Sunrise Powerlink Final EIR and Mitigation Measure MM WR-2a. This analysis should do more than state whether or not Project facilities would be located on JAM property. Rather the Project should expressly incorporate Sunrise Powerlink Project Mitigation Measure WR-2a to reduce impacts to the JAM Property, and should confirm that the Project will not adversely affect or modify the Sunrise Powerlink Project mitigation measures already in place to reduce impacts to the JAM Property.

Request for Notice

JAM also respectfully reiterates its request for timely notice of any and all public hearings related to this Project be sent to the undersigned, as well as any staff reports prepared for those hearings. Moreover, Pursuant to Public Resources Code Section 21092.2, please provide the undersigned with copies of any "notices required pursuant to Sections 21080.4 [notice of determination], 21083.9 [scoping meeting], 21092 [notice of any public hearings regarding a negative declaration or EIR], 21108 [notice of determination filed by state agency], and 21152 [notices filed with county clerk including notices of determination and notices of exemption]", as well as any other notices for this Project. Finally, please provide notice of any decisions, determinations, permits, or approvals for the Project not otherwise covered above.

Very truly yours,



BRETT S. JOLLEY
Attorney-at-Law

cc: Client

EXHIBIT B

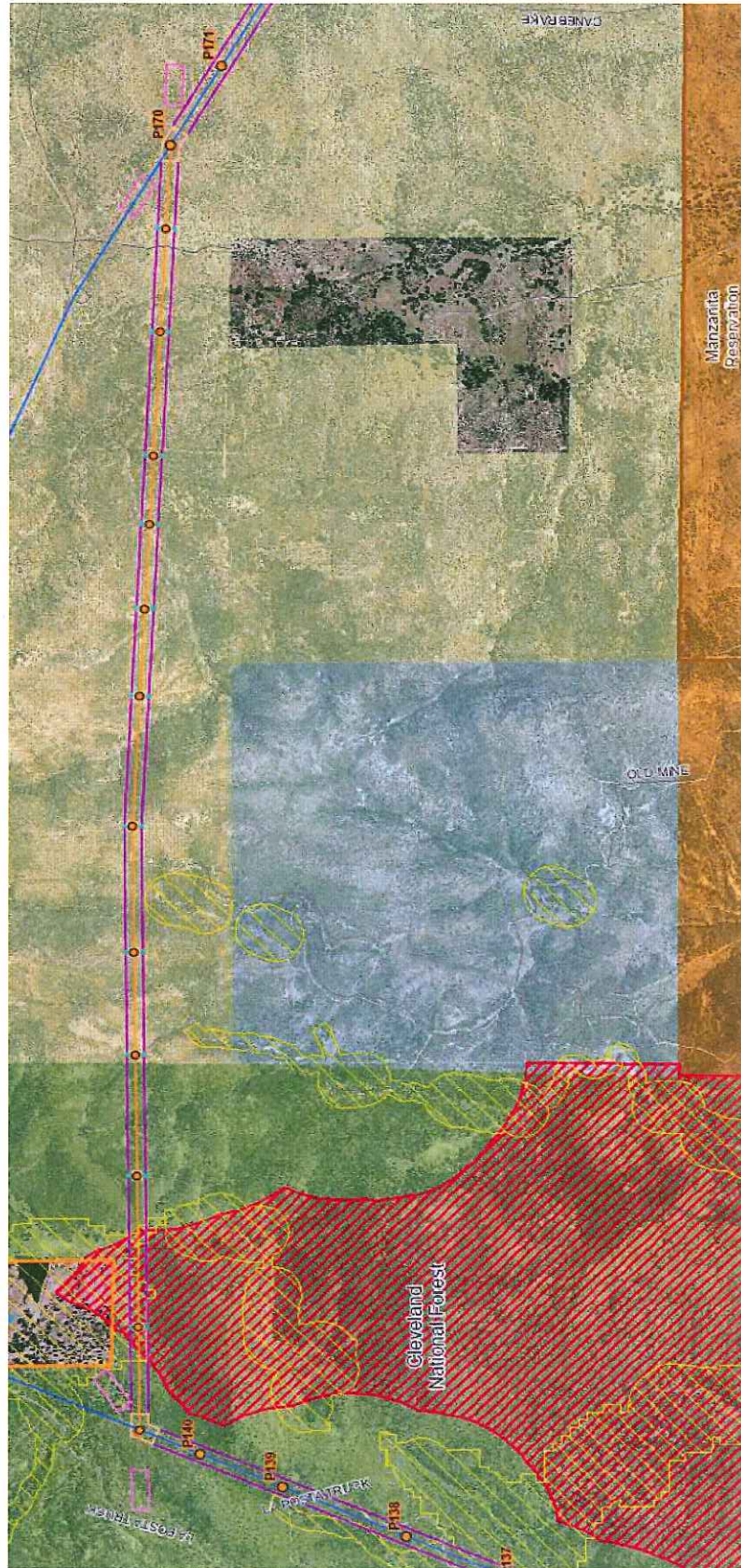
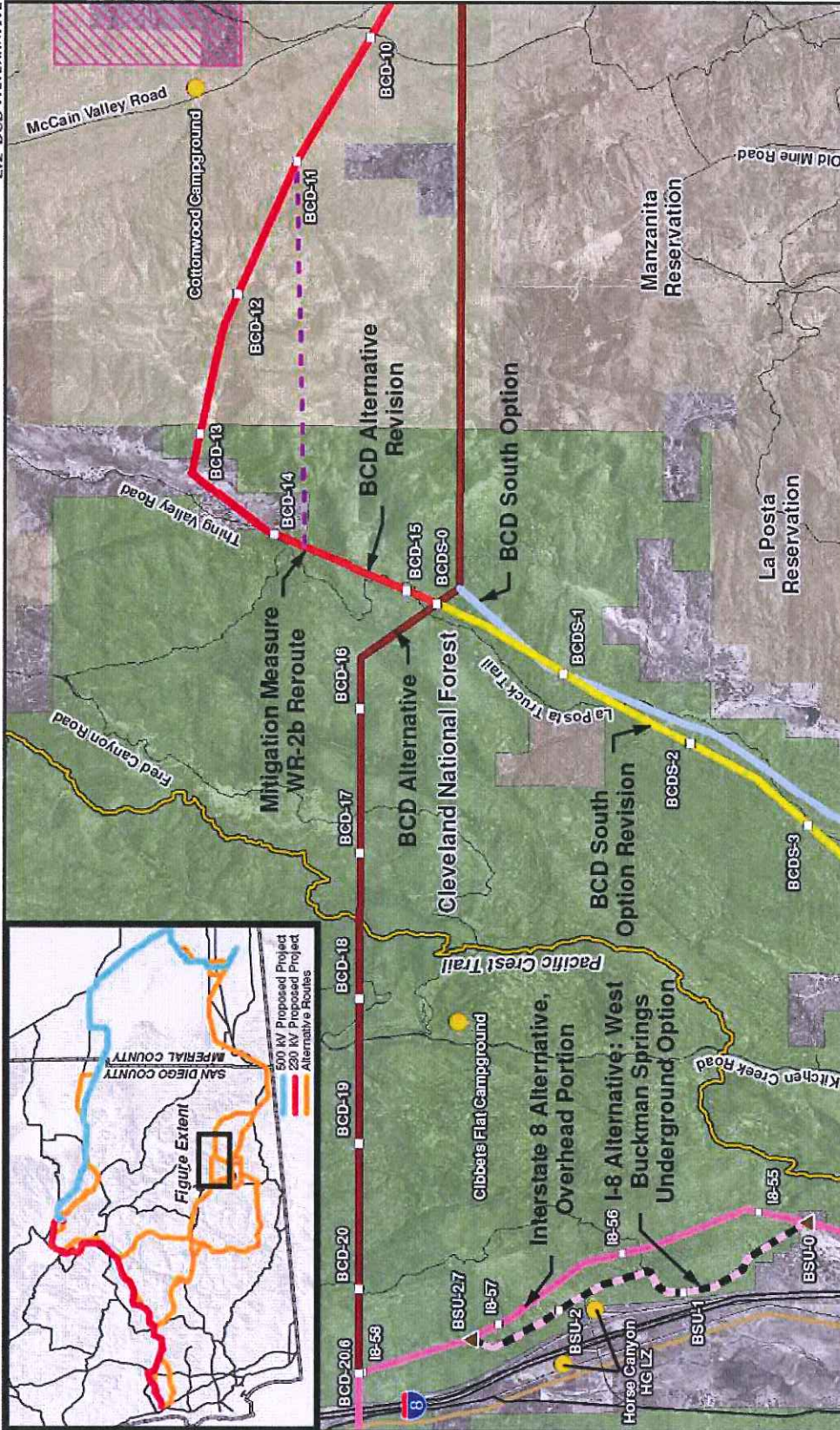


EXHIBIT C

Sunrise Powerlink Project
E.2 BCD ALTERNATIVE



Sunrise Powerlink Project

Figure E.2.1-1b
BCD Alternative
(MPs BCD-10 to 20.6)

Aspen
Environmental Science

HELIX
Environmental Services

0 1 Miles
0 5.000 Feet

BCD Alternative: South Option
BCD Alternative: Interstate 8 Alternative, Overhead Portion
Interstate 8 Alternative: Buckman
Springs Underground Option
BCD Alternative Revision
BCD South Option Revision
Mitigation Measure WR-2b Reroute
Existing 69kV Transmission Line
Interstate
Major Road

Milepost
Bureau of Land Management Land
U.S. Forest Service Land
Tribal Land
Area of Critical Environmental Concern (ACEC)
Recreation Area
Recreation Area
Overhead-Underground Alternative
Transition Structures

BCD Alternative Revision
BCD South Option
BCD South Option Revision
BCDS-1
BCDS-2
BCDS-3
BCDS-0
BCDS-1
BCDS-2
BCDS-3
BCD-10
BCD-11
BCD-12
BCD-13
BCD-14
BCD-15
BCD-16
BCD-17
BCD-18
BCD-19
BCD-20
BCD-20.6
BSU-1
BSU-2
BSU-27
BSU-55
BSU-57
IB-56
IB-57
IB-58

McCaIn Valley Road
Cottonwood Campground
Thing Valley Road
Red Canyon Road
Old Mine Road
Kitchen Creek Road
Pacific Crest Trail
Cleveland National Forest
Manzanita Reservation
La Posta Reservation
Cibbets Flat Campground
Horse Canyon
HG/LZ

Mitigation Measure WR-2b Reroute
BCD Alternative Revision
BCD South Option
BCD South Option Revision
BCDS-1
BCDS-2
BCDS-3
BCDS-0
BCD-10
BCD-11
BCD-12
BCD-13
BCD-14
BCD-15
BCD-16
BCD-17
BCD-18
BCD-19
BCD-20
BCD-20.6
BSU-1
BSU-2
BSU-27
BSU-55
BSU-57
IB-56
IB-57
IB-58

San Diego County
Imperial County
Figure Extent
500 kV Proposed Project
230 kV Proposed Project
Alternative Routes

October 2008

Final EIR/EIS

EXHIBIT E

